

## ARTICLES

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### **FEATURES AND INTRIGUES OF CONSTITUTIONAL REFORM-2020 IN RUSSIA<sup>1</sup>**

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*The need to reform Yeltsin's Constitution-1993 has long been justified by Russian scientists. However, the unspoken moratorium on intrusion into the text of the Constitution has long held back the actualization of its large-scale reform. But the point changes of the Constitution on the initiative of the President were carried out: consolidation of the subjects of the Russian Federation; increase the term of the President from 4 to 6 years, State Duma — from 4 to 5 years; introduction of the Institute of the Government's annual report to the State Duma; change the name of Chapter 7 of the Constitution and the appointment of deputy attorneys general and all prosecutors; unification of the Supreme Court of Russia and the Supreme Court of Arbitration of the Russia; et al. Announced by Vladimir Putin in a Message to the Federal Assembly of the Russian Federation 15.01.2020 constitutional reform was unexpected. The author for the first time drew attention to the following aspects of constitutional reform-2020: 1) transit of power-2024 as the original reason for Vladimir Putin's declaration of constitutional reform; 2) idea of the constitution of the State Council as a distraction from the main idea of the transit of power and a spare option; 3) discrepancy between official rhetoric and the true motives of the initiators; 4) strengthening the powers of the President of the Russian Federation against the background of decorative increase in the powers of the*

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*Parliament and the Constitutional Court of the RF; 5) use of the effect of surprise and authority of the legendary personality in promoting the idea of zeroing out the terms of the legislature of the current President of the RF; 6) intrigue around the way to legitimize constitutional reform-2020; 7) convergence of the powers of the State Council of the RF and the President of the RF in determining the main directions of the state's domestic and foreign policy. Despite sharp criticism of some aspects of the reform by Russian constitutionalists, the author concludes that this is a sovereign matter of the country, itself Russia's own sovereign business. The people legalized this reform by a plebiscite in the form of trust in the government and Putin. No one from abroad has the right to tell Russia and the Russian people how to live.*

**Keywords:** Russian Constitution, Reform-2020, constitutional amendments, President, transit authorities-2024, Constitutional Court, plebiscite, Trust in power, criticism of reform

## Introduction

It is known that the 1993 Constitution of the Russian Federation was drafted in the interests of President Boris Yeltsin. It establishes a super-presidential mechanism of power with enormous powers of the President, wholly dependent on it by the Government and the “manual” State Duma<sup>1</sup>. President may dissolve Duma (Art. 84 of the Russian Constitution). It's impossible in a classical presidential republic. He dissolves the Duma in case the Government raises the question of trust (Art. 117,3 of the Russian Constitution), and in the case of the Duma's three-time disapproval of the nomination for the post of Prime Minister (Art. 111,4 of the Russian Constitution). The Duma can be dissolved even if the President proposes the same candidacy three times. It was in 1998, when Yeltsin three times nominated 35-year-old Sergei Kirienko to the State Duma. Duma for the third time was forced to agree.

President Vladimir Putin proposed to introduce changes to the Russian Constitution on January 15, 2020 during the Address to the Federal Assembly of the Russian Federation<sup>2</sup>. On January 20, 2020, he introduced a bill on amending the Constitution of the Russian Federation to the State Duma<sup>3</sup>, and also approved the composition of a working group to finalize the amendments. The Working Group spent just over

<sup>1</sup> Bobrova N.A. Constitutional system and constitutionalism in Russia. M., 2003. P. 186–210.

<sup>2</sup> President of the Russian Federation's message to the Federal Assembly of the Russian Federation // Rossiiskaya gazeta = Russian newspaper. 15.01.2020.

<sup>3</sup> The Russian Federation's Law on the Amendment to the Russian Constitution of July 21, 2014, no. 11-FKZ (Federal constitutional law) “On the Federation Council of the Federal Assembly of the Russian Federation” // Russian Legislative Assembly. 2014. No. 30 (Part I). Article 4202.

a month in shock review of the proposals. She rejected several hundred proposals and supplemented the President's bill with two dozen new provisions.

