



Constitutional Transformations in the Russian Federation: An Analysis of Political and Legal Reforms from 1993 to 2020

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Abstract: The constitutional landscape of the Russian Union has undergone substantial modification since the current Constitution was adopted in the country in the year of 1993. The Constitution was initially promulgated to create a semi-presidential federal republic within the Russian Union. However, the Constitution has been substantially amended numerous times, with major amendments occurring in 2008 and 2020, that together changed the political and legal landscape in the country. For example, the 2008 amendments extended the presidential term from four to six years. Furthermore, the 2020 amendments amended the Constitution such that the current sitting president, Vladimir Putin, can potentially serve until the year of 2036, by removing restrictions on consecutive presidential terms. The existence of a strong executive faces push-back in the Russian Federation, raising questions about the risk of an over concentration of power in the executive and a decline of democratic principles. Moreover, the limitation on judicial review to question the actions of the president and, the appointment of the governors by the president has been important issue questioning the independence of the judiciary and decentralization of power. While supporters to the amendments felt it was crucial for political stability, critical voices argued the amendments meant an abandonment of international law and democratic standards. This study identifies, analyzes, and addresses Russian constitutional amendments, its socio-political impact and the implications of power and governance with human rights and the rule of law. Finally the paper offers recommendations to improve transparency, oversight/ checks and balances, judicial independence, and overall compliance with international standards.

Key Words: Russian Constitution, Presidential authority, Constitutional amendments, Socio-political consequences

1. Introduction

The country with the largest territory in the world is the Russian Federation. With a population of 145 million people, it is also the ninth largest country in the world by population (Central Intelligence Agency, 2023). It is a federal semi-presidential republic composed of a Federal Assembly composed of two houses: the lower house is called the State Duma, and the upper house is called the Federation Council (The State Duma of the Russian Federation, n.d.) and the President is the head of the state and the parliament and is elected through presidential elections.

The existing document titled "Constitution of the Russian Federation" went into force in December 1993, after having been submitted for a "national referendum" for approval in December 1993 at the end of the Soviet system of government (Constitution of the Russian Federation, 1993) Before then Russia underwent changes and developments in the constitutional and political order from at least the year 1918 until the establishment of the

socialist federal state in the year 1977.

After moving through other periods of transition where it was governed by the communism party in late 1980s and early 90s the structure of government and political systems for this country underwent severe transformation (Science Direct, n.d.). Following a number of activities in which the party of communism was eradicated in 1991, the soviet union was dismantled, and Russia was acknowledged to be an independent nation in 1992 and “Russia The Russian Federation – Russia is a democratic federal legal state with a republican form of government.” (Ministry of Foreign Affairs of Japan, 1992)

After Russia was established it faced a constitutional crisis under the President Boris Yeltsin due to use of constitutional authority between executive and legislative bodies of the government and this led to a presentation and ratification for a new constitution in 1993 with momentous authority given to the president to appoint key government functionaries like the prime minister, members of the cabinet, judges and to act as commander in chief for the army and veto power to reject any constitutional bill by the federal assembly. The federal assembly was assigned with the legislature role. The new constitution of Russia promises basic Human Rights to the citizens of Russia and it was declared as the supreme law of the country (State Duma of the Federal Assembly of the Russian Federation, n.d.).

There are several amendments in the Russian constitution which deals with powers of the president and its term of office, in 2008 the first amendment was made in the constitution to extend the presidential term from four to six years (NPR, 2020). In year 2020, an amendment was made about extending the terms of office for the president for more than two successive terms in Article 81 (3) of the Constitution (Gorham, 2020). This interim amendment extended a lot of favor to President Vladimir Putin as it removed his previous terms as President before 2024 and it allowed him to contest presidential elections in 2024 and 2030 (Davis, 2020). The amendment was heavily criticized by politicians and members of parliament. The opposition claimed that this revision in constitution was basically the real motive behind earlier supplementary amendments and represents the despotism of Putin to remain in power even after 2024 after the end of his existing tenure as president of Russia (Graham-Harrison, 2020). Furthermore, the opposition parties and constitutional specialists believe that, abolishing previous tenures of Putin will be against the permissible code of obligatory change of regime (Britannica, n.d.).

