ARTICLES

Aleksandr Maly

Doctor of Legal Science,
Professor of the Kazan (Volga region) Federal University

ON POLITICAL AND LEGAL CAUSATIONS OF CONSTITUTIONAL CHANGES OF RUSSIAN FEDERATION

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Abstract: The amendments to the Constitution of the Russian Federation of 2020 have generated a wide response both within Russia and abroad. The article reflects the legal content of the main amendments and attempts to show the political prerequisites for the decisions taken. Firstly, it notes the readiness of the political leadership to heed the opinion of constitutional scholars on the need to make adjustments in the system of relations between the branches of power, to enhance the role of parliament in the formation of government and control over its activity. Secondly, it is necessary to take steps towards eliminating political uncertainty caused by the forthcoming change of the state leader in 2024 due to the expiry of his constitutional term in office. Thirdly, the constitutional provisions aimed at protecting the sovereignty of the state and the rights of citizens. Fourth, the clarification of the powers of the state supreme bodies, which have been developed in federal laws. In the meantime, the task of introducing new constitutional constructions (public authority, senator, senator-for-life) was solved.

It is concluded that the result obtained in the nationwide vote was the result of a well-constructed step-by-step preparation of the amendment bill, its substantive content, the feelings and expectations of the country's citizens, and the general domestic and foreign political environment. The 2020 amendments solved a number of legal problems. However, at the same time, the process of their discussion made

it possible to demonstrate the presence in society of a consolidated core capable of upholding its national interests. This is a kind of assessment by the participants in the nationwide vote of the policy pursued by the current head of state and the country's leadership as a whole. Despite the fair (in many people's minds) criticism of the decisions taken by the authorities at all levels, the preservation of the fundamental values (stability, certainty, security) proved to be a priority for the majority of voters.

Keywords. Constitution, constitutional changes, parliament, president, powers, voting.

Changing the Russian constitution through amendments is always interesting, both in terms of the political background to the decisions made and the legal formulation of those decisions. The 2020 Amendment Act is already the fifth since the adoption of the 1993 Constitution and is obviously the most high-profile. This is primarily due to the innovations in the procedure of its adoption (nationwide vote) and the possibility for incumbent President V.V. Putin to stand for election as head of state in 2024.

Numerous comments have touched on the political dimension of the decision and there is a natural bias inherent in the political confrontation. Can legal professionals avoid this influence in their assessments? I think they cannot. We all have subjective ideas about what is proper, based on established stereotypes formed by our predecessors at different times and reflecting the state of social relations (and expectations) at a particular historical stage of their development. However, the diversity of opinions makes it possible not only to identify the most acceptable option for solving existing problems, but also to form the best approach to their legal entrenchment.

It is clear that such constitutional reforms are based on public expectations, reflect these expectations to a greater or lesser extent and are not possible without the political will of the top leadership of the state. The formulation of this will by constitutional provisions does not exclude their detailed analysis and critical evaluation, which is also part of the ongoing process of searching for a model of constitutional regulation of the most important social relations that reflects the needs of the country's development and evokes the approval of society.

Criticism of the current Constitution of the Russian Federation (both in terms of its contents and the way it was adopted) began almost immediately after its adoption in 1993[1]. Discussions on the merits and shortcomings of the Constitution have been initiated among scholars throughout the years of its existence. Problems

[1] See: *Isakov V.B.* [Konstitutsiya, po kotoroy nevozmozhno zhit'] The Constitution which is impossible to live by // Konstitutsionny vestnik. 1994. No. 1 (17). P. 33–35.

of gaps in the Constitution and the possibility of remedying them have been the subject of discussion in various forums[1].

General conceptual proposals concerning possible amendments to the Basic Law of the state have been outlined in numerous works. V.E. Chirkin, for example, proposed the model of a socially instrumental constitution, the norms of which could "serve as an indicator of the level of social compromise achieved, the degree of inclusion of elements of the social contract in the constitution"[2]. In some publications, the modernisation of the Russian Constitution was justified by the need to overcome its shortcomings caused by the possibility of establishing authoritarian rule and the lack of appropriate checks and balances on the part of other branches of power[3].

