
Institutional Design of Responsibility of Russian Governors

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Abstract

In this scientific article, the authors analyzed current trends in the development of legal and political responsibility of Russian governors. Throughout the fall of 2021, the State Duma of the Russian Federation is considering a draft law "On general principles of organizing public authority in the regions of the Russian Federation." With this law, it is planned to introduce such legal instruments of influence that were not previously characteristic of Russian political practice. The authors conclude that the new gradation of sanctions for regional chapters is built on the system of political and legal traditions that have developed over the last decade of the development of federal relations. At the present stage (2012-2021), the political responsibility of the governors has several options. It can be accompanied by criminal liability or the provision of a kind of "immunity" from criminal prosecution. At the same time, the following are not used in political practice: expression of distrust to the governor by the regional parliament and recall by voters.

Key words: the President of the Russian Federation; the governor; constitutional responsibility; political responsibility; resignation.

1. INTRODUCTION

The responsibility of governors in the Russian Federation is a dynamically developing institution. Over the past two decades, it has undergone fundamental changes. Throughout the 1990s. formed the legal basis for sanctions for governors. Then there was the abolition of direct gubernatorial elections and their natural return. This institutional design "in the Russian way" predetermined a system of measures to influence regional leaders. For example, in 2012, voter recall of governors was introduced into Russian legislation. Also, the grounds for resignation were expanded (mainly by specifying the term "loss of confidence" by the President of the Russian Federation).

During 2012-2016, new preconditions for the termination of governor's powers appeared in Russian legislation:

- availability of funds in foreign banks;
- use of foreign funding during gubernatorial elections;
- failure to fulfill the orders of the federal center, if any powers were delegated to the governor from Moscow.

2. METHODS

The authors used a predominantly system-functional methodological approach. As a result, we have established several scientific directions in understanding political responsibility.

For several decades, a formal legal approach prevailed in political science (Knysh, 2017). However, today the responsibility of governors takes on a broader meaning. Such responsibility can be expressed in a wide variety of negative consequences that arise from violators of the political order (Vikhlyeva & Naumkina, 2011; Agaponov, 2004).

If the governor has violated political norms, then his responsibility takes on special features (Strizhova, 2012). Therefore, in modern political science, criteria are formed, thanks to which it is possible to distinguish between political responsibility and legal responsibility (Musienko, 2007; Sherov, 2013).

The first scientific approach understands political responsibility as constitutionally established measures of influence on the actor of public policy (Brady, 1999). This allows many researchers to equate the constitutional

and legal responsibility of governors with political pressure on them. So imposing sanctions on a regional leader provided for by laws is considered a political responsibility.

The second approach to determining political responsibility comes down to a set of administrative and disciplinary measures for the actor of public policy (Peacock, 2004). Such sanctions are allowed only at the official state level. Therefore, they have open (public) forms. For example, the deprivation of the governor of certain powers or their significant limitation occurs for an offense. In particular, the prohibition of the governor to be re-elected from the ruling party is, as some authors note, a case of political responsibility (Berlyavsky & Taraban, 2012).

The third methodological approach defines political responsibility as a complex institution, because it combines various measures of negative impact on governors in order to achieve a certain political loyalty (May, 1989; Dunn, 1992). According to the new draft Russian law of 2021, the governors can be subject to measures of legal responsibility, including disciplinary and financial sanctions, as well as certain sanctions not enshrined in laws (Tsakatika, 2004). The latter can be expressed in the refusal of other officials to provide information to the governor, ignoring his requests, refusal to receive personal appointments, open criticism in the state media.

3. RESULTS AND DISCUSSION

The political and legal literature is dominated by the idea that bringing a representative of power to any kind of responsibility can influence his political activities (Schiff, 2017). Moreover, such exposure can significantly hinder political and bureaucratic careers. Therefore, both the deprivation of governor's powers and the restriction of governor's rights express the essence of political responsibility. This is confirmed by examples from Russian political practice.

The resignation of the Governor of the Yaroslavl Region Sergei Vakhrukov in 2012 formally took place on the basis of his resignation letter. The rumor was actively circulated in the media that in reality this was preceded by an unsatisfactory result of the regional elections. In particular, in the parliamentary elections to the State Duma in 2011, the Yaroslavl region showed the lowest result of the United Russia party (only 29% of the vote). The subsequent elections of the mayor of Yaroslavl ended in the loss of the governor's candidate. Dmitry Medvedev, who was at that time the President of Russia, critically assessed the political miscalculations of Governor Vakhrukov. His assessment was voiced at an official meeting with activists of the United Russia party.

For example, in 2005 the governor of the Koryak Autonomous Okrug Vladimir Loginov was stripped of his powers. The official justification was the so-called "loss of confidence" by the President of Russia. Vladimir Putin, commenting on this resignation, noted the unfavorable situation with heat supply in the region. Loginov was the culprit in this situation. His resignation was preceded by criminal cases against people associated with the governor of the Koryak Autonomous Okrug (today there is no such region in Russia, he became part of the Kamchatka Territory). Acting Vice Governor for Economics and Investments Mikhail Sokolovsky was accused of exceeding his authority when choosing a fuel supplier for regional companies. Corruption damage amounted to 54 million rubles and affected regional power plants. As a result, Sokolovsky was sentenced to three years in prison. At the same time, Loginov himself was not subject to criminal prosecution.

