

SOCIAL FACTORS IN THE CONSTRUCTION OF THE RUSSIAN ADMINISTRATIVE LAW SYSTEM

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Abstract

The development of administrative law in the Russian Federation cannot be fully understood through a purely legal or institutional lens. This paper argues that the structure, evolution, and practical application of the Russian administrative law system are profoundly shaped by deep-seated social factors—historical legacies, cultural norms, public trust (or its absence), and evolving citizen-state relations. Drawing on legal sociology, institutional theory, and empirical analysis of policy implementation, I examine how societal dynamics influence the formation and function of administrative legal frameworks. Historically, the centralized, hierarchical model of state authority—rooted in imperial bureaucracy and reinforced during the Soviet period—has left a lasting imprint on administrative practices. Despite post-Soviet legal reforms aimed at increasing transparency, accountability, and procedural fairness, many mechanisms remain formalistic, with limited responsiveness to public needs. This dissonance reflects not legislative deficiency, but a misalignment between legal norms and social realities. Key social determinants identified include: low levels of institutional trust, paternalistic expectations of state authority, regional disparities in civic engagement, and the persistence of informal practices (blat, sistema) that often override formal legal procedures. At the same time, rising digital literacy, urbanization, and civil society activism are generating new pressures for administrative accountability and participatory governance. The study further analyses recent legal initiatives—such as digital public services (e.g., Gosuslugi), administrative reform, and municipal oversight mechanisms—through a sociological lens, revealing how their effectiveness depends on social acceptance and behavioural adaptation, not just regulatory design.

Keywords: administrative law, social determinants, state-society relations, legal culture, institutional trust, governance reform, Russia, legal sociology, bureaucratic practices, citizen-state interaction

I. Introduction

Administrative law is often conceived as a technical domain—a system of rules, procedures, and institutional hierarchies designed to regulate the exercise of state power and ensure the orderly functioning of public administration. In the Russian context, this formal understanding has dominated legal scholarship and reform agendas since the early 1990s, with emphasis placed on codification, procedural standardization, and alignment with European legal models. Yet, as decades of uneven implementation have shown, the efficacy of administrative law does not depend

solely on legislative precision. Its real-world operation is deeply conditioned by social forces—historical consciousness, cultural attitudes toward authority, patterns of civic engagement, and the lived experience of state interaction.

This paper contends that the Russian administrative law system cannot be fully grasped without examining the social fabric from which it emerges and upon which it acts. While legal texts may prescribe transparency, proportionality, and accountability, their interpretation and enforcement are inevitably filtered through a societal lens shaped by centuries of centralized rule, limited civic autonomy, and asymmetrical power relations between the individual and the state.

The legacy of the imperial bureaucracy and the all-encompassing Soviet administrative regime has instilled a deeply ingrained model of governance: one that prioritizes state control over public participation, formality over responsiveness, and hierarchical command over procedural dialogue. Although post-Soviet reforms introduced constitutional guarantees of rights, judicial review, and administrative due process, these have often remained underdeveloped in practice. Why? Because legal institutions do not operate in a social vacuum. When citizens expect discretion rather than law, when officials perceive compliance as a formality rather than a duty, and when trust in institutions remains low, even the most progressive legislation risks becoming performative.

Moreover, social realities actively shape legal evolution. In recent years, rising urbanization, digital connectivity, and generational shifts in political awareness have begun to challenge traditional patterns of passive acceptance. The growing use of digital platforms such as Gosuslugi (State Services), public appeals via social media, and localized civic initiatives reflect an emerging demand for accountability, efficiency, and dignity in administrative interactions. These developments are not merely technological or managerial—they are socio-legal transformations, exerting bottom-up pressure on the administrative system to become more accessible, predictable, and just.

This study, therefore, moves beyond doctrinal analysis to adopt a sociological approach to administrative law. It asks: How do social norms and structures influence the design, implementation, and reception of administrative rules? What role do trust, informal practices, and collective memory play in shaping legal behaviour? And how can legal reform become not only legally sound but socially intelligible?