The Constitution itself provides for three procedures for modifying its provisions: adoption of a new constitution (Article 135), amendment of Chapters 3–8 (Article 136) and a simplified modification of Article 65 through a presidential decree initiated by the legislative body of the Russian Federation when changing the name of the Russian Federation subject. A simplified procedure for amending Article 65 is provided for by the federal constitutional law on the admission of a new subject into the Russian Federation or the formation of a new subject through their merger, as well as by a change in the status of a constituent entity of the Russian Federation.

Text amendment of the Constitution of the Russian Federation in a simplified procedure (Article 65) is a legal procedure, but the ideology of such a change lies in the political sphere. The political decision to specify, for example, the name of a subject of the Russian Federation by a regional legislative (representative) body is entirely within the competence of the subject of the Russian Federation. The President by his decree only formalizes the legal inclusion of the new (clarified) name in the text of Article 65. Since the Constitution of the Russian Federation

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[1] See: [Probely i defekty v konstitutsionnom prave i puti ikh ustraneniya: Materialy mezhdunarodnoy nauchnoy konferentsii] Gaps and defects in constitutional law and ways to eliminate them: Proceedings of an international scientific conference. Faculty of Law, Lomonosov Moscow State University. Moscow, March 28–31, 2007 / Under the editorship of Professor S.A. Avakyan. M.: Publishing house of Moscow State University, 2008. 720 p.

[2] *Chirkin V.E.* [Vyzovy vremeni I Konstitutsiya: element obshchestvennogo dogovora] Challenges of time and the Constitution: elements of the social contract // Constitutional law and politics: collection of materials of the international scientific conference: Faculty of Law of Lomonosov Moscow State University. March 28–30, 2012 / Responsible editor, Doctor of Law, Professor S.A. Avakyan. M.: Jurist Publishing Group, 2012. P. 54.

[3] See, for example, *Krasnov M.A.* [Iskazhenie smysla rossiyskoy Konstitutsii – sledstvie nesbalansirovannosti sistemy vlasti] Distortion of the meaning of the Russian Constitution – a consequence of unbalanced system of power // Constitutional law and politics: collection of materials of the international scientific conference: Lomonosov Moscow State University Law School. March 28–30, 2012 / Responsible editor, Doctor of Law, Professor S.A. Avakyan. M.: Jurist Publishing Group, 2012. P. 30–41.

came into force, the head of the state issued 6 decrees supplementing or changing the name of the subjects of the Russian Federation in Article 65. The change of the name of a subject of the Russian Federation also occurs when the legal status of the subjects of the Russian Federation is changed, for instance, in connection with their unification in accordance with the Federal Constitutional Law of December 17, 2001 On procedure for joining the Russian Federation and formation of a new constituent entity of the Russian Federation within it[1]. Amendments made on the basis of the adoption of the Federal Constitutional Act on the formation of new constituent entities of the Russian Federation (on the basis of the previously existing ones) and on the accession of Crimea and Sevastopol have been implemented 6 times. The unification process takes place within the framework of the legal procedure, but the decision itself is political in nature and is motivated by no legal provisions at all. The law only allows to implement the will of the legislative bodies of the subjects of the Russian Federation and the will of the people (a referendum in the process of unification is mandatory).

Serious political motives are also needed to initiate the adoption of a new constitution. The arguments of the constitutionalists in favour of such a decision have not yet been supported. However, today it is also impossible to adopt a new constitution because the Constitutional Assembly, which is responsible for drafting the new constitution, does not exist. There are initiative projects of such a federal constitutional law, but they do not find an appropriate political solution.

Proposals for a new constitution for the Russian Federation have been actively debated over the last twenty years. Such a radical reform of constitutional legislation was justified by a number of circumstances, including the need to overcome all disputes about the legitimacy of the current "Basic Law, the adoption of which was accompanied by numerous far from democratic actions, including the dispersal of the then Parliament by the President of the Russian Federation"[2].

In the opinion of a number of authors, the norms of the first chapter should be modified, which inevitably leads to the adoption of a new constitution. Thus, N.A. Bobrova substantiates the need to adjust articles 3,7,10 of the first chapter, to clarify the name of the second chapter of the Constitution, and proposes a number of other novations[3].

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[1] Russian Federation Code. 2001. No. 52 (p.1). Article 4916.

[2] *Avakyan S.A.* [Proekty zakonov o popravkakh k Konstitutsii Rossiyskoy Fedratsii] Draft laws on amendments to the Constitution of the Russian Federation: is round four coming? // [Konstitutsionnoe i munitsipal'noe pravo] Constitutional and Municipal Law. 2020. No. 1. P. 32.

