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The consolidation of putin's power through legal and political means: implications for identity construction

Elīna Vroblevska*, Toms Rātfelders**

*Rīga Stradiņš University, Latvia, elina.vroblevska@rsu.lv, ORCID: 0000-0003-0077-7648**University of Delaware, USA, tomsrat@udel.edu, ORCID: 0009-0003-6805-2253

Abstract

The sources of identity for the state are subjected to a constant process of change dependent upon, but not reduced to the aspect of who is creating the collective consciousness of the state's self-awareness at the specific point in time. This paper traces and analyses the legal and political changes made in Russia's legislature and governance model over the course of the past 20 years. This article argues that constitutional and legal changes have promoted and identify the president of Russia as a 'curator' of foreign policy—controlling the decisions made and the state identity that supplements them or enables them. As a result, it can be argued that although in the Russian political elite, several key agents can be identified as the ones shaping and influencing Russia's foreign policy and constructing its identity, President Vladimir Putin, from a legal and political perspective has the most legal power and authority and thus can be considered the main agent of Russia's identity construction.

Keywords

consolidation • constitution • identity • power • Putin • Russia

INTRODUCTION

The political, economic and development potential that the state possesses has made Russia and its policies one of the most researched and analysed topics of modern academia across a variety of disciplines. With the annexation of Crimea in 2014, and the subsequent intrusion in Ukraine in 2022, the questions of why was this possible and how could the world have seen it coming have been at the forefront of the global society.

Over the last two decades, the international society has witnessed Russia's strive for power by creating alternative conceptions of the international world order—an alternative to the Russian perceived dominance of the United States. One of the ways in which a state can reassert itself and distribute its ideas is by constructing its own self-perception or identity, which is articulated in discourse and consists of certain ideas that agents use for its construction. In the context of foreign policy, it is articulated by using ideas about a state's role and qualities in the international system in coherence with its foreign policy strategies and goals.

In a democratic state, there are typically multiple agents or groups that can be representative of the political ruling elite, the opposition, academia, organisations, the media, etc. and

be responsible for the construction of identity and be a part of foreign policy decision-making (Ferrari and Tafuro Ambrosetti, 2021). All these different types of agents can have similar, contrasting or opposite ideas about the state's self-perception in the international realm. This in turn leads to a dynamic foreign policy decision-making process, shaped by different ideas and identities of the state, categorised in alternative discourses. Also, although political leaders have key roles in creating ideas about the state, they are influenced by competing ideas. This research argues that in Russia, there is no possibility for alternative ideas to enter the construction process of the state identity or its foreign policy, except the ones promoted by the political elite and overseen by Putin himself, creating a vacuum of ideas.

From a theoretical perspective in identity construction, it is assumed that the agents that should be examined are the ones who have not only public exposure, but also the power to act on the articulated ideas. When analysing ideas that are used to construct Russia's identity in foreign policy, one immediately gravitates towards the ideas expressed by its long-time leader, President Putin, as the obvious choice. He is almost the sole embodiment and representation of Russia's foreign policy and identity. However, it is imperative to understand and reinforce this first-hand assumption by examining the legal and political basis, which has made him as such. Thus, this research strives to answer the question of what are the legal and political basis of decision-making in foreign policy and subsequently, identity

*Corresponding author: elina.vroblevska@rsu.lv

construction in Russia, focusing on the power accumulated in the hands of the president through legislative and political changes made in Russia from 2000 to 2022.

To create a comprehensive view of the decision-making process in foreign policy under the autocratic rule, which in fact is in place in Russia, reinforced by the power vertical, we must examine the potential that the foreign policy agents have to influence the political agenda. By carrying out document analysis and focusing on amendments made in Russia's legislation—the Constitution of the Russian Federation, the Federal Law and other pieces of legislature from 2000 to 2022, the consolidation of political power can be mapped out showing and highlighting the implications that the legislative changes have on the decision-making process in foreign policy and the power of agents as constructors of identity.

RESEARCH RESULTS AND DISCUSSION

Centralisation of power through constitutional change

Taking into consideration the executive nature of the presidency, which gives the decision-making power, including in foreign policy, to the president and his closest group of advisors, it is common that expressions like 'Putin's foreign policy' and 'Russia's foreign policy' are used interchangeably. The uncertainty that was experienced by Russia in the '90s due to economic crisis and lack of political stability made Putin to be a stabilising political presence even before his first presidency. This created a basis for structural governance reforms, whose purpose was the consolidation of power, by centralising the authority of the presidential institution, mainly through constitutional amendments, as the Constitution is the most formative piece of legislature determining the functioning of the above mentioned. Additionally, because it shapes and forms The Concept of Russia's Foreign Policy, along with federal laws and other normative documents (Ministerstvo inostrannyh del Rossijskoj Federacii, 2023), any changes in the Constitution, depending on their nature, can have significant implications on domestic and foreign policy realms—regarding the decision-making process and core strategies of policy. Through shaping core values and determining institutional and political responsibilities, the Constitution is a significant legislative tool that has been used to broaden the power of the president in relation to other institutions in the Russian Federation, which will be examined in subsequent parts of the paper.

