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### Lobbyism in the Political Process of Russia: Opportunities and Reality

*Cabildeo en el proceso político de Rusia: oportunidades y realidad*

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#### ABSTRACT

The paper examines the problem of the development of lobbyism as a political institution in modern Russia. and identifies their place and purpose. To achieve this goal, it is necessary to determine what transformations need to be carried out in the political life of Russian society, so that lobbyism acquires the features of a modern and efficient institution that actively promotes the development of business, society and the state.

**Keywords:** Corruption, institution, lobbyism, political process.

#### RESUMEN

El artículo examina el problema del desarrollo del cabildeo como institución política en la Rusia moderna e identifica su lugar y propósito. Para lograr este objetivo, es necesario determinar qué transformaciones deben llevarse a cabo en la vida política de la sociedad rusa, para que el cabildeo adquiera las características de una institución moderna y eficiente, que promueva activamente el desarrollo de la empresa, la sociedad y el estado.

**Palabras clave:** Cabildeo, institución, corrupción, proceso político.

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## **INTRODUCTION**

Lobbying is an opportunity to appeal to various individuals, social strata and groups to the authorities in order to promote their own interests. We are talking now about equal legal and juridical opportunities, which are reflected in normative legal acts, including in the constitutions of most democratic countries (Fedorov: 2019, pp.102-104; Prizhennikova: 2019, pp.58-64). In reality, these private and group interests are far from equal. In this connection, a number of questions arise: 1) What needs to be done to ensure that various subjects of lobbying activity have equal rights? 2) How civil society institutions and states should organize and exercise public control over lobbying activities; 3) How to organize feedback channels for the subjects of lobbying activities and public authorities (Nikolaevich et al.: 2020, pp.208-218).

Of course, some of the aspects mentioned in the questions require legal regulation, for example, the definition of lobbying and subjects of lobbying activities, methods and means of control, etc (Neshchadin:1995; Kaune: 1996). However, for the becoming of civilized lobbying in Russia, it is necessary not only to have its normative legal formalization, but also to radically modernize the political and legal consciousness and behaviour of the subjects of lobbying activity, characterized by a radical and qualitative restructuring of the interaction between the state and civil society (Frye:2002, pp.1017-1036; Juurikkala&Lazareva: 2006).

## **METHODOLOGY**

As its methodological basis for the study, the work includes systemic and structural-functional approaches, which made it possible to identify the place and role of lobbying in the development of modern Russia. Sociological, logical and comparative methods in the study of the current stage of lobbying in Russia made it possible to determine the state and dynamics of the development of this institution, to consider the general and specific in lobbying in Russia and other countries. An analysis of the historical conditions and factors affecting the place and role of lobbying made it possible to identify problems associated with increasing its effectiveness in Russia.

## **RESULTS**

Any researcher of lobbying is faced with a certain dilemma that lobbying activity, on the one hand, is a manifestation of insufficient representation of the interests of various social groups in the government, and on the other hand, it is the result of the activity of a certain part of society that has a desire to realize its own interests and thereby receive benefits and advantages over other participants in the political and socio-economic process (Karpova: 2019, pp.135-150).

When analysing the literature on the problem of lobbying in Russia, one involuntarily asks the question: why are the assessments of its formation and development so different? Some authors believe that Russian lobbying is alive and well. It is enough to look at the material by I.V. Tolmacheva, who notes:

The Institute of lobbying in Russia is rapidly developing: a comprehensive practice of civilized lobbying has been accumulated and there has formed a wide and numerous circle of highly paid specialists capable of qualitatively and effectively representing the interests of entrepreneurship in government bodies relying on civilized mechanisms of cooperation. According to the study, their number exceeds five thousand people (Tolmacheva: 2017).

A similar assessment is given by A.V. Pavroz: "We can conclude that lobbying in Russia has already formed as a separate socio-political institution. Although, its existence is mostly informal due to the lack of specialized legislation. The meaning of lobbying is understood in society, even if its assessments are far from

unambiguous (Pavroz: 2018)." A slightly different assessment of lobbying is made by S.V. Murashchenkov, who believes that a quasi-institutional corporate model has developed in Russia with the following characteristics: 1) the corporate nature of the subjects of lobbying activity (business, unions, associations, oligarchs); the influence of citizens on the process of making politically significant decisions is zero; 2) dominance of informal methods of lobbying activities; 3) the lack of a legal framework regulating lobbying (Murashchenkov: 2016, pp.16-22).