[3] *Bobrova N.A.* [20 let i 20 nedostatkov Konstitutsii Rossii] 20 years and 20 shortcomings of the Russian Constitution // [Konstitutsionnoe i munitsipal'noe pravo] Constitutional and Municipal Law. 2013. No. 3. P. 33.

Changing the content of the norms of the first, second and ninth chapters of the current Basic Law is problematic, as it requires the adoption of a new constitution (these chapters cannot be amended), so other options are proposed, such as the inclusion of new chapters in its text, supplementing the first two in their meaning. For example, S.A. Avakyan suggested supplementing the Constitution with Chapter 2.1. "Civil Society and the State", by including three articles supplementing the content of the current Articles 13 and 30[1].

The real way to modify the Constitution of the Russian Federation is to introduce amendments, which makes it possible to meet the expectations of society, to satisfy the desires of the political elite at the helm of the state, to sow the hopes of citizens for a positive result of the introduced changes, associated with the social and economic growth of the people's welfare. For constitutionalists, another result is also important. It consists of the possibility to bring constitutional constructions in line with the rules of legal technique, to clarify the wording, to give them legal certainty.

However, political motivation plays an important role too. Not only the vagueness of certain constitutional norms, but also outright technical and legal miscalculations (which cannot be corrected by the interpretation of the Constitutional Court) for a long time did not constitute a valid argument for the legislator to start drafting and amending the Basic Law. Thus, only the Amendment Act of February 5, 2014 changed the title of Chapter 7 of the Constitution. The new title in Russian translating as Judiciary and Public Prosecutor's Office most accurately reflects the content of this chapter. No interpretation could explain why the chapter Judiciary included an article on the Public Prosecutor's Office, and how the Public Prosecutor's Office, as a state supervisory body that does not administer justice, relates to the judiciary.

In general, the procedure for adopting amendments to the Constitution is provided for in Article 136. From the point of view of legal technique, it cannot be called flawless, as the ambiguity prevents the direct application of the provisions of this Article. The Russian parliamentarians had questions about both the name of the amendment law and the procedure for adopting it. The uncertainty was clarified by the Constitutional Court of the Russian Federation, which at the request of the State Duma, adopted a Decision on the Interpretation of Article 136 of the Russian Constitution (No. 12-P of October 31, 1995)[2].

The Constitutional Court of the Russian Federation concluded that amendments should be adopted in the form of a special legal act, a law of the Russian

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[1] *Avakyan S.A.* Op. cit. P. 36.

[2] Russian Federation Code. 1995. No. 45. Article 4408.

Federation on an amendment to the Constitution. In addition, the Court clarified that the legislator has the right to regulate other issues of the procedure for adopting an amendment law, as well as the way in which the approved amendment is reflected in the text of the Basic Law.

The clarification of the Constitutional Court is reflected in the provisions of the Federal Law of March 4, 1998 On the Procedure for Adoption and Entry into Force of Amendments to the Constitution of the Russian Federation[1] as well as the Rules of Procedure of the State Duma (Chapter 16: Consideration of proposals for amendments and revisions to the Constitution of the Russian Federation) and the Rules of Procedure of the Federation Council (Chapter 16: Procedures for consideration by the Federation Council of issues related to the adoption and entry into force of a law on amendments to the Constitution of the Russian Federation)[2].

The first two Laws of the Russian Federation on amendments to the Constitution were passed by the State Duma on November 21, 2008, approved by the Federation Council on November 26, 2008 and signed by the President on December 30, 2008 after the approval by the subjects of the Russian Federation. Undoubtedly, the adoption of the Laws was preceded by a political decision, but their content was legal, because they enshrined the rights and obligations of the participants of the constitutional relations and fixed the change in the term of election of the supreme power bodies. The first Law On Changes in the Term of Office of the President of the Russian Federation and the State Duma increased the presidential term to 6 years and the term of office of the State Duma to 5 years[3]. The second Law On the Control Powers of the State Duma in Relation to the Government of the Russian Federation[4] obliged the Government of the Russian Federation to submit annual reports to the State Duma, while the Duma obtained the right to hear reports by the Government of the Russian Federation.

