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## TRANSFORMATION AND GROWTH OF THE COERCIVE APPARATUS IN PUTIN'S RUSSIA

**ABSTRACT**

The article describes the transformation of the Russian coercive apparatus (comprising security services and the military) after Vladimir Putin came to power. The different forces charged with ensuring domestic and external security of the state are one of the cornerstones of Putin's presidency. The first stage of the changes saw them consolidated and brought under tighter control of the president's camp, whilst during the second – following Putin's re-election as president in 2012 – they were much expanded and modernised. Looking mainly at the normative acts from that period, the article discusses the scope and nature of these changes as well as their wider political context related to the development of a centralised, authoritarian power system in Russia. It also focuses on the parallel process of changes introduced in the prosecutor's office and the justice system whose aim – like in the case of the coercive apparatus – was to extend the power of the president and strengthened the state's control over society.

**Keywords:** Russia, authoritarianism, civil rights, law, security services

## INTRODUCTION

Among the reforms initiated by Vladimir Putin after he came into office were those that covered the sectors that were important for the strengthening of central power, namely security, defence and the justice system. The changes made in the coercive apparatus were as important as those that were being put in place in politics, administration and the economy.

The Russian coercive structures<sup>1</sup> were charged with ensuring domestic and external security of the state. However, in line with the adopted concept of the 'power vertical' (*vertikal vlasti*), the interests of the state began to be equated with the political interests of the president who was on the very top of the power pyramid. Thus, the reform of the coercive apparatus was aimed, in the short term, at providing stability during Putin's tenure, and in the long term, at perpetuating the existing system and securing the interests of different groups close to the government after the election of a new president.

The people who have played a particularly important role in the sector are the so-called *siloviki*. In the Russian *sovereign democracy* where the role of political parties was marginalised and political involvement of the general public much reduced, the actual political struggle was waged informally among the people closest to the president. During Vladimir Putin's first two terms in office, the confrontation was won by the *siloviki* who became the most powerful group within the ruling camp due to their influence in the coercive ministries and the control they had over the strategic resources of the state.<sup>2</sup> Having a background in the secret services, like the president himself, the *siloviki* managed to consolidate the security sector and transform it into one of the key instruments of presidential power.

## CONSOLIDATION OF SECURITY SERVICES

Until 2003, when the process of consolidation was launched, the Russian security sector was very much fragmented<sup>3</sup> after the decentralisation of the former Soviet coercive apparatus perceived to be a threat to Boris Yeltsin's rule. At the end of 1991, the Committee for State Security (KGB), back then a state office with the status of a ministry, was broken up into many separate specialised services. The most important of these

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<sup>1</sup> The Russian coercive apparatus includes, among others: secret services such as the Federal Security Service (FSB), Federal Protective Service (FSO), Foreign Intelligence Service (SWR) and the Main Directorate of Special Programmes (GUSP); the Ministry of Defence (MO), Ministry of Civil Defence, Emergencies and Disaster Relief (MCzS) and the Ministry of Internal Affairs (MVD); as well as the prosecutor's office and the Federal National Guard Troops Service of the Russian Federation (FSVNG – known as Rosgvardiya).

<sup>2</sup> D.R. Kelley, *Russian Politics and Presidential Power. Transformational Leadership from Gorbachev to Putin*, Los Angeles 2016, p. 223 et seq.

<sup>3</sup> B.D. Taylor, *State Building in Putin's Russia*, Cambridge 2011, p. 37 et seq.

was the Federal Security Service (FSB), previously the Federal Counterintelligence Service (FSK), established in 1995. Compared to its predecessor, the FSB was given many more powers. Pursuant to its founding Act,<sup>4</sup> it was charged not only with counterintelligence operations, but also combating terrorism and the most dangerous crimes.

Other services originating with the former KGB structures include the Foreign Intelligence Service (SWR), Federal Border Service (FPS) with the duty of protecting state borders, Federal Agency of Government Communications and Information (FAPSI) responsible for the security of communication systems and electronic intelligence, and the Main Directorate of Special Programmes (GUSP) in charge of drafting mobilisation plans. The security of the president and top governmental officials was ensured by the Federal Protective Service (FSO) based on Boris Yeltsin's personal bodyguard unit.<sup>5</sup>

In addition to special services, there were also some structures that had been created out of the forces previously subordinated to the Ministry of Defence such as the specialised Railway Troops or the Ministry of Civil Defence, Emergencies and Disaster Relief (MCzS) based on the former Soviet Ministry of Civil Defence.<sup>6</sup> The only ministry that has kept its integrity from the Soviet times is the Ministry of Internal Affairs (MVD) responsible for law enforcement agencies. In addition, there was the Federal Tax Police Service (FSNP) created in 1992 to combat tax crime,<sup>7</sup> and the Federal Tax Service (FTS), established in 1994, that first reported to the government (until 2016, with a short break<sup>8</sup>) and then to the Ministry of Finance.<sup>9</sup>

The most significant restructuring was carried out in the former KGB. The transformations of the agency in the 1990s gave birth to many, sometimes competing, services. Their reconsolidation was supposed to reinstate the structure as a major instrument for the exercise of state power. Also relevant was the fact that both president Putin and many of his closest associates are former KGB operatives and perceive the strengthening of special services as an important element of rebuilding a strong, centralised state.

<sup>4</sup> *Federal'nyy zakon ot 3 aprelya 1995 g. N 40-FZ "O federal'noy sluzhbe bezopasnosti"*, at <http://base.garant.ru/10104197/>, 22 October 2021.

<sup>5</sup> The Federal Protective Service was created in 1996 by merging the Chief Protective Directorate (GUO) and the Presidential Security Service (SBP), both existing from 1991. In spite of being formally part of the FSO, the latter structure is in fact an independent unit operating as the president's personal guard. Besides ensuring physical security of the head of state and his family, it is also responsible for the overall provision of logistic and financial services for the president.