Similarly, the resignation of the mayor of Moscow Yuri Luzhkov took place in 2010. In Russia, Moscow is not only a municipal entity, but also a region - a subject of the federation. Then-Russian President Dmitry Medvedev expressed a "loss of confidence" after exposing media coverage of corruption around Luzhkov. In many ways, the public accusations concerned his wife's business. However, no criminal charges were brought against either the former mayor of Moscow or his wife.

Hence, we conclude that the "distrust" expressed in the decision of the President of Russia in a peculiar way fixes the fact of corruption in the activities of the governor. If such a decision does not entail criminal liability, this means a certain "immunity" from criminal prosecution for the ex-governor.

The previous law contained conflicting provisions on the procedural side of this issue. For example, the President of the Russian Federation did not have a legal obligation to justify his decision to resign the governor. But in fact, the President motivated such a resignation by certain circumstances. This practice will be legalized in the new law. This allows many experts to speculate about the true reasons for the responsibility of governors.

In this regard, we will give an example of the resignation of the Governor of the Novosibirsk Region, Vasily Yurchenko, in March 2014. At the time of the adoption of such a decision by President Vladimir Putin, the media and political circles of the Novosibirsk Region were building different versions. For example, some journalists have argued that Governor Yurchenko dismissed a relative of the President of the Russian Federation

from his position as an adviser in December 2013. According to another publication, the reason for the resignation was the low rating of the governor of the Novosibirsk region. In January 2014, Yurchenko was accused by the media of overseeing corruption schemes. After his resignation, on May 16, 2014, a criminal case was opened against him due to negligence. However, the next day, May 17, 2014, the regional prosecutor declared that the criminal case had been instituted unlawful due to "insufficient grounds". In 2015, Yurchenko again became a defendant in criminal cases in connection with the abuse of governor's powers. In 2017, he was sentenced to a suspended sentence of 3 years, but already in 2020 a Russian court awarded him compensation for illegal criminal prosecution.

The resignation of the Governor of the Bryansk Region Nikolai Denin in September 2014 is regarded by us as a result of a "conflict of interest". Denin's troubles began after a special report from an organization called the United Popular Front. The activists of this association presented to the President of the Russian Federation a negative assessment of Denin's work. In particular, the governor was found to have links with regional criminal circles. Also, the scandal was accompanied by illegal financing by the governor of his relatives' business objects at the expense of the regional budget. In 2015, after his resignation, Nikolai Denin was convicted by a court verdict. For abuse of office, the ex-governor was sentenced to four years in prison. But already in 2018, he was released from prison ahead of schedule for compensating the damage to the state.

4. SUMMARY

Parallel political processes developed simultaneously with the indicated legal tendencies. In the political practice of building federal relations in Russia, the emphasis is on financial measures of influence. They are partly regulated by laws and remain at the discretion of the highest officials of the state. So, if the governors violate political requirements, their region can be excluded from a certain state target program. The termination of funding means the actual deprivation of powers that Moscow delegates to the governor in a specific program area.

In Russia, political responsibility is applied selectively. In similar situations in Russian regions, the federal government reacts differently to the behavior of governors. In a number of examples, political responsibility becomes inevitable due to numerous violations of the governor's administration. The regional leader is responsible for the violations of his family members, as well as for the behavior of his subordinates, as they "cast a shadow" on his political image. A notable feature is the fact that public discontent rarely affects the resignation of a governor. Moreover, it can be used as a justification for the decisions of the President of Russia. In the Russian media, coverage of the resignations of governors is fragmentary and short-term.

In half of the cases, the responsibility of Russian governors is informal. This is expressed in the possibility of applying sanctions in the absence of apparent legal reasons for the deprivation of governor's powers. If the head of the region is dismissed because of a criminal case, then the conviction does not guarantee his true punishment. In Russian politics, it is not customary to challenge the actions of the President. Therefore, responsibility takes on a "shadow" character. It can be expressed in minimal information support, the development of rumors about the true reasons for the resignation of governors. Together, these factors create a negative image of regional leaders in Russia.

5. CONCLUSIONS

The political responsibility of Russian governors is an opportunity for a stronger ruling actor (President) to apply negative measures to the governor in order to deprive him of administrative and political resources.

The peculiarities of the application of program sanctions to Russian regions and their governors are associated with the absence of legal principles of such responsibility in the laws. Therefore, the measures of political influence began to acquire a selective character. They are entirely aimed at maintaining the vertical of central authority that has developed in the Russian Federation.

The unsatisfactory work of one entity (the governor and his administration) actually imposes financial sanctions on another collective entity (region). We believe that this extension of responsibility is contrary to key constitutional provisions. If such measures continue to develop in political practice, they will require their own legal confirmation.

However, in the draft law, which has been considered by the State Duma of the Russian Federation since October 2021, within the framework of the organization of public power in the constituent entities of the

federation, there are no norms to resolve this problem. Thus, programmatic and financial sanctions, expressing the political responsibility of the governors, continue to remain informal. At the same time, if this bill is successfully passed, new measures of responsibility will be introduced for governors: a reprimand, a temporary suspension. They will partially fill in the legal gaps associated with the presentation of criminal suspicion to certain Russian governors.

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