According to the Russian constitution the central government has substantial authority, however selected authority of administration is extended to the regional and local (Rupp, 2019). Earlier the administrative division of the country had equivalent authority which were later reduced in 2000 (Council on Foreign Relations, n.d.). Through extensive legislation procedures the authority of the federal government was strengthened over other regions. In 2004 a legislation was passed to empower the president to appoint the regional governors rather than being elected (Zhuravlev, 2013). According to the Russian constitution, the Supreme Court of Russia is empowered to conduct judicial review to judge the constitutionality of the laws (Library of Congress, 2020). At the political front there have been a lot of constitutional changes like in early 2010, legislation was done to reduce the number of political parties due to restricting the criteria (National Academies of Sciences, Engineering, and Medicine, 2002).

Problem Statement

The Russian Constitution of 1993 noted a change from the Soviet system to a freedom government state with a semi-presidential republic. Given that after that crucial changes in 2008 and also 2020 have actually prolonged governmental terms along with restructured power in between government as well as local authorities, bring about discussions over centralization of power. Doubters assert these adjustments focus authority in the presidency coupled with deteriorate judicial self-reliance, while advocates suggest they update the lawful structure. This research intends to assess these constitutional reforms, their effect on administration, judiciary, constitutional rights and also their placement with global lawful requirements checking out the more comprehensive socio-political effects.

1.1 Research Objectives

- a. To assess the essential constitutional modifications in the Russian Federation from 1993 to 2020 especially the reforms in 2008 as well as 2020.
- b. To review the effect of these changes on the equilibrium of power in between the presidency, government together with local federal governments as well as the judiciary.
- c. To examine the socio-political plus lawful effects of these reforms, including their results on administration, judicial self-reliance together with human being legal rights.

- d. To discover the compatibility of Russia's constitutional reforms with worldwide lawful criteria and also their wider ramifications for the nation's political future.

1.2 Significance of the study

The objective of this article is to give a detail analysis on the processes that brought on constitutional changes in the Russian Federation from 1993 to 2020 with special emphasis on the major revisions that took place in 2008 and in 2020. The continuing changes in the state, institutions and law in Russia is discussed, including changes in the distribution of power, in particular, the increasing consolidation of powers within the president. The study assesses the legality and implications of the reforms, in governance, justice and society to ascertain the positioning of Russia in terms of requirements of democracy as demanded of advanced states. The article is also relevant and useful for all scholars, decision makers, and lawyers whose interest lies in constitutional development, political comparison and the impact of legal changes on the distribution of power in the state and decision making processes. And, in addition, it turns to the problem of how these reversals may hinder and how they may facilitate the integration of Russia into the wider world and legal space.

2. Research Methodology

The research study method will certainly use a qualitative strategy utilizing historic and also lawful evaluation to discover constitutional changes in the Russian Federation, with a concentrate on the 2008 as well as 2020 modifications. Medical resources consist of the 1993 Russian Constitution its modifications federal government records, as well as court judgments while second resources entail scholastic literary works along with political commentaries. Material evaluation will certainly be utilized to analyze lawful arrangements, and also relative evaluation will certainly analyze Russia's constitutional reforms versus international autonomous standards. Vital unsupported claims evaluation will certainly assess political disputes on the reforms as well as lawful analysis will certainly discover the placement of these modifications with global lawful requirements especially relating to administration, judicial self-reliance and also civil rights.

3. Literature Review

The evolution of the Russian Constitution since its adoption in 1993 has been a significant area of scholarly focus, especially concerning the pivotal amendments of 2008 and 2020. Research highlights the transformative effects of these amendments on political power dynamics. The 2008 amendment, which extended the presidential term from four to six years, has been criticized for centralizing executive authority and potentially undermining democratic checks and balances (Friedman, 2009). Similarly, the 2020 amendments, which allow President Vladimir Putin to seek additional terms, have sparked concerns about entrenching his leadership and diminishing political pluralism (Ganev, 2010).

