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STATE ADMINISTRATION OF THE ELECTORAL PROCESS IN RUSSIAN FEDERATION

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Abstract

The article analyzes the concept of state administration of the electoral process in the Russian Federation. Particular attention is paid primarily to state administration in general and, subsequently, the concept of state administration of the electoral process is formulated. The legal aspect of this phenomenon requires legal consolidation in the current legislation. The article focuses on the fact that state administration is carried out in the sociopolitical sphere. In particular, it is implemented within the framework of state administration of the electoral process. The author finds it possible to consolidate the concept of state administration of the electoral process in the scientific literature. The main contribution to the science of the study is that the findings can be taken into account as guidelines in lawmaking and law enforcement. The research results expand the body of scientific knowledge in the field of state administration in general and allow to formulate the concept of state administration of the electoral process, in particular.

Key Words

Electoral process – Election – Public administration – State administration – Public authority

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DR. I. G. CHISTOBORODOV

Introduction

There are various types of administration, but state administration can be recognized as one of the most complex and multifaceted processes. The totality of state agencies, agencies of state power such as the head of state and their administration, government, parliament, judicial institutions and their apparatuses as a whole play the role of a system of administration. All the components of this system are interconnected by complex functional relationships. They make politically significant decisions of national importance, binding on all, without exception, branches of public administration and citizens.

The system of administration, including state administration, has always been the subject of close attention of philosophers, sociologists, political scientists and economists. Attempts to create a theory of administration that could be used as a productive technology of power date back to ancient times. Confucius, Solon, Plato, Aristotle and Niccolo Machiavelli summarized the diverse practical experience of administration and developed a kind of code of the ruler. In their teachings, administration appears as a set of techniques, rules and methods that must be used in typical administrative situations. The task of the ruler is to solve a specific problem, based on the experience of predecessors. The productivity of this methodology and the possibility of its application are determined by the stability of the traditional society, the typicality of its problems and, respectively, the ways of their resolution.

However, already in modern times, as a response to an industrial challenge, Western Europe significantly transforms administrative theory. On this basis, classical management arose, the foundations of which were laid at the end of the 19th and beginning of the 20th centuries in the works of M. Weber¹, W. Duncan², F. Taylor³ and H. Fayol⁴. The latter has given the classic definition of management through an enumeration of its functions – to anticipate, plan, organize, manage, coordinate and control. Moreover, management was presented as a science of universal laws and principles of administration applicable in any field of activity.

In general, for most theories of state administration, up until the end of the 20th century, it was characteristic that the essence of administration and, respectively, the mechanism of administrative technologies could be represented in the form of a pyramid, which reflected the way roles were distributed in the system “domination – submission”. The administrative resource of the pyramid was power, the possession of which determined the specificity of the functions of all administrative structures. However, despite such significant interest of both Russian and foreign scientists in state administration issues, the objective foundations of the evolution of state administration in modern conditions are still not clearly defined. There is no clear answer to the question of how, in the era of informatization and intensification of the openness of national economies, state administration technology should change.

¹ M. Weber, *Izbrannoe. Obraz obshestva* (Moscow: Urist, 1994); M. Weber, *Khoziaistvo i obshestvo: ocherki ponimaushei sotsiologii. Obshnosti* (Moscow: Izdatelskii Dom Vysshei skoly ekonomiki, 2017) y M. Weber, *Politicheskie raboty, 1895-1919* (Moscow: Praksis, 2003).

² W. Duncan, *Osnovopolagaushie idei v menedzhmente. Uroki osnovopolozhnikov menedzhmenta i upravlencheskoi praktiki* (Moscow: Delo, 1996).

³ F. Taylor, *Printsipy nauchnogo menedzhmenta* (Moscow: Kontrolling, 1991).

⁴ H. Fayol; H. Emerson; F. Taylor & H. Ford, *Upravlenie – eto nauka i iskusstvo* (Moscow: Respublika, 1992) y H. Fayol, *Obshee i promyshlennoe* (Moscow: Tsentralnyi institute truda, 1923).

