

The cover features a person standing on a dark rock in a snowy, mountainous landscape under a starry night sky with a vibrant green aurora borealis. The background is overlaid with several diagonal, semi-transparent bands in shades of teal and brown. The title 'REVISTA INCLUSIONES' is centered in large, white, bold, sans-serif capital letters.

REVISTA INCLUSIONES

HOMENAJE A JAQUELINE VASSALLO

Revista de Humanidades y Ciencias Sociales

Volumen 7 . Número Especial

Julio / Septiembre

2020

ISSN 0719-4706

CUERPO DIRECTIVO

Directores

Dr. Juan Guillermo Mansilla Sepúlveda

Universidad Católica de Temuco, Chile

Dr. Francisco Ganga Contreras

Universidad de Tarapacá, Chile

Editor

Drdo. Juan Guillermo Estay Sepúlveda

Editorial Cuadernos de Sofía, Chile

Editor Científico

Dr. Luiz Alberto David Araujo

Pontificia Universidade Católica de Sao Paulo, Brasil

Editor Europa del Este

Dr. Aleksandar Ivanov Katrandzhiev

Universidad Suroeste "Neofit Rilski", Bulgaria

Cuerpo Asistente

Traductora: Inglés

Lic. Pauline Corthorn Escudero

Editorial Cuadernos de Sofía, Chile

Portada

Lic. Graciela Pantigoso de Los Santos

Editorial Cuadernos de Sofía, Chile

COMITÉ EDITORIAL

Dr. Jaime Bassa Mercado

Universidad de Valparaíso, Chile

Dra. Heloísa Bellotto

Universidad de Sao Paulo, Brasil

Dra. Nidia Burgos

Universidad Nacional del Sur, Argentina

Mg. María Eugenia Campos

Universidad Nacional Autónoma de México, México

Dr. Francisco José Francisco Carrera

Universidad de Valladolid, España

Dr. Pablo Guadarrama González

Universidad Central de Las Villas, Cuba

Mg. Amelia Herrera Lavanchy

Universidad de La Serena, Chile

Dr. Claudio Llanos Reyes

Pontificia Universidad Católica de Valparaíso, Chile

Dr. Werner Mackenbach

Universidad de Potsdam, Alemania

Universidad de Costa Rica, Costa Rica

Mg. Rocío del Pilar Martínez Marín

Universidad de Santander, Colombia

Ph. D. Natalia Milanese

Universidad de Houston, Estados Unidos

Ph. D. Maritza Montero

Universidad Central de Venezuela, Venezuela

Dra. Eleonora Pencheva

Universidad Suroeste Neofit Rilski, Bulgaria

Dra. Rosa María Regueiro Ferreira

Universidad de La Coruña, España

Dr. Andrés Saavedra Barahona

Universidad San Clemente de Ojrid de Sofía, Bulgaria

Dr. Efraín Sánchez Cabra

Academia Colombiana de Historia, Colombia

Dra. Mirka Seitz

Universidad del Salvador, Argentina

Ph. D. Stefan Todorov Kapralov

South West University, Bulgaria

COMITÉ CIENTÍFICO INTERNACIONAL

Comité Científico Internacional de Honor

Dr. Adolfo A. Abadía

Universidad ICESI, Colombia

Dr. Carlos Antonio Aguirre Rojas

Universidad Nacional Autónoma de México, México

Dr. Martino Contu

Universidad de Sassari, Italia

Dr. Luiz Alberto David Araujo

Pontificia Universidad Católica de Sao Paulo, Brasil

Dra. Patricia Brogna

Universidad Nacional Autónoma de México, México

REVISTA INCLUSIONES

REVISTA DE HUMANIDADES
Y CIENCIAS SOCIALES

Dr. Horacio Capel Sáez

Universidad de Barcelona, España

