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# КОНСТИТУЦИОННОЕ ПРАВО И АДМИНИСТРАТИВНОЕ ПРАВО

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## CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

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### ПОЛИТИЧЕСКИЕ ПАРТИИ В РОССИЙСКОЙ ФЕДЕРАЦИИ: ОБЪЕКТ ИЛИ СУБЪЕКТ ОБЩЕСТВЕННОГО КОНТРОЛЯ?

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Анализируются место и роль политических партий в организации и функционировании института общественного контроля в России. Цель исследования – обоснование решения правовой дилеммы относительно статуса политических партий в Российской Федерации (объект либо субъект общественного контроля). В качестве объекта исследования выступают общественные отношения, связанные с организацией и функционированием института общественного контроля в России. Предмет исследования – нормы российского законодательства, регулирующие вопросы участия политических партий в организации и функционировании института общественного контроля. Автор статьи проводит анализ влияния политических партий на процессы организации и функционирования института общественного контроля в Российской Федерации. Обосновывается позиция, согласно которой политические партии выступают в роли объекта общественного контроля, поскольку основная цель их деятельности состоит в участии в процессах организации и осуществления публичной власти в стране; они наделены избирательным и законодательным правом по выдвижению своих кандидатов на различные выборные должности в органах публичной власти; они получают в России бюджетное финансирование; государственные и муниципальные служащие в Российской Федерации, как правило, являются членами той или иной политической партии; в период правления В. В. Путина в Российской Федерации наблюдается отсутствие равных условий для участия в процессах выборов политических партий, сопряженное с доминированием партии «Единая Россия»; политические партии можно отнести к категории организаций, имеющих отдельные публичные полномочия.

**Ключевые слова:** политические партии; Российская Федерация; общественный контроль; гражданское общество; объект; субъект; народовластие; конституционные принципы; глобализация; выборы.

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## POLITICAL PARTIES IN THE RUSSIAN FEDERATION: OBJECT OR SUBJECT OF PUBLIC CONTROL?

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This article is devoted to the analysis of the place and role of political parties in the organisation and functioning of the institute of public control in Russia. The purpose of the research is to substantiate the solution of the legal dilemma as to whether political parties in the Russian Federation are an object or a subject of public control. The object of the research is public relations associated with the organisation and functioning of the institute of public control in Russia. The subject of the research is the norms of Russian legislation governing the participation of political parties in the organisation and functioning of the institute of public control. The article analyses the influence of political parties on the processes of organisation and functioning of the institute of public control in the Russian Federation. The author substantiates the position that political parties act as objects of public control, since the main goal of their activities is to participate in the processes of organising and exercising public power in the country; they are endowed with electoral legislation with the rights of nominating their candidates for various elective positions in public authorities; they receive budgetary funding in Russia; state and municipal employees in the Russian Federation, as a rule, are the members of one or another political party; in the country during the reign of President V. V. Putin, there is a lack of equal conditions for participation in the election processes of political parties, coupled with the dominance of one political party («United Russia»); political parties can be classified as organisations endowed with separate public powers.

**Keywords:** political parties; the Russian Federation; public control; civil society; object; subject; democracy; constitutional principles; globalisation; elections.

### Introduction

The institute of public control in Russia has been widely studied in the works of E. Frolova and A. Alekseeva [1], V. Grib [2; 3], L. Grudtsyna [4], Yu. Dmitriev [5], J. Zalesny and V. Goncharov [6; 7], D. Mikhhev [8] and a number of other authors. These works are important for analysing of this institution of civil society impact on the constitutional principles of democracy implementation and citizens of the Russian Federation participation in the management of state

affairs, as well as their rights, freedoms and legitimate interests. However, the share of researches devoted to the analysis of the place and role of political parties in the organisation and functioning of the institution of public control seems insignificant. In this regard, the main purpose of this study is to substantiate the solution of the legal dilemma as to whether political parties in Russia are the object or the subject of public control.