At the same time, the bill was sent to all subjects of the Russian Federation and in a short period of time approved by the legislative (representative) authorities of the regions. The State Duma passed a federal constitutional law on March 11, 2020. On the same day, it was approved by the Federation Council. The next step is the signing of the law by the President, after which the law comes into force. Taking into account the highest significance of the amendment made by the deputy of the State Duma, cosmonaut of the USSR Valentina Tereshkova, the President sent the law to the Constitutional Court of the Russian Federation in order to check its compliance with the Constitution. We are talking about an amendment, which has been called a conditional name — the “zeroing” of the previous terms of the legislature of the incumbent President. In other words, the amendment allows Vladimir Putin to run again in future presidential elections.

The Constitutional Court very quickly (in two days) adopted the Constitutional Opinion on the constitutionality of the law introduced by Vladimir Putin.

As the President in the Address to the Federal Assembly immediately announced that amendments to the Constitution will be put to the plebiscite, the next stage — a nationwide vote. “As the people will say so it will be!” — Vladimir Putin said in the Message.

Initially, the nationwide vote on amendments to the Russian Constitution was scheduled for April 22, 2020. (150th Anniversary of Vladimir Lenin's Birth), but it was delayed because of the pandemic covid-19. Vladimir Putin noted that the health of citizens is the top priority. After improving the epidemiological situation in Russia, he announced a new voting date — 1.07.2020 r. By that time, on June 24, 2020, a grand parade was held on Red Square to dedicate the 75th anniversary of the Victory. Voting could be made within seven days of the nationwide vote, starting on June 25, 2020.

### **Surprise and speed of constitutional reform — first intrigue**

The need for constitutional reform was proved by many scholars immediately after Boris Yeltsin's resignation on December 31, 1999. But this issue was especially acute before the 20th anniversary of the Russian Constitution, when in the winter a “march of dissenters” swept through Moscow (dissenting from the results of the December 2011 State Duma elections)<sup>1</sup>.

<sup>1</sup> *Avakian S.A.* Is constitutional reform needed in Russia? // Constitutional and municipal law. 2012. No. 9. P. 2–9; *Avakian S.A.* Ten reasons for constitutional reforms in Russia // Independent newspaper. 16.10.2012; *Bobrova N.A.* 20 years and 20 flaws of the Russian Constitution // Constitutional and municipal law. 2013. No. 3. P. 33–38; *Bobrova N.A.* Contradictions and shortcomings of the Russian Constitution // Constitution of the Russian Federation: Sozial Landmarks, Implementation practices. Barnaul: Altai State University, 2014. P. 79–82.

However, all the years of Yeltsin's Constitution were dominated by the thesis that it was unacceptable to change it, a kind of moratorium on amendments, the concept of a "living constitution" under which the Constitutional Court develops constitutional space. The authorities proceeded from the irrelevance of the adoption of the Law on the Constitutional Assembly of the Russian Federation. In 2008, President Dmitry Medvedev proclaimed the thesis about the irrelevance of "constitutional itch".

The President of the Constitutional Court of the Russian Federation, Valeriy Sorkin, published the article "The Letter and the Spirit of the Constitution". In this publication, he stressed the immutability of the text of the Constitution. Of course, he acknowledged the obvious imperfections of the Constitution, but emphasized that they can be corrected by "point" amendments, as well as by rulings of the Constitutional Court.

Years passed, the government was not going to carry out any full-scale constitutional reform. Point amendments, often very significant. But they were taken unnoticed, without much discussion. For example, in 2014, the former erroneous name of Chapter 7 "Judicial Power" was replaced by the correct name "Judicial Power and Prosecutor's Office". At the same time, the society only later noticed that not only had the title of the chapter changed and the error had been corrected, but the powers of the President had been expanded. Apparently, the name of the chapter changed only because it was necessary to expand the powers of the President. Thus, if until 2014 deputy attorneys general of the Russian Federation and all prosecutors were appointed by the Prosecutor General (prosecutors of the subjects of the Russian Federation — in coordination with its subjects), after 2014, the appointment of prosecutors became the President's responsibility. There is no more agreement with the regions, so that regional leaders have no influence over regional prosecutors. The rule of law must be unified. Deputy Attorney General since 2014 is also appointed by the President (in agreement with the Federation Council). At the same time, the Federation Council's dependence on the President has been strengthened by the introduction of the institution of appointed senators, which was not the case before.