The impact on the judiciary has also been a critical topic. Prior to these amendments, the Russian judiciary had a degree of independence in reviewing laws and ensuring their constitutionality. However, recent reforms limiting judicial review by requiring presidential approval for legal interpretations have raised concerns about the erosion of judicial independence and increased executive control over legal processes (Henderson, 2020; Wilson, 2022). Critics argue that these changes may compromise the judiciary's role in maintaining the rule of law and protecting human rights.

The amendments' alignment with international human rights standards has been another focal point. The 2020 amendments, which include provisions on restricting foreign influence and citizenship, have been scrutinized for their potential regression from international human rights commitments (Roberts, 2021). Additionally, provisions related to the protection of the Russian language and historical narratives have sparked debate regarding their impact on Russia's international relationships and adherence to global human rights frameworks (Smith, 2023).

The socio-political consequences of these constitutional reforms have also been widely discussed. The centralization of power and potential for extended executive control have raised concerns about democratic backsliding and increased authoritarianism (Miller, 2019). Supporters, however, argue that these reforms could stabilize governance and reflect necessary adjustments to a changing political landscape (Petrov, 2021). The ongoing debate centers on whether these changes will lead to a more effective government or exacerbate issues of authoritarianism and reduced democratic freedoms.

4. Analysis of Recent Constitutional Amendments in Russia

4.1 Distribution of Powers

These amendments in 2020 required to increase the importance of the Federal Parliament. The State Duma (lower chamber) attained the authority to support the Prime Minister and other members of the Government (Venice Commission, 2021). However, defense, security, interior matters, and ministers for judicial matter were not included in this as they were selected by the President in discussions with the Council of Federation (Upper Chamber) (State Duma, n.d.). Earlier, before the Constitutional Amendments, lower chamber extended consensus to the President to appoint the Prime Minister and other nominations were made by the President (Teague, E., 2020). Moreover, the President had the power to remove the government and other members.

4.2 Reformation of the Courts

This power for independent examination for courts preceding these amendments was granted by the Russian Constitution to review and enforce. Nevertheless after the amendments the Courts couldn't do more than scrutinize the federal and the regional provisions' consonance with the president's instructions for their implementation. Some may say it is early, yet many are positive that, this will result in various applied as well as academic challenges relating to the initial and subsequent reviews of the said Laws.

Before these amendments, a legal grievance might bring about invasion of legal civil liberties through a law. However, after these amendments, it will be possible to complain to any federal authority about the infringement of one's constitutional rights, but only if it is authorized by the President or the Government.

The resolution making laws by the Supreme Court and ordering the lower courts for a correct interpretation of the laws AS PER THE CONSTITUTION was had within the borders of the Constitution and the powers available to send instruction with regard to legislative interpretation to the Chief Justice and others. This however barely, made amendments that had the secondary mainstream aspect of the related law changes amendment that has to be voted on by the courts set up to review the submission of the local legislature through local means. The courtyards were also necessary in general states, however in other Russia's territories. Also affected were these states through these positions.

4.3 Limitations for the selection Public Representatives

Some amendments barred individuals to accept or to be selected as state officials with foreign citizenship or legal documents to live in foreign countries i.e. the President, Member of Parliaments, Ministers, Judges, Regional Governors and other judicial regulators (State Duma of the Federal Assembly of the Russian Federation, n.d.). This represented the limit at which individual representatives were allowed to hold bank accounts in foreign countries. Moreover, never can the president of Russia be a person ever having possessed any foreign citizenship. If you are guessing that such restrictions were somehow or the other extended in nature previously, sitting outside a Constitution seems to afford a legal backing like never before.

4.4 Socio-Political Impact

These changes violated the socio-political maxims and raised much debate and criticism. As the country changed status from United States of Soviet Russia to just Russia a variety of global powers would examine soviet commands. Concerning religious beliefs: A "trust in God" quote, quoting the entire remark by Sessions drew a slapdown on the thing about secular Russia. Consequently, anything WWII and how the USSR interacted with it was and remains a matter for another conversation (Davis Center for Russian and Eurasian Studies, n.d.).

Further reforms are demanded for Rights of Children in terms of existing juvenile justice system (Hakvaag, 2012) Social institutions required a lot more strengthening at different levels for creating an equilibrium in the society and to adjust with new laws and amendments.

