Lecture No. 5. Constitutional Principles and the Separation of Powers

Outline:

1. **Russian Constitutionalism: Main Historical Stages**
2. **The Political System of Modern Russia: Development and Adoption of the 1993 Constitution of Russia**
3. **Political Alternatives to the 1991–1993 Reforms: Draft Constitutions**
4. **The Russian Political System After the 2020 Constitutional Amendments**

Opening Remarks

The political structure of any state is a complex set of institutions, procedures, and rules that ensure the functioning of the entire mechanism for developing and adopting authoritative decisions. However, state structure is certainly not limited to this alone.

It is necessary to account for the important role of subjective factors in the political process: values, attitudes, political process traditions, models for developing compromise options, and the formation of corresponding social movements that support state institutions and political structures.

A major role is played by the political elite factor: how leaders are nominated, how coalitions are formed to support and promote them, and what the main principles for selecting and recruiting such individuals are. The fundamental principles of the political structure are enshrined in the country's supreme law—the Constitution.

1. Russian Constitutionalism: Main Historical Stages

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- The supreme legal force of the state,
- One of the symbols of statehood,

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- An important element of society's political and legal culture.

h Therefore, society's attitude toward the Constitution characterizes its degree of maturity

e and the readiness of citizens to take a responsible approach to their rights and duties.

The emergence of a constitution occurred gradually in Russia. Attempts to limit the power

b of the autocrat were made repeatedly in Russian history. Thus, in the 18th century, upon the

a accession to the Russian throne of Duchess Anna Ioannovna of Courland (1730–1740), the

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"Verkhovniki"—representatives of the Supreme Privy Council—drafted the so-called Conditions, which significantly limited the monarch's power. A few weeks later, the Empress tore up these conditions and preserved the autocratic nature of power in Russia.

In the 18th century, the Russian nobility frequently turned to the idea of adopting a constitution. Approaches to changing Russian power and society were developed by N.I. Panin, A.A. Bezborodko, and A.R. Vorontsov; projects were created by scholars, writers, and publishers such as S.E. Desnitsky, D.I. Fonvizin, and N.I. Novikov.

Along with the projects of the Decembrists, ideas of moderate monarchical constitutionalism were developed during the reign of Alexander I. An example is the activity of a circle of people close to the Tsar who formed the Secret Committee: Count P. A. Stroganov, Prince V. P. Kochubey, Prince A. Czartoryski, and Count N. N. Novosiltsev.

The outstanding Russian statesman M.M. Speransky did a great deal for the establishment of the Russian Constitution. He authored works that became the basis for transformations of the Russian state throughout the 19th century: "On the Fundamental Laws of the State," "On the Gradual Improvement of the Public," "Note on the Structure of Judicial and Governmental Institutions in Russia," "Introduction to the Code of State Laws," "On the Creation of the State Council," and others.

In the second half of the 19th century, constitutional projects were developed in the works of Russian thinkers, writers, and statesmen. Among them were P.A. Valuev, Grand Duke Konstantin Nikolaevich, and statesman M.T. Loris-Melikov. Certain important elements of constitutionalism appeared in the political programs of the late 19th and early 20th centuries: the program of the "Zemstvo Union" and the draft constitution of the "Union of Liberation."

During the revolutionary events of the early 20th century, the constitutional foundations for limiting the monarchy were formed:

- The Manifesto on the Establishment of the State Duma of August 6, 1905,

- The Fundamental State Laws approved on April 23, 1906.

The political crisis of February 1917 led to the fall of the monarchy and the subsequent coup that marked the Bolsheviks' arrival to power.

The Soviet period of constitutionalism (1917–1991) is characterized by the formation of a new model of state power based on communist ideology, the consolidation of socialist values, and the construction of new Soviet statehood—the USSR in the form of a federation.

The development of Soviet constitutionalism took place in several stages:

- The first Soviet Constitution of the RSFSR (1918);

- The Constitution of the USSR (1923), adopted after the formation of the union state in December 1922;
- The Constitution of the RSFSR (1925);
- The Constitution of the USSR (1936);
- The Constitution of the RSFSR (1937);
- The Constitution of the USSR (1977);
- The Constitution of the RSFSR (1978).