But in general, nothing serious happened with the text of the Constitution.

And all of a sudden — Early Annual President's Address to the Federal Assembly and an unexpected announcement on the need for large-scale constitutional reform. At the same time, Putin proclaimed that the reform would be carried out on the basis of the current Constitution, which has not exhausted its potential.

Surprise and speed of reform-2020 — her first intrigue<sup>1</sup>.

Putin's Address to Parliament Did Happen Earlier Than Expected, no one waited and reform, as was not expected and the resignation of the Government. The President announced his resignation the next day.

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<sup>1</sup> Sorkin V.D. The letter and spirit of the Constitution // Rossiiskaya gazeta = Russian newspaper. 09.10.2018.

In other words, at the time of the constitutional reform's announcement, there were no serious prerequisites for its beginning: there was no revolutionary situation, no opposition rallies, no particular anxiety at all. The reform was announced not under pressure of any circumstances, but on the initiative of Vladimir Putin. The intrigue is that the President used the surprise effect. He prefers to be fully in control of the situation rather than adjusting to the situation.

### **The main reason for constitutional reform-2020**

The main reason for the unexpected presentation of the reform in the Message to the Parliament was the need to give an answer about the actively mooted problem, which was conditionally called "transit of power-2024".

Theses of the upcoming reform were voiced in the President's Message. The thesis on the prohibition for dual nationals to hold public office was welcomed. And although such a ban has already been in the current legislation (it didn't stop some individuals from violating it), the calculation was on the chorus of approval, accentuating this moment, as well as focusing on caring for children. Even when it was announced that the Duma had increased its powers in forming a government, there was a sense of some understatement and intrigue, because Vladimir Putin was not going to move to a parliamentary republic, as repeatedly stated. He emphasized that only the presidential republic is suitable for Russia with its multi-ethnic people, territories and mentality.

But when the President announced the need to grant the State Council constitutional status, many began to talk about the fact that this is the answer to the question of the transit of power-2024, namely: Vladimir Putin to become Chairman of the State Council in 2024. But this was only the beginning of the basis of intrigue. Valentina Tereshkova's amendment revealed the meaning of constitutional reform, its pace and features.

### **The Constitutional Court's opinion on the constitutionality of the reform**

Many assumed that the Constitutional Court of the Russian Federation will be abolished, because several vacant places are empty for many years, and the President did not nominate judges for vacancies to the Federation Council. However, the Constitutional Court of Russia has been reduced from 19 to 11 judges, but not abolished, as it is needed by the authorities for conclusions on the possibility of implementing the decisions of international courts, and also to give conclusions on amendments to the Constitution at the request of the President of the Russian Federation.

This new power of the Constitutional Court, given to him by the reform, has been tested for the first time to legitimize this reform itself-2020. The Constitutional Court

on 16.03.2020 handed down its opinion<sup>1</sup>. The very procedure of adopting amendments as a result of the nationwide vote is an “invasion” of the chapter 9, inventing a new way of adopting amendments. And meaningfully these amendments affect the 1st and 2nd chapters of the Constitution, but are formally placed in other chapters. And this breaks the established structure of the Constitution. A.A. Jagarian notes that the Opinion does not pay due attention to how the drafted changes relate to the logic expressed in the structure of the Russian Constitution. However, this structure has a meaningful meaning, characterizes the importance in the Constitution of norms with the highest imperative, and at the same time correctly allows to reveal the meaning, purpose of specific institutions”<sup>2</sup>. Thus, the concept of marriage is an element of the status of the individual, as well as social guarantees of the status of pensioners, etc., but not an element of the functions of the state.