<sup>6</sup> The Ministry of Civil Defence, Emergencies and Disaster Relief (MCzS) was created in January 1994 following a transformation of a state committee set up in 1990. *Ukaz Prezidenta RF ot 10 yanvarya 1994 g. N 66 "O strukture federal'nykh organov ispolnitel'noy vlasti"*, at <http://base.garant.ru/10102835/>, 22 October 2021.

<sup>7</sup> *Zakon RF ot 24 iyunya 1993 g. N 5238-I "O federal'nykh organakh nalogovoy politzii"*, at <https://base.garant.ru/10102200/>, 22 October 2021.

<sup>8</sup> In 2004-2006 the Federal Customs Service was subordinate to the Ministry of Economic Development and Trade.

<sup>9</sup> *Ukaz Prezidenta Rossiyskoy Federatsii ot 15.01.2016 g. № 12 "Voprosy Ministerstva finansov Rossiyskoy Federatsii"*, at <http://kremlin.ru/acts/bank/40405>, 22 October 2021.

The services were consolidated around the strongest one, namely the FSB. Pursuant to president Putin's decree of 11 March 2003<sup>10</sup> the Federal Border Service (FPS) was incorporated into the FSB, which meant that the border troops were now subject to FSB jurisdiction.<sup>11</sup> At the same time, the FAPSI agency was closed down. Its tasks were distributed among the SWR and FSB (electronic intelligence and supervision over electronic means of communication) as well as the FSO (radio communications) with its newly created Special Communications and Information Service.

The Federal Tax Police Service (FSNP) was closed down on 11 March 2003.<sup>12</sup> Some of the powers of the tax police were taken over by the Federal Tax Service subordinated to the Ministry of Finance, whilst the fight against tax crime was transferred to the MVD. No official reason was given for the dismantling of the tax police, even though it was very active in the fight against the oligarchs at the beginning of Vladimir Putin's time in power. Its head, Mikhail Fradkov, was moved to the post of prestigious post of Russian ambassador to the European Union and then, in 2004, replaced Mikhail Kasyanov as prime minister.<sup>13</sup> FSNP's personnel was used to create the State Committee for the Control of Narcotic Drugs and Psychotropic Substances at the MVD,<sup>14</sup> headed by the trusted associate of the president, Victor Cherkosov.<sup>15</sup> As part of administrative reforms, in March 2004, the committee was transformed into the Federal Drug Control Service (FSKN).<sup>16</sup>

<sup>10</sup> *Ukaz Prezidenta RF ot 11 marta 2003 g. N 308 "O merakh po sovershenstvovaniyu gosudarstvennogo upravleniya v oblasti bezopasnosti Rossiyskoy Federatsii"*, at <http://base.garant.ru/185629/>, 22 October 2021.

<sup>11</sup> This marked a return to the Soviet structure under which border protection forces (*pogranichnyye voyska*) were subordinate to the KGB. After the incorporation of border troops into the FSB, the total number of the agency's employees was estimated at around 350,000 people.

<sup>12</sup> *Ukaz Prezidenta RF ot 11 marta 2003 g. N 306 "Voprosy sovershenstvovaniya gosudarstvennogo upravleniya v Rossiyskoy Federatsii"*, at <http://base.garant.ru/12130282/>, 23 October 2021.

<sup>13</sup> Mikhail Fradkov would later claim that the reason why the tax police was closed down was to do with complaints made by influential businessmen who were afraid of being brought to justice for their offences. See M. Zygar, *Wszyscy ludzie Kremļa. Tajne życie dworu Władimira Putina* [All the Kremlin Men: The Secret Life of the Court of Vladimir Putin], przeł. A. Sowińska, Warszawa 2017, p. 203.

<sup>14</sup> The State Committee for the Control of Narcotic Drugs and Psychotropic Substances at the MVD (*Gosnarkontrol*) was created out of the State Committee for Counteracting Illegal Trafficking in Narcotic Drugs and Psychotropic Substances at the MVD that had existed from 2002. *Ukaz Prezidenta RF ot 11 marta 2003 g. N 306...*

<sup>15</sup> Victor Cherkosov (b. 1950) was an officer in the Leningrad's branch of the KGB in the Soviet era. Considered a hardliner, he made his name by persecuting members of Leningrad's democratic opposition in the last days of the USSR. From 1998, he was deputy head of FSB (at the time when the service was run by Vladimir Putin). After 2000, he represented the president in the North-Western Federal District. Head of the Federal Drug Control Service of the Russian Federation (FSKN) in 2004-2007, and then – from 2010 – head of the Federal Agency for Arms Supply, Military and Special Technology and Materiel. Member of the State Duma in 2011-2016 on behalf of the Communist Party of the Russian Federation.

<sup>16</sup> *Ukaz Prezidenta Rossiyskoy Federatsii ot 09.03.2004 g. № 314 "O sisteme i strukture federal'nykh organov ispolnitel'noy vlasti"*, at <http://www.kremlin.ru/acts/bank/20611>, 27 October 2021.

The emergence of a new service seems to contradict the logic of consolidating the coercive structures, but it was probably motivated by ambition driven divisions within the *siloviki* camp. Victor Cherkesov and the head of Vladimir Putin's personal security, Victor Zolotov, belonged to the group that competed with Igor Sechin who was considered the leader of *siloviki*. The rivalry was made public in the autumn of 2007 when Cherkesov published a much talked about article in the newspaper *Kommiersant*, where he accused his rivals of betraying the 'chekist code' and sparking an internal war in the secret services.<sup>17</sup> This insubordination resulted in Vladimir Putin's publicly expressed dissatisfaction and eventually got Cherkesov dismissed in 2008 by president Medvedev.<sup>18</sup>

## REFORMS OF THE ARMY

At the same time, Russia launched its large-scale military reforms. The structure of the Russian Ministry of Defence was modelled on its Soviet predecessor in 1992. The first attempts at reforming the army were made soon after Vladimir Putin came to power. The plans to make the Russian military modern and professional chimed with Putin's concept of the 'power status' (*derzavnost*), announced at that time, whose aim was to restore Russia's strong position on the international scene. However, the reforms made in 2001-2004 by the minister of defence Sergei Ivanov did not bring expected results and were abandoned. The idea was picked up again when the helm of the Ministry of Defence was taken by Anatoly Serdyukov,<sup>19</sup> who replaced Ivanov in February 2007.