The problems of the becoming and development of lobbying in Russia are directly related to the functioning of the political system and mainly the political regime and its policy. There are narrowness and weak representativeness of the channels for representing civic interests, rejection of civic activism as a source for the formation of state strategies (Solovyov: 2017).

Some researchers believe that the adoption of a law on lobbying (lobbying as an institution of interaction between the state, business and civil society) can become a means of a systematic solution to the problems of economic development, arbitrariness of officials, corruption, etc (Pavroz: 2018). In our opinion, it makes no sense to hope that the adoption of the law on lobbying will change something in the existing structure of political power relations: there is the absence in the country of an independent democratic parliament, which now completely subordinate to the executive branch of power; and also the absence of the independent courts. On the opposite, there is the priority in state policy of non-status and informal players; the corruption of officials, and the general lack of control over the ruling class and the ruling elite - all this and much more make it difficult for the establishment of civilized lobbying in Russia. But, one of the goals of lobbying is to promote and protect fair competition. In this regard, the law on lobbying will make it possible to clearly distinguish between the legal and non-legal activities of the subjects, and secondly, it will establish uniform rules and norms of lobbying activity, the violation of which must be suppressed and appropriately sanctioned by society and the state. In our opinion, equally competitive rights prescribed in the norms of the law can also promote the principle of competition in all other spheres of public life (Belousov: 2006, pp.87-101).

In Russia, lobbying as a social and political institution is in its infancy. When we talk about lobbying as an institution, we mean that it is built into the mechanism and the system of relations for the development and adoption of decisions by state structures. It should be the link between the government and civil society, without which the government will not have reliable, timely objective information about the interests and needs of people; the population will not be able to bring their demands to the authorities. That is, lobbying contributes to the functioning of a democratic state, which allows balancing various private interests and interests of various social groups.

Lobbying as a political institution is a necessary part of the political process. Firstly, by expressing certain group interests of civil society, lobbying contributes to the formation of their certain public representation and balance. Secondly, by interacting with the institutions of state power, lobbying not only informs the authorities about the interests of certain groups, but also indirectly, and sometimes directly, contributes to the formation of the political agenda, the political course of development of society and the state (Burrell:2020; Thomson: 2020).

The most complete influence of lobbying on the political process is seen in its functions: 1) representative - lobbyists represent their clients, and their groups; 2) lobbyists influence the decisions of public authorities making and executing decisions; 3) informational - lobbyists inform the authorities, ministries and departments about the problems in the economy, its branches, and in leading campaigns; 4) expert - assessment of various expert groups considering the problem from the position of various interests, which contributes and allows the authorities to avoid ill-considered steps and identify the negative consequences of decisions already made; 5) conducting various discussions in society, contributing to both the education of citizens and the achievement of a certain consensus among various groups whose interests are affected by the public discussion (Thomas&Hrebenar: 2008, pp.1-14).

How can we characterize political lobbying in Russia? Firstly, lobbying in Russia is of an oligarchic or plutocratic nature; this is due to the fact that most of the political decisions taken and implemented in Russia are associated with the economic benefits of one or another political group with enormous financial resources. The close connection of oligarchic capital with state power (often this connection goes along a family, clan line): large state and private corporations have access through their channels to the upper level of state power, while medium and small businesses do not have such an opportunity and in many ways depend on whether the state vertical will condescend to communicate with them, whether it will pay attention to their problems. This feature characterizes not only the commercial lobbying of large corporations, but also manifests itself in the activities of such business communities as the Russian Union of Industrialists and Entrepreneurs (RUIE), DelovayaRossiya, OPORA Rossii, and the RF Chamber of Commerce and Industry. Big Russian business does not need a law on lobbying; they have the opportunity to interact with the authorities even without any law.

