

ICEST 2021**II International Conference on Economic and Social Trends for Sustainability of Modern Society****CURRENT ISSUES OF ELECTORAL LAW IMPLEMENTATION:
COGNITIVE ANALYSIS**

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Abstract

The paper focuses on the current challenges of electoral law implementation in terms of realizing electoral rights using new methods. With a view to analyzing sensitive problems of electoral law execution, the expedience of applying a cognitive analysis model is discussed. A generalized cognitive model used for analyzing a voting process is described. It consists of a number of stages including the impulse to select, the ability to interpret, the process of voting and evaluation of the voting results which are causally combined in a simple circuit. It is pointed out that the most significant as well as the most challenging stage for implementing the right to vote is the interpretation stage. It is in the process of critical analysis that the voter makes a final decision about their further action at the voting stage. Violation of constituents' electoral law, for example, by the interpretation stage elimination ("shunting") is to trigger serious problems at both the voting stage and the stage of voting results evaluation. The cognitive analysis technique based on modelling presentation and problem interpretation is suggested. In the paper, the electoral law implementation analysis is followed by developing a cognitive model of the voting process with interpretation stage shunting. In conclusion, it is claimed that even though the outside evidence of protection against social threats and risks for electoral rights violation is gradually disappearing and becoming more latent, the challenges for electoral law realization still do exist.

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1. Introduction

It is common knowledge that one of the most vital branches of the Russian Federation constitutional law is the electoral law, i.e. rules and regulations comprising a complex of legal principles describing the entire body of electoral procedures (Yusov, 2017). However, the electoral process is fairly represented as a linear one-direction process made up of successfully implemented stages – from election assignment to voting, ballot counting and presentation of election results. Numerous surveys carried out by scientists (Malashenko, 2014), legislative initiatives introduced by deputies from different levels of state authority, and finally governmental bodies and local authorities that directly participate in the electoral process, they all focus on the challenges of electoral law implementation including successful complying with legal regulations responsible for correct activities of the members of the electoral process who are involved in preparing and conducting elections (Kaminskii, 2017; Rudenko, 2019). This is a significant and essential issue for providing proper legal conditions for implementing and protecting electoral rights of the Russian citizens.

2. Problem Statement

In this regard, the constituents' take on the problems of electoral law execution is of particular interest. In terms of constituents, the election process is subjectively perceived as being cyclic and causal, i.e. as an ongoing process where all the stages are connected with cause-and-effect relations. Every voter is to pass through a number of stages: the impulse to vote, then comes the interpretation stage, next voting itself, and finally, the stage of voting results evaluation which appears to be the reason for the next voting impulse, interpretation and voting actions. Thus, the perception of electoral law is completely different if looked at from objective and subjective points (on the one hand, there is a linear order, on the other hand, there is a causal cycle). In fact, for the voter, the electoral rights which they realize in a particular election never cease to exist, i.e. they are constant. It is of particular interest to study these differences and identify the problems they could bring about.

3. Research Questions

First and foremost, it is essential to find and suggest a set of scientific tools that would allow us to carry out the research. After that, within the possibilities provided by the tools we are to describe a generalized model of subjectively perceived electoral right. Finally, based on the generalized model we are to analyze the challenges for electoral process and the ways to resolve them.

4. Purpose of the Study

The focus of the study is analyzing electoral law problems brought about by a disturbed causal cycle of the electoral process.

5. Research Methods

It is known that one of the key points in searching for scientific tools for problem analysis is structural realism which has become fairly influential in sciences recently. In the study of law, in modern theory of law, structural realism is focused on studying infrastructural links which allows bringing to light the problems caused by the structure (Lee, 2017). Looking further, we arrive at cognitive analytics which makes it possible to “gain a deeper insight into complicated motivation processes that determine the voter’s actions. Supposedly, cognitive analytics is able to cope with limitations the conventional theoretical and methodological conceptions of electoral behavior faced with” (Pushkaryova, 2003, p. 120). Therefore, this study suggests a cognitive analysis technique which is based on model presentation and interpretation of the study problem. As a formalization instrument, a cognitive model determined in a theory of graphs as a sign digraph is employed (Kuj, 2017), that is increasingly used when analyzing challenges in political and law areas (Karayev et al., 2018; Rozin et al., 2019).