### Main part

The Constitution of the Russian Federation of 1993 enshrined the provision that the multinational people of Russia is the only source of power and bearer of sovereignty in the country. At the same time, the population exercises its powers both directly (through the institutions of elections and referendums) and indirectly (through the activities of public authorities). However, the constitutional principles of democracy and the participation of citizens of the Russian Federation in the management of state affairs need a system of legal guarantees, without which there is a real threat of seizure of the powers delegated by the people, as well as their illegal appropriation by individual public authorities, as well as their officials. The most important place in the system of legal guarantees for the implementation and protection of the above constitutional principles is occupied by the institution of public control, which is regulated in detail in the Federal law of 21 July 2014 No. 212-ФЗ «On the foundations of public control

in the Russian federation» (hereinafter – Federal law of 21 July 2014 No. 212-ФЗ). The institution of public control has acquired particular relevance in connection with the growth of globalisation processes, as well as the COVID-19 pandemic [9–12].

This institution of civil society presupposes the implementation by subjects of public control of appropriate measures for the various objects of public control activities, primarily for the activities of public authorities, as well as their officials and bodies and organisations endowed with certain public powers. This will, according to some authors, ensure the preservation and development of Russian society and the state in the era of globalisation [13].

However, the organisation and implementation of public control in Russia are associated with problems of an objective and subjective nature, including the lack of consolidation in the current legislation of the concept «object of public control», as well as an

exhaustive list of them. The situation is aggravated by the fact that a huge list of objects of public control is removed from the jurisdiction of the aforementioned federal law (for example, the activities of courts, police, prosecutors) under the pretext that these objects of public control will be regulated by separate federal laws however, none of which has yet been adopted. In turn, a significant problem is the lack of consolidation in the Russian legislation of an exhaustive list of subjects of public control, as well as their features that allow them to be identified among other subjects of law.

In this regard, in relation to some subjects of Russian law, there is legal uncertainty regarding their place and role in the processes of organising and implementing the institution of public control. Among these subjects, one can single out, for example, Russian political parties, under which Federal law of 11 July 2001 No. 95-ФЗ «On political parties» (hereinafter – Federal law of 11 July 2001 No. 95-ФЗ) means a kind of «public associations created for the participation of citizens of the Russian Federation in the political life of society through the formation and expression of their political will, participation in public and political actions, in elections and referendums, as well as in order to represent the interests of citizens in government and local government bodies». At the same time, as noted by a number of authors, political parties are an essential element of Russian civil society [14; 15].

The following question arises: whether political parties in Russia are objects or subjects of public control?

Let's consider the arguments for and against the attribution of political parties to the category of subjects or objects of public control.

Thus, Federal law of 21 July 2014 No. 212-ФЗ, detailing in art. 3 the right of citizens to participate in the exercise of public control, enshrines the provision that citizens of the country can exercise their right to public control both personally and as part of public associations and other non-governmental non-profit organisations. At the same time, the latter can be the organisations of various forms of public control provided for by the current Russian legislation.

Political parties, as follows from the definition above, are a kind of public associations. In addition, art. 3 of the Federal law of 21 July 2014 No. 212-ФЗ does not fix any restrictions for participation in public control events of certain types of public associations.

However, a detailed analysis of art. 9 of the aforementioned law shows that the subjects of public control in Russia are conditionally divided into two groups.

The first group is directly listed in part 1 of art. 9 of this law. It includes the Public Chamber of Russian Federation, public chambers of the constituent entities of the Russian Federation, public chambers and councils of municipalities, public councils under federal executive, as well as regional executive and legislative (representative) authorities. The subjects of pub-

lic control included in this group are distinguished by the constant nature of their activities, have being formed for a long time, and work, as a rule, on the basis of normative legal acts on their creation and activities.

The second group of subjects of public control consists of temporary (situational) subjects. Some of them are established for a long time (for example, public oversight commissions, public inspections). Others, on the contrary, are formed exclusively situationally (in particular, groups of public control).