Serdyukov drafted a plan for long-term reforms divided into three stages, the last of which was supposed to be completed by 2020.<sup>20</sup> The reforms were prepared on the

<sup>17</sup> In his article Victor Cherkesov wrote that the 'Cheka corporation' saved Russia from collapsing: *Herein lies the importance of Putin's era and the historical achievement of Russia's president. It is also the achievement of our professional community which now shoulders this great responsibility [...]. For any corporation (including the chekist) to be healthy, it should be the bearer of standards and rules. It would be best for everyone if these standards were complied with not only within the services but also nationwide. Most importantly, however, the standards should remain in place. If standards disappear to be replaced by arbitrary decisions, corporations fall apart. Experts and journalists are already talking about the war between groups within the special services [...]. Standards cannot be changed into whims. You cannot say that warriors have become peddlers.* The journalists mentioned by Cherkesov interpreted the war between groups as a struggle between rival clans of *siloviki* from the FSB and FSKN over profits from the illegal imports from China. The struggle was eventually lost by Cherkesov. Quoted from: M. Zygar, *Wszyscy ludzie...*, p. 251 et seq. [own transl.]

<sup>18</sup> *Ukaz Prezidenta Rossiyskoy Federatsii ot 12.05.2008 g. № 752 O Cherkesove V.V.*, at <http://kremlin.ru/acts/bank/27423>, 23 October 2021.

<sup>19</sup> Anatoly Serdyukov (b. 1962): economist. In 2004-2007, head of the Federal Tax Service. At that time believed to be linked to Igor Sechin. He allegedly supported Rosneft in its bid to acquire Yukos assets. In 2007, he was appointed minister of defence with a mandate to reform the army. Close associate of president Medvedev after 2008, dismissed in 2012 amidst a corruption scandal involving the state company Oboronoservis which provided services for the military. After the dismissal, he started working for the aviation industry.

<sup>20</sup> A. Arbatov, V. Dvorkin, *Voyennaya reforma Rossii: sostoyaniye i perspektivy*, Moscow 2013, p. 12 et seq.

basis of Russia's most recent war experiences, including the several-days-long war with Georgia in August 2008. Referred to by some as the largest military reform in Russia since the reforms introduced by Dmitry Milyutin in the 1860s,<sup>21</sup> the remodelling of the army provided above all for a sharp increase in modernisation expenditure, aiming to replace 70% of military equipment by 2020. The plan was also to make the army more professional and less numerous<sup>22</sup> especially as regards the body of officers and generals. The number of conscripts was to be decreased over the following years, their time of service being reduced to twelve months.<sup>23</sup>

Changes were also made in the administrative structure of the military – the previous six military districts were reduced to four Joint Strategic Commands (OSK). Like before, the army comprised three types of forces (Ground Forces, Air Forces and the Navy), three so-called independent forces reporting directly to the General Staff (Airborne Forces, Strategic Rocket Forces, Aerospace Defence Forces) and special forces (e.g. Railway Troops, Road Troops, Information Troops). Different types of forces had their structures simplified (e.g. corps, divisions and regiments in the Land Forces were replaced by brigades and battalions). Finally, the system of military education was reduced and centralised.

Other changes included giving away some of the real estate owned by the army, a plan for a gradual increase of military salaries, changing the name of the military intelligence service GRU,<sup>24</sup> and the *outsourcing* of most tasks that were not directly related

<sup>21</sup> Dmitry Milyutin (1816-1912): Russian minister of war in 1861-1881. Author of the military reform carried out after Russia's defeat in the Crimea War (1853-1856). The main aim of the reform was to bring the Russian army in line with global standards.

<sup>22</sup> In 2008, there were 1.2 million soldiers in the Russian army. In 2014, the number was reduced to 845,000 to go up again to 1 million in 2017. By way of comparison, in 1992, the Russian army numbered almost 2.9 million soldiers. See *Ukaz Prezidenta Rossiyskoy Federatsii ot 17.11.2017 g. № 555 "Ob ustanovlenii shtatnoy chislennosti Vooruzhennykh Sil Rossiyskoy Federatsii"*, at <http://kremlin.ru/acts/bank/42477>, 23 October 2021.

<sup>23</sup> Pursuant to existing regulations, conscription applies to men aged 18-27. Women are admitted only as volunteers. To join the military as a contract soldier, one has to be a Russian Federation citizen aged 18-40 or a foreign national aged 18-30. *Federal'nyy zakon ot 28.03.1998 g. N 53-FZ "O voynskoy ob-yazannosti i voyennoy sluzhbe"*, at <http://base.garant.ru/178405/>, 23 October 2021.

<sup>24</sup> GRU (*Главное Разведывательное Управление*) – an acronym for the Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation. A Soviet era agency, the GRU continued operating after 1991 without any restructuring. In 2010, it was renamed the Main Directorate of the General Staff of the Armed Forces of the Russian Federation, abbreviated to the Main Directorate (GU). Military intelligence conducted operations abroad, including large-scale cyber warfare campaigns. The officers of the Russian military intelligence have been suspected, among others, of interfering in the presidential election in the USA in 2016 and numerous hacking attacks against the institutions of NATO member states. They were also accused of supporting political unrest (including an attempted coup d'état in Montenegro in 2016) and military operations in such places as the Crimea, Ukraine in 2014, and Syria. In March 2018, an attempt was made to poison a former GRU officer who fled to the UK, Sergei Skripal, and his daughter. The British government attributed the act to two agents of the Russian military intelligence. Even though the Russian government denied any connection, blowing their cover seriously undermined the prestige of the country's military intelligence. Indeed, concerns about the image of the service were some of the reasons for which president

to military matters. They were to be introduced by Oboronoservis, a company established specifically for that purpose.<sup>25</sup>

The reform was launched in the autumn of 2008, but its high costs (according to Serdyukov's calculations, the replacement of military equipment alone would take 28 billion roubles) provoked many conflicts within the government.<sup>26</sup> Serdyukov was eventually dismissed in November 2012 in relation to a corruption scandal,<sup>27</sup> and was replaced by the minister for emergencies, Sergey Shoigu.