In the late 1980s, a new stage began—the transition from Soviet state law to democratic institutions. This period lasted from 1989 to 1993 and was associated with political crisis, the dissolution of the USSR state, and the formation of new, independent states that chose different constitutional institutions for themselves.

In our country, this process was painful and accompanied by political conflicts that reflected the specifics of the country's development during the transition period. Among the main conflict fault lines that led to a serious confrontation between political elites were three:

- Contradictions regarding the strategy and tactics of economic reforms;
- The conflict between proponents of creating a new form of government oriented toward foreign experience and those who believed it was possible to use Soviet experience;
- The conflict associated with understanding the prospects for the development of Russian federalism and the interaction between the Center and the regions.

2. The Political System of Modern Russia: Development and Adoption of the 1993 Constitution of Russia

The political events in Russia in the early 1990s largely remain unstudied in the social sciences. Simplified approaches are still used to interpret the conflict between the Soviet and Russian leadership and the confrontation between the branches of power, reducing the entire diversity of political interests to a personal confrontation between leaders ("Gorbachev–Yeltsin," "Yeltsin–Khasbulatov") or a contradiction of ideological attitudes. However, these events decisively influenced the establishment of new Russian statehood, the choice of political course, and the formation of a new system of social relations.

The importance of the "early stage" of Russian constitutionalism is also determined by the fact that in the period of 1991–1993, a large-scale integration of new institutions, norms, and rules took place into the domestic legal system, ensuring Russia's integration into several international organizations: the Council of Europe, the WTO, and others.

Consolidating human and civil rights and freedoms in a separate chapter of the Constitution, along with fixing the foundations of the constitutional system that secured the main

principles of the country's legal and political development, were all results of the constitutional process of the early 1990s.

Therefore, the achievements of this process must be noted alongside the miscalculations that laid the foundation for the subsequent development of political conflicts.

The development of the draft Constitution of Russia was actively carried out within the Russian parliament starting in 1990. This work intensified after the dissolution of the USSR. On the basis of the December 1991 agreements between the presidents of the RSFSR, Ukraine, and Byelorussia (B. Yeltsin, L. Kravchuk, and S. Shushkevich) and the decisions of the Supreme Soviets of all three republics that ratified these agreements, the USSR was liquidated. The Commonwealth of Independent States (CIS) was created, and Russia officially became an independent sovereign state, a subject of international law, and the successor state to the USSR.

The creation of the CIS was intended to serve as a form of compensation to the peoples of the former USSR and act as a new form of union relations among republics that had become independent subjects of international relations. The document, later called the "Belovezha Accords," stated that based on the historical commonality of peoples and the ties between them, taking into account bilateral treaties, the striving for a democratic rule-of-law state, and the intention to develop relations based on mutual recognition and respect for state sovereignty, the parties agreed on the formation of the Commonwealth of Independent States.

One of the first changes in the constitutional history of Russia in 1991 was the appearance of a new name for the state—the Supreme Soviet declared the new designation for the RSFSR: the Russian Federation – Russia.

The question of the country's internal structure was acute. Many politicians spoke about the possibility of further disintegration of the post-Soviet space, and the danger of Russia's collapse as a unified state was noted. Therefore, an understanding of what federation meant in Russia, who its subjects were, and what their rights and relations with one another were was vital.

As a result, an approach took shape to build a federation based on a combination of national and territorial principles. On March 31, 1992, the Treaties of Federation were signed (at the insistence of the republics, they were referred to as sovereign republics).

The process of developing the new Constitution of the Russian Federation was intensive. In April 1992, the VI Congress of People's Deputies was convened. Since neither the country as a whole nor the deputies were ready to adopt a new Constitution, it was decided to approve the draft in principle and continue preparing the text.

The Constitution reflected the composition of the Russian Federation (its constituent entities). It was specified that changing the constitutional-legal status of entities, as well as their division or merger, could only be carried out on the basis of the expressed will of the majority of

voters. Changing the territory of an entity without its consent was impossible, requiring a local referendum to achieve such goals.

The post of President of Russia, which appeared in the political system in 1991, was included in the text of the Constitution and gradually strengthened. The Russian President, elected in a popular vote on June 12, 1991, held a symbolic advantage over the President of the USSR, who was elected by the Congress of People's Deputies.