Dr. Javier Carreón Guillén

Universidad Nacional Autónoma de México, México

Dr. Lancelot Cowie

Universidad West Indies, Trinidad y Tobago

Dra. Isabel Cruz Ovalle de Amenabar

Universidad de Los Andes, Chile

Dr. Rodolfo Cruz Vadillo

*Universidad Popular Autónoma del Estado de Puebla,
México*

Dr. Adolfo Omar Cueto

Universidad Nacional de Cuyo, Argentina

Dr. Miguel Ángel de Marco

Universidad de Buenos Aires, Argentina

Dra. Emma de Ramón Acevedo

Universidad de Chile, Chile

Dr. Gerardo Echeita Sarrionandía

Universidad Autónoma de Madrid, España

Dr. Antonio Hermosa Andújar

Universidad de Sevilla, España

Dra. Patricia Galeana

Universidad Nacional Autónoma de México, México

Dra. Manuela Garau

Centro Studi Sea, Italia

Dr. Carlo Ginzburg Ginzburg

*Scuola Normale Superiore de Pisa, Italia
Universidad de California Los Ángeles, Estados Unidos*

Dr. Francisco Luis Girardo Gutiérrez

Instituto Tecnológico Metropolitano, Colombia

José Manuel González Freire

Universidad de Colima, México

Dra. Antonia Heredia Herrera

Universidad Internacional de Andalucía, España

Dr. Eduardo Gomes Onofre

Universidade Estadual da Paraíba, Brasil

CUADERNOS DE SOFÍA EDITORIAL

+ Dr. Miguel León-Portilla

Universidad Nacional Autónoma de México, México

Dr. Miguel Ángel Mateo Saura

*Instituto de Estudios Albacetenses "Don Juan Manuel",
España*

Dr. Carlos Tulio da Silva Medeiros

Diálogos em MERCOSUR, Brasil

+ Dr. Álvaro Márquez-Fernández

Universidad del Zulia, Venezuela

Dr. Oscar Ortega Arango

Universidad Autónoma de Yucatán, México

Dr. Antonio-Carlos Pereira Menaut

Universidad Santiago de Compostela, España

Dr. José Sergio Puig Espinosa

Dilemas Contemporáneos, México

Dra. Francesca Randazzo

*Universidad Nacional Autónoma de Honduras,
Honduras*

Dra. Yolando Ricardo

Universidad de La Habana, Cuba

Dr. Manuel Alves da Rocha

Universidade Católica de Angola Angola

Mg. Arnaldo Rodríguez Espinoza

Universidad Estatal a Distancia, Costa Rica

Dr. Miguel Rojas Mix

*Coordinador la Cumbre de Rectores Universidades
Estatales América Latina y el Caribe*

Dr. Luis Alberto Romero

CONICET / Universidad de Buenos Aires, Argentina

Dra. Maura de la Caridad Salabarría Roig

Dilemas Contemporáneos, México

Dr. Adalberto Santana Hernández

Universidad Nacional Autónoma de México, México

Dr. Juan Antonio Seda

Universidad de Buenos Aires, Argentina

Dr. Saulo Cesar Paulino e Silva

Universidad de Sao Paulo, Brasil

Dr. Miguel Ángel Verdugo Alonso
Universidad de Salamanca, España

Dr. Josep Vives Rego
Universidad de Barcelona, España

Dr. Eugenio Raúl Zaffaroni
Universidad de Buenos Aires, Argentina

Dra. Blanca Estela Zardel Jacobo
Universidad Nacional Autónoma de México, México

Comité Científico Internacional

Dra. Elian Araujo
Universidad de Mackenzie, Brasil

Mg. Romyana Atanasova Popova
Universidad Suroeste Neofit Rilski, Bulgaria

Dra. Ana Bénard da Costa
Instituto Universitario de Lisboa, Portugal
Centro de Estudios Africanos, Portugal

