OPINION

Preservation and Strengthening of the Value and Ideological Foundations of Contemporary Russian Legal Science

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Abstract. The author emphasizes the importance of scientific jurisprudence in legal consciousness formation and strengthening the legitimacy of the legal order in Russia within the context of constitutional transformation and a changing socio-historical environment across the country. As the rigid separation of politics, ideology, and jurisprudence comes under criticism, it is argued that law is interconnected with social attitudes and cannot be purely non-ideological. Additionally, the risks associated with the arbitrary borrowing of foreign ideas and applying them in Russian scientific jurisprudence are discussed, such as human rights concepts and legal globalization methods. The need to create an independent system of legal ideals based on national traditions and values is emphasized. In this regard, scientific jurisprudence lags behind practical needs and the dominance of a template-schematic approach. The author comes to the conclusion that it is important to intensify the efforts that seek to strengthen the role of Russian constitutional law in the educational process, for students of law as well as students of other disciplines.

Keywords: legal science; jurisprudence; constitutional law; ideology; traditions; values; identity.

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Introduction

The value and predictive-strategic significance of legal science have grown increasingly important in modern times, particularly in the context of the constitutional transformation that took place in Russia in 2020 and the associated fundamental changes in the geopolitical and socio-historical context. Given the dynamic nature of these circumstances, it is necessary that we seriously reconsider our state's political and legal system from the perspective of Russian civilizational identity, with a firm focus on the unconditional priority of national interests. The field of legal science is specifically intended to play a key role in shaping the legal awareness of both professionals and the general public. It seeks to strengthen the values of legality and legitimacy that are already established within the existing legal order, while also taking into account existing moral, religious, and cultural-historical factors, thereby facilitating the adaptation of legislation to changing social conditions. It is important to remember that the Constitution of the Russian Federation exerts its regulatory influence within the framework of a specific system of legislative regulation and a constantly evolving societal context. Therefore, its effectiveness, supremacy, and direct impact are largely dependent on the quality of legal forecasting as well as its ability to propose forward-looking solutions based on fundamental values of legal culture that will be accepted by society and contribute to this field's advancement.

In this discussion, I will thus outline a series of key principles and predictive-strategic issues in the field of legal science in Russia that, in my opinion, require particularly close attention and discussion.

1. First and foremost, there is a need for an objective understanding of the approach that is currently experiencing significant inertia. Under this approach, there should be **a strict separation and opposition between politics and ideology on the one hand and jurisprudence on the other**. This rationale is based on a notion that is largely speculative and asserts that when law becomes influenced by ideology and politics, it can lead to the legitimization of arbitrary use of power and the oppression of individuals. This, in turn, undermines the value of academic freedom and the ability of scientists to critically analyze and challenge prevailing beliefs. Without denying the rather obvious fact that any extremes are risky and harmful, it should be noted that "there is no such thing as an empty sacred place." Similarly, despite our best efforts to convince ourselves otherwise, there is no such thing as non-ideological and non-political jurisprudence. This argument is also valid for the general social sciences. The role of the law as a social regulator is inseparably linked to societal values and worldviews, which are concretized in binding state directives that reflect the general political consensus. Therefore, scientific jurisprudence, with its generalized subject matter of universal social norms, cannot be separated from the political-ideological aspect of social regulation.

The openly declared calls by activists for de-ideologization and depoliticization of jurisprudence in the 1990s did not lead to the creation of a "pure legal science," but rather to the alienation of Russian jurisprudence from the moral-political principles and socio-ideological ideals of the Russian people, consequently resulting in the dominance of Western-centric views.

We started to believe in the superiority of Western legal tradition, turning it into a kind of fetish that served as not only a rational but also a moral standard of social development. It is becoming increasingly clear today that behind such prioritized ideas and ideals often lies a completely different notion, which is incompatible with the traditions of Russian legal science, such as the supremacy of the "law of the strongest," universal tolerance, disregard for our own moral positions, and so on.