The Constitutional Amendment Act of February 5, 2014 on the Supreme Court of the Russian Federation and the Public Prosecutor's Office of the Russian Federation also had legal content, as it dealt with the constitutional status of the highest judicial branch and the highest supervisory body, the Prosecutor's Office. The political will of the country's leadership was embodied in the amended constitutional provisions. Eight articles of the Constitution were modified, one article was deleted and the title of chapter 7 was changed. The purpose of the amendments was to fix in the Russian Constitution the political decision to abolish the Supreme Arbitration

[1] Russian Federation Code. 1998. No. 10. Article 1146.

[2] Consultant Plus legal reference system.

[3] Russian Federation Code. 2009. No. 1. Article 1.

[4] Russian Federation Code. 2009. No. 1. Article 2.

Court of the Russian Federation and transfer its functions to the Supreme Court of the Russian Federation. By the way, the name of Chapter 7 was changed to reflect its content more accurately. The amendments extended the powers of the President in relation to the appointment and dismissal of procurators of constituent entities of the Russian Federation, procurators other than city, district and equivalent procurators. The Federation Council has been given the power to appoint deputy general Prosecutor.

The legal content of the amendments to the Russian Constitution can also be discussed in relation to the next stage of its modification. The Amendment Act of July 21, 2014 amended Article 83 and Article 95. The main purpose is to give the President the right to introduce representatives of the Russian Federation into the Federation Council (not more than ten per cent of the number of member of the Council of the Federation, the representatives of the subjects of the Russian Federation). The political motivation of this authority of the head of state is clear, it lies on the surface. The President has been given the opportunity to introduce his supporter into the chamber of parliament directly, without going through the procedure of appointing (electing) a representative from a constituent entity of the Russian Federation. This makes it easier for the head of state to nominate the desired candidate for the post of Chairman of the Federation Council.

The first four laws on amendments to the Constitution have been the subject of analysis by Russian constitutional scholars[1]. In addition to a purely political assessment, judgments were made as to the consistency of the legal content of the amendments with the fundamental constitutional values. Professor V.A. Kryazhkov, analysing the first four laws on amendments to the Constitution, critically assessed their content, believing that any amendments should be consistent with the fundamental constitutional values[2]. In his opinion, the adopted amendments "(with the exception of giving the State Duma supervisory powers over the Government of the Russian Federation) are not fully consistent with the foundations of the constitutional order"[3]. The right of the President to appoint members to the Federation Council is criticised, which "distorts relations in the sphere of the federal structure, narrows the rights and guarantees of the subjects of the Federation in their relations with the federal bodies of state power, destroys the system of checks and balances vertically". The amendment to extend the President's term of office (detracting from a whole series of constitutional rights of citizens) has

[1] *Kryazhkov V.A.* [Popravki k Konstitutsii Rossiyskoy Federatsii: pravovye osnovy, predely i ikh obespechenie] Amendments to the Constitution of the Russian Federation: legal framework, limits and their enforcement // [Gosudarstvo i pravo] State and Law. 2016. No. 1. P. 6.

[2] *Kryazhkov V.A.* Op. cit. P. 7.

[3] *Kryazhkov V.A.* Op. cit. P. 7.

been criticised[1]. The amendment to abolish the Supreme Arbitration Court of the Russian Federation[2] caused considerable controversy among specialists.

The ambiguous assessment of the constitutional amendments is evidenced by attempts to challenge the amendment laws in the Constitutional Court of the Russian Federation. The challenge was initiated not only by citizens' associations, but also by parliamentarians. A group of State Duma deputies submitted a request to the Constitutional Court of the Russian Federation, questioning the constitutionality of the Law of the Russian Federation on Amendments to the Constitution On the Supreme Court of the Russian Federation and the Prosecutor's Office of the Russian Federation dated February 5, 2014. According to the Duma members, the contested Law does not comply with a number of provisions of the Constitution, included in the foundations of the constitutional order, and other norms thereof. Doubts have been expressed as to the observance of the established procedure for adopting the Law. The Constitutional Court of the Russian Federation in its Ruling of July 17, 2014 No. 1567-O pointed out that a law on an amendment to the Russian Constitution after its entry into force cannot be the subject of the Court's review, because the new norm becomes part of the Constitution, while the amendment law itself loses its independent meaning as soon as it enters into force. The Court Ruling contains an important conclusion on the possibility to amend the Constitution of the Russian Federation and the provisions of the Federal Constitutional Law On the Constitutional Court of the Russian Federation in terms of granting the Court the right to check the compliance of the constitutional amendment law with its Chapters 1, 2 and 9 before its entry into force, i.e. before they become part of the Basic Law[3]. Such a conclusion found support among constitutional scholars[4].