The legislator did not fix an exhaustive list of subjects of public control, pointing to another open type of their composition – other organisational structures of public control (which, probably, can be both permanent and situational in nature). At the same time, the concept of these other organisational structures of public control is not fixed in the law.

Of all the listed types of public control, political parties can be conditionally attributed only to other organisational structures of public control, and even then, due to the fact that the law does not define them.

However, an analysis of the Federal law of 11 July 2001 No. 95-ФЗ shows that none of its articles says anything about the possibility of political parties exercising public control. And Federal law of 21 July 2014 No. 212-ФЗ connects the possibility of organising and exercising public control with the presence of relevant provisions in the current legislation of the federal, regional level, as well as regulatory legal acts of local self-government bodies. Political parties in Russia can be created and operate only in the form of all-Russian parties and only on the basis of the federal law. Moreover, part 4 of art. 3 of the Federal law of 21 July 2014 No. 212-ФЗ connects the possibility of participation of public associations in the functioning of the public control institution only with the direct consolidation of this possibility in this federal law or other federal laws. Consequently, the participation of political parties in the organisation and implementation of public control should be provided exclusively at the level of the federal law (in particular, in the Federal law of 11 July 2001 No. 95-ФЗ), which we do not observe.

The following arguments can be given in favour of classifying political parties as objects of public control.

Firstly, art. 1 of the Federal law of 21 July 2014 No. 212-ФЗ provides for the possibility of exercising public control over the activities of bodies and organisations exercising certain public powers in accordance with federal laws. The following question arises: do political parties exercise any public powers? Obviously, they do. For example, in accordance with art. 26.3 of the Federal law of 11 July 2001 No. 95-ФЗ, political parties have the authority and are obligatory participants in the process of putting forward proposals by political parties for the position of a senior official of a constituent entity of the Russian Federation (head of the supreme executive body of state federation). One

of the purposes of the activities of political parties is, in accordance with part 4 of art. 3 of the above mentioned federal law, political education and upbringing of citizens. As rightly noted by a number of authors, in a number of countries, for example, the Republic of Kazakhstan, legislation provides for the exercise of public control over the public activities of political parties [16].

Secondly, in accordance with the legislation on elections and referendums, political parties are obligatory participants of the electoral process (for example, half of the State Duma members are elected only on the basis of lists of political parties). And art. 2 of the Federal law of 21 July 2014 No. 212-ФЗ classified public relations regulated by the legislation on elections and referendums as objects of public control, although it removed this object from the jurisdiction of this federal law, arguing that it was necessary to adopt a separate federal law on this question (which has not been adopted to date). Consequently, the activity of political parties to participate in elections in the Russian Federation at all levels (federal, regional, municipal) acts as an object of public control, and requires the adoption of a separate federal law. At the same time, as a number of authors rightly point out, not only the activities of political parties need public control, but also the documents they create that participate in the political process [17–19].

Thirdly, political parties in the Russian Federation enjoy state support measures. At the same time, political parties, for example, represented in the State Duma, or whose candidates participated in the elections of the President of the Russian Federation and were supported

by a certain number of voters, can also count on state funding from the federal budget on the basis of art. 33 of the Federal law of 11 July 2001 No. 95-ФЗ. However, as it is rightly noted by a number of authors, the allocated budget funds need not only state, but also public control, since they are taxpayers' money [20; 21].

Fourthly, due to the fact that a significant part of state and municipal employees, as well as elected officials of federal, regional and municipal government bodies in the Russian Federation are not only members of a political party (as a rule, «United Russia»), but are also its nominees, removing the activities of political parties from among the objects of public control would significantly complicate the organisation and implementation of public control over the activities of the above mentioned persons, since it is not possible to determine which of their actions were carried out within the framework of the governing decisions of the political parties in which they are, and which were carried out by them independently on an initiative basis.