6. Findings

6.1. A generalized cognitive model of subjectively conceived electoral process

A generalized cognitive model used for analyzing subjective perception of electoral right is shown in Figure 1.

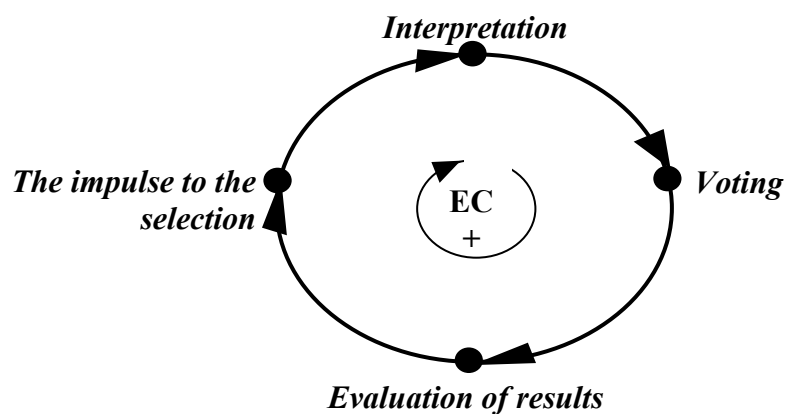


Figure 1. A generalized cognitive model used for analyzing subjective perception of electoral right

The model represents the stages of *Impulse to select*, *Interpretation*, *Voting* and *Evaluation of results* which are causally combined in a simple circuit with a positive feedback. All the stages comprising the cycle (election cycle – EC) make up a straight way, i.e. a directed order of tops where all the tops are different except for the first and last one. This very top is a target factor to study (for instance, the *Interpretation* stage). Positive feedback relation (+) causes alterations in the state of the system (e.g. increasing tendency, “wheel spinning”, etc.) (Rozin et al., 2019).

This represents the initial mental picture of electoral process from a voter’s subjective point of view: cause-and-effect dynamics in the cycle with a positive feedback. Each stage in the cycle appears as a

consequence of some kind of change at the previous stage. Thus, increasing *Impulse to select* is to facilitate *Interpretation*, the latter is to boost sustainability of a voting decision leading to a higher quality of *Voting*, as well as growing numbers of voters. Finally, rising quality and quantity of voting indicators result in a greater interest in *Evaluation of results* and a pursuit for a new (next in a cycle) vote. Notably, the *Voting* stage consists of a number of stages – from election assignment to ballot counting and presentation of election results. However, the threat of the models with a positive feedback lies in the fact that they tend to accelerate any tendency of alteration. Similarly, weakening *Impulse to select* is certain to result in declining mental activity aimed at decision-making in voting leading to sometimes meaningless or careless voting or even refusal to vote (absenteeism). Apparently, in this case voting fails to fulfil its function of electoral law implementation. Hence, the interest in evaluating election results is lost which leads to increasingly weakened impulse to select. The cycle is closed and the tendency gets stronger.

In terms of the quality of elections, the *Interpretation* stage is fraught with the most challenges. It is worth mentioning that interpretation is a kind of comprehension of reality in certain practical, theoretical, cultural, personal and other contexts. It varies according to a specific situation as well as the level of the voter’s law culture. Being a finite human, a man is compelled to try to comprehend the endlessly diverse world from a certain point, from a certain view, in a certain sense (Tulchinsky, 2017). Besides, one and the same situation can be perceived and interpreted in different ways by different people. Every voter should be given freedom to take a decision when voting. Generally speaking, it seems possible to change a result which is only putting into shape at the *Interpretation* stage just by purposeful management of the interpretation process without changing the situation itself. At this stage, the management requires a lot of resources, e.g. time, information, intelligence, etc. If these resources are provided to the voter, it could be fraught with threat of violation of their electoral right, i.e. declining rate of conscious decision-making skills when voting. A cognitive model of subjectively perceived electoral process with a shunting circuit of interpretation process. Let us examine one of the currently used models of interpretation management using the *Interpretation* stage “shunting” structural mechanism (see Figure 2).