In December 1992, the VII Congress of People's Deputies of Russia was convened. The Congress refused to extend the President's special powers, which had previously been granted to carry out economic reform.

Adopting a new Constitution under conditions of hostility between the head of state and parliament was impossible. Therefore, the VII Congress decided to edit the existing one. The main innovations concerned strengthening the position of the Supreme Soviet of the RF and the Congress of People's Deputies in relation to the head of state and the Government.

Thus, in 1991–1992, completely new social relations were consolidated, and the legal

- Consistent rejection of socialist ideology, abandonment of Soviet one-party rule, and a transition to political pluralism;
- Introduction of the principle of separation of powers instead of the supremacy of representative state bodies (Soviets) and their accountability over all other state organs;
- Rejection of the primacy of state property and the introduction of private property alongside a transition from a planned economy to economic freedom and competition;
- At the level of constitutional law and political practice, a course was set to move away from the defining role of the state and its heavy load of social tasks. According to many reform ideologists of the early 1990s, these obligations "corrupted" the ordinary citizen into a passive consumer; instead, the course encouraged maximum self-reliance using the opportunities created by the new socio-economic system;
- Establishment of a new institution for Russia—the President (head of state, highest official)—along with a constitutional review system and the creation of the Constitutional Court of the RF;
- Formation of the foundations for judicial independence—abolishing the accountability of courts to the Soviets, extending judicial terms initially to ten years and later making them life tenure, and introducing trial by jury.

3. Political Alternatives to the 1991–1993 Reforms: Draft Constitutions

The development of a new Constitution for Russia began in 1990 when the I Congress of People's Deputies of the RSFSR formed a Constitutional Commission headed by the Chairman of the Supreme Soviet of the RSFSR, B. N. Yeltsin, with R. I. Khasbulatov as his deputy and O. G. Rumyantsev as executive secretary.

Various political forces put forward their own draft constitutions. The most notable were those of the Russian Movement for Democratic Reforms (RDDR), the communist deputies' draft, and S. M. Shakhrai's group draft. Differences were significant—ranging from executive structure models to differing visions of territorial organization and local self-government.

Almost all projects, except for the communist draft, proposed introducing the post of President. The communists proposed a form of government where the role of head of state belonged to the Presidium of the Supreme Soviet.

The dispute between the two branches of power became a threat of broader conflict. Disagreeing with the reduction of his powers, the President appealed to the public, bypassing parliament. On December 10, 1992, he delivered an "Address to the Citizens of Russia," accusing the Supreme Soviet and the Congress of People's Deputies of obstructing reform and proposing a referendum. A decision was made to hold an all-Russian referendum on the fundamental provisions of a new Constitution, making the vote a tool for resolving the executive-legislative deadlock.

On March 20, 1993, the President announced in a televised address the introduction of a special governance regime, giving priority to presidential acts. In response, an emergency IX Congress of People's Deputies convened and passed a resolution "On the All-Russian Referendum of April 25, 1993."

The referendum questions were contradictory. While it did not resolve the underlying political and socio-economic issues, its results allowed the President to claim popular legitimacy over the Congress of People's Deputies, granting him carte blanche to continue reforms. An intensive media campaign played a key role, actively involving politicians, cultural figures, writers, and athletes to secure the preferred voting outcomes.

The President used this political victory to accelerate the drafting of a new Constitution. He presented his own draft, which significantly expanded executive authority. On May 12, 1993, Presidential Decree "On Measures to Complete the Preparation of the New Constitution of the Russian Federation" was signed.

The crisis deepened when, on September 21, 1993, the President issued Decree No. 1400 "On Phased Constitutional Reform in the Russian Federation," suspending the legislative, administrative, and oversight functions of the Congress of People's Deputies and the Supreme Soviet. The Russian parliament viewed this step as a direct violation of the existing Constitution.

In retaliation, the Supreme Soviet voted to terminate B. N. Yeltsin's presidential powers and transfer them to Vice President A. V. Rutskoy.

A peaceful outcome became impossible. Armed forces remained under Yeltsin's control, while deputies refused to leave the House of Soviets (White House). The building was blockaded by police and military units, with utility cuts and food blockades periodically enforced.

ctober 3–4, 1993:

- The blockade of the House of Soviets was broken by supporters, leading to clashes at the Moscow Mayor's Office and the Ostankino television center;
- Military force was deployed in Moscow, and the House of Soviets was shelled by tanks;
- R. I. Khasbulatov, A. V. Rutskoy, A. I. Lukyanov, and others were arrested and imprisoned in Lefortovo.