Shoigu continued the reform – the military police, developed already in Serdyukov's days, started operating in 2015 to help combat infringements of the law and breaches of discipline in the army.<sup>28</sup> The new minister also made some adjustments. These included reinstating the old structure of military forces (divisions and regiments in place of brigades and battalions) in 2013, and merging the previously independent Aerospace Defence Forces with the Air Forces (VVS) to create the Aerospace Forces (VKS) in 2015. Plans to make the army fully professional were abandoned and limited conscription was retained. With a view to preparing future military personnel, a new organisation was created in 2016 under the patronage of the Ministry of Defence: the Yunarmiya (Young Army), a paramilitary force for children of school age.

From the moment the post was taken by Sergei Ivanov, subsequent defence ministers were formally civilians. Formally, because they did not have a background in active military service. When he was appointed minister of defence, Sergei Ivanov was a retired colonel general of the FSB, whereas Anatoly Serdukov was a reserve colonel. The status of Sergey Shoigu was slightly different – minister for emergency situations he was also an army general, having been first promoted to that rank (general major), straight from reserve lieutenant, by Boris Yeltsin as early as 1993. This means that Russia does not apply any rules related to civilian oversight over the Armed Forces. According to the principle of the 'power vertical', the main promotion criterion is a minister's loyalty to the president who is defined in the Constitution as the commander-in-chief.

The ministry previously run by Sergey Shoigu<sup>29</sup> has also gone through several structural changes. The Ministry of Civil Defence, Emergencies and Disaster Relief (MCzS)

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Putin suggested, in November 2018, to go back to its previous name, i.e. the GRU. See "GRU vozvrashchayetsya. Putin predlozhit vernut' voyennoy razvedke nazvaniye", Radio Svoboda, 2 November 2018, at <https://www.svoboda.org/a/29579324.html>, 23 October 2021.

<sup>25</sup> Renamed Garnizon in 2014 after a corruption scandal. See "»Oboronoservis« pereimenovan v AO »Garnizon«", Polit.ru, 29 December 2014, at <https://polit.ru/news/2014/12/29/garrison/>, 23 October 2021.

<sup>26</sup> M. Zygar, *Wszyscy ludzie...*, p. 307 et seq.

<sup>27</sup> The dismissal is also explained by the reshuffling carried out after the end of Dmitry Medvedev's tenure as president. See *ibid.*

<sup>28</sup> *Federal'nyy zakon ot 3 fevralya 2014 g. N 7-FZ "O vnesenii izmeneniy v otdel'nyye zakonodatel'nyye akty Rossiyskoy Federatsii po voprosam deyatel'nosti voyennoy politsii Vooruzhennykh Sil Rossiyskoy Federatsii"*, at [http://base.garant.ru/70581406/1b93c134b90c6071b4dc3f495464b753/#block\\_403](http://base.garant.ru/70581406/1b93c134b90c6071b4dc3f495464b753/#block_403), 23 October 2021.

<sup>29</sup> Sergey Shoigu has headed the Ministry of Civil Defence, Emergencies and Disaster Relief (MCzS) continuously from 1994, which makes him the longest serving minister in today's Russia.

comprised the 20,000-strong Civil Defence forces and, from 2001, 220,000 employees of the National Fire Service transferred from the jurisdiction of the Ministry of Internal Affairs.<sup>30</sup> The ministry even had its own air fleet made of several dozen aircraft. In 2011, the Civil Defence forces were used to create military rescue units.<sup>31</sup> The ministry played a major role during the Chechen war, providing humanitarian aid. At the same time, MCzS was a militarised structure. Its officers wore uniforms and were often armed. Some voices in the Russian media said that MCzS *can not only combat humanitarian crises, but also create them*.<sup>32</sup> Regardless of these opinions, the work of the ministry was well-received by the Russians as testified by the great popularity of Sergey Shoygu.<sup>33</sup>

### FIGHTING 'EXTREMISMS'

Another restructured coercive ministry was the Ministry of Internal Affairs (MVD). In the first years after the fall of the USSR, the ministry continued working almost unchanged. It supervised police forces: both law enforcing *militsiya* and the special OMON units charged with suppressing social unrest and carrying out prevention work. MVD also comprised the 200,000-strong Internal Troops (VV) whose aim was to ensure domestic security. They were important during both Chechen wars. The MVD also controlled the Main Administration for the Execution of Punishments (GUIN), a prison guard service under the jurisdiction of the Ministry of Justice from 1998<sup>34</sup> and the Fire Service, incorporated into the MCzS in 2001. Over the following years, as it has already been mentioned, the MVD took over some of the powers of the tax police (dissolved in 2003), and in 2004 part of the ministry was transformed into the independent Federal Drug Control Service (FSKN).

In 2011, *militsiya* was renamed to *politsiya* (police). The change was explained by the need to increase the professionalism of the police commonly perceived as corrupted, poorly trained and brutal. The rights and obligations of policemen were stipulated

<sup>30</sup> Ukaz Prezidenta Rossiyskoy Federatsii ot 09.11.2001 g. № 1309 "O sovershenstvovanii gosudarstvennogo upravleniya v oblasti pozharnoy bezopasnosti", at <http://kremlin.ru/acts/bank/17515>, 23 October 2021.

<sup>31</sup> Ukaz Prezidenta RF ot 30 sentyabrya 2011 g. N 1265 "O spasatel'nykh voinskikh formirovaniyakh Ministerstva Rossiyskoy Federatsii po delam grazhdanskoj oborony, chrezvychaynym situatsiyam i likvidatsii posledstviy stikhiynykh bedstviy", at <http://base.garant.ru/55172238/>, 23 October 2021.