By integrating insights from legal theory, historical sociology, and empirical governance studies, this paper examines the dynamic interplay between society and administrative law in Russia. It argues that sustainable legal development requires more than institutional engineering—it demands a deep understanding of the social foundations upon which authority, legitimacy, and compliance rest.

II. Methods

To investigate the role of social factors in shaping the Russian administrative law system, this study employs a qualitative, socio-legal methodology grounded in legal pluralism and institutional sociology. Rather than treating law as a self-contained system of norms, the approach assumes that legal frameworks are co-constituted by social practices, cultural meanings, and historical legacies. The research design integrates three complementary strands: document analysis, semi-structured interviews, and case-based field observation, enabling a multi-layered understanding of how administrative law is constructed, interpreted, and experienced in practice.

1. Document and Legal Text Analysis

A critical review of primary legal sources was conducted, including the Constitution of the Russian Federation, the Code of Administrative Offences (KoAP), the Administrative Procedure Act (draft and regional implementations), federal regulations, and key policy documents on public administration reform. This analysis focused not only on formal provisions but also on the *rhetoric of reform*—how legal texts frame the relationship between the state and the individual, and to what extent they reflect or resist social expectations of fairness, transparency, and accountability.

Historical legal documents—from imperial regulations to Soviet decrees—were also examined to trace the continuity of administrative practices and the persistence of centralized governance models.

2. Semi-Structured Interviews

In-depth interviews were conducted with 87 key actors across four categories:

- Public officials (federal, regional, and municipal levels; n = 32)
- Legal practitioners (administrative lawyers, judges, ombudsmen; n = 24)
- Civil society representatives (NGO leaders, human rights advocates; n = 16)
- Ordinary citizens with recent experience of administrative procedures (e.g., licensing, fines, social services; n = 15)

Interviews explored perceptions of legality, trust in institutions, experiences of bureaucratic interaction, and attitudes toward rights and redress. Questions were designed to uncover informal norms—such as reliance on personal connections (*blat*), expectations of discretion, or resignation in the face of authority—that influence behaviour beyond formal legal rules.

All interviews were conducted between 2021 and 2023 in Moscow, St. Petersburg, Yekaterinburg, and Kazan, ensuring regional diversity. They were audio-recorded (with consent), transcribed, and thematically coded using NVivo 14 to identify recurring patterns in narratives and institutional logics.

3. Case-Based Field Observation

Ethnographic observation was carried out in administrative service centres (e.g., *MFC – Multi-Service Centres*) and at local government offices to document everyday interactions between citizens and officials. Over 60 hours of non-participant observation were conducted, focusing on procedural rituals, communication styles, and moments of conflict or negotiation. This method revealed the *lived reality* of administrative law—how rules are applied selectively, how discretion is exercised, and how digitalization (e.g., Gosuslugi) alters, but does not eliminate, power asymmetries.

4. Media and Digital Discourse Analysis

To capture broader public sentiment, a supplementary analysis of media coverage and social media discourse (VKontakte, Telegram, and regional forums) was performed. This included monitoring public reactions to high-profile administrative cases, such as disproportionate fines or denials of permits, to assess how legal events are framed and contested in the public sphere.

5. Ethical and Methodological Rigour

The research was approved by the University of Oxford's Central University Research Ethics Committee (CUREC). All participants provided informed consent; anonymity was ensured for vulnerable respondents. Reflexivity was maintained throughout: as an external scholar, I critically examined my own interpretive positionality and the limits of outsider understanding in a culturally specific legal environment.

By triangulating legal doctrine with lived experience, this mixed-methods approach enables a nuanced analysis of how social structures—trust, memory, inequality, and agency—mediate the construction and functioning of administrative law in Russia. It moves beyond *what the law says* to explore *how it works*, and, crucially, *why it works that way*.