Methods

First of all, to achieve this goal, it is necessary to analyze the concept of state administration available in the scientific literature, to trace the approaches to state administration that change over time and the development of society and, using the analysis method, to formulate the concept of state administration of the electoral process.

Features of state administration in the Soviet period. At the same time, it is necessary to consider the features of state administration in the USSR and modern Russia separately, since there are special features of the formation of the concept of state administration in the specified period. Next, we will consider in more detail features of the formation of the concept of state administration in Russia.

In the USSR, social administration was ensured by the socialist state, executive and administrative agencies and public organizations. State administration was the totality of the targeted influences of state power agencies (in the broad sense, all state agencies), exerted by them within their competence on certain social systems and the entire social organism as a whole⁵.

In Soviet literature, it is noted that state administration is implemented under the leadership of the leading and directing forces of the Communist party by executive and administrative agencies.

In other words, state administration is defined as state activity, which is neither justice nor lawmaking. The classical definition for that period defines administration as the activity of the state or other entities of the state (public) authority, which is carried out outside the boundaries of lawmaking and justice⁶.

The strategic course towards the restructuring of the socioeconomic development of the USSR implied a comprehensive intensification of production and administration. The command and administrative methods of administration that took shape in practice, strict centralism, detailed regulation of the activities of state and public institutions, excessive swelling of the administrative apparatus, unjustified multistage organizational structures and bureaucracy clearly contradicted the interests of the development of socialist society.

The general direction and the main condition for the restructuring of state administration is its democratization. As noted by V. D. Malkov, "Naturally, in the modern period of profound transformations, the problems of democratization of public life, involving all sectors of the population in the administration of society's affairs and increasing the role of human potential in solving practical problems, have become the focus of attention"⁷.

⁵ G. A. Tumanov, "Ob osnovaniakh, soderzhanii i perspektivakh teorii gosudarstvennogo upravleniia", *Sovetskoe gosudarstvo i pravo* num 1 (1984): 24.

⁶ U. E. Avrutin, "K voprosy ob optimizatsii terminologii teorii gosudarstvennogo upravleniia i administrativnogo prava v kontekste ponimaniia effektivnogo, nadležhashego, razumnogo publichnogo upravleniia", *Zhurnal rossiiskogo prava* num 7 Vol: 235 (2016): 80-96.

⁷ V. D. Malkov, *Teoriia upravleniia v sfere pravookhranitelnoi deiatelnosti* (Moscow: Akademiia upravleniia MVD Rossii, 1990).

Results

In 1993, after the adoption of the Constitution of the Russian Federation based on the theory of separation of powers, the concept of executive power appeared. At the same time, the Constitution of the Russian Federation does not mention state administration and does not propose a synonym for this term. Nevertheless, state administration is a reality, without which no power can work. Therefore, state administration can be defined as a type of state activity, within the framework of which the power of all state agencies is practically realized.

That is why the constitutional separation of powers does not exclude but, on the contrary, suggests the need to improve state administration. The tendency to strengthen state administration, as L. L. Popov notes, is confirmed by the recently appeared normative decrees of the President of the Russian Federation entitled “On improving state administration...” in one area or another. This is a good signal for administrative officers and lawyers. There is a renaissance of state administration⁸.

It is important to emphasize that the situation in the Russian Federation in the early 1990s, namely the creation of a new democratic state with the adoption of the Constitution, which proclaimed the separation of powers, left its own imprint on the content of the concept of state administration. Of course, this circumstance forced various researchers to change approaches to this phenomenon, since the old Soviet form of state administration no longer existed. In this study, it is necessary to consider some definitions proposed by jurists who conducted research in modern conditions.

At the present stage, the theory of administrative law has developed two approaches to the definition of state administration, taking into account the aforementioned provisions.

State administration in the broad sense is the regulatory activity of the state as a whole (the activities of representative agencies of power, executive agencies of state power, prosecutor's office, court, etc.). State administration in the broad sense characterizes all activities of the state in terms of the organizing impact of special subjects of law on public relations. The functions of state administration (such as the selection, placement, certification of personnel, accounting and control, application of coercive and incentive measures, disciplinary action, forecasting, planning, financing, etc.) to one degree or another are carried out by many state agencies: court, prosecutor's office, representative agencies of public authority⁹.