It turns out that the authority of the Constitutional Court was required in order to once and for all close the talk of “ticklish moments” of reform-2020. The new authority of the Constitutional Court to consider draft federal constitutional laws at the request of the President of the Russian Federation is to assign political responsibility to the Constitutional Court for unpopular or questionable from the point of view of the principles of democracy bills. But, I think, the Constitutional Court is preserved for another purpose and for this reason is not transformed into a constitutional chamber of the Supreme Court, as it happened as a result of the 2010 revolution in Kyrgyzstan. The thing is, no president, even the most popular, is not immune from the situation of confrontation with the State Duma and its adoption of a law contrary to the interests of the president. In this case, the Constitutional Court may issue a resolution on the unconstitutionality of the Law and thus act as an additional guarantee of the stability of the president’s status. Perhaps, in this capacity, the Constitutional Court and retained its existence in the updated Constitution of the Russian.

Dmitri Shustrov, analyzing the Law on the Amendment to the Constitution of the Russian Federation of 14.03.2020 and the Constitutional Court’s Conclusion on Its Constitutionality, states: “The amendment law, in which the law that came into force obliges the Constitutional Court to check the constitutionality of a part of the

<sup>1</sup> The conclusion of the Constitutional Court of the Russian Federation on March 16, 2020, No. 1–3 “On compliance with the provisions of Chapter 1, 2 and 9 of the Russian Constitution, which did not come into force the provisions of the Russian Constitution Amendment to the Constitution of the Russian Federation “On improving the regulation of certain issues of organization and functioning of public power”, and the Russian Constitution’s compliance with Article 1 of the Act in connection with the request of the President of the Russian Federation” // URL: <http://dok.ksrt.ru/decision/KSRFDecision459904.pdf> (дата обращения: 19.08.2020).

<sup>2</sup> Jagaryan A.A. Corrected to believe? Subjective notes in connection with the Conclusion of the Constitutional Court of the Russian Federation dated 16.03.2020 No. 1–3 // Constitutional and municipal law. 2020. No. 8. P. 15.

same Law that has not entered into force, resembles a fairytale story about Baron Munchausen, who grabbed himself by the pigtail,... he pulled up and pulled himself and the horse, which was squeezed with both feet like tongs (...). For important political and legal issues such as constitutional reform, such an approach (...) is unacceptable and could easily be avoided. (...) The granting of these powers *ad hoc* and *pro futuro* to the Constitutional Court of the Russian Federation can (...) be assessed as a pragmatic political step that allowed the legalization and cover of the proposed amendments by the authority of the Constitutional Court, which recognized them as relevant to the provisions of Chapters 1, 2 and 9 of the Russian Constitution”<sup>1</sup>.

### **Criticism of opponents of Russian constitutional reform**

From the first day after the introduction and publication of the draft law on amendments, it became the subject of sharp criticism both abroad and in Russia, and opposition parties, mostly not represented in the State Duma, such as “Yabloko” (this party, however, cannot be fully attributed to the non-parliamentary opposition, as it is represented in regional parliaments).

Literally everything was criticized, including the inconsistency of the location of the amendments, contradictions with the principles of the constitutional order, enshrined in Chapter I “Basics of the Constitutional Order”. The procedure for making amendments was attacked.

In mid-May 2020, ex-diplomat, scientist and politician Nikolai Platoshkin was arrested and placed under house arrest. He just created his own political movement. According to the official version, he was arrested in connection with the initiation of a criminal case against him for extremism and almost for calls to overthrow the constitutional order, although at all rallies and assemblies Platoshkin did not call for the overthrow of the constitutional order, but on the contrary, called within the framework of the Constitution and in accordance with the current legislation to vote, but to vote against. In this his position was at odds with the position of the Communist Party.

The Communist Party initially called for a boycott of the vote, and subsequently called for a vote against the amendments. The Communist Party admitted that the boycott position cannot bring any positive effect, but only, as the members of the Communist Party stated, “will untie the authorities’ hands on the path of fraud”. In addition, the vote was not on the Referendum Act in the Russian Federation, but on the facilitated version in accordance with the Regulation approved by the Presidential Decree.

Vladimir Putin called the criticism strange, noting that the changes, on the contrary, limit the power of the head of state. “If today the president himself approves

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<sup>1</sup> Shustrov D. G. Constitutional control over constitutional change in post-Soviet states // Constitutional and municipal law. 2020. No. 8. P. 64.



the head of the government with the consent of the State Duma, and then without any consent of the country's parliament appoints ministers (...), the situation changes dramatically. Now the decision on the nominations will be taken by the parliament”.