The decision to make the first four amendments to the Constitution of 1993 was political, but the substance of the changes was legal in nature. They were born

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[1] *Kryazhkov V.A.* Op. cit. P. 7.

[2] See: *Blankenagel A., Levin I.* [Novy Verkhovny Sud Rossiyskoy Federatsii – reshenie mnimo sushchestvuyushchikh starykh ili sozdanie novykh problem?] New Supreme Court of the Russian Federation – Solution of imaginary old problems or creation of new ones? // [Sravnitel'noe konstitutsionnoe obozrenie] Comparative Constitutional Review. 2014. No. 3 (100). P. 79.

[3] The Court Ruling of the Constitutional Court of the Russian Federation dated 17.07.2014 No. 1567-O At the request of a group of deputies of the State Duma on checking the constitutionality of a number of provisions of the Russian Federation Law On Amendments to the Constitution of the Russian Federation On the Supreme Court of the Russian Federation and the Procuracy of the Russian Federation.

[4] See, for example: *Presnyakov M.V.* [Naravne s Konstitutsiey: istochniki prava, obladayushchie vysshey yuridicheskoy siloy v Rossiyskoy Federatsii] On a par with the Constitution: sources of law with supreme legal force in the Russian Federation // [Zhurnal rossijskogo prava] Journal of Russian Law. 2016. No. 8. P. 96–108.

when the opportunity for their adoption, ensured by political certainty, appeared. It could not be otherwise, since the constitution of any government enshrines the balance of political forces at the time of its adoption[1], and the subsequent point modifications reflect the determination of the ruling political forces to give the existing constitutional relations the legal format that meets their perceptions of what is proper and situationally permissible. A.A. Dzhagaryan is right when he writes: "Ensuring the measure of socio-political interests is one of the most important legal issues, and the search for legal solutions, all the more concerning the evaluation and interpretation of concepts, norms, institutions that characterize the implementation of constitutional values, fundamental in nature, is always a certain art of the possible"[2].

The 2020 amendments clearly demonstrated the "art of the possible" in the execution of the political leadership of the government. The public was ready for the modification of the Basic Law. Various assumptions about the forthcoming constitutional reform were made in political circles and in legal forums. However, only after the official statements of the influential government politicians it became clear that another modification of the Constitution of 1993 was long overdue. The neglect of the scientists' proposals for constitutional reform was gradually replaced in the political leadership of the government by the recognition of its possibility.

D.A. Medvedev as Prime Minister, in an article of the Zakon journal, allowed for changes to the Constitution, but without reducing the protection of the individual or undermining the foundations of the "democratic order of the country"[3]. The Chairman of the State Duma of the Federal Assembly, V.V. Volodin outlined his vision for amending the Constitution in the Parlamentskaya Gazeta[4]. At a press conference on December 19, 2019, V.V. Putin spoke about the possibility of amending the Constitution, but ruled out the adoption of a new constitution[5].

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[1] See: *Lassal F.* [O sushchnosti konstitutsii. Rech', proiznes`nnaya v odnom berlinskom byurgerskom okruzhnom sobranii v 1862 godu] On the essence of the constitution. Speech delivered at a Berlin burgher district assembly in 1862 // Constitutional Law Reader. Textbook. Vol. 1: History, theory and methodology of constitutional law. Doctrine of constitution / Compied by Doctor of Law, Professor N.A. Bogdanova and D.G. Shustov. SPb.: Aleph Press Publishing House, 2012. P. 446.

[2] *Dzhagaryan A.A.* [Territorrial'nye granitsy i granitsy konstitutsionnosti: v tekste i kontekste Postanovleniya Konstitutsionnogo Suda RF ot 6 dekabrya 2018 № 44-P] Territorial boundaries and boundaries of constitutionality: in the text and context of the Ruling of the Constitutional Court of the Russian Federation of December 6, 2018 No. 44-P // [Sravnitel'noe konstitutsionnoe obozrenie] Comparative Constitutional Review. 2019. No. 1. P. 107–121.

[3] Zakon. 2018. No. 12. P. 16.

[4] Parlamentskaya Gazeta. 2019. July, 17.