Fifthly, during the presidency of V. V. Putin in the Russian Federation, there has been created a situation when, in practice, political parties do not enjoy equal rights, including state support. The political party «United Russia», which is identified with the activities of V. V. Putin, enjoys a clear priority in state support, dominating the political field, reminiscent of the political dictatorship of the Communist party of the Soviet Union. The lack of real public control over the activities of political parties (first of all «United Russia»), in fact, makes the activities of the entire system of executive power in Russia partly uncontrolled.

## Conclusion

After the analysis that has been carried out above the author can make the following conclusions.

1. Due to the fact that in Russian legislation there is no definition of such concept as an objects of public control and their list is not formalised, as well as an exhaustive list of subjects of public control is not enshrined, a legal conflict in terms of classifying political parties as subjects or objects of public control arises.

2. In the Russian educational and scientific literature, there is also no consensus regarding the place and role of political parties in the mechanism of organising and implementing the institute of public control in the Russian Federation.

3. It seems that the aforementioned legal conflict is resolved by classifying political parties as a variety of public control objects due to the fact that their activities are mainly devoted to participation in the formation and functioning of public authorities in Russia. For this they are empowered by law to nominate candidates for various elections, positions in public authorities, the work of members of political parties in them in the status of state and municipal employees, most of whom

are members of the political party «United Russia». This party dominates among other political parties in the Russian Federation, taking advantage of the lack of equal conditions for participation in election processes for other political parties. At the same time, parliamentary political parties in Russia receive budgetary funding in direct proportion to the number of votes cast by voters for these political parties in the last federal elections, and they can be classified as organisations endowed with separate public powers.

4. The categorisation of political parties as objects of public control requires a system of amendments to the current Russian legislation (both in terms of fixing the list of objects of public control, one of the varieties of which political parties will be identified, and in terms of developing a system of specific forms, methods and measures of public control in relation to the activities of political parties in Russia).

In particular, it should be done the following:

- fixing in the Federal law of 21 July 2014 No. 212-ФЗ of a clear definition of the concepts «objects of public control» and «subjects of public control», indicating their characteristic features, as well as securing an



exhaustive list of them, including in the list of objects of public control, the activities of political parties;

- indicating in the Federal law of 11 July 2001 No. 95-ФЗ that the activities of political parties related to the exercise of public powers, as well as the use of budgetary funding, are subject of public control;

- adopting a separate federal law on public control during elections and referendums in the Russian Federation, which should provide for specific forms, methods and measures of public control over the activities of political parties during the organisation and conduct

of elections and referendums in the country at the federal, regional and municipal levels;

- preparing an addition to the Federal law of 21 July 2014 No. 212-ФЗ, according to which the organisation and participation in public control is allowed for all types of public associations, except for political parties (which, by the way, are the only type of public associations that can nominate candidates in Russia for various elective positions in public authorities) due to the fact that the activities of political parties are directly related to the implementation of political power in the country.

### Библиографические ссылки

1. Алексеева А, Фролова Е. Развитие гражданского общества в Российской Федерации. *Новое поколение*. 2018; 15:3–8.

2. Гриб ВВ. Нормативное закрепление и научное видение системы объектов общественного контроля. *Юридическое образование и наука*. 2016;3:154–160.

3. Гриб ВВ. Актуальные проблемы формирования правовых основ общественного контроля. *Конституционное и муниципальное право*. 2014;12:32–37.

4. Грудцына ЛЮ. Общественная палата – это спектакль национального масштаба. *Адвокат*. 2006;5:79–87.

5. Дмитриев ЮА. Осуществление общественного контроля в России без участия гражданского общества. *Современное право*. 2014;8:43–44.

6. Zalesny J, Goncharov VV. View of the social concept of global constitutionalism on the legal system [Internet; cited 2022 January 3]. Available from: <https://www.abacademies.org/articles/View-of-the-social-concept-of-global-constitutionalism-on-the-legal-system-1544-0044-23-2-473.pdf>.

7. Zalesny J, Goncharov VV. Correlation of legal regulation and political violence in the social concept of global constitutionalism [Internet; cited 2022 January 3]. Available from: <https://www.abacademies.org/articles/Correlation-of-legal-regulation-and-political-violence-in-the-social-concept-of-global-constitutionalism-1544-0044-23-6-557.pdf>.