Vladimir Putin also said that “the absolute majority of Russians support amendments to the Constitution”<sup>1</sup>.

Before the all-Russian vote, passions were growing stronger every day, the degree of ideological opposition was rising. In the media there was a politicized dissection of this kind of referendum, when the main thing is not arguments, but labeling and the use of emotionally loaded expressions, which lead away from calm conversation and scientific truth, perceived by some with delight, others — extremely negatively.

In the information stream to refer to the all-Russian vote purposefully launched a pejorative term “unreferendum”, the authors of which, positioning their position as the truth in the last instance, present it at the same time on behalf of what they believe to be the majority of reasonable Russian citizens.

Some constitutional scholars took such a roll in the information space with extreme concern, and Viktor Cherepanov even created an information platform on the ruins of the Scientific And Expert Council of the Central Electoral Commission of the Russian Federation, of which well-known scientists were a member in February 2020: S.A. Avakian, N.A. Bobrova, S.V. Kabyshev, E.A. Lukyanova, V.A. Cherepanov and many other constitutionalists and politicians.

On the forum's email address ([forum@legal-sense.ru](mailto:forum@legal-sense.ru)) Viktor Cherepanov urged calmly, “not engaged in politics” to consider exclusively legal issues of “general russian voting”. Although it is not clear how a constitutionalist can not engage in politics in his thoroughly politicized science. It is no coincidence that Friedrich Engels called constitutional law the most prostituted science.

### **Features of voting on constitutional amendments–2020**

We'll do only legal analysis. The cover of the current Russian Constitution is written: “Adopted by popular vote on 12 December 1993”. Why isn't it written that it was adopted in a referendum? But the definition of the word “referendum” means “popular vote”.

Every Russian constitutionalist knows that even then, when the Constitution was adopted in 1993, this anomalous and not every person understood the difference between the concepts of “referendum” and “popular vote” arose. After all, these concepts in terms of common sense and scientific theory should be identical. It is enough to look in any political and legal dictionary or textbook to make sure of this. However, the Constitution of the Russian Federation was adopted not by the law on the referendum, which was in force at that time, but by a special Regulation

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<sup>1</sup> YouTube-канал (Address date 14.06.2020)



approved by the Decree of President Boris Yeltsin. Therefore, a separate term and a separate concept was required to justify the adoption of the Constitution not under the Referendum Act, under which the Constitution would not have been adopted, but by decree, which made it easier for Yeltsin's team to approve the Yeltsin Constitution through a plebiscite. The terms of recognition of the results of this plebiscite were much simpler and easier than those laid down in the rules of the referendum.

History in a sense repeated itself in the conditions of constitutional reform 2020, when the plebiscite on approval of the reform was given the name — “common-russian vote”. But why this plebiscite can't be called a referendum? First, because in this plebiscite the conditions for recognition of its results differ from the more rigid conditions for recognition of the referendum result. The plebiscite will be considered to have taken place if at least half of the electorate takes part in the voting, and the amendments will be considered approved by the people if not less than half of those who took part in the voting vote will vote for them.. Half of the population is not required to encourage amendments. The requirement to approve amendments in at least two thirds of the subjects of the Russian Federation seems to be made redundant, as they have already been approved by two thirds of the legislative assemblies of the regions. Secondly, the referendum on the Constitution is held only when it is either completely changed, or changes are made to Chapters 1, 2 and 9 of the Constitution of the Russian Federation. This is a response to the question of why the Working Group on Amendments to the Constitution of the Russian Federation could not amend these chapters. Then a referendum would be required with all the ensuing consequences (risk of people disapproving).

Thirdly, Part 1 of Article 135 of the Russian Constitution states: “The provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation cannot be revised by the Federal Assembly”. And that's the most important thing! If even the Duma by three-fifths of the deputies and the Federation Council by three-fifths of the total number of its members voted for amendments to Chapters 1, 2 or 9 of the Constitution of the Russian Federation (and this is at the current ratio of forces with the predominance of the United Russia faction is not difficult!), the Constitution still does not allow to make these amendments, as “in accordance with the federal constitutional law convenes the Constitutional Assembly” (Part 2 of Article 135 of the Russian Constitution). But there is no Constitutional Assembly, because the law on it has not been passed.

