

OFFICIAL POLITICAL CONCEPTS AS ELEMENT OF THE NATIONAL SECURITY SYSTEM IN RUSSIA

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ABSTRACT

This paper poses the question of the role of official political concepts in ensuring the national security of Russia from the perspective of a sociological approach. Based on the materials of Russian political practice at the beginning of the XXI century, the authors describe the existence of official interpretations of constitutional principles that influence law-making and law enforcement activities in Russia. The focus is on such concepts as sovereign democracy, the power vertical, and the national leader. The paper gives a brief description of each of these concepts. Being specific cliches, these concepts reflect a certain state of constitutional justice of the Russian society in the post-transition period. It is concluded that these concepts play a significant role in the regulation of public relations; an attempt is made to describe the mechanisms of this influence. Attention is drawn to the fact that these concepts were developed by political actors associated with the state, but subsequently received wide support from participants in public relations. The authors conclude that there are specific historical reasons for the emergence of these concepts related to national security interests. It is noted that the adoption of official strategic planning documents, primarily the National Security Strategy of 2015, entailed the formalization of official political concepts.

Keywords: national security, Russian Federation national security strategy, sovereign democracy, power vertical, national leader, sociology of law, legal awareness.

1. INTRODUCTION

Within the framework of studying the problems of national security in line with jurisprudence, the problem of implementing legal norms is of considerable interest. In the process of translating the requirements of the law into practice, various distortions are possible and even inevitable, which can both harm the state of protection of interests concerning an individual, society and the state (for example, corruption) [1, p. 201], and vice versa, to be based on the interests of expediency, and contribute to reducing threats to national security. These distortions require a theoretical generalization of their empirical manifestations. The political sphere is an area in which interests and threats to national security together. In a civilized state, political relations are mediated by constitutional law. Due to the large number of norm-principles and norm-definitions in comparison with regulatory norms in the constitutional law, it is relatively easy to follow the dynamics of changes in the interpretation of certain provisions stated in the

Constitution of the Russian Federation in the process of their implementation in a specific political situation.

2. METHODS

One can feel the influence of political regulators, such as, for example, social political myths in the sphere of functioning of public power. Public consciousness in this area is also being formed under the pressure of the media. Political institutions, being regulated by the rule of law, acquire the character of legal institutions. Positive legal regulation makes it possible to clearly identify a political institution in the social system. However, overlapping layers where other social regulators are in force affect the perception of the meaning of the positive law norms, distorting or complementing their action [2, p.84]. Not being formally institutionalized, such layers exist in the public consciousness, which can be considered as legal awareness insofar as it reflects the institutions formulated in positive law. Based on the methodological principles of legal sociology, these complexes are of significant interest, which, together with abstract legal norms, actually regulate the behaviour of participants in public relations.

3. RESULTS AND DISCUSSION

At the moment, a number of researchers of the domestic political situation at the beginning of the XXI century distinguish such concepts as sovereign democracy [3, p. 616], the power vertical [4, p. 958], and national leader [5]. They create the background for the implementation of other particular concepts. Since sovereign democracy reflects a synthetic social phenomenon - the political and legal regime - it is so important for understanding the dynamics of the safe functioning of political institutions.

The authors of the sovereign democracy idea define its essence in different ways. So, according to the definition given by V. Yu. Surkov, the sovereign democracy is a way of political life in society, in which the authorities, their bodies and actions are elected, formed and directed exclusively by the Russian nation in all its diversity and integrity in order to achieve material well-being, freedom and justice by all citizens, social groups and peoples forming the Russian nation [6]. According to V.V. Ivanov, the sovereign-democratic regime is that, while developing democracy, at the same time defends its own independence and, accordingly, the independence of the state as much as it is appropriate and possible in the modern world [7, p. 127]. In this context, non-sovereign democracy is conceived as an element that allows Western states to control the political and social life in a democratized state. It is worth noting that sovereign democracy as a concept was developed by the ideologists of the All-Russian political party "Edinaya Rossiya (United Russia)", which refers us to another, less legally coloured concept of the "party of power". By its very nature, the view of democracy as sovereign is an ideologically loaded interpretation of the provisions from chapter I of 1993 Constitution of the Russian Federation. Part 1, Article 1 of the Constitution of the Russian Federation says that Russia is a democratic state, which means the democratic nature of its political regime. However, this norm does not contain any definitions of democracy; in this regard, the question of the content of the concept used is open. Part 1, Article 4 of the Constitution of the Russian Federation proclaims the sovereignty of the Russian Federation over its entire territory, which is traditionally interpreted as supremacy in matters of domestic policy and independence in relations with other states. Thus, it can