Dra. Noemí Brenta
Universidad de Buenos Aires, Argentina

Ph. D. Juan R. Coca
Universidad de Valladolid, España

Dr. Antonio Colomer Vialdel
Universidad Politécnica de Valencia, España

Dr. Christian Daniel Cwik
Universidad de Colonia, Alemania

Dr. Eric de Léséulec
INS HEA, Francia

Dr. Andrés Di Masso Tarditti
Universidad de Barcelona, España

Ph. D. Mauricio Dimant
Universidad Hebrea de Jerusalem, Israel

Dr. Jorge Enrique Elías Caro
Universidad de Magdalena, Colombia

Ph. D. Valentin Kitanov
Universidad Suroeste Neofit Rilski, Bulgaria

Mg. Luis Oporto Ordóñez
Universidad Mayor San Andrés, Bolivia

Dr. Gino Ríos Patio
Universidad de San Martín de Porres, Perú

Dra. María Laura Salinas
Universidad Nacional del Nordeste, Argentina

Dra. Jaqueline Vassallo
Universidad Nacional de Córdoba, Argentina

Dra. Maja Zawierzeniec
Universidad Wszechnica Polska, Polonia

Editorial Cuadernos de Sofía
Santiago – Chile
Representante Legal
Juan Guillermo Estay Sepúlveda Editorial

Indización, Repositorios y Bases de Datos Académicas

Revista Inclusiones, se encuentra indizada en:





REX



UNIVERSITY OF
SASKATCHEWAN



Universidad
de Concepción

BIBLIOTECA UNIVERSIDAD DE CONCEPCIÓN

Hellenic Academic Libraries Link

HEAL LINK

Σύνδεσμος Ελληνικών Ακαδημαϊκών Βιβλιοθηκών

LEGAL ASPECTS OF THE DEVELOPMENT OF RUSSIAN CONSTITUTIONALISM

Dr. Elena Valeryevna Vinogradova

Institute of State and Law of the Russian Academy of Sciences, Russia
ORCID ID: 0000-0002-3568-9042
evsfrf@gmail.com

Ph. D. (C) Inna Leonidovna Danilevskaia

Institute of State and Law of the Russian Academy of Sciences, Russia
ORCID ID: 0000-0001-9846-0352
danilevskaia.inna@yandex.ru

Ph. D. Maria Mikhailovna Mukhlynina

Institute of State and Law of the Russian Academy of Sciences, Russia
ORCID ID: 0000-0003-4737-3050
muhlyninamm975@mail.ru

Lic. Georgii Sergeevich Patiulin

Institute of State and Law of the Russian Academy of Sciences, Russia
ORCID ID: 000-0001-7245-7681
g.patiulin@gmail.com

Dr. Olga Mikhailovna Dyuzhilova

Tver State Technical University, Russia
ORCID ID: 0000-0001-6193-2272
nike96@rambler.ru

Fecha de Recepción: 17 de enero 2020 – **Fecha Revisión:** 26 de febrero de 2020
Fecha de Aceptación: 30 de mayo de 2020 – **Fecha de Publicación:** 01 de julio de 2020

Abstract

The article is devoted to the analysis of legal aspects of the development of Russian constitutionalism. It is necessary to develop and improve conceptual ideas about the law so that the state can actively promote a legal ideology of constitutionalism containing moral potential. This implies the priority of individual rights and freedoms, separation of powers, political pluralism, and a high role of the court. The implementation of ideas and principles underlying any ideology is impossible without the existence of special subjects that guide society to achieve the tasks and goals defined by this ideology. The legal ideology as objectively existing and normatively fixed system of ideas, principles, and values predetermines the nature of the activity of the subjects. These subjects act as independent ideological institutions of Russian constitutionalism, as well as a set of norms, prescriptions, and requirements regulating a special kind of social relations, emerging in the sphere of establishment and recognition of ideology.