There is an important intrigue here: it is possible to update the Constitution without affecting the rigid 1, 2 and 9 chapters of the Constitution. Otherwise, there would be a heated debate over Articles 8 and 9 of the Constitution (on property), Part 2 of Article 13 of the Constitution (the inadmissibility of establishing any ideology as state or binding), Article 10 of the Constitution (optimal consolidation of the principle of separation of powers, checks and balances), etc. “Don't scratch where it doesn't itch”, — Prime Minister Viktor Chernomyrdin said.

Now there must be three forms of plebiscite in the textbooks: 1) referendum; 2) popular vote; 3) Nationwide voting. “People’s vote” is held in a special order (v. 3 p. 135 of the Constitution of the Russian Federation): participation of the Constitutional Assembly is mandatory. The President has applied another form of legitimization, which he is not forbidden to carry out.

The opposition’s criticism of Vladimir Putin that he allegedly chose an unconstitutional path to legitimize amendments is groundless. The absence in the text of the Constitution of such a tool of approval of amendments as a nationwide vote does not mean that the non-constitutional path is unconstitutional. Moreover, other actors of the law of the legislative initiative and even in the order of the people’s initiative could take the initiative to hold such a vote.

But so far this way of legitimizing amendments through the nationwide vote is the object of sharp criticism<sup>1</sup>.

### **Other intrigues Russian constitutional reform**

The working group to finalize the Amendment Act included only 12 lawyers out of 75. This was the subject of particular criticism, especially since some members of the group did not even read its text. Olympic champion Elena Isinbayeva thanked the President for her inclusion in the working group and admitted that “it was not necessary to read the Constitution before, but it turned out to be an interesting book”. Her speech immediately became the subject of anecdotes. But overall, it must be admitted, the working group was called upon to present a diverse slice of society, and it is unlikely that the composition of the same Constitutional Assembly would have been better. Actor and director Vladimir Mashkov proposed an amendment banning the rejection of Russian territories. Pianist Denis Matsuyev and director Alexander Kalyagin proposed an amendment on the importance of culture.

Ella Pamfilova, the head of the Central Electoral Commission of the Russian Federation, said that “all, even the most expensive mechanisms of taking into account the opinion of citizens will be involved in the Russian vote, because legitimacy is expensive”<sup>2</sup>. 14.62 billion rubles allocated for plebiscite. She later spoke almost about Freud. She stated bluntly that “the amendments have already entered into legal force, and the approval of their people is the plebiscite promised by the President”.

<sup>1</sup> *Lukyanova E. A.* How Putin’s constitutional amendments will come into force // *Vedomosti*. <https://www.vedomosti.ru/politics/articles/2020/03/02/824277-putinskie-popravki>; *Bulygina A. A.* Amendments to the Russian Constitution: Adoption order // *Fundamental and Applied Research: XXXIV International Scientific and Practical Conference*, 2020. P. 98–102; *Sokolov M. V.* Problems of legal regulation of the all-Russian vote on amendments to the Russian Constitution // *Skif. Student science questions*. 2020. No. 3 (4). P. 157–161; *Starostina I. A.* Nationwide vote in the context of the 2020 constitutional amendments // *Constitutionnoe i munitsipalnoe pravo = Constitutional and municipal law*. 2020. No. 8. P. 18–23.

<sup>2</sup> Cited by: *Kuzmin V.* Hear everyone // Russian newspaper. 05.03.2020.

But the enactment of the amendments means that they are already legitimate. Who needed another legitimization of the amendments that have already come into force is another intrigue. The President needed the legitimization, as it is necessary to approve the amendment on the “zeroing” of the presidential terms of the current President of the Russian Federation. And everyone understands that the essence is not in how and in what way the legitimization is carried out, but in the way of transit of power, which allows this amendment. It is this amendment that does not suit Vladimir Putin’s political opponents both at home and abroad.