be argued that the sovereign democracy concept is one of the options for interpreting the concept of "democracy", which is crucial for the concept of "Russian Federation" in part 1, article 1 of the Constitution of the Russian Federation. Within the framework of this concept, democracy is closely linked to the fullness of power in relations with internal and external actors on the territory of a state, while the concepts of sovereignty and democracy receive more specific meaning than the text of the Constitution of the Russian Federation.

Since the sovereign democracy concept was proposed "from above" and was supported by state bodies and the media, the question arises: does the state and its closely related actors, in principle, have the right to propose certain interpretations of the Constitution? The ban on establishing any ideology as a state one is addressed primarily to the state, while the function of forming and supporting any ideology is immanent to any political party. Of course, the real status of "Edinaya Rossiya (United Russia)" as a "party of power" and its actual merging with the image of bureaucracy leaves its mark on the perception of the ideology of "sovereign democracy" as actually state one. However, the dominant positivist attitudes in the professional legal environment make it possible to assert legal compliance with the ban on establishing an official ideology. The sovereign democracy concept, being the heir to the feeling of struggle against foreign opponents, which is natural for Soviet legal consciousness, cannot be considered unconstitutional only because of its content.

Thus, the idea of sovereign democracy can be considered as the fruit of the extrajudicial influence of the Russian state on public constitutional justice through the associated political and media institutions. The mechanism of this effect is the legitimate specification of constitutional principles. The result of this impact is the formation of a normative interpretation of democracy as sovereign; and the normativity of such an interpretation is not based on the general nature of legal norms, but on the consensus recognized by the dumb millions. Such a normative interpretation has two main functions: it allows one to more accurately disclose definitions that use the term "democracy" and interpret regulatory rules that establish institutions that are considered manifestations of democracy, including rallies, associations, elections, etc. Thus, the legal nature of the sovereign democracy concept can be described as the constitutional legal norm-principle clarified by non-legal social regulators.

Like any norm-principle, the sovereign democracy concept does not have a direct regulatory influence, but it sets the necessary impetus in the development of the positive legal sphere, creates a value benchmark that puts Russia's sovereignty at a higher level in the value hierarchy than Western and international democratic institutions. This concept has found expression in positive legislation. For example, federal law No. 121-FZ dated July 20, 2012 "On Amending Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Profit Organizations Acting as a Foreign Agent", or in the amendment of the Federal Constitutional Law dated July 21, 1994 No. 1-FKZ "On the Constitutional Court of the Russian Federation". According to them, the Constitutional Court of the Russian Federation got the opportunity at the request of the federal executive body vested with competence in the field of protecting the interests of the Russian Federation, when considering in an interstate body for the protection of human rights and freedoms complaints filed against the Russian Federation on the basis of an international treaty concluded by the Russian Federation, to resolve the issue of the possibility of implementing the decision of the interstate body for the protection of human rights and freedoms.

The sovereign democracy concept, not contradicting constitutional values, develops constitutional provisions in accordance with the challenges of the time, and is the result of a certain public consensus, shaping the nature of political processes and reflecting the individual ideas inherent in the majority of the population of the Russian Federation. To some extent, the sovereign democracy concept is alternative to the Universalist concept of democracy as the right of peoples [8, p. 76].