Keywords

Constitutionalism – Law – Ideology – Institution – Relations – Legislation – State – Reform

Para Citar este Artículo:

Vinogradova, Elena Valeryevna; Danilevskaia, Inna Leonidovna; Mukhlynina, Maria Mikhailovna; Paatiulin, Georgii Sergeevich y Dyuzhilova, Olga Mikhailovna. Legal aspects of the development of Russian constitutionalism. Revista Inclusiones Vol: 7 num Especial (2020): 138-148.

Licencia Creative Commons Attribution Non-Comercial 3.0 Unported
(CC BY-NC 3.0)

Licencia Internacional



Introduction

Recently, Russia has experienced serious changes in the social, economic, and political spheres and is in the process of reforming the legal system. These changes are driven by the necessity to seek new legal approaches to the formation of legislation and the construction of a legal social state and civil society institutions.

However, the lack of developed appropriate legal instruments and mechanisms to promote the implementation of the social status of the subjects of constitutional legal relations leads to the fact that the attempts of reforming the state in these areas are controversial and do not achieve the set goals and objectives.

The objective needs for the development of the Russian state and society justify the necessity of constitutional modernization to create legal mechanisms for implementing constitutional norms and solving the tasks of building a constitutional state.

Considering this, an important requirement for the development of modern constitutional law in Russia is a comprehensive analysis of the conceptual apparatus, including the concept, nature, and essence of Russian constitutionalism, and rethinking the norms of existing legislation, first of all, the provisions of the Constitution of the Russian Federation itself.

Ensuring the succession of constitutional views and ideas and studying the experience of the formation and development of constitutional law are also the factors in solving the key problems of Russian constitutionalism. The modern science of the Russian constitutional law gives the concept of Russian constitutionalism the role of a systemically important legal category.

Therefore, Russian constitutionalism is revealed through the constitutional and legal principles, norms, and institutions that reflect its essence and are intended to demonstrate the most important values of the modern level of statehood development, manifested in a concentrated form in the patterns of democratic organization of society and the state based on the balance of power and freedom, recognition and protection of human and civil rights and freedoms, and the rule of law.

The research of the problems of Russian constitutionalism development is reflected in the works of I.V. Vydrin¹, I.B. Lomakina², D.I. Lukovskaya³, E.S. Michurina⁴, I.A. Muravyov⁵, V. E. Safonov⁶, and others. Nevertheless, modern literature lacks a

¹ I. V. Vydrin, "Osnovnoi vopros rossiiskogo konstitutsionalizma: vzaimootnosheniya lichnosti i obshchestva, grazhdanina i gosudarstva", *Grazhdanin. Vybory. Vlast* num 2 Vol: 12 (2019): 177-188.

² I. B. Lomakina, "Konstitutsionalizm i ego doktrinalnoe zakreplenie v rossiiskom sotsionormativnom kontekste", *Kriminalist* num 2 Vol: 27 (2019): 34-37.

³ D. I. Lukovskaya y I. B. Lomakina, "Konstitutsionalizm i konstituiruyushchie printsipy kak faktory legitimatsii pravovoi sistemy", *Vestnik Sankt-Peterburgskogo universiteta MVD Rossii* num 1 Vol: 81 (2019) 37-44.

⁴ E. S. Michurina, "Nekotorye printsipy ekonomicheskikh osnov konstitutsionnogo stroya Rossiiskoi Federatsii", *Vestnik Povolzhskogo instituta upravleniya* Vol: 18 num 3 (2018): 63-64.

⁵ I. A. Muravev, "Konstitutsionalizm i prosveshchenie", *Evraziiskii yuridicheskii zhurnal* num 11 Vol: 138 (2019): 96-102.

⁶ V. E. Safonov y V. G. Rummyantseva, "Rossiiskii konstitutsionalizm: ot teorii k praktike (k stoletiyu konstitutsii RSFR 1918 g.)", *Rossiiskoe pravosudie* num 3 (2019): 98-103.

comprehensive development of the legal foundations of Russian constitutionalism, historical aspects of its formation, and periodization criteria, which leads to ambiguity in understanding the meaning of Russian constitutionalism in the process of forming a new type of statehood.