It should be noted that for many citizens this particular criterion was the determining factor in answering the question of how to vote for amendments: if our enemies are against these amendments, then we vote in favour.

President Putin did not call this plebiscite a referendum from the very beginning. Moreover, the referendum on amendments to chapters 3–8 of the Russian Constitution should not be held at all: “Amendments to chapters 3–8 of the Russian Constitution are adopted in accordance with the order provided for the adoption of the federal constitutional law, and comes into force after their approval by the legislative authorities of at least two-thirds of the subjects of the Russian Federation” (Article 136 of the Russian Constitution).

In fact, all amendments have already entered into legal force before the plebiscite, which is also the intrigue of constitutional reform-2020. The question arises: can further legitimize what has already become legal? After all, there is no greater or lesser pregnancy. It seems that the people were aware and even forgave Vladimir Putin this original guile, knowing full well that he needs the support of the people and is waiting for his approval.

The Main Amendment is indeed veiled in the general mass of diverse, part significant, and part decorative amendments. Some amendments have a place in the current legislation, and some add contradictions to the text of the Constitution, not formally affecting, but actually affecting chapter 1 “Basics of the Constitutional Order” and Chapter 2 “Rights and Freedoms of Man and Citizen”.

Voters understood and forgave Putin political guile because they did not object to the main amendment — the possibility of staying in power after 2024. The Russian people, realizing what presidents can be, looking at presidents such as Gorbachev and Yeltsin, and more than breading the consequences of their power, no longer suffers from the thirst for “change”. The 1990s were too tragic.

### **All-Russian vote as a plebiscite on trust in power**

Approval of the amendment on the zeroing of the presidential term of the current President of the Russian Federation — the main intrigue of reform 2020. As a result, the vote on amendments was perceived by citizens as a kind of plebiscite on trust

in Vladimir Putin. And there's nothing wrong with that. People were going to vote for Vladimir Putin. It was a plebiscite of confidence in the incumbent President and agreement with the amendment of Valentina Tereshkova.

The people were well aware that the essence of the vote, and the whole reform is the trust of the government, in giving the incumbent President of the Russian Federation the opportunity to run in the next elections. And the people supported the President. There were silent versions of political futurologists about who would be President in 2024, and maybe even before, as they would like.

The first version of the "transit of power-2024" in the form of the opportunity to become the Chairman of the State Council after the amendment of Valentina Tereshkova turned into a back-up option. Perhaps the option of transiting power in the form of the State Council played the role of a distraction from the prepared, but until the time of the not announced main amendment.

The intrigue of constitutional reform 2020 is that it became a plebiscite on the trust of the government and, on the contrary, the plebiscite on the trust of the government became the hallmark and core of this reform.

Let's pay attention to another intrigue. The fact that Valentina Tereshkova introduced this amendment on the day of its adoption by the State Duma in the final reading created a presumption on the principle: "you can't, but if the legendary woman cosmonaut asks for it, it is possible".

According to Article 134 of the Russian Constitution, proposals for amendments to the Russian Constitution can be made by the President, the Council of the Federation, the State Duma, the Government, the legislative (representative) bodies of the subjects of the Russian Federation, as well as a group of at least one-fifth of the members of the Federation Council or members of the State Duma.

One fifth of the State Duma is 90 deputies. Making an amendment by one MP is a violation of Article 134 of the Russian Constitution. But this violation was "not noticed" because according to the laws of psychology there is an effect of surprise. It is also very difficult to object to a legendary personality. The question arises: why Valentina Tereshkova did not make her amendment to the Working Group of which she was a member? In that case, there would be no surprise effect.

The same effect that occurred at the Congress of People's Deputies of the RFSR in May 1990, when the MP of the RFSR, Professor Aleksey Kazannik, lost his seat in the Supreme Council of the Russian Federation to Boris Yeltsin. It was so unexpected that no one thought about the obvious violation of the procedure: it is impossible to give up a seat in the elected body, but it is possible to resign. Then there are by-elections for the vacated seat.

Interestingly, during the meetings of the working group with a similar amendment (on granting Putin the lifelong status of the president) was made by Senator Ekaterina Lakhova. But the amendment was rejected because of its monarchical

nature. In addition, Lakhova did not take into account the main thing — there was no time and no place.