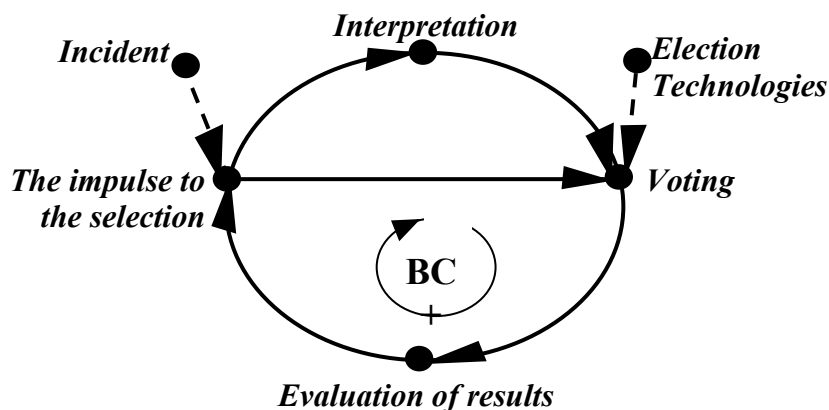


Figure 2. A cognitive model of subjectively perceived electoral process with a shunting circuit of interpretation process

It is seen from Figure 2, a cognitive model of electoral process is added by a causal link from the *Impulse to select* stage to the *Voting* stage. This curve allows for a direct transition to the *Voting* stage missing out the *Interpretation* stage. Thus, there appears a “shortcut” (very fast, time-saving way) leaving out the *Interpretation* stage, i.e. “shunting”. A newly formed shunting circuit (bypass circuit - BC) consists of only three stages: *Impulse to select*, *Voting* and *Evaluation of results*.

Management in the shunting circuit is carried out by two joined factors of *Incident* and *Election technologies*. In this case, the *Impulse to select* stage integrates reasons (from *Incident* factor and the *Evaluation of results* stage) and decomposes consequences (for the *Interpretation* and *Voting* stages). The level of signals from the *Incident* factor makes a certain part of constituency travel along the “easier” way to direct voting or turning down the voting procedure. Meanwhile, the *Voting* stage integrates the reasons from the *Interpretation* and *Impulse to select* stages, including *Election technologies* factor. The voting will be as meaningful as the *Interpretation* stage was. After all, this is only a part of electorate. If shunting is successful, this number of voters is not considerable and it has very little effect on the election results. The result will be increasingly determined by only the *Impulse to select* and features of the *Incident*. The incident pushes (opens) the voters’ movement along the shunting curve to the *Voting* stage. At this stage, by using the *Election technologies*, the atmosphere of self-implementation of such meaningless voting for those “arriving” at the bypass circuit can be artificially created. Repeated elections with a bypass circuit will only boost (providing public acclaim) the probability of applying this mechanism in the electoral process. Maintaining relevant electoral process with bypass circuit of interpretation procedures requires compulsory initiation of incidents for opening a shunting curve as well as supporting election technologies. However, timely identification and blocking down the incidents of opening the bypass circuit as well as supporting election technologies will reduce the impact of the shunting circuit on the election results.

7. Conclusion

In the Russian Federation, people democracy should be based on free and fair elections to representative bodies of the RF government and local self-government authority bodies, with solid foundation of meaningful (balanced, sensible and responsible) self-identification and demonstration of each voter’s will being the ground for it. To achieve this goal, it is essential to protect a subjective idea of electoral process where all the stages (*Impulse to select*, *Interpretation*, *Voting* itself and *Evaluation of the voting results*) have cause-and-effect relations. In recent years, outside evidence for protection against social threats and risks of electoral rights violation is gradually disappearing and seems to become more latent, however, the challenges for correct electoral law realization still exist. At the *Interpretation* stage, one of the notable signs of voters’ rights violation is absenteeism or the voters’ refusal to take part in elections. Increasing absenteeism makes the study of absenteeism conflict potential relevant and urges to look for new ways to combat it. Under the circumstances, cognitive analysis based on cognitive modelling will make it possible to reveal structural problems in electoral process and develop an appropriate methodological and law concept in order to counteract violations at the stage of meaningful decision-making in voting.

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