Methods

In the study of Russian constitutionalism, general scientific methods (induction and deduction, analysis and synthesis), as well as special scientific methods (statistical, historical, technical and legal analysis) were used. The method of comparative jurisprudence was used for the comparison of foreign models and experience of development and formation of constitutionalism in the world constitutional process.

The conducted research is characterized by the application of comparative and structural-functional analysis, as well as a systemic approach to the study of social relations emerging in the process of formation and development of Russian constitutionalism and its legal, historical, and ideological foundations. The historical method played an essential role in the study. It was used in the study of constitutional projects developed by prominent state and public figures of Russia and normative legal acts of the Russian Empire and the USSR that have already lost their legal force.

The information basis for the research included legislative and normative acts, materials of state bodies and local self-government, and scientific publications of Russian and foreign scholars on the problems of Russian constitutionalism⁷. In the research, it was planned to identify and generalize the features of constitutionalism and its system-forming and typological features, to analyze and systematize scientific approaches to the definition of modern Russian constitutionalism established in the science of constitutional law, to study the ideological nature of the principles and values of Russian constitutionalism, and to justify the thesis about Russian constitutionalism as a legal ideology.

Results

The practice has shown that a systematic analysis of Russian constitutionalism, especially in terms of its legal and ideological components, contributes to the formation of a new type of legal ideology and the unification of the society formed in the current political conditions according to the fundamentals laid down in the Constitution of the Russian Federation (Figure 1).

⁷ V. V. Karpov; V. A. Kovalev; A. A. Korableva; B. G. Khairov y K. A. Lebedev, "Methodical framework of forming territorial innovation clusters based on import substitution mechanism", *Espacios* un 38 Vol: 58 (2017); M. M. Mukhlynina; E. I. Shishanova; A. I. Nikiforov; N. E. Ryazanova y K. A. Lebedev, "Economic and legal aspects of environmental protection when using artificial water bodies", *Journal of Environmental Management and Tourism* Vol: 9 num 3 (2018): 633-638 y N. A. Zavalko; V. O. Kozhina; A. G. Zhakevich; O. E. Matyunina y O. Ye. Lebedeva, "Methodical approaches to rating the quality of financial control at the enterprise", *Quality - Access to Success* num 18 Vol: 161 (2017): 69-72.