<sup>32</sup> B.D. Taylor, *State Building...*, p. 42.

<sup>33</sup> It is because of that popularity that Sergey Shoygu was admitted into Vladimir Putin's inner circle in 1999 when he became the leader of the Unity party supporting the then prime minister and later candidate for president.

<sup>34</sup> In 2004, the Main Administration for the Execution of Punishments (GUIN) was changed into the Federal Penitentiary Service (FSIN) subordinate to the Ministry of Justice. Ukaz Prezidenta Rossiyskoy Federatsii ot 09.03.2004 g. № 314...



in the Act founding the police force.<sup>35</sup> In fact, the change was only nominal as the new force was made almost entirely of former *militsiya* members.

The idea of replacing *militsiya* with the police was raised already in 2002. Back then, the plan was to divide the *militsiya* into the federal police and regional police forces subordinated to the authorities of Russian Federation subjects. The reform was eventually abandoned due to the process of state centralisation which saw the competences of the subjects reduced.

Following its 2011 reform, the police operates within the structures of the Ministry of Internal Affairs based on departments (functional division) as well as offices and branches (territorial division).

The main purpose of most of the reforms consolidating the security sector carried out during Vladimir Putin's first two terms in office was to create an efficient apparatus that would strengthen central government – both domestically (reforms of special services and the MVD) and as regards foreign policy (especially the modernisation and reform of the army). As a result of the changes made in the state, the coercive structures found themselves at the very top of the *power vertical* as an authority that is subordinate to the president and kept out of the public eye. Defending their privileged position over the following years, these groups have become one of the key forces that have perpetuated the system and prevented any attempts at its destabilisation.

Initially, one of the main factors perceived as a threat to the stability of the government was the conflict in Chechnya and the related risk of terrorist attacks. To coordinate the actions taken by special services and the units subordinated to the MVD, a new structure was established in 2006: the National Antiterrorism Committee (abbreviated to NAK from *Nacijonal'nyj Antiterroristiceskij Komitet*).<sup>36</sup> The committee was composed of the heads of coercive ministries as well as some social and economic ministries, heads of special services, representatives of both chambers of the Federal Assembly and the heads of offices relevant to state security (e.g. the Federal Financial Monitoring Service). Another member of the committee was the president's representative for the Southern Federal District covering the Caucasus. Chaired by the head of the FSB, the committee worked as a team drafting counter-terrorism policies of the state that were then submitted to the president. Once the policies were approved, it put them into practice and coordinated actions on the ground on an on-going basis. The executive branch of the committee was the so-called operational headquarters, on both the federal and the regional levels, the latter reporting directly to local anti-terrorist committees in the Russian Federation subjects.

The fact that a committee with this kind of structure was chaired by the director of the FSB<sup>37</sup> demonstrates the high position of the head of the largest special service in

<sup>35</sup> *Federal'nyy zakon "O politsii" ot 7 fevralya 2011 g. N 3-FZ*, at <http://base.garant.ru/5763186/>, 24 October 2021.

<sup>36</sup> *Ukaz Prezidenta RF ot 15 fevralya 2006 g. N 116 "O merakh po protivodejstviyu terrorizmu"*, at <http://base.garant.ru/12145028/>, 24 October 2021.

<sup>37</sup> From 2008, the FSB was run by Alexander Bortnikov (b. 1951), an officer of the Leningrad branch of the KGB from 1975 and then of Saint Petersburg FSB after the KGB was closed down in 1991. In

the hierarchy of power. It must be observed, however, that the extensive competences of the security sector were largely the result of the belief that the state faced multiple threats. Some of them, like terrorism, were real, whilst others, like the risk of social unrest, can only be considered a threat for the people in power. Nonetheless, in the system introduced by Vladimir Putin, where his stay in power was believed to guarantee state security, any actions that contradicted the president's policies might have been interpreted as a threat.

This is why security agencies gradually started to focus on monitoring social mood, searching for potential risks. Despite obvious differences of scale and brutality, this was reminiscent of Soviet days.

It is interesting to observe how the notion of extremism evolved in the practice of special services. Whereas during the first years of Vladimir Putin's tenure it was linked primarily to terrorism, after 2008 it would be increasingly used to describe any opposition towards the government. Given this broad definition, 'extremism' could only be combated by establishing and involving new structures.

One of such structures, operating within the MVD, was the Counter-Extremism Service set up in 2008 and transformed into the Main Directorate for Countering Extremist Activities at the MVD in 2011.<sup>38</sup> The aim of the directorate, whose local branches were part of the regional network of the MVD (the so-called 'E' Centre), was to fight against extremist crimes, but, as the political and economic situation in Russia gradually worsened after 2012, the definition of extremism became broad and vague. Consequently, the directorate has become increasingly involved in combating political opponents<sup>39</sup> – both those who defy the federal government and those who speak against regional authorities. Abuses made by the directorate's officials are especially rife at the local level.<sup>40</sup>

Unlike police officers (and *militsya* officers previously), employees of the 'E' Centre work on the basis of the Law on Countering Extremist Activity<sup>41</sup>, which requires tak-

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2003-2004, he was head of the FSB in Saint Petersburg; between 2004 and 2008, deputy director of the FSB for economic security.

<sup>38</sup> The Counter-Extremism Service was established on the basis of the former MVD Department for Combating Organised Crime and Terrorism known as the 'T' Centre. *Ukaz Prezidenta RF ot 06.09.2008 N 1316 (red. ot 05.09.2011) "O nekotorykh voprosakh Ministerstva vnutrennikh del Rossiyskoy Federatsii"*, at [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_79834/](http://www.consultant.ru/document/cons_doc_LAW_79834/), 24 October 2021.