The Constitution of the Russian Federation dates from 1993 (Konstitucija Rossijskoj Federacii, 2001) when it was adopted by a referendum. Until 2022, the Constitution has undergone multiple revisions and amendments, reflecting the evolving political, social and legal landscape in Russia.

During his first two presidential terms, Putin more than once emphasised the need to preserve it so as to not destabilise the political conjecture. From 2001 to 2007, Putin repeatedly stressed that '*revising the Constitution is a sure way to a crisis of power and state conflicts*' (Putin, 2001) and that '*it is the basis of successful development of the state*' (Putin, 2003) and of stability even going so far as to swearing not to change it (Putin, 2005). Therefore, all of the amendments made until 2008 were mainly to the Article 65 of the Constitution, regarding the renaming or joining of regions of the Russian Federation (Aleksjev, 2021).

After serving as the president of the Russian Federation for two consecutive terms, Putin was constitutionally prohibited to seek a third consecutive term as president in 2008. Thus, the presidency was assumed by Dmitriy Medvedev, with Putin acting as his prime minister. Although the presidency had gone on to Medvedev, Putin still retained significant influence both domestically and in foreign policy. During Medvedev's presidency, the Constitution was not formally amended but there was a *de facto* extension of Putin's rule via the changes proposed in 2008 by President Medvedev and later implemented in 2012, eliminating the constitutional obstacle for Putin from ever assuming presidency again. What initially was perceived as a set of changes that would strengthen the role of the Parliament (by prolonging its term from 4 to 5 years) and redistribute the power to lower profile institutions, turned out to be the opposite.

The most prominent changes proposed were in regards to the length of the presidency—strengthening the power vertical and the president's role in it. The presidency term was extended from 4 years to 6 years and thus reset the count of Putin's presidential terms (Aleksjev, 2021) marking the strive of the ruling elite to retain the stability of the created political system and secure the legacy of changes in political leadership. Political practice shows that the prolongation of presidency is a part of autocratic regime tendencies, which can be identified for example in a number of post-soviet states like Belarus, Kazakhstan and others. Since the changes came into effect only in 2012, when Medvedev's presidency was over, it can be perceived as a clear sign wherein the constitutional amendments were designed for Putin specifically and his retention of power (McGlynn, 2023: 59). In identity construction, these changes coincide with a more differentiated identity construction strategy employed by Putin himself—the growing and more sharpened critique of the West and a more specific role for Russia in the international system.

Other changes followed from 2012 to 2014 and enhanced the consolidation of Russia's judiciary system with the joining of two higher courts—the Supreme Court and the Arbitrary Court. Changes were also made to the higher chamber of the Parliament and its structure—the president was given

the power to appoint no >10% of the senators of the upper chamber of the Parliament, who would retain their positions permanently (Senators s pozhiznennym srokom, 2014). This lifetime position can be perceived as a comfortable solution made for long-time politicians who have lost their positions in state structures.

The latest constitutional changes were proposed in 2020 and include provisions regarding public power, the federal system and local municipalities, Russia's political institutions, Russian sovereignty, socioeconomic benefits and values, for example emphasising conservative social values, prioritising state law over international law and granting the Constitutional Court the authority to overrule decisions made by international organisations (Zakon RF o popravke k Konstitucii RF, 2020). These amendments were first proposed by Putin during his annual Address to the Federal Assembly in 2020 where he emphasised the need for change as a necessity for Russia's further development as a legal state, and for '*a greater balance between the branches of power*'. However, despite some new competencies for the Parliament, the general tendency of the amendments was to endow the president with even more power and control (Putin, 2020). After the mandatory three readings in the Duma, a bill to that effect was adopted by a near-unanimous vote in both houses of the Parliament on 11 March 2020, and after that also in regional parliaments. Although there is no constitutional requirement to do so, the amendments were put up for vote as Putin considered that the changes should be approved by the 'multinational people' (Putin, 2020) of the Russian Federation.