8. Михеев ДС. Обеспечение общественного контроля – ключевое направление в развитии принципа гласности местного самоуправления. *Lex Russica*. 2015;4:24–32.

9. Zalesny J, Goncharov VV, Savchenko M. Model of the evolution of social development in the philosophy of global constitutionalism. *Wisdom*. 2019;13(2):51–61. DOI: 10.24234/wisdom.v13i2.277.

10. Sakhbieva A, Goncharov V, Zatsarinnaya E, Gordeeva D, Kalyakina I, Ignatyeva O. Some global economic realities and environmental impact in the context of the pandemic: causes and trends [Internet; cited 2022 January 3]. Available from: [https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf\\_uesf2021\\_06054.pdf](https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf_uesf2021_06054.pdf).

11. Goncharov V, Zalesny J, Balashenko S, Vasilevich G, Pukhov A. On the importance of philosophical principles to the social concept of global constitutionalism. *Wisdom*. 2020;16(3):78–90. DOI: 10.24234/wisdom.v16i3.332.

12. Goncharov V, Zalesny J, Balashenko S, Vasilevich G, Pukhov A. The place of a person in the ontological principles of global constitutionalism. *Wisdom*. 2020;15(2):93–106. DOI: 10.24234/wisdom.v15i2.333.

13. Moros E, Goncharov V. Modern dangers in the development of the Russian education system and ways to overcome them: socio-philosophical analysis. *Wisdom*. 2020;15(2):114–128.

14. Кольсариева НС. Политические партии как ключевой элемент гражданского общества. *Актуальные проблемы гуманитарных и естественных наук*. 2016;2–4:178–181.

15. Аверкина СГ, Ермаков ДН. Политические партии в формировании гражданского общества России. *Образование и право*. 2020;6:27–33. DOI: 10.24411/2076-1503-2020-10503.

16. Еремекбаева ЖК. Общественный контроль за деятельностью политических партий в Республике Казахстан. *Вестник Евразийского национального университета им. Л. Н. Гумилева. Серия: Политические науки. Регионоведение. Востоковедение. Тюркология*. 2020;1:107–116.

17. Чистякова ЕВ, Яковлев ИВ. Гражданский контроль в программных документах и публичном дискурсе политических партий. *Известия Саратовского университета. Новая серия. Серия: Социология. Политология*. 2017;17(3):341–344.

18. Долгих ФИ. Общественный контроль за деятельностью политических партий – к постановке вопроса. *Проблемы в российском законодательстве*. 2016;26:13–18.

19. Zelenko VI. Political parties and civil society in the Russian Federation (some political and legal aspects). *Law and Politics*. 2003;3:41–58.

20. Долгих ФИ. Общественный контроль за финансовой деятельностью политических партий. *Проблемы экономики и юридической практики*. 2017;1:84–88.

21. Goncharov V, Mikhaleva T, Vasilevich G, Balashenko S, Zalesny J, Pukhov A. Development of state ideology as a basis for improving the executive power [Internet; cited 2022 January 3]. Available from: [https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf\\_uesf2021\\_05031.pdf](https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf_uesf2021_05031.pdf).

### References

1. Alekseeva A, Frolova E. [Development of civil society in the Russian Federation]. *Novoe pokolenie*. 2018;15:3–8. Russian.

2. Grib VV. [Normative consolidation and scientific vision of the system of objects of public control]. *Yuridicheskoe obrazovanie i nauka*. 2016;3:154–160. Russian.