<sup>39</sup> One example of this was the arresting, in February 2019, of activists who protested against enhanced state control over the Internet. "Sotrudniki Tsentra 'E' v Moskve zaderzhali aktivistku assotsiatsii narodnogo Soprotivleniya", *Novaya Gazeta*, 25 February 2019, at <https://www.novayagazeta.ru/news/2019/02/25/149531-sotrudniki-tsentra-e-v-moskve-zaderzhali-aktivistku-assotsiatsii-narodno-soprotivleniya>, 27 October 2021.

<sup>40</sup> For example, officials working for the Counter-Extremism Service in Ingushetia in the Caucasus were arrested on charges of homicide, torture and many other crimes. "Pytki osuzhdeny na polovinu", *Novaya Gazeta*, 27 August 2018, at <https://www.novayagazeta.ru/articles/2018/07/27/77310-pytki-osuzhdeny-napolovinu>, 24 October 2021.

<sup>41</sup> *Federal'nyy zakon ot 25 iyulya 2002 g. N 114-FZ "O protivodeystvii ekstremistskoy deyatelnosti"*, at <http://base.garant.ru/12127578/>, 24 October 2021.

ing preventive measures. In practice, crime prevention means infiltrating many social groups, usually opposed to the government, which necessitates a network of informers and collaborators in different circles and constant social media supervision. The directorate is thus the lowest tier of what is effectively a security service preventing the emergence of opinions critical of the government.

The establishment of the directorate can therefore be considered a major change and a signal that, like in Soviet times, the Ministry of Internal Affairs has been charged with the additional function of exerting political control over the society.

The reorganisation of the coercive sector in 2016 may be viewed along similar lines, i.e. as yet another step on the way to building an authoritarian and repressive state. As part of this reform, Internal Troops were taken out of the remit of the Ministry of Foreign Affairs and transformed into National Guard Troops (VNG).<sup>42</sup> They also incorporated all special forces that were previously subordinated to the minister of internal affairs. As a result, in 2016, National Guard Troops numbered 340,000 soldiers, a figure that can be changed through conscription depending on current needs.

The new unit was subordinated to the independent service created for that purpose, namely the Federal National Guard Troops Service (FSVNG) abbreviated to Rosgvardiya.<sup>43</sup> Rosgvardiya was also charged with supervising private security agencies employing about 1 million people.<sup>44</sup> It was headed by Victor Zolotov,<sup>45</sup> previous deputy minister at MVD and commander of the Internal Troops. Most importantly, as it has already been mentioned, Zolotov was president's Putin long-standing personal bodyguard and now belongs to his innermost circle. This means that an over 300,000-strong, autonomous army with its own combat vehicles and aviation has become almost directly controlled by the president.<sup>46</sup>

Victor Zolotov prepared the soldiers in his charge for the new tasks when he was still commander of the Internal Troops. After 2013, the Internal Troops took part in an exercise during which they not only supported the operations of regular armed forces, but also practiced simulated street fighting and riot dispersion. Therefore, one of the objectives of VNG is most likely to put down potential social unrest and protect top governmental officials against losing control of the situation in the

<sup>42</sup> Russia planned to establish the National Guard already in 2000, but the plans were abandoned and the new unit was not formed. *Federal'nyy zakon ot 3 iyulya 2016 g. N 226-FZ "O voyskakh natsional'noy gvardii Rossiyskoy Federatsii"*, at <http://base.garant.ru/71433920/>, 25 October 2021.

<sup>43</sup> *Ukaz Prezidenta Rossiyskoy Federatsii ot 05.04.2016 g. № 157 "Voprosy Federal'noy sluzhby voysk natsional'noy gvardii Rossiyskoy Federatsii"*, at <http://kremlin.ru/acts/bank/40689>, 25 October 2021.

<sup>44</sup> For the management of the service this supervision may be important mainly in financial terms, given Rosgvardiya's power to grant permits for carrying arms and running a business in the security sector.

<sup>45</sup> Viktor Zolotov (v. 1954): KGB officer until the fall of the USSR. In the 1990s, bodyguard of the mayor of Saint Petersburg, Anatoly Sobchak. His acquaintance with Vladimir Putin dates back to that period. In 2000-2013, head of the President's Security Service. He belonged to the group of hard-line *siloviki* linked to Victor Cherkesov. In 2014-2016, commander of the Internal troops as deputy minister at MVD. From April 2016, head of Rosgvardiya.

<sup>46</sup> In the event of a war, the National Guard troops, like the Border Troops of the FSB, would fall under the command of the Russian Federation Armed Forces.

country. The decision to create Rosgvardiya and change Internal Troops into something like the president's army may be a signal that, faced with signs of instability, the government might be prepared to use force against the public.<sup>47</sup> The creation of Rosgvardiya, a third force, besides the FSB and MVD, whose main purpose is to fight against internal threats, is also a sign that a clampdown on government opponents is gaining pace.

However, the April restructuring of the coercive sector left the MVD much weakened following the establishment of Rosgvardiya. Some of this was offset by the simultaneous disbanding of the Federal Migration Service (FSM) and the Federal Drug Control Service (FSKN), created in 2004,<sup>48</sup> their tasks being taken over by the MVD.

As the result of the 2016 consolidation, the Russian security system was eventually based on three formations: FSB, National Guard and FSO.<sup>49</sup> Importantly, all these bodies were subordinate, through their bosses, to the president, and as such were one of the pillars of his rule. Each of them had its own tasks – the FSO was directly responsible for the security of top state officials, the National Guard was made up of troops assigned to fight against internal enemies, and the FSB – given its broad competences – exercised what might be referred to as general oversight of the coercive structures, being empowered to protect all the other bodies, including the armed forces, from foreign espionage. The competences were used by the FSB in its operations against other services and institutions, for instance, as part of combating corruption.<sup>50</sup>

The restructuring of the services stopped and reversed the process of breaking up the former KGB carried out during Boris Yeltsin's rule as they re-consolidated and strengthened the security sector. Another result of the changes was that the civil services were made not only structurally similar to the armed forces but also politicised by being increasingly subordinated to the interests of the president and his team. As such they were modelled on the KGB, a militarised service acting for the benefit of the Soviet communist party. This was partly the outcome of changed priorities, especially after 2012 when the focus was mainly on protecting the Russian regime and combating a growing number of phenomena perceived as a potential threat.