Secondly, there is no law regulating lobbying activities in Russia. Although there is a point of view that the emergence of such a law will not change much, since not only the legal basis of lobbying activity, but also law enforcement practice, and the culture of relations between the authorities and society are important. Addressing the problems of lobbying by top officials of the state, as is often the case in Russia, has a forced situational character. It is believed that the transition to civilized lobbying will help attract foreign investment (Zetter: 2020). Today, mainly speculative capital goes to Russia, which, at the slightest decrease in profits, instantly curtails its speculative activities. Having "snatched its share" of the profit, foreign capital goes to a less dangerous and crisis place than Russia. That is why the outflow of foreign capital prevails over its inflow. Along with this point of view, there is another one, according to which engaging in uncivilized lobbying for a narrow group of people with property and power is beneficial: it is much easier to agree by pulling strings than to resort to a fair competition procedure for obtaining a state order.

The third feature of lobbying in Russia follows from the above: the lack of transparency in the activities of lobbyists and lobbyist structures. The shadow economy gives rise to "shadow lobbying". The influence of the parliament on the process of making political and administrative decisions in Russia is insignificant; the parliament itself decides little. And since the decisions are made by the government, therefore it is more logical to lobby for interests there, which means, not publicly. Society finds itself in a situation where it is difficult to imagine public lobbying activities (Johnson: 1997, pp.333-365).

Fourthly, the corruption component of Russian lobbyism allows speaking about corruption lobbying in Russian. But is it right to equate corruption and lobbying? Or we can put the question differently: is there a causal relationship between lobbying and corruption; does lobbyism always generate corruption? According to some estimates, the volume of the Russian corruption market is more than \$ 300 billion a year. Of these, 90% of means fall on areas related to the public sector and the distribution of budget funds. This market covers public procurement, distribution of budgetary funds, management of funds of state, regional and municipal property.

## **DISCUSSION**

In our opinion, the main problem of corruption is not its connection with lobbying, but the lack of proper public control. Control over the activities of corrupt officials is associated not only with effective anti-corruption legislation, for example, with the adoption of Article 20 of the UN Convention against Corruption, but above all with real economic and political competition, with real freedom of the media, and with a real opportunity to engage in entrepreneurship.

Modern lobbying in Russia is carried out in a shady, uncivilized way. As a rule, the tender documentation is drawn up in such a way that the firm or the company that should win the tender wins under the will of its creator, and all the others do not fit according to certain criteria. There seems to be a competition, but in reality

there is no competition or competitiveness. Civilized lobbying assumes that companies wage an honest open struggle in a competition for a government order, and the winner is the one who has higher indicators, evidence of efficiency and quality of work, and only such arguments should be used to convince the authorities and the public (Denisov: 2010).

It is possible that the postponement of the adoption of the lobbying law contributed to the formation of shadowy or uncivilized lobbying. Today, the Russian Parliament is "not a place for discussion" only, but also not a place for public open lobbying. And this is not only because it has been dominated by one party for almost twenty years, which in itself significantly undermines the lobbying potential of other parties, but also because the powers of the Parliament of the Russian Federation in making decisions and developing projects are incomparable with the capabilities and powers of the executive power, and therefore it is necessary to lobby for one's interests in the government of the Russian Federation - that is, where the public side is not visible (Fatykhova et al.: 2019, pp.152-162). Thus, the creation and subsequent implementation of this law requires changes in the entire political system of Russia, including an increase in the powers of parliament, the functioning of truly free media, real and fair competition in business and politics, etc.

There is a decrease in the importance of public and an increase in the importance of corporate lobbying tools in the political and administrative process of modern Russia. However, the corporate lobbying model is limited. Breakaway from this model and the formation of a full-fledged model of lobbying is possible in two directions. 1. Enhancing the role of representative bodies of power at all levels, their self-sufficiency and independence. Fair competitive elections will allow the formation of democratic legislatures with broad representation of interests of citizens as certain counterparties of lobbying organizations, on the one hand, and on the other hand, the parliament will become a real space for lobbying activities. 2. Creation of a full-fledged institution of lobbying should contribute to improving the efficiency and the quality of laws, countering corruption and creating a model of a weighed and harmonious balance between interests of society, the state and individuals.

## **CONCLUSION**

For the development and improvement of lobbying activities in Russia, it is necessary to improve the legislation. First of all, it implies combining the right of citizens to appeal to state bodies with the right of access to information. This is a serious violation of the relationship between the two subjective rights, since it is impossible to exercise the right to petition without the authorities providing the necessary information. Another direction of improving lobbying in Russia is the examination of draft regulations by entrepreneurs. This will allow already at the discussion stage to coordinate the positions of the state and business and thereby form a public-private partnership.

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