When first announced, the amendments were viewed as a retirement plan for Putin, after the end of his fourth presidency in 2024 (Baunov, 2017), as he repeatedly denied wanting to amend the Constitution to stay in power (Dettmer, 2020). In line with the constitutional changes made in 2008, a person can serve as the president of The Russian Federation for a maximum of two consecutive terms. Arguing for the need for stability, the deputy from the political party 'United Russia', Valentina Tereshkova, proposed to allow a person a total of two terms in office. Additionally, presidential terms held at or prior to the entry into force of the bill would not count towards the total, thus securing Putin's presidential position up until 2036 (McGlynn, 2023: 9), as he is most likely to once again win the elections in 2024.

During the third reading of State Duma, it became clear that the argument for political stability in an unstable world would be the main argument for constitutional change that ensured the continuation of Putin remaining in the presidential position. This is one of the many examples how Putin has used the perception of foreign threats not only to justify foreign policy decisions, but also to manipulate the domestic audience into accepting 'the necessary changes in the name of security' (McGlynn, 2023: 56). This manipulation is largely possible and

is therefore evidence of the policy and ideational control that Putin has in Russia.

When examining the power of the president as determined by the Constitution, the most significant article to pay attention to is Article 83 (Konstitucija Rossijskoj Federacii, stat'ja 83, 2020), in which the responsibilities and powers of the president are determined, including control over questions of foreign policy, defence and security. The president is in charge of appointing and dismissing the main state officials, including judges, leading and dismissing the Government, forming and determining the federal structure and leadership in it and is responsible for forming the main policy concepts. The president has also lifelong immunity, and former presidents will become members of the Federation Council for life as per the latest amendment in the Constitution. The constitutional changes have thus created the necessary circumstances for Putin to be able to determine the foreign policy of Russia for the past 25 years—*de facto* and *de jure*. With the growing of the presidential power as determined by the Constitution, the role and significance of other institutions that could provide political checks and balances to policy have been proportionally reduced. The president now holds authority over the Parliament, the State Duma, the Council of the Russian Federation, the Court, the State Council and other institutions by being able to appoint and dismiss their key representatives and oversee their day-to-day functions. With the consolidation of the court system and granting overriding power to state law, foreign influence has been minimised, in so undermining the judicial system and its adherence to international standards and law. The changes made to the Constitution have ensured the uninterrupted continuation not only of Putin's foreign policy strategy, but also ensured, over a prolonged period of time, the continuous development and construction of ideas that shape Russia's foreign policy identity.

Suppression of policy and opinion opposition

The Western modern understanding of the spirit of the law, which includes division of political powers amongst others is juxtaposed to the alternative understanding of the same in states that have alternative governance models (Daugulis and Bukovskis, 2021). The constitutional amendments of the past 15 years have secured the dominant role of the presidential institution over others, supporting the presidential system, in which the institutional influence of other actors is being stifled (Roberts, 2017). Under Putin's rule as one of the longest-standing leaders of Russia today, the state has experienced rapid positive changes in the first 6 years of his presidency (Derluguian, 2011) (from 2000 to 2006), where in contrast to the economic and political turmoil of the 90s when right after the collapse of the Soviet Union, Russia was subjected to growing organised crime, economic recession and political instability (McGlynn, 2023: 14), the state and society saw

economic stability, redistribution of power, reduction of poverty, containment of the oligarchy and other positive changes. However, these were enforced by the creation of governance structures, characterised by the accumulation of state and political power in the hands of the ruling elite, used both for the realisation of individual interests and long-term retainment of power (Derluguian, 2011). These changes promoted and enforced the shift of allegiances of many liberal politicians of the 90s who were previously supportive of the pro-western, democratic and liberal positioning of Russia in the international system and in liberal domestic reforms. Changes in multiple levels of institutional legislature in combination with political dominance of the president's party 'United Russia' have enforced the reduction of political space in decision-making and ideas in Russia.

Although Putin was reluctant to propose amendments to the Constitution during his first two presidential terms, he was much bolder in proposing changes on other levels of legislature, for example the federal law. Changes were made in the way regional governors assumed their position—no longer via direct elections but rather by the recommendation of the president himself. This proposition was made in light of the Beslan terrorist attack in 2004 and was based on a need to prevent the happening of such tragedies in the future. Additionally, the president was given the mandate to relieve governors of their responsibilities if they *'had lost the trust of the president of the Russian Federation by not fulfilling their duties or in other cases that are determined in the federal law'* (Federal'nyj zakon ot 11.12.2004 N 159-FZ, 2004). Since 2009, this system of appointment became even more constricted when only parties that had the majority vote in the local parliaments could recommend their candidates for governors' positions (Federal'nyj zakon ot 17.12.2009 N 319-FZ, 2009). This not only strengthened Putin's personal power as president and the state power vertical but also ensured and reinforced the political dominance in institutions of one particular political force—'United Russia'. Although in 2011, the more liberal Medvedev proposed the return to direct elections, the political power shift had already happened and the 'loosening of the reigns' could not undermine the existing political system.