[5] Rossiyskaya Gazeta. 2019. December, 20.

The President of the Russian Federation launched the process of amendments by his decree of January 15, 2020, creating a working group to prepare proposals for amendments to the Constitution of the Russian Federation[1]. The group consisted of representatives of various professions, which was intended to ensure that the amendments were broadly representative and reflected the views of different segments of society. Lawyers, who are specialists in constitutional law, were represented but far from dominating.

Obviously, the text of the amendments had already been prepared when the working group was set up and it only had to assess their content, which predictably happened. A few days later (on January 20, 2020), the President of the Russian Federation submitted to the State Duma of the Federal Assembly of the Russian Federation a draft law On improvement of regulation of certain issues of organisation and functioning of public authorities[2]. The text of the law was legally correct, but there were questions about the norm of putting the amendment law to a national vote. Under Article 136 of the Constitution, such a procedure is not mandatory for the adoption of an amendment. Further developments showed that the initiators of this constitutional reform had plans, the implementation of which required careful preparation. In this context, the President's order of February 14, 2020, to hold a national referendum on the approval of the amendments to the Constitution of the Russian Federation[3] seems logical. The inclusion of the nationwide voting stage in the process of the amendments approval by the constituent entities of the Russian Federation did not allow to determine in advance the date of its holding, as it is impossible to predict the exact dates of the approval of the amendments by 2/3 of the constituent entities of the Russian Federation.

The January draft amendment law proposed the redrafting of 22 articles, and did not envisage the inclusion of new articles in the Basic Law. All subsequent transformations of the norms of the Constitutional Amendment Law were the result of extensive discussion, making and adopting proposals, which significantly changed the Law itself and led to unexpected (for some analysts expected) results. It was these innovations that ensured that the proposed amendments received close public attention, as they were in line with public expectations.

The State Duma approved the Law on Amendments to the Constitution of the Russian Federation, as amended and supplemented, on March 11, 2020. The amendments affected 46 articles: 41 articles were subject to editorial changes and 5 are new. Some of the articles have been significantly expanded by adding new parts.

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[1] http://www.pravo.gov.ru

[2] http://www.pravo.gov.ru

[3] http://www.pravo.gov.ru

The novations that emerged in the draft amendment law as a result of its broad discussion considerably broadened the range of regulated relations. The working group (and the political leadership) recognised the possibility of including a number of provisions in the constitutional text, which could be characterised as declarative, lacking normative content, and reflecting the patriotic views of a significant part of citizens. For example, a new part 2-1 has been added to Article 67. It expressly prohibits activities aimed at the alienation of part of the territory of the state, as well as calls for such actions. A new Article 67-1 has been added to the text of the Constitution, the content of which brings to the constitutional level a number of problems discussed in Russian society. It stipulates that Russia is the legal successor of the Soviet Union on its territory, "The Russian Federation honours the memory of the defenders of the Fatherland and ensures the protection of historical truth. Deterioration of the significance of the feat of arms of the people in defending the Fatherland is not permitted" (Part 3 of Article 67-1). The content of part 2 of article 67-1 has ideological significance: "The Russian Federation, united by a thousand years of history, keeping the memory of ancestors who communicated to us their ideals and faith in God, as well as the continuity in the development of the Russian government, recognizes the historically established state unity. The same goal can be seen in the content of Part 4 of Article 67-1: "Children are the most important priority of state policy in Russia. The government shall create conditions conducive to the all-round spiritual, moral, intellectual and physical development of children and to fostering in them patriotism, citizenship and respect for elders. The government, ensuring the priority of family upbringing, assumes the responsibilities of parents with respect to children without parental care". This has resulted in legal constructions whose constitutional significance has yet to be understood.

No less significant for Russian citizens have been the norms concerning the social and economic rights of citizens, aimed at strengthening the guarantees of their protection by the government. Article 75 has been supplemented with three new sections, the content of which has a pronounced social orientation. They enshrine the constitutional obligation of the government to establish a "minimum wage not lower than the minimum subsistence level of the working population in the Russian Federation", the obligation to index pensions at least once a year and the obligation to guarantee compulsory social insurance and the indexation of social benefits. The need for targeted social support for citizens is highlighted.