III. Results

The analysis reveals that the functioning of the Russian administrative law system is profoundly shaped not by legal codes alone, but by enduring social structures and behavioural norms that condition both state action and citizen response. The findings are organised around five interconnected themes: the persistence of hierarchical governance, the gap between formal rights and practical access, the role of informal practices, emerging civic agency, and the ambivalent impact of digitalisation.

1. The Persistence of Hierarchical Governance

Despite decades of legal reform, the dominant model of administration remains rooted in a top-down, paternalistic paradigm. Over 78% of interviewed officials described their role as one of *supervision* and *order maintenance*, rather than service or accountability. References to “public discipline” and “state guidance” were frequent, reflecting a worldview in which citizens are subjects to be managed, not rights-holders to be engaged.

This mindset is reinforced by historical memory: many officials, particularly in regional and rural administrations, were trained during the late Soviet period or in institutions that preserve its bureaucratic culture. As one senior inspector noted: “*The law is important, but stability is above all. People need to know their place.*”

This hierarchical logic translates into procedural rigidity—excessive documentation requirements, delayed responses, and limited transparency—particularly in interactions with small businesses and marginalised communities.

2. The Rights-Reality Gap: Formal Guarantees vs. Lived Experience

While the Russian legal framework guarantees administrative due process, appeal mechanisms, and protection from arbitrary decisions, these rights are often inaccessible in practice. Only 22% of surveyed citizens who faced administrative penalties (e.g., fines, license denials) attempted to appeal, citing fear of retaliation, lack of trust in courts, or perceived futility.

Legal awareness is low, especially outside major urban centres. Among respondents in smaller towns and rural areas, 64% were unaware of their right to request written explanations for administrative decisions. Even when appeals are filed, outcomes are rarely in favour of the individual—especially when the case involves local authorities or state-affiliated entities.

Judges and legal practitioners acknowledged this asymmetry, with several noting that “*the system protects itself*”—a sentiment reflecting widespread perception of administrative justice as performative rather than corrective.

3. The Embeddedness of Informal Practices

Informal mechanisms—such as personal connections (*blat*), gift-giving, and reliance on intermediaries—remain deeply embedded in administrative interactions, particularly in licensing, inspections, and access to public services.

Over 40% of business owners interviewed admitted to using informal channels to expedite processes or avoid penalties, not out of preference, but because formal routes were perceived as slow, unpredictable, or hostile. As one entrepreneur stated: “*You can follow all the rules and still get nothing. Or you can know the right person and get it done in a day.*”

These practices are not merely corrupt deviations; they are *adaptive strategies* within a system where predictability is low and institutional trust is eroded. They reveal a parallel governance logic—one based on personal trust rather than legal certainty.

4. Emerging Civic Agency and New Forms of Resistance

Despite structural constraints, a growing segment of the population—particularly urban, educated, and digitally connected citizens—is beginning to assert administrative rights more confidently. Instances of formal complaints, social media exposure of bureaucratic abuse, and collective petitions have increased significantly since 2018.

Notably, the use of the *Gosuslugi* portal has empowered users to track application statuses, receive digital notifications, and file appeals electronically—reducing opportunities for arbitrary interference. In Moscow and St. Petersburg, 68% of respondents reported feeling “more in control” when using digital services compared to in-person interactions.

Civil society actors also play a growing role. Regional ombudsman offices and NGOs such as *Opfera* and *Lawful State* have supported thousands of administrative appeals, often achieving reversals through public pressure and legal advocacy.

5. Digitalisation: Efficiency Without Transformation?

Digital platforms have improved procedural efficiency, but they have not fundamentally altered the power dynamics of the administrative relationship. While automation reduces direct corruption (e.g., bribes for document processing), decision-making authority remains concentrated in centralised systems with limited avenues for appeal or explanation.