President Yeltsin concentrated full state authority in his hands, assuming complete regulatory powers over finances, budget, and state property. Following the removal of political opponents, final revisions to the draft Constitution were conducted exclusively within the Presidential Administration. By early November 1993, the draft was finalized and published in *Rossiyskaya Gazeta*.

A major media campaign advocated for its adoption, arguing that passing the text was necessary to prevent ongoing chaos and instability. On December 12, 1993, a national referendum was held alongside elections for the first State Duma and Council of Federation. Over 58 million voters participated (54.8% turnout). Of those who voted, 58.4% supported the Constitution, while 41.6% voted against.

4. The Russian Political System After the 2020 Constitutional Amendments

Under the 1993 Constitution, Russia's political system is structured as a mixed semi-presidential republic. The wave of modifications initiated by the President's January 2020 Address to the Federal Assembly marked the most extensive set of structural revisions in the post-Soviet era, expanding the constitutional text by a third.

Amendments affected numerous articles, including those governing the powers of the President, the State Duma, the Government, and other state bodies. While initially 22 articles were slated for revision, the second reading expanded the scope to 40 existing articles plus five new ones.

Regarding executive, legislative, and advisory powers, the amendments adjusted

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- A constitutional mandate requiring the State Duma to hear annual reports from the Central Bank;
- Formal constitutional recognition of the State Council, which the President forms "to ensure the coordinated functioning and interaction of public authority bodies."

While the status and practical capabilities of the State Council had previously raised legal questions, its inclusion provides a constitutional mechanism for coordinating state bodies.

Overall, the amendments did not substantially expand parliamentary powers, but presidential authority was visibly broadened. For example, the head of state can now dismiss the Prime Minister without dissolving the Government as a whole. The amendments also established lifetime immunity for former presidents, revocable only through an impeachment-style procedure.

A widely debated provision (often referred to as the "Tereshkova Amendment") reset presidential term limits, allowing the incumbent president to run for a fifth and sixth term.

In broader terms, the 2020 amendments aligned with an overall emphasis on national sovereignty, introducing principles such as:

- The inviolability of state territory;
- The formal role of Russian as the language of the "state-forming nation";
- Restrictions and prohibitions for individuals holding public office (e.g., regarding foreign citizenship or assets).

The Constitution also reflects the modern party system, which can be described as a multi-party system with a dominant "party of power." Although dozens of political parties exist, a small group consistently dominates national elections.

Party representation in the 8th State Duma (convoked in autumn 2021) is structured as follows:

- **United Russia (ER)** – Party Leader: D. A. Medvedev; Parliamentary Faction Leader: V. A. Vasilyev; Faction size: 324 deputies;
- **Communist Party of the Russian Federation (CPRF)** – Party Leader: G. A. Zyuganov; Faction size: 57 deputies;
- **A Just Russia – For Truth** – Party Leader: S. M. Mironov; Faction size: 28 deputies;
- **Liberal Democratic Party of Russia (LDPR)** – Party Leader: L. E. Slutsky; Faction size: 23 deputies;
- **New People** – Party Leader: A. G. Nechaev; Faction size: 15 deputies.

Russia's ongoing political and socio-economic development depends on maintaining constitutional stability and continuity. Over the past three decades, the political system has faced

significant challenges: global economic crises, international sanctions and frozen foreign assets, pandemic restrictions (2020–2021), supply chain disruptions, and broader geopolitical tensions.

Despite these factors, the domestic political system has maintained administrative control and structural resilience. Looking ahead, state policy remains oriented toward sovereign development grounded in historical continuity, culture, and domestic political stability.

1. What political alternatives were represented by the draft Constitutions of Russia in the early 1990s?
2. What was established in the "Belovezha Accords" of December 1991, and what was the political significance of this agreement?
3. How did the election procedures for the President of the USSR (1990) differ from those for the President of Russia (1991)?
4. What were the main contradictions between the President of Russia and the Supreme Soviet in 1992–1993?
5. What questions were put to the April 1993 referendum, and what was their political significance?