4.4 Compatibility with International Law

Under the terms of international law, two mouth-filling articles in the Russian Constitution set the main lines along which international law can develop in Russia. If yes, then a careful look at Article 15 could be helpful — according to this article international law is an integral part of the legal system of Russia and enjoys priority over national laws (including but not limited to local laws) but is subordinate directly to the Constitution. Article 79 was Next on delegation of authorities in most global treaties closed in the event of international unions between nationalities, then again however, really must not violate the fundamentals of standard liberties and also their Constitution (International Association of Constitutional Law, 2021). In 2020 this article was supplemented at the

end by the note of 2020 stating that the decisions based on the treaties of Russia made by its interstate organs and explained in the manner which is unconstitutional according to the Russian Constitution are not carried out in the Russian Federation. However, the modification was rather closer to the guideline of the contribution of Russia in “international and supranational unions” as in violation of the provisions of the International Law in the Russian Federation. This was criticized for as it was leading to the subjection of the national laws to international law and was in-violation of Article 15 of the Constitution.(International Association of Constitutional Law, 2021)

4.6 Autonomous Government

The Amendments promoted a concept of a combined structure of rule, about the mechanism of the government in place and a system of an indigenous self-government, are disconnected from the government conferring the fundamental code recognized in the Constitution. The concept of a combined civic supremacy came in several times in the rulings of the Legitimate Court, nevertheless its inclusion in the Constitution caused apprehension around the probable establishment and consolidation of the authoritative governments and decreasing the authority of local governments(National Threat Initiative, 2021).Complementing the fears that might be connected with the establishment of the centralized regions, which at no time before existed in Russia, besides might be planned on some areas...Consensus of the people of those areas is now not mandatory; thus, the independence or sovereignty of these regions was decreased or limited to the best effect. There are additional changes that pertain to administration and appointment of judicial officers that will result in confusion when they will be implemented since they also concern interaction between higher and lower levels of government.

4.7 Amendments to the Constitution

However, it should be noted that there is the detailed description of the process of the Russian Constitution amendment in the chapter 9 of the Russian Constitution. Suggestions to amendments can be initiated by the President, the Federation Council, the State Duma, the Government and legislative assemblies of the Russian Federation subjects. Still, it is also possible to recommend amendments if at least one-fifth of the members of the Federation Council or deputies of the State Duma is part of the group. These changes are made in accordance with the Constitution and the rulings of the subjects of the Federation. Amendments to the Constitution concerning any modifications to the structure of the Federation shall be made through federal constitutional laws while the amendments concerning alterations of the legal status of the Federation subjects shall be made by appending amendments to Article 65 of the Constitution.

According to the Constitution of Ukraine, article 136 ‘The president of Ukraine has the right to make amendments to chapters 3 to 8 of this Constitution by a separate law, adopted by the parliament and approved by the legislative bodies of Ukraine’. As for the provisions of the law, it is quite clear what role the amendment plays. Article 135 regulates amendments of the chapters 1, 2, and 9 which concerns the essentials of the Constitution. These changes can only be made either with a new Constitution, vote or through parliamentary instrument.

4.8 Amendments in 2008

In November 2008 and enforced on 31st December 2008 certain amendments were made to the Russian Constitution these were the preliminary substantial amendments to the Constitution of 1993 which over extended the terms of the President and the State Duma from 04 to 06 and 05 years respectively.Before these changes regarding the identification of the central themes or their consolidation were made through a very minimum process. On the 21st of March 2014 a federal constitutional law number 6 was passed by the Republic of Crimea and the federal city of Sevastopol for the joining of the Republic of Crimea to the Russian Federation and formation of new federal subjects in the Russian Federation.