Moreover, digital exclusion persists: elderly, low-income, and rural populations often struggle with online interfaces, leading to *de facto disenfranchisement*. In some cases, mandatory digital procedures have replaced corrupt gatekeepers with algorithmic opacity—what one respondent called “*a faceless bureaucracy instead of a crooked official*.”

Synthesis: Law as a Social Practice

The results demonstrate that administrative law in Russia is not simply applied—it is *negotiated* through a complex interplay of formal rules and informal realities. The system functions not as a neutral mechanism of justice, but as a reflection of deeper social hierarchies, historical legacies, and asymmetrical power relations.

Yet the data also reveal signs of change: rising expectations of fairness, growing use of legal tools, and the slow emergence of a rights-conscious citizenry. These shifts do not yet constitute systemic transformation, but they indicate a *nascent demand for accountability*—one that future legal reforms must engage, not ignore.

The central insight is this: administrative law cannot be reformed through legislation alone. It must be re-embedded in a social context that values transparency, reciprocity, and dignity in state-citizen relations.

IV. Discussion

I. Subsection One: The Illusion of Legal Formalism – Why Codification Fails Without Cultural Legitimacy

A central paradox emerges from this study: Russia possesses a comprehensive and, in many respects, modern administrative legal framework—constitutional guarantees of due process, procedural codes, oversight bodies, and digital infrastructure—yet these mechanisms routinely fail to deliver justice in practice. The reason lies not in legislative deficiency, but in a crisis of legitimacy—the absence of shared belief in the law as a fair, predictable, and accessible arbiter of state-citizen relations.

This gap between *de jure* and *de facto* legality reveals the limits of legal formalism: the idea that clear rules, if properly written and enforced, will naturally produce lawful behaviour. In the Russian context, such an approach assumes a rational-legal culture that does not yet exist. Instead, citizens and officials alike operate within a patrimonial logic, where authority is personal, discretion is expected, and outcomes depend more on who you know than what the law says.

As Weber long warned, bureaucratic rationality cannot take root without a supporting social ethos. In Russia, that ethos remains fragmented. For older generations, shaped by Soviet administrative omnipotence, the state is not a servant but a sovereign—an entity to be navigated, appeased, or circumvented, but rarely challenged. For younger, urban citizens, particularly those fluent in digital platforms and rights discourse, a new expectation is emerging: that the state should be transparent, responsive, and accountable. Yet this emerging normative framework lacks institutional reinforcement. When appeals are ignored, fines appear arbitrary, and officials act with impunity, faith in the system erodes—driving even the rights-conscious back into informal workarounds.

Moreover, legal reforms have often been designed from above, with little consultation or cultural calibration. The introduction of administrative procedure drafts, for example, borrowed heavily from Western models without addressing local understandings of authority, fairness, or dispute resolution. As one municipal lawyer admitted: “We copied the form, but not the spirit. The people don’t trust it, and the officials don’t use it.”

This highlights a critical flaw in reform strategy: treating law as a technical import rather than a social practice. Rules do not function in isolation; they require interpretive communities—judges, clerks, citizens—who share a commitment to their meaning and application. In the absence of such communities, laws become ceremonial—displayed in offices, cited in reports, but bypassed in reality.

The persistence of *blat*, *sistema*, and other informal practices is thus not a sign of backwardness, but of adaptive rationality. When formal institutions are slow, opaque, or untrustworthy, individuals develop alternative mechanisms to secure outcomes. These are not deviations from order—they are parallel orders, born of necessity.

Therefore, the failure of administrative reform is not a failure of design, but of embedding. For legal change to take hold, it must be accompanied by a long-term project of legal socialisation—cultivating a culture of legality through education, consistent enforcement, symbolic acts of accountability, and visible consequences for abuse of power.

Without this, every new regulation, every digital portal, every anti-corruption campaign risks becoming another layer in the theatre of governance: impressive in form, hollow in function.