3. Grib VV. [Actual problems of formation of legal bases of public control]. *Konstitutsionnoe i munitsipal'noe pravo*. 2014;12:32–37. Russian.
4. Grudtsyna LYu. [The Public Chamber is a national-scale performance]. *Advokat*. 2006;5:79–87. Russian.
5. Dmitriev YuA. [Implementation of social control in Russia without the participation of civil society]. *Sovremennoe pravo*. 2014;8:43–44. Russian.
6. Zalesny J, Goncharov VV. View of the social concept of global constitutionalism on the legal system [Internet; cited 2022 January 3]. Available from: <https://www.abacademies.org/articles/View-of-the-social-concept-of-global-constitutionalism-on-the-legal-system-1544-0044-23-2-473.pdf>.
7. Zalesny J, Goncharov VV. Correlation of legal regulation and political violence in the social concept of global constitutionalism [Internet; cited 2022 January 3]. Available from: <https://www.abacademies.org/articles/Correlation-of-legal-regulation-and-political-violence-in-the-social-concept-of-global-constitutionalism-1544-0044-23-6-557.pdf>.
8. Mikheev DS. [Ensuring public control is a key direction in the development of the principle of transparency of local self-government]. *Lex Russica*. 2015;4:24–32. Russian.
9. Zalesny J, Goncharov VV, Savchenko M. Model of the evolution of social development in the philosophy of global constitutionalism. *Wisdom*. 2019;13(2):51–61. DOI: 10.24234/wisdom.v13i2.277.
10. Sakhbieva A, Goncharov V, Zatsarinnaya E, Gordeeva D, Kalyakina I, Ignatyeva O. Some global economic realities and environmental impact in the context of the pandemic: causes and trends [Internet; cited 2022 January 3]. Available from: [https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf\\_uesf2021\\_06054.pdf](https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf_uesf2021_06054.pdf).
11. Goncharov V, Zalesny J, Balashenko S, Vasilevich G, Pukhov A. On the importance of philosophical principles to the social concept of global constitutionalism. *Wisdom*. 2020;16(3):78–90. DOI: 10.24234/wisdom.v16i3.332.
12. Goncharov V, Zalesny J, Balashenko S, Vasilevich G, Pukhov A. The place of a person in the ontological principles of global constitutionalism. *Wisdom*. 2020;15(2):93–106. DOI: 10.24234/wisdom.v15i2.333.
13. Moros E, Goncharov V. Modern dangers in the development of the Russian education system and ways to overcome them: socio-philosophical analysis. *Wisdom*. 2020;15(2):114–128.
14. Kol'sarieva NS. [Political parties as a key element of civil society]. *Aktual'nye problemy gumanitarnykh i estestvennykh nauk*. 2016;2–4:178–181. Russian.
15. Averkina SG, Ermakov DN. Political parties in the formation of Russian civil society. *Obrazovanie i pravo*. 2020;6:27–33. Russian. DOI: 10.24411/2076-1503-2020-10503.
16. Yermekbayeva ZK. Public control over the activities of political parties in the Republic of Kazakhstan. *Bulletin of the L. N. Gumilyov Eurasian National University. Series: Political Sciences. Regional Studies. Oriental Studies. Turkology*. 2020;1:107–116. Russian.
17. Chistyakova, EV, Yakovlev IV. Civil control in policy documents and public discourse of political parties. *Izvestiya of Saratov University. A New Series. Series: Sociology. Politology*. 2017;17(3):341–344. Russian.
18. Dolgikh FI. Public control over the activities of political parties – to raise the issue. *Gaps in Russian Legislation*. 2016;26:13–18. Russian.
19. Zelenko VI. Political parties and civil society in the Russian Federation (some political and legal aspects). *Law and Politics*. 2003;3:41–58.
20. Dolgikh FI. Public control over the financial activities of political parties. *Economic Problems and Legal Practice*. 2017;1:84–88. Russian.
21. Goncharov V, Mikhaleva T, Vasilevich G, Balashenko S, Zalesny J, Pukhov A. Development of state ideology as a basis for improving the executive power [Internet; cited 2022 January 3]. Available from: [https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf\\_uesf2021\\_05031.pdf](https://www.e3s-conferences.org/articles/e3sconf/pdf/2021/34/e3sconf_uesf2021_05031.pdf).

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