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<sup>47</sup> P. Żochowski, "Rosja: Gwardia Narodowa, czyli armia wewnętrzna wkracza do gry" [Russia: National Guard or the Domestic Army Enters the Scene], Ośrodek Studiów Wschodnich, 6 April 2016, at <https://www.osw.waw.pl/pl/publikacje/analizy/2016-04-06/rosja-gwardia-narodowa-czyli-armia-wewnetrzna-wkracza-do-gry>, 25 October 2021.

<sup>48</sup> The closing down of both federal services was officially explained by the need for budget cuts. Some of their personnel were made redundant.

<sup>49</sup> OSW Team [A. Łabuszewska (ed.)], *Putin po raz czwarty. Stan i perspektywy Rosji (2018-2024)* [Putin Forth Time Round. State of Play and Prospects of Today's Russia (2018-2024)], Warszawa 2018, p. 59.

<sup>50</sup> Ibid.

## PROSECUTOR'S OFFICE AND THE JUSTICE SYSTEM

As the security sector was being restructured and consolidated, a number of changes were also made in the prosecutor's office and the justice system. The former saw its powers gradually reduced. At first, i.e. right after Vladimir Putin came to power, the changes were liberal. In spite of opposition from the prosecutor's office, it was possible, among others, to amend the 2001 Code of Criminal Procedure<sup>51</sup> so that it was no longer an office but a court that decided about searches and arrests. In addition, the code equalled the procedural positions of the prosecutor and the attorney. On the other hand, prosecutors were granted the exclusive right to instigate proceedings. Before, this right could also be exercised by officials from coercive ministries.

The purpose of changes that were made later was different – these opened up an opportunity for the state to interfere in the investigation process. In 2011, the Investigative Committee of the Russian Federation was formed<sup>52</sup> based on the Investigative Committee of the Russian Federation's Prosecutor's Office that had already existed for four years. The establishment of the committee was justified by the need to separate investigations from the legal proceedings carried out by the prosecutor's office. As president Putin explained in his address to the Federal Assembly,<sup>53</sup> creating the separate Investigative Committee was supposed to ensure independent investigations. The reality is different. Appointed and dismissed by the president, the chairman of the Investigative Committee is directly subordinate to the head of state. The person that president Putin appointed for the post was Alexander Bastrykin<sup>54</sup> – his close friend from university days.

The main tasks of the committee include investigating the most difficult criminal cases, i.e. those that involve particularly serious crimes or crimes committed by high state officials and people who play an important role for the national economy. The Investigative Committee may therefore serve as an efficient tool in the fight against political rivals or opponents of the president. At the same time, the chairman of the committee has the right to request that criminal proceedings be brought against judges, which allows the president to put pressure on the justice system.

The process of reducing the role of the prosecutor's office was continued in 2014 when a constitutional amendment<sup>55</sup> gave the president more say about the nomination

<sup>51</sup> *Ugolovno-protsessual'nyy kodeks Rossiyskoy Federatsii ot 18.12.2001 g. N 174-FZ*, at <http://base.garant.ru/12125178/>, 4 November 2021.

<sup>52</sup> *Federal'nyy zakon ot 28 dekabrya 2010 g. N 403-FZ "O Sledstvennom komitete Rossiyskoy Federatsii"*, at <http://base.garant.ru/12181539/>, 26 October 2021.

<sup>53</sup> V. Putin, "Poslaniye Prezidenta Federal'nomu Sobraniyu", 3 December 2015, at <http://kremlin.ru/events/president/news/50864>, 26 October 2021.

<sup>54</sup> Alexander Bastrykin (b. 1953): in the Soviet period, officer of Leningrad *militiya* and Komsomol activist. In 1996-1998, member of the Internal Troops at MVD. Worked in the Ministry of Justice after 1998. From 2007, chair of the Investigative Committee at the Prosecutor's Office as deputy prosecutor general. Appointed chairman of the Investigative Committee of the Russian Federation in 2011.

<sup>55</sup> *Zakon Rossiyskoy Federatsii o popravke k Konstitutsii Rossiyskoy Federatsii ot 5 fevralya 2014 g. N 2-FKZ*

of prosecutors, including the deputy prosecutor general and the prosecutors working in the Russian Federation subjects. This last power strengthened the president's control over regions.

The president's powers were also extended through the changes made in the justice system. Most importantly, in 2009, the president was granted the right to name the candidate for the position of Constitutional Court Chairman,<sup>56</sup> who was then elected by the Federal Council. The two deputies of the chairman were elected in the same way. One year later, the president was also authorised to request the Federal Council to dismiss the Constitutional Court Chairman and his deputies,<sup>57</sup> if the Constitutional Court decided that the chairman or his deputy failed to fulfil their duties or fulfilled them improperly.

A major change in the structure of the justice system was made in 2014 when an amendment to the constitution<sup>58</sup> dissolved the Higher Court of Administration, existing from 1992, and combined it with the Supreme Court. According to William Pomerantz, the real reason behind the dissolution of the Higher Court of Arbitration was that the state had lost too many cases, especially those related to taxation.<sup>59</sup> It should be mentioned that the president of the dissolved court, Anton Ivanov, belonged to the inner circle of Dmitry Medvedev (whom he knew from the days when they both studied law) which may be interpreted as a sign of faction struggles and an attempt to weaken the position of the prime minister.

Another change made at that time was the reduction of the already small role of juries in criminal courts. In 2008 they were excluded from a number of cases, including those related to terrorism, armed coup, sabotage, and mass riots – in other words charges that could be brought against dissidents. In 2013, the list was expanded by corruption cases. The 2018 amendment of the Code of Penal Procedure<sup>60</sup> established the final, and not very long, list of crimes that could be heard in the presence of a jury at the request of the accused.