### **Some intrigues during the Russian vote-2020**

The authorities were not indifferent to how many voters would come to the polling stations and how many voters would vote at all. Electronic voting was first tested. The authorities were concerned about the problem of voter activity.

The leadership of Moscow allocated “a million prizes” to the voters: voters who came to the polling stations were able to simultaneously take part in the drawing of certificates for payment of goods and various services, including parking lots, providing discounts in cafes and restaurants. The action called “Million Prizes” launched 10 billion rubles into the economy. The head of Moscow’s Department of Trade and Services, Alexei Nemeryuk, explained that such actions are taking place around the world in the post-epidemic period to stimulate business’s exit from the recession.

For their part, business representatives also expressed readiness to provide discounts and bonus shares in more than 3,000 stores. Residents received through the portal “Active Citizen” more than 2 million gift certificates, which can be paid for goods and services. Certificates can be implemented by December 31, 2020. The calculation was that this action would not only raise the turnout for the vote on the amendments, but also stimulates up to 10 billion rubles of consumer demand, which fell during the pandemic<sup>1</sup>.

Meanwhile, opponents of the 2020 reform have also stepped up, inventing new ways of provocation. a video of a voter who voted electronically was circulated on the Internet, and then he came to the polling station, where he was given a ballot paper. He filmed it himself and eventually took the administrative responsibility for the double vote.

Some opponents of the reform, trying to discredit it by any means, outplayed themselves. Thus, a voter from Samara, citing illness, called the precinct election commission with a request to vote at home. And when a member of the electoral commission arrived with an electoral urn, he handed her his passport and two passports of family members. He zealously convinced the commissioner that his wife and daughter had deliberately left him a passport so that he could vote for them. And they can’t do it themselves. He gave the example of legislation in other countries where family members are allowed to vote. “And that’s FINE,” he insisted. As a result, he received three applications asking to vote at home: one statement for himself, two for family members. Received three ballots and voted. After that he went to the prosecutor’s office and declared a gross violation of

<sup>1</sup> ПБК. [https://www.rbc.ru/economics/11/06/2020/5ee1e3259a794722bfd7ce4f?utm\\_source=yxnews&utm\\_medium=desktop&utm\\_referrer=https%3A%2F%2Fyandex.ru%2Fnews](https://www.rbc.ru/economics/11/06/2020/5ee1e3259a794722bfd7ce4f?utm_source=yxnews&utm_medium=desktop&utm_referrer=https%3A%2F%2Fyandex.ru%2Fnews) (дата обращения: 13.09.2020).

the electoral law by the precinct commission. The provocateur expected that the effect of discrediting the legality of the vote would compensate him for material damages in the form of an administrative fine. However, he outplayed himself and let his curators down. He did not take into account that illegal voting for one person entails administrative responsibility, and for two — criminal. As a result, a criminal case was opened against both the “vigilant” voter and a member of the precinct election commission. These are the culbits that happen with political games.

### Some findings

As we can see, this article presents sharp criticism of the Russian constitutional reform 2020 on all its main aspects. No one denies that the official rhetoric that accompanied the reform of the Russian Constitution, and the true goals of its initiators, are not without some element of guile. But there is no politics without guile at all. The official rhetoric was based on strengthening the balance of power, increasing the powers of both houses of parliament and the Constitutional Court of the Russian Federation. In a sense, the increase in the powers of these bodies did occur, but it was compensated by a new increase in the powers of the President of Russia.

However, the author believes that criticism of the reform is an internal matter of Russia, which is, in fact, under pressure of internal and external threats, literally in the ring of the enemy information environment. On September 17, 2020, the European Parliament adopted a resolution against Russia in connection with the events in the Republic of Belarus. This Resolution requires Russia to abandon the constitutional amendments-2020. This requirement is nothing more than interference in Russia's internal affairs and sovereignty. The Russian state and the Russian people declare: “Hands off Russia!”. Russian scientists themselves will deal with the shortcomings and merits of their constitutional reform, the main advantage of which is the popular approval.

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