Domestic jurisprudence faces the challenge of substantiating the necessity of establishing an independent system of legal ideals that is based on our own national traditions, values, and unique historical experience. An extensive scientific discussion is needed with regard to the political-ideological aspect of our jurisprudence, which should serve the sovereign interests of our people and express their ideals and aspirations rather than the moral-political priorities of other countries. A failure to address such challenges in this area carries the risk of undermining constitutional legitimacy.

It is no secret that the Constitution is sometimes perceived as a formalized outcome of defeat in the "Cold War" and interpreted as a set of values that are alien, even hostile. This position cannot be treated with indifference any longer. It is imperative that the national identity and meaning of the Constitution be revealed in a manner that is both accurate and consistent. For example, under Article 13 of the Constitution of the Russian Federation, the state is not separate from its ideological function; hence, it is obliged to express the historically formed ideology of the multinational people as a whole, not just a particular group.

2. In direct connection with the previously mentioned issue is the question of **arbitrary borrowing of foreign ideas and principles** and incorporating them into Russian legal science. This includes not only the categorical apparatus and individual institutes but also legal principles, criteria of legality, and even methodological approaches to legal cognition. Furthermore, we frequently adopt ideological interpretations of terms, which are understood quite differently in our legal environment.

For example, the concept of human rights, which, despite having a rational basis, is introduced uncritically into our legal science, as our society tends to totally rely on foreign interpretations even though they may be alien to us.

In the Western legal tradition, the idea of human rights reflects an ontological conflict between the individual and the state, which is resolved seemingly in favor of the individual through the formal recognition of their unconditional importance in all aspects. However, this results in a total imposition of the cult of individuality, which is no longer seen in terms of natural human essence but rather as a mandatory, constant

self-choice of one's body, image, and orientation. Similarly, personality, when viewed from a socio-psychological aspect, becomes something unstable and ephemeral, acquiring an indefinite and changing value that eventually disintegrates.

The Russian legal tradition does not deny human rights. However, they have never been viewed in Russia as an absolute self-sufficient phenomenon. For Russian civilization, there is no inherent essential opposition or confrontation between the individual and the state, as the state itself is seen as a state-organized society, a vital political and legal form of coexistence for people. This is especially true given Russia's harsh climate, complex economic organization, and vast territory with a high degree of ethnic diversity. Moreover, in the face of hostile geopolitical circumstances that necessitate centralized measures to protect the national perimeter, it could not have been otherwise.

Accordingly, the legal understanding of a person in our system of values is determined not by his or her separation but rather by his or her connection with the state, i.e. by the status the person holds as a citizen within that state, in which the unity of mutual rights and obligations of a person with their homeland is encapsulated. Therefore, the fact that human rights are referred to in a specific presidential decree among traditional Russian spiritual and moral values is not only appropriate but quite justified. There is no paradox here. However, it is necessary to understand clearly that the quality of human rights as a traditional value is determined not by external influences that are imported but by authentic Russian political and legal interpretations and requires a thorough understanding precisely from these sociocultural perspectives. In our legal culture, the meaning of human rights is inseparably linked to the idea of social service and its benefits, as well as to the realization of one's intellectual, spiritual, and creative potential for the multiplication of the common good.

The same applies to a whole range of ideas relating to the organization of public authority. It suffices to say that the concepts of "separation of powers" and "federalism" are not directly enshrined in the Constitution, which speaks of the exercise of state power "based on separation" into legislative, executive, and judicial branches and also employs terms such as "federation," "federal state," "federal structure," along with other related derivatives of these concepts. However, the reference to these doctrines of separation of powers and federalism is associated with a specific value-ideological dimension that has not yet formed in our legal environment.

When analyzing our system of public authority through the prism of "separation of powers" and "federalism," the predominant approach is to adhere to the dogmatic approaches rooted in Western legal tradition. These approaches often disregard our own experiences with state building, which stems from the sovereign right of the people to exercise political self-determination.

The concepts that are necessary components of an exhaustive list of branches of power that make up a "system of checks and balances," the polycentric nature of federalism serving as an expression of regional self-governance, and the underlying idea of local self-governance based on municipal autonomy, should be subjected to

critical analysis based on an understanding of historically established approaches to the "symphony" of Russian public authority, the spatial organization of its fundamental unity, and the integration of the community into the system of Russian statehood.