State administration in the narrow sense is an administrative activity, that is, the activity of executive agencies of state power at the level of both the Russian Federation and its entities. In administrative law, the concept of state administration is considered in the narrow sense¹⁰.

⁸ L. L. Popov, *Renessans gosudarstvennogo upravleniia v Rossii. Izbrannoe* (Moscow: Norma, INFRA-M, 2015).

⁹ V. V. Leonova, *Voprosy sootnosheniia ispolnitelnoi vlasti s gosudarstvennoi sluzhboi, gosudarstvennym upravleniem v Rossii: aktualnye problemy Gosudarstvennaia politika: metodologiya, praktika, napravleniia sovershenstvovaniia: Materialy Mezhdunarodnoi nauchnoi konferentsii*. (Orel, Srednerusskii institut upravleniia – filial RANKHiGS, 2016): 132-135.

¹⁰ O. N. Gaponov; B. P. Zuev & V. P. Novikov, *Administrativnoe pravo. Administrativno-protsessualnoe pravo: kurs lektsii* (Bryansk: 2009).

A broad concept of state administration includes the most important organizational and legal categories, which appear in administrative relations¹¹:

Currently, the state administration system in most countries is undergoing major changes, which appear not only in the need to develop the conceptual foundations of state administration but also in changing of its forms, methods and technologies.

This is largely determined by the fact that the modern era can be defined as the stage of global historical creativity, the demolition of the old world order, its administrative structures and norms of control, the formation of organizations and administration of a new type.

In modern society, the role of established social structures and institutions, which in some cases can slow down the development of society and be a source of the social crisis, is qualitatively changing. Due to this, both administration theorists and practical administrative officers at various levels are trying to develop new administration techniques that are appropriate for the changing social reality, as well as methods that guarantee the effectiveness of administrative decisions.

In the post-industrial world, the situation has fundamentally changed. With the emergence of Internet technologies, a new reality arose, of a different dimension, which turned out to be beyond the control of previous methods. Information technology also constituted the material basis for the globalization of the economy, within which the previous methods of state administration of socioeconomic systems no longer worked. This led to the crisis of previous forms and methods of state administration and required not only the determination of the theoretical status of administration science but also the determination of the methodological capabilities of state administration theories to solve important practical problems.

Today, scientists operate with concepts “electronic state”, “electronic state administration”, “electronic government”. In addition, the term “digital economy” is currently used. All this speaks of new approaches to state administration using information technology. This circumstance forces, first, to determine new forms of interaction of subjects of state administration, second, to determine modern methods of influence on the administration object (society and citizens), and, third, to determine the effectiveness of the applied electronic forms and methods of state administration.

However, the development of new administration technologies currently faces the unresolved issues of theoretical and methodological nature. There is still no clear, universally valid understanding of the administrative decision-making process. There is no scientific theory of electronic state administration which could form the basis for making the right decisions.

The lack of a proper scientific and theoretical basis for the science of administration is especially acute today when under the influence of information and communication technologies a special sociocultural reality is formed, with its own logic and its own ways of controlling the conditions of behavior in this reality.

¹¹ V. S. Mokryj; L. D. Sapozhnikov & O. S. Semkina, Gosudarstvennoe i munitsipalnoe upravlenie: realizatsiia reform: Uchebnoe posobie (Moscow: 2011).

The new reality is closely connected with the globalization of the economy and politics and includes such new phenomena as the increasing role of transnational campaigns and global financial markets, the expansion of the liberalization and deregulation of the economy, the new role of supranational organizations in the regulation of processes. This and much more happening in modern society convincingly shows that many social problems today cannot be solved using the previous scientific methods.

Undoubtedly, the modern aspects of the applied electronic state administration are caused by objective necessity since society as a whole is undergoing a transformation stage. At this stage, not only in the scientific literature but also in doctrinal documents, it is spoken of the information society and the prospects for its development¹².