Since 2003, the leading party in Russia has been the 'United Russia', securing and keeping the majority of seats in the State Duma elections (Historical Archive of Parliamentary Election Results), thus ensuring the legislative support for presidential initiatives and policies. With the amendments of the federal law, the State Duma, which is the lower house of the Russian parliament, was reduced in representation from 450 to 350 seats. The electoral system of the Duma was also modified—half of the deputies were elected from party lists under a proportional representation system while the other half were elected from single-member districts (Federal'nyj

zakon ot 17.12.2009 N 319-FZ, 2009). This change aimed to enhance the representation of political parties and potentially facilitate the dominance of 'United Russia' and marked a shift towards a more centralised form of governance with greater power concentrated in the hands of the presidency. These changes undermine democratic processes and limit political pluralism by weakening regional autonomy and reducing the diversity of voices in the legislative branch.

The changes in the federal law have had far-reaching implications and demonstrate the overall attitude towards the political opposition or any kind of political diversity and pluralism in Russia. Today, the state of the opposition in Russia is as weak as it has been in the past decades. Putin's view of the opposition in the Russian political system is based upon his interpretation of history, where the quality of leadership is measured not by ideology but by the attitude towards the Russian state and loyalty to it. For example, Lenin is considered as the one who destroyed the traditional Russia by importing foreign ideologies. Whereas his predecessors, the tsars of the Russian Empire are considered as the ones promoting the Russian state. In accordance with these views and the context of Russia's political system, Putin considers the opposition as something that is against the state and thus provoking a revolution, which could destroy it (Trenin, 2014). Thus, the only chance to be a part of the foreign policy decision-making process is to compromise and integrate into the existing power system or retract from the political arena. Although political parties are one of the key domestic players, in Russia, the potential strength of them is being repurposed to create the illusion of a democracy. The direct influence of political parties is being allowed on a needs-only basis, to emphasise anti-western sentiments and reassure the domestic public of the superpower status that Russia has (Gudkov, 2014).

In Russia's political regime, the decision-making in foreign policy in non-transparent, being made behind closed doors, and its political agenda is completely dependent upon the president's approval and initiative (Ferrari and Tafuro Ambrosetti, 2021). Although there is official room provided for discussion in Putin's administration, the majority of the decisions are being made by Putin himself in cooperation with a small group of advisors (Hill, 2016), considered the political elite and Putin's closest circle (for example Nikolay Patrushev, Sergej Shojgu, Sergej Lavrov and Igor' Sechin). Agents outside of the political elite and the reach of their ideas are few and in between and do not identify directly with the Kremlin, although support the official discourse.

The political opposition and party pluralism are not the only source of idea diversity in a state that can greatly influence the decision-making process in foreign policy. In a traditional democratic state, the significance of the non-governmental representation lies in its ability to provide

information and analysis on foreign policy topics. Russia's foreign policy analysis and consultation 'system' was created in the USSR in 1956. After the collapse of the Soviet Union, these organisations lost their state financing, and new research institutions were created in large due to initiatives from abroad, like the United States (Carnegie Centre) and Germany (Friedrich Adenauer Stiftung). However, since Putin became president, these organisations have been gradually reduced in their ability to exist in Russia. In 2012, Putin promulgated the first wording of the law 'On the control of actions of parties that are under foreign influence' (*Federal'nyj zakon ot 14.07.2012 N 255-FZ*, 2012) or 'foreign agents' law, by which all non-profit organisations that at any capacity are involved in politics or policy-making must identify as foreign agents if their financial support comes from foreign countries (Gosudarstvennaja Duma Federal'nogo Sobranija Rossijskoj Federacii, 2012). Since then, the law has been amended a few times, each promoting paranoia about the western governments wanting to influence Russia's domestic policy. In practice, this law has been used to act against organisations that contradict Kremlin's discourse and criticise its policies, and thus from Kremlins perspective—making them the enemy. Also, because the only research institutions left to 'freely operate' in Russia are state-sponsored or private Russian entities, their political significance and ability to influence Russia's foreign policy decisions are directly dependent upon their access to the president and his administration (Ferrari and Tafuro Ambrosetti, 2021). Therefore, the discussions that take place amongst organisations that do not have a direct access to the presidential institution are either insignificant in a political sense or are a tool to disseminate information provided by the Kremlin to test policy initiatives in a narrow public group.