When analyzing arbitrary foreign borrowings in our jurisprudence, it is impossible not to mention such a vicious trend as the spread of "**the methodology of legal globalization**," which has contributed to the elimination, among other things, of the boundaries between the Romano-Germanic and Anglo-Saxon legal systems and ultimately led to the dilution and diminution of the national identity of the Russian legal system. Within the stream of the ideology of legal globalization, there have been, for example, attempts to introduce judicial precedent as a source of law in Russia, which only creates tension in the implementation of the principle of legality. Furthermore, attempts have also been made to impose an economic analysis of the law, placing utilitarianism and economic expediency above moral requirements and justice.

3. Another serious problem in our legal science is not just that it is **lagging behind modern-day practical demands and requirements** and commentator reactions to already established normative solutions, but it also has a significant problem in its widespread use of **the dominant template-schematic approach in understanding and interpreting the adopted decisions.** This approach attempts to interpret concepts and notions, again with an orientation towards foreign models while at the same time disregarding their original, unique legal nature.

In this regard, the emerging experience of undertaking scientific analysis of a new constitutional and legal category, such as federal territories, is particularly notable.

It must be mentioned that it was not science but legislative practice that shaped this institution of legal science. Whereas, scientific jurisprudence, on the one hand, while neglecting a holistic, systematic understanding of its essence in the general logic of constitutional amendments, either denies the value of this institution in the system of territorial organization of public authority, insists on its inconsistency (and therefore alleged defectiveness) with other existing models in world practice, or designates it as an eclectic formation devoid of internal unity and integrity, then, on the other hand, it also seeks to rigidly differentiate individual components of this institution by associating it with the different levels and systems of public authority in an effort to achieve formal purity. Additionally, there are a few notable instances of linking federal territories with various forms of natural territorial self-organization of the population, almost suggesting that we are dealing with a mechanism of territorial self-government in this case. Thus, a conceptual and semantic "vinaigrette" emerges that is unable to satisfy the urgent needs of development.

Without delving into a discussion of this rather independent issue, I will simply note that the institution of federal territory is characterized by a special legal regime of public authority that does not require mandatory organizational separation of bodies responsible for addressing local issues but instead is based on the organizational unity of public authority. This is due to the unconditional priority typically given to overarching federal interests in carrying out the tasks assigned to the federal territories.

4. In conclusion, I would like to note that one of the significant prerequisites for these and other value-philosophical issues in modern Russian legal science is the **deficit of fundamental constitutional legal knowledge** that is characteristic of our legal environment. This is further compounded by the dominance of sectoral methodology, including claims to its own constitutional standing. Thus, it is not uncommon to arrive at judgments that the Constitution itself is nothing more than a body of general principles established in various branches of law or that the true values of societal life are determined not by constitutional law but by civil law. This is because civil law is believed to directly determine the foundations of human material existence, and therefore, as the logic of this approach suggests, all derivative aspects of social existence.

Nonetheless, **national constitutional law suffers from a lack of understanding of its own identity**, particularly in terms of civilization and culture, and is rich in ideas about the origins of constitutionalism that are entirely Western, to which Russia has only partially adhered without participating in their formation.

Unfortunately, the spread of such views is to some extent facilitated by legal education programs in which Russian constitutional law is often presented as a mandatory component in a state-anonymous form, while foreign (or comparative) constitutional law is not highlighted as a separate subject. However, it is Russian constitutional law that serves as the basis of national legal identity, and studying it within the context of the general constitutional law course can lead to disorientation regarding the ideological and value origins of our state legal life, thereby creating conditions for considering Western constitutional ideas as exemplary. Neglecting the study of foreign constitutional law does not encourage an awareness of the richness and diversity of international constitutional experience, nor does it contribute to the development of critical evaluation skills, including the ability to see problems and shortcomings in foreign constitutional systems.

In light of this discussion, it is of the utmost importance to intensify efforts that seek to **strengthen the role of constitutional law** in Russia within the educational process, for law students as well as students of other departments.

I also believe it is important to discuss the issue of **strengthening state control over the publication of legal textbooks** for higher education in order to overcome the informational and ideological "pollution" of the educational process.

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