The process of restructuring was completed for the justice system in July 2018 with the introduction of the courts of appeal and cassation<sup>61</sup> operating at the inter-regional level within five appeal districts and nine cassation districts.

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*“O Verkhovnom Sude Rossiyskoy Federatsii i prokurature Rossiyskoy Federatsii”*, at <http://base.garant.ru/70583580/>, 26 October 2021.

<sup>56</sup> *Federal'nyy konstitutsionnyy zakon ot 2 iyunya 2009 g. N 2-FKZ “O vnesenii izmeneniy v Federal'nyy konstitutsionnyy zakon »O Konstitutsionnom Sude Rossiyskoy Federatsii«*”, at <http://base.garant.ru/195693/>, 26 October 2021.

<sup>57</sup> *Federal'nyy konstitutsionnyy zakon ot 3 noyabrya 2010 g. N 7-FKZ “O vnesenii izmeneniy v Federal'nyy konstitutsionnyy zakon »O Konstitutsionnom Sude Rossiyskoy Federatsii«*”, at <http://base.garant.ru/199637/>, 26 October 2021.

<sup>58</sup> *Zakon Rossiyskoy Federatsii o popravke k Konstitutsii Rossiyskoy Federatsii ot 5 fevralya 2014 g. N 2-FKZ...*

<sup>59</sup> See W. Pomerantz, *Russian State. Russia's Legal Evolution from Peter the Great to Vladimir Putin*, London 2019, p. 159 et seq.

<sup>60</sup> *Ugolovno-protsessual'nyy kodeks Rossiyskoy Federatsii ot 18.12.2001...*

<sup>61</sup> *Federal'nyy konstitutsionnyy zakon ot 29 iyulya 2018 g. N 1-FKZ “O vnesenii izmeneniy v Federal'nyy konstitutsionnyy zakon »O sudebnoy sisteme Rossiyskoy Federatsii” i ot del'nyye federal'nyye konstitutsionnyye*

## CONCLUSION

In spite of their relatively wide scope, the nature of the changes carried out in the justice system did not have a major impact on the process of strengthening the central government. This may mean that, in the eyes of the president, the justice system was not a serious obstacle to the implementation of his policies.

What was much more important was the restructuring and consolidation of the coercive apparatus which, together with the State Duma dominated by the president's party, was the most important tool of controlling the state. As a result of this process, as has already been mentioned, the representatives of the apparatus were elevated to the key position in the *power vertical* within the president's immediate circle. The great importance attached to the security sector within the power structure lays bare the real priority of the state policy which is to defend the existing political system against any internal or external threats. It is with a view to achieving this priority that the military might of the state and the role of secret services (in particular the FSB) are being increased, and it is also for this reason that governmental structures have been used to create the separate National Guard Troops in 2016.

Notably, besides the official, state security services, there are also private structures of that type controlled by the state through the system of licensing. These include first and foremost security agencies and the so-called private military companies numbering about one million people in total.<sup>62</sup> Usually managed by businessmen linked to the government, such structures may also be used – and indeed are used – to carry out tasks that are commissioned by the state, sometimes informally.<sup>63</sup> The government thus has a wide range of options to achieve its priority objective.

At the same time the lack of any public oversight of the coercive apparatus subordinated to the president leads to a number of consequences. The most important of those is the growing tendency of such services to engage in informal, even illegal, operations and the related feeling of impunity among their officers.<sup>64</sup> This applies to

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*zakony v svyazi s sozdaniyem kassatsionnykh sudov obshchey yurisdiksii i apellyatsionnykh sudov obshchey yurisdiksii*», at <http://base.garant.ru/71999850/>, 26 October 2021.

<sup>62</sup> One example is the so-called Wagner Group (ЧВК Вагнера), a private military company linked by the media to Yevgeny Prigozhin, a businessmen close to president Putin. It is worth noticing that the Russian law makes it illegal for Russian Federation nationals to join mercenary forces. However, the Wagner Group (named after one of its commanders, Dmitry Utkin aka Wagner) formally operates as a company providing security services registered as Slavonic Corps Limited in Hongkong. See I. Murtazin, "Pervyy i posledniy boy »Slavyanskogo korpusa«", *Novaya Gazeta*, 6 October 2017, at <https://www.novayagazeta.ru/articles/2017/10/05/74081-pervyy-i-posledniy-boy-slavyanskogo-korpusa>, 27 October 2021.

<sup>63</sup> The Wagner Group carries out operations – often of a military nature – in countries where Russia has political and economic interests (at the beginning of 2019 the list included Syria, Sudan, Libya, Republic of South Africa and Venezuela). Given that the group is private, the Russian government takes not responsibility for its actions.

<sup>64</sup> J. Darczewska, *Między jawną dezinformacją a niejawną praktyką. Gry rosyjskich służb* [Between Overt Disinformation and Covert Practice. Games of Russian Services], Warszawa 2019, p. 25 et seq.

both the actions taken against citizens (e.g. as part of combating the so-called political extremism) as well as those that protect the political-coercive-business setup underlying Putin's power system (e.g. corruption, control over private business). This sometimes creates conflicts between individual services (like in the already discussed case of Victor Cherkesov).

The above does not mean that the coercive apparatus rules over Russia. It would be closer to the truth to say that it is an instrument of power exercised mainly by the president and his group of men, usually with a KGB past (*siloviki*).<sup>65</sup> The group controls the key political institutions, economic resources and coercive structures. This is fundamentally different from the days of Boris Yeltsin who was hostage to various informal cliques, especially during his second term in office.

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<sup>65</sup> Jolanta Darczewska has observed that *the way Vladimir Putin exercises power has been termed a chekistocracy, i.e. rule by the former KGB establishment (sometimes wrongly described as power grab by the so-called coercive structures)*. See J. Darczewska, *Obrońcy obleżonej twierdzy. Uwagi na temat historycznej legitymizacji służb w Rosji* [Defenders of a Besieged Fortress. Comments on the Historical Legitimacy of Security Services in Russia], Warszawa 2018, p. 8.



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