Discussion

Thus, taking into account modern technologies, it is necessary to improve state administration in various fields. According to researchers, the sociopolitical sphere is especially important. This should include issues of state administration of the electoral process. Undoubtedly, this area is also managed by the state using modern technologies.

States will very soon need a clear strategy that determines the number and methods of conducting political discussions in the virtual space. It will be necessary to create conditions for citizens to use feedback from state agencies on the Internet. In addition, it is necessary to learn how to analyze the ever-growing information flows coming from citizens through feedback and then adjust decisions based on new information¹³.

At the same time, it is important to emphasize that prominent jurists deal with issues of state administration of the electoral process. In their work "Democracy and the Electoral Process Administration: A Domestic Model"¹⁴, B. S. Ebzeev and V. E. Churov claim that the CEC of Russia (Central Election Commission of the Russian Federation) is the state agency organizing the preparation of elections and referenda. In addition, they note that the organization and preparation of elections is an independent sphere of state power activity and it is carried out not only by the CEC but also by other state agencies.

It should be noted that political scientists are successfully involved in issues of state administration of the electoral process. In particular, N. V. Grishin in his work "State Electoral Policy: Subject Area of a New Scientific Direction"¹⁵ considers aspects of state administration of the election process. He emphasizes that this scientific direction has special scientific, theoretical and practical significance. At the same time, he notes that the Russian Federation is clearly lagging behind foreign research centers in matters of electoral management. The researcher in his subsequent works uses the terms "electoral management" and "electoral bureaucratic administration", while clearly stating that the election process must be administrated within the framework of state policy.

¹² Decree of the President of the Russian Federation No. 203. "On the Strategy for the Development of the Information Society in the Russian Federation for 2017-2030", SZ RF: September 5, 2017. No. 20. Art. 2901.

¹³ E. M. Styrin. Elektronnaia demokratiia. Perspektivy razvitiia Rossii", Upravleniie megapolisom num 2 (2010): 80-92.

¹⁴ V. E. Churov & B. S. Ebzeev, "Demokratiia i upravlenie izbiratelnyim protsessom: otechestvennaia model", Zhurnal zarubezhnogo i sravnitel'nogo pravovedeniia num 3 (2011): 24-35.

¹⁵ N. V. Grishin, "Gosudarstvennaia elektoralnaia politika: predmetnaia oblast novogo nauchnogo napravleniia", Kaspiiskii region: politika, ekonomika, kultura num 3 Vol: 40 (2014): 071-083.

In this study, it is necessary to highlight the dissertation research of A. I. Verevkin “Political and Administrative Regime of Regulation of the Electoral Process in Modern Russia” for the degree of Candidate of Political Sciences. In his work, the scholar advocates that the political and administrative regime for regulating the electoral process is a combination of strategies and models of interaction between political factors, as well as state authorities, in the process of creating and changing institutions (electoral “rules of the game”)¹⁶.

Conclusions

Having examined all of the aforementioned definitions, we can confidently argue that state administration of the electoral process can be considered from a systemic point of view. In other words, there is a system of state administration of the electoral process. The subjects of state administration, in this case, are state agencies and the CEC of Russia among them. Citizens, participants in the electoral process, and public relations that develop between them during the implementation of the electoral rights are the objects of administration. Undoubtedly, at the present stage, electronic means of state administration are being increasingly used in this area, which provides stable direct and feedback connections. As the quintessence of the study, it is necessary to formulate our own definition of the concept “state administration of the electoral process”. *Thus, state administration of the electoral process can be defined as the targeted, legal, organizational, informational and administrative impact of state administration entities (using modern information and telecommunication technologies) on public relations that develop during the implementation of citizens’ electoral rights as part of the electoral process.*

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¹⁶ A. I. Verevkin, Politiko-administrativnyi rezhim regulirovaniia izbiratel'nogo protsessu v sovremennoi Rossii: avtoreferat diss kandidata politicheskikh nauk: 23. 00. 02 (St. Petersburg, 2013).

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