The new Article 75-1 has a socio-economic orientation and is oriented towards a positive perception of the amendments. It reflects the norms on the need to create conditions "for sustainable economic growth of the country and improvement of the well-being of citizens", ensuring a balance of rights and obligations of citizens, proclaiming the need for social partnership, ensuring economic, political and social solidarity.

This approach, among other things, strengthened a large proportion of voters in their conclusion of support for constitutional amendments.

The group of amendments affecting the system of the government authorities is quite significant. In addition to the emergence of a new constitutional body (giving it constitutional status) which is the State Council, the amendments affected the relationship between them. The initiators of the amendments responded to the public demand to strengthen the role of the parliament and expand its oversight function. First, this means giving the State Duma new powers concerning the formation of the government of the Russian Federation. It has got the right to approve the candidacy of the chairman of the government presented by the President (previously, the Duma had to approve the candidacy presented by the President). The head of government retained the right to appoint him. The president cannot ignore the chamber's decision and is obliged to appoint the person approved by it.

The State Duma has the right to approve the composition of the Government (except for the heads of the power bloc). The Chairman of the Government submits nominations for Deputy Chairmen and Federal Ministers to the State Duma instead of the Head of State (previous version). Once approved by the chamber, the President appoints them. The Constitution includes a provision stating that the President cannot refuse to appoint these persons once the House of Parliament has approved them.

The President's right to dissolve the State Duma is retained. He can dissolve it if the Duma rejects a candidate for the position of Prime Minister three times. The novation is the replacement of an imperative requirement (he is obliged to dissolve and call new elections) with a dispositive rule (he can dissolve it but is not obliged to do so).

As we can see, the expectations related to granting the State Duma the right to participate in the formation of the Government are reflected in the Constitution, but it can hardly be called a fundamental change in the procedure for forming the supreme executive body. The President retained the right to participate in the selection of candidates for the Government, although this is not explicitly stated in the Basic Law. If the Head of State does not present candidates for ministerial positions to the House of Parliament, this does not mean that he is excluded from the process. It is difficult to imagine that the Chairman of the Government nominated and appointed by the President would form the highest executive body of the State without the participation of the Head of State.

However, it is important that the Duma is able to approve not only the Chair, but also members of the Government. Such an arrangement strengthens the role of parliament, and parliamentary parties are given the opportunity to publicly express their attitude to this or that candidate for public office. Still, it is premature to talk about the beginning of movement towards a parliamentary republic in

Russia, although we can observe some elements of parliamentarism in the Russian version, including a strengthening of the parliament's supervisory powers. The Constitution includes Article 103-1, which enshrines the concept of parliamentary control, which implies the existence of appropriate procedures, the implementation of which is defined by constitutional provisions, by the rules of the chambers and by federal laws. For example, the Federation Council has been given the right to hear the Prosecutor General's report on the state of law and order in the Russian Federation. The State Duma will hear the report of the Central Bank of Russia.

The adoption of the amendments has increased the President's influence on the formation of the most important bodies exercising compliance monitoring by the government and financial control. It is no longer the Federation Council that appoints the Prosecutor General, his deputies and the prosecutors of the constituent entities of the Russian Federation on the President's proposal, but the President after consultation with the Federation Council. The right of the President to participate in the formation of the Accounts Chamber of the Russian Federation has been enshrined at constitutional level. He submits candidates for appointment as Chairman and deputies, auditors of the Accounts Chamber to the State Duma and the Federation Council. The Head of State forms a newly created body, the State Council of the Russian Federation, whose status will be determined by federal law.

Major novations have been introduced in the Federation Council. A member of this Federal Assembly is now officially called a senator, the post of senator for life has been introduced, and the term of office of senators who are the representatives of the Russian Federation (except those appointed for life) has been set at six years. The number of senators appointed for life by the President may not exceed seven years, and the basis for such appointment must be "distinguished service to the country in the field of state and public activities". The position of senator for life is also foreseen for a president who has terminated his term of office due to expiry of his term or early resignation. A president removed from office by a decision of the Federation Council has no such privilege.

The amendment related to the possibility for the incumbent President to run for the post of Head of State in 2024 received the greatest resonance in political circles in Russia and abroad. The constitution was amended to limit the President's term of office to two terms (it used to be two consecutive terms, which did not preclude him from taking office again after a break). Such a limitation was to be expected, but the intrigue is that an exception was made for V.V. Putin. He is not subject to this requirement, as the rule applies only to future Heads of State. This constitutional rule opens up the possibility for a sitting president to run in elections in 2024. This decision makes it more difficult to find an answer to the question of Putin's successor, if the incumbent Head of State does not wish to run for president (position of senator for life and immunity is guaranteed to him).