The power vertical concept is another element that makes up the content of modern legal constitutional consciousness, and expresses the idea of the centralization principle priority over any options for power decentralization. The power vertical concept can be interpreted through the prism of interaction between the principle of separation of powers and a system of checks and balances. The latter system was reflected in the Constitution of the Russian Federation in 1993 within the framework of the first chapter and in the context of the adoption of the Constitution was conceived as a means of desovetisation, dismantling the Soviet system of "democratic centralism". However, the resulting model of decentralised governance caused a constitutional crisis at first, and then demonstrated its inefficiency in implementing the principles of a legal and social state. The request to formalise "order" as a more significant national security interest than the principle of separation of powers, being abstract to an average citizen, has been growing in society for a long time. It led to the need to rethink the Constitution of the Russian Federation. The power vertical began to be perceived as a rigid structure, in accordance with the logic of which construction the higher level bears full responsibility for the lower one to the bodies that occupy an even higher place in the hierarchy, and has the necessary resource in order to correct the errors of the lower body. At the level of positive law, the construction of the power vertical was reflected in the cancellation of the elections of the heads of the constituent entities of the Russian Federation [9, pp. 91-95] with their subsequent return, and in the formation of federal districts [10, pp. 17-19]. At the level of political practice, mass resignations of the unpopular heads of the constituent entities of the Russian Federation at their own request and in some time before the election, followed by the appointment of the acting head of the constituent entity by the President of the Russian Federation, are not uncommon. Such appointees have time to correct the mistakes of their predecessor, gain popularity and win the election. Such a phenomenon is inexplicable from the standpoint of political competition according to the market model; however, it fully fits into the logic of the power vertical.

Being the head of the state, the President can be considered as an institution of positive constitutional law. The Institute of National Leadership goes beyond the positive legal status of the President of the Russian Federation, giving it additional powers understood as universally recognized additional opportunities for conducting a policy.

The "national leader" is personally accountable to the nation and not by virtue of certain legal procedures - therefore, there are no restrictions imposed by law or based on the collective will of the majority. This triggered the emergence of new political procedures: the President's annual messages to the Federal Assembly (containing direct instructions on the most pressing issues of state life), teleconference with residents of different parts of the country, and the "big" final press conference in the Kremlin. Interestingly, the messages of the President of the Russian Federation to the Federal Assembly of the Russian Federation have de facto legal significance of the primary legislative initiative addressed primarily to the "party of power". This phenomenon can

be seen next in the field of legal consciousness, further strengthening the status of the head of state. As studies in the field of sociology of law have shown, at the turn of the century, the collective image of deputies raised doubts about their ability to lead the country, focused on the powers of the representative government only before the election, which created the conditions for strengthening the role of the President of the Russian Federation [11, pp. 120-123]. Results of referenda initiated by B.N. Yeltsin on confidence in the president created the necessary conditions on which the institution of a national leader was later built organically connected with the sovereign democracy concept as a state-political ideology and the power vertical as an instrument of state governance.

4. SUMMARY

From the point of view of constitutional legal ideology, when analysing concepts in the field of public authority, it was possible to find the ordering influence of the state regarding legal institutions, but realized outside the positive legal field. The results of such an impact can be considered the formulation of sovereign democracy, the power vertical and the national leadership concepts. By their nature, they specify constitutional norms that enshrine the principles of organization of the political regime. Despite criticizing these concepts from the standpoint of liberal discourse, their emergence should be considered legal due to the fact that the complexity of changing the Constitution of the Russian Federation should be compensated by the flexibility in interpreting its norms. These concepts were formed "from above" by political actors associated with the state, but were favourably accepted by the population, not least because they were a means of ensuring the state of protection of society and the state from internal and external threats. It is noteworthy that their emergence and spread dates back to the beginning of the 2000s, at a time when the national security was not expressed in a number of strategies and doctrines, as is the case now, but threats to national security existed. To some extent, the phenomena analysed in this paper can be considered as prerequisites for further strategic planning in the field of political security, which resulted in the National Security Strategy 2015.

5. CONCLUSIONS

The scientific development of the problems raised in this paper will help to better understand the mechanism for implementing legal norms in the presence of threats to national security. The interpretation of their content is influenced by a number of factors, and national security interests inevitably lead to certain official interpretations of the principles of law, which ideally should meet the expectations of the population. Sovereign democracy, the power vertical, and national leadership are not some absolute phenomena. By their nature, these regulatory complexes, consisting of the norm-principles of constitutional law and official interpretations determined by the political situation and provided with state influence, are specific tools for solving certain problems, in this case, centralization and ensuring the independence of the state. After the events of 2014, other concepts actualized, such as information security, sovereign Rунet, etc. There has been a trend toward formalizing official interpretations in documents expressing "official views". These circumstances add value to new empirical research in this area.

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