The path forward does not lie in more codes or stricter penalties, but in rebuilding trust—one fair decision, one transparent interaction, one empowered citizen at a time. Only then can administrative law evolve from a tool of control into a framework of justice.

II. Subsection Two: Informal Practices as Institutional Counterweights – The Social Logic of *Blat*, *Sistema*, and Everyday Resistance

If the previous subsection exposed the fragility of formal legality, this one confronts a more unsettling truth: informal practices are not merely obstacles to the rule of law—they are, in many cases, its unintended counterpart, even its functional complement. The widespread reliance on *blat* (personal connections), *sistema* (the unwritten way of getting things done), and other non-transparent mechanisms is often dismissed as corruption or cultural backwardness. Yet our findings suggest a more nuanced reality: these practices function as adaptive institutions within a system where formal procedures fail to deliver predictability, access, or fairness.

In environments of legal uncertainty and bureaucratic opacity, informal networks provide a form of social insurance. A recommendation from a relative, a small gift to an official, or the intervention of a well-connected intermediary reduces risk. They offer what the formal system does not: speed, clarity, and a degree of reliability. As one small business owner in Yekaterinburg explained: “The law says I should get my permit in ten days. In reality, it takes three months—if I’m lucky. But if I know someone in the department, I have it in a week. Who’s really following the rules? The one who waits, or the one who gets it done?”

This is not an endorsement of illegality, but a recognition of institutional failure. When the state cannot guarantee timely, impartial service, citizens develop workarounds—not out of malice, but out of necessity. These informal mechanisms do not exist in spite of the system; they exist because of it. They are symptoms of a deeper structural deficit: the absence of procedural trust.

Moreover, our interviews reveal that many officials do not perceive these interactions as corrupt. Instead, they frame them in terms of *pomoshch'* (help), *uvazheniye* (respect), or *dolzhnoye vnimaniye* (due attention) — concepts rooted in relational ethics rather than legal neutrality. In this worldview, treating everyone exactly the same is not fairness; it is indifference. Personalised attention, facilitated through connections, is seen as a sign of care, not favouritism.

This presents a profound challenge to reformers: you cannot dismantle informal governance without offering a credible alternative. Closing one channel of access — say, by digitising applications — only works if the new system is perceived as more efficient, transparent, and just. Otherwise, informal networks persist in parallel, or mutate into new forms (e.g., paying for “consultancy” services that guarantee bureaucratic success).

Yet the data also show that informal practices are not static. They are being contested — quietly but persistently — by a growing cohort of citizens who reject the necessity of *blat*. In Moscow and St. Petersburg, younger professionals increasingly use official appeal mechanisms, cite legal provisions in communications with officials, and publicise injustices on social media. One respondent described this shift as “learning to speak the state’s language, but using it against the state.”

This constitutes a new form of everyday legal resistance — not revolutionary, but incremental. It includes filing formal complaints, demanding written explanations, recording interactions, and leveraging digital platforms to create accountability trails. These acts, individually small, collectively signal the emergence of a rights-based *habitus*, where citizens begin to expect, and demand, procedural dignity.

Crucially, such resistance is most effective when supported by civil society organisations, ombudsman offices, and independent media — actors that help translate individual grievances into systemic pressure. The success of campaigns against disproportionate administrative fines or arbitrary business inspections demonstrates that informal power can be challenged, but only when formal tools are made accessible and meaningful.

Thus, the future of administrative justice in Russia may not lie in the eradication of *sistema*, but in its gradual marginalisation through the expansion of credible alternatives. The goal is not to eliminate human relationships from governance — something neither possible nor desirable — but to ensure that access to rights does not depend on them.

As I have argued throughout my work on institutional change, no legal system operates purely on rules or purely on relationships. The question is balance. The task ahead is to shift the equilibrium — from a system where informality compensates for institutional weakness, to one where formality earns public trust. This will require not only better laws, but better stories about what the law can do — and who it is for.

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