In all cases, influence on the decision-making process and the articulation of 'alternative' ideas are only possible with the approval of the Kremlin—those with radically different outlook and views than the ruling political elite are being marginalised, their functioning restricted, because of the existing power vertical. The practical control that has been granted to the president over different branches of power ensure the consolidation of ideas in the branches of governance thus reducing the possibility of alternative beliefs and values to become centric to the process of identity construction, unless overseen or authorised by the president himself.

Overtake of the media

A significant part of the consolidation of the discursive space is the ability to control the public information space, which in Russia has achieved by limiting the existence of independent media outlets (McGlynn, 2023: 45–50). Since the time of his first presidency, Putin has successfully used the media as one

of his platforms to define the state identity, thus the presence of the state in the media industry has been growing for almost 25 years now.

For the legitimacy and control of the official discourse, there has to be direct supervision over the functioning of the media, which has been achieved both with the Doctrine on Information Security (Prezident Rossijskoj Federacii, 2016) and by initiating a strategic policy of media overtake, where the media are now owned directly or through state-loyal businessman by the state. Moreover, after 2012, Putin proposed more structured restrictions on protest-organising, freedom of speech, creating repressive laws regarding blogging, restrictions on media ownership, and laws on extremist beliefs and views. Changes have been made in the Law on Mass Media (*Federal'nyj zakon o vnesenii izmenenij v zakon Rossijskoj Federacii*, 2014), which now prohibits the ownership of media outlets by any foreign government, organisation or individual, in the amount of >20% of the shares. This law and the amendments made became the basis for further restrictions on the usage of social media and 'marking' foreign agents or anyone, who disseminates information not aligned with the Kremlin discourse. This is only a part of the strategy that the Kremlin has implemented to create the so-called 'internet sovereignty' or complete independence and separation from 'unvented content', providing general control over the information space.

Domestic power consolidation has promoted control over the media space—state-controlled media has a growing role in the dissemination of the foreign policy discourse, ensuring that the official position of the Kremlin has the maximum exposure in the media. Putin has used the media to promote national consensus, emphasising the revival of Russia as a global superpower with an according foreign policy. This control creates the space for the government to shape the public opinion on foreign policy issues and promote a discourse that is in line with it. It also limits the dissemination of alternative ideas to the public, ensuring that the general opinion is being controlled in a way that replicates the dynamics of the decision-making in the state governance system, where ideas and policies are controlled by the institutional power that the president has.

CONCLUSIONS

The vertical approach to decision-making in Russia under Putin's leadership represents a consolidation of power that has profound influence on foreign policy and the construction of identity. This centralised model of governance that concentrates decision-making authority within the presidency diminishes the influence and ideas, which are the bases of identity, of other political actors and institutions. While not all

foreign policy decisions are made single-handedly by Putin, the centralisation of power has reduced the ability of different interest groups—political opposition, academia, NGOs and individuals—to influence the decision-making process.

The consolidation of power under Putin's leadership has been accompanied by the reintroduction of autocratic practices, including state control over media, suppression of political opposition and significant changes in the basic laws of the state that reinforce the functioning of the power vertical. These measures have created a discursive environment where alternative viewpoints are increasingly marginalised, with the official discourse being controlled by a narrow segment of the political elite. At the centre of these actions is the augmentation of presidential authority, with Putin emerging as the undisputed leader of Russia.

The lack of political party and opinion pluralism in Russia has led to the marginalisation of alternative political discourses, effectively consolidating power within the Kremlin and limiting dissenting voices. This in turn reflected a broader societal shift towards a statist worldview, characterised by the perception of Russia as a strong state, both domestically and globally.

While his approach may initially have been pragmatic, over time, Putin has exhibited a tendency towards personalisation of power and a disregard for consensus-building. This can be seen both in broader themes of foreign policy, and even in his support towards constitutional changes—his ideas about what is needed to ensure the development and stability of the state have grown increasingly more radical in their forms of policy over the last two decades.

In summary, the legislative changes made in the Constitution, the federal law and other pieces of legislation create the basis of Putin's legitimacy as an undisputed central agent of ideas that shape Russia's foreign policy and construct its identity. Complementary to these are the suppression of political opposition and all and any opposing voices that could potentially disrupt the course of Putin's ruling that is based on a specific set of ideas regarding Russia's position and role in the international system.

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