Attention may also be drawn to the adjustment of the powers of the Constitutional Court of the Russian Federation. The extension of the right of citizens to appeal to the Constitutional Court of the Russian Federation should be considered positive. According to the previous version, a person could appeal only against the norms of the law. Updated version of Part 4 of Article 125 gives the right to appeal not only against the legal norms that violate the constitutional right of an individual, but also against the provisions of other legal acts (presidential decrees, acts of the Federal Assembly, acts of the Russian Government, acts of public authorities of the Russian Federation). The acts of the subjects of the Russian Federation (provisions of constitutions of republics, charters as well as laws and other normative acts of the subjects of the Russian Federation issued on the issues that fall within the competence of the public authorities of the Russian Federation and joint competence of the public authorities of the Russian Federation and the public authorities of the subjects of the Russian Federation) are also subject to appeal.

At the constitutional level, the right of the Constitutional Court of the Russian Federation to examine cases on "the possibility to enforce decisions of interstate bodies adopted on the basis of provisions of international treaties of the Russian Federation in their interpretation contradicting the Constitution of the Russian Federation, as well as on the possibility to enforce a decision of a foreign or international (interstate) court, foreign or international arbitration court (arbitration) imposing obligations on the Russian Federation, in case this decision contradicts the constitution, is enshrined. This right of the Constitutional Court was already enshrined at the level of a federal constitutional law, but now it is reflected in the Constitution.

The undoubted political implication can also be seen in the increasing influence of the President on the judiciary. The amendments provide for the possibility to terminate the powers of the presidents, deputy presidents and judges of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the cassation courts and the courts of appeal in case they commit an act "that dishonours or discredits a judge or in other cases provided for in the federal constitutional law and proving the impossibility of the judge to exercise his or her powers". Such a decision shall be taken by the Federation Council on the proposal of the President of the Russian Federation.

The enormity of the amendments to the Constitution justifies putting the proposed amendments to a national vote. The Law of the Russian Federation On Improving the Regulation of Certain Issues of the Organisation and Functioning of Public Power received the support of Russian citizens on July 1, 2020. A total of 67.97 per cent of eligible citizens participated in the nationwide vote. The amendments were approved by 77.92% of those who came to the polling stations; 21.27% were against the amendments to the Constitution. All the subjects of the Russian Federation supported the amendments, except for Nenets Autonomous District. However, the reason

for that vote was not an assessment of the changes that were being introduced, but rather the negative attitude of the population to the proposal of the heads of the regions (Nenets Autonomous District and Arkhangelsk Oblast) who had initiated the unification procedure for those subjects of the Russian Federation.

This is an impressive result when compared with the results of voting on December 12, 1993. For example, voter turnout in 1993 in Tatarstan was only about 15%[1]. The people of the Republic thus ignored the vote on the Constitution. In the Republic of Mordovia, 37.14% of those who came to the polls in 1993 voted for the Constitution, and in the Tyva Republic 31.21% voted for it. The result in the Tyva Republic in 2020: 92% turnout; 96.79% – for; 2.99% – against.

This result was not only the result of a well-structured step-by-step preparation of the amendment bill, its substantive content, the sentiments and expectations of citizens, but also the overall internal and external political environment. Voters chose stability. It is unlikely that most of them go into the content of constitutional constructions and their preferences are formed taking into account their historical experience (living conditions in the 90s), availability of alternatives to today's socio-economic development and trust in the country's leader.

The 2020 amendments solved a number of problems of a legal nature. However, at the same time, the process of their discussion made it possible to demonstrate the presence in society of a consolidated nucleus capable of upholding its national interests. This is a kind of assessment by the participants in the popular vote of the policy pursued by the current Head of State and the country's leadership as a whole. Despite the fair (in many people's minds) criticism of the decisions taken by the authorities at all levels, the preservation of the fundamental values (stability, certainty, security) proved to be a priority for the majority of voters.

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Information about the author

Aleksandr Maly (Kazan, Russia) – Doctor of Legal Science, Professor of the Kazan (Volga region) Federal University (18, Kremlyvskaya St., 420008, Kazan, Russia; e-mail: afm-10@mail.ru)

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