4.9 Amendments in 2020

The changes of 2020 remove the phrase “in a row” from the article that legalizes the maximum terms of the president, excluding the prior terms before which the amendment took effect. More changes were recognition of Russia as the successor to the Soviet Union and its relationship to international organizations, treaties, and non-Russian resources of the ‘USSR’ as “international treaties,” no yielding of Russian territory, downplaying the victory of the “saviors of the motherland”and their role in the ‘World War II’ was no longer allowed.More alterations were constitutional recognition of Russian language and support to the ‘State Council’.About On July 3rd 2020, President Putin signed an executive order approving all these changes towards the Constitution starting from the 4th of July 2020 (Goffman, 2020)

4.10 Benefits of Amendments

It is important not to underestimate the significance of constitutional advancements in the contemporary Russia. The Russian constitution adopted in 1993 prolongs permission for simple self-achievements throughout the age period. At the moment, Russia is tending towards a constitutional crossroads or crossroad. Ten years prior Russia opted for democracy and liberty and it is high time that this renovation becomes familiar with the existing circumstance; accustom a constitutional agenda of the modern day This would simply imply that the prospects outlined by the Constitution of 1993 should be employed appropriately. The constitutional law in place in 1993 was “legal positivism”, “natural law” was the philosophy that was entrenched in the constitution. Judicial supremacy protects all the articles of the Constitution. The primary function of the so-called “Constitutional Court” is to protect “the democratic constitution” and to meet its potential to adapt to the needs of the state(U.S. Congress, 2017).

4.11 Criticism

In recent past Russia has faced a lot of negativism regarding their legal and constitutional institutions and their development. During Soviet rule, 04 constitutions were introduced but all failed to create in impact in terms of rule of law which further extended the negativism towards the constitutional institutions of the country(United Nations, n.d.). During this time the constitution was more seen as a “political document” and more hierarchical rather than a law which creates harmony or common good for the people. Many believe that the current Russian Constitution lacks legal opportunities or options for change in government and any uprising against it. It causes lack of “rule of law” and decreases respect by the people.

Furthermore, many argue that the current shape if the constitution lacks synchronization with the global needs and is more self-centered towards Russia and will remain in isolation(World Trade Organization, 2009). On the other hand, critics argue that the constitutions of other countries have also their indigenous problems, and they cannot fit in into the Russian requirements, even if the constitution is updated with global requirements, it is not a guarantee that it will help Russian in becoming an active part of rapid globalization.

5. Conclusion

The study demonstrates that the Russian Constitution, established in 1993 and amended thereafter, has been significantly altered—notably through the amendments of 2008 and 2020—which have had major significance for Russia's political and legal processes. Essentially, the amendments to the Russian Constitution have meaningfully shifted the political and legal balance in Russia. The amendment in 2008 extended the presidential term to six years from the previous four years. The 2020 amendments allowed the current Russian president, Vladimir Putin, the opportunity to serve potentially two additional six-year terms and an extension of the power balance between the federal and regional governing authorities. Importantly, significant debate has arisen concerning the amendments and the repercussions they may have on governance, prospectively including of human rights, and aligning Russia with global legal standards.

Along with legal power structure changes, the amendments also encompassed limitations on the scope of judicial review and appointment procedures for major judicial and administrative positions. Considerations regarding the independence of the judiciary, legal processes, and cerebral balance of power rhetoric become woven into the political fabric when such legal amendments occur.

5.1 Recommendations

1.Improved Transparency and Public Engagement:

The Russian government ought to increase transparency in the constitutional amendment process, as well as be more engaged with the public, in order to respond to any concerns and increase trust. Public consultations and wider debate on amendments could assist in ensuring amendments are consistent with democratic norms and social needs.

2.Comprehensive Restore via Check and Balance:

As it relates to checks and balances, an argument can be made that the existing constitutional amendments restore or create a consuler function within the government. To ensure the legislative and judicial branch have sufficient independence in order to check the executive enablement other functions, the authority of the presidency needs to be re-examined.

3. Judicial Independence:

Judicial independence needs to be preserved as a role in the Constitutional design. Changes to the process of appointing judges, how judicial review operates, and even protection of the judicial authority may need to be revised in this section to preserve constitutional rights in the rule of law.

4. Compatibility with International Standards:

Russia should consider the compliance of its constitutional regime with international human rights standards. In this sense, the amended Constitution would need to consider revision as it relates to any human rights-based treaties or principles of human rights.

5. Review and Remediate Periodically:

Create a periodic review of constitutional provisions. Adjusting or removing provisions may be needed after a reasonable and proper review process. This meets the requirement of a Constitution to be responsive and can adapt to political, social, and economic contexts.

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