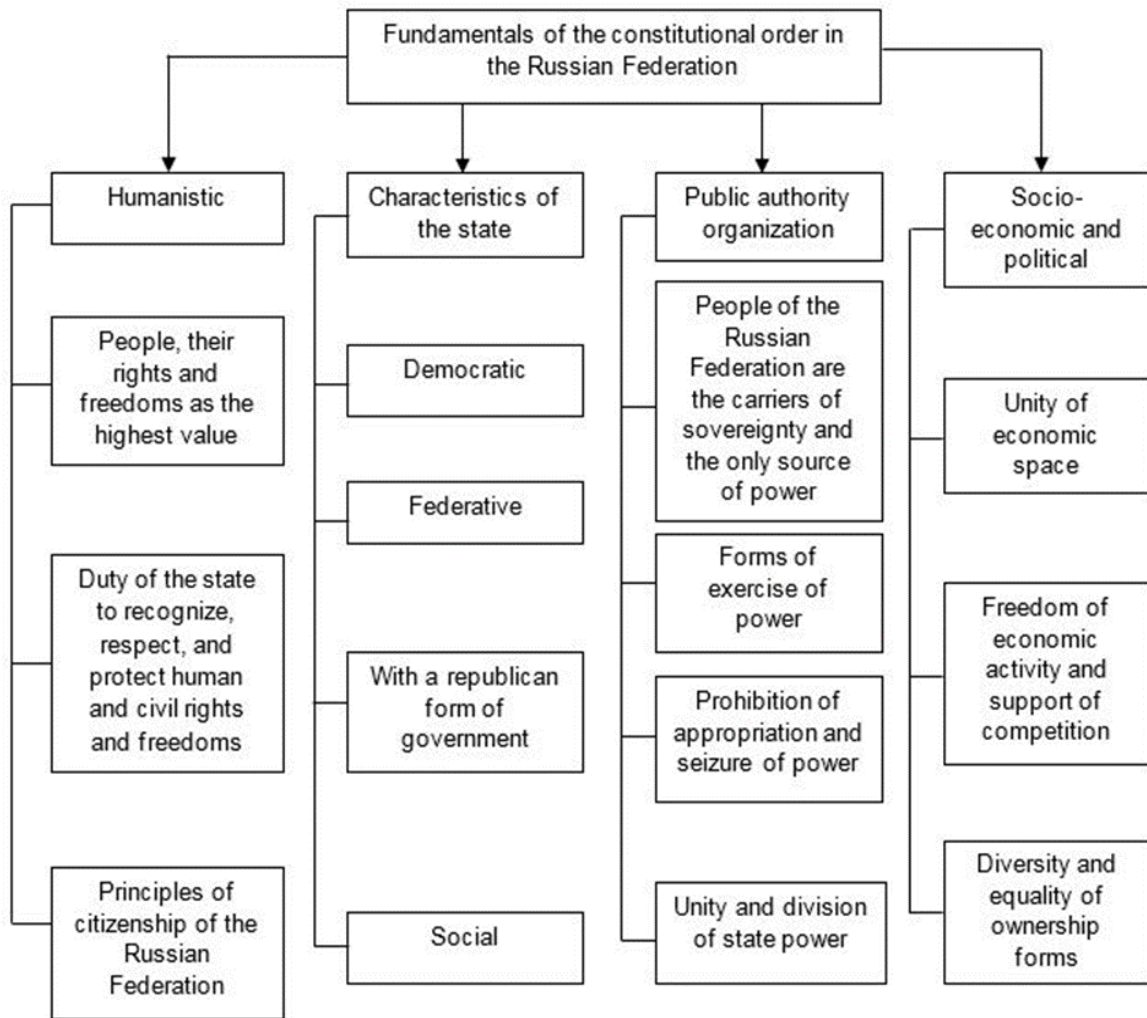


Figure 1
Fundamentals of the constitutional order in the Russian Federation

A unified constitutional and legal ideology is needed for the successful progressive development of Russia, manifesting in a concentrated form the ideological interests and will of the people and the universally recognized values of democracy, freedom, and the celebration of the law. Russian constitutionalism can become such an integrative legal ideology, which can have a decisive influence on the further development of the fundamentals of civil society and the rule of law state and the formation of new ideas about people's sovereignty and democracy, the separation of powers, the electoral system, the regime of parliamentarism, and the legal status of the individual. The solution to these problems should be based on a deep and adequate understanding of the legal and ideological nature of constitutionalism and the features of its formation in the constitutional history. There are two points of view regarding constitutionalism. The theory of the autochthonous origin of constitutionalism proceeds from the assumption that the idea of constitutionalism was not borrowed from other countries, in a particular state has its national traditions. The theory of full reception states that for most states, constitutionalism can only have borrowed origin. It was formed in the depths of Western civilization and then transferred to an inadequate social environment that lacked the necessary internal natural conditions for development.

Studies have concluded that their content is insufficient to fully examine the origin of constitutionalism. This can be overcome by combining the provisions of these theories. Constitutionalism in a particular country has a set of classical legal principles typical for the majority of constitutional and democratic states that differ in their national and ethnic features. At the same time, these principles, having certain national features in specific countries, exist along with unique and specific features.

Thus, modern Russian science has recently revived the discussion of the concept of Russian constitutionalism, its content and purpose, what influence it can have on the development of the Russian legal and political system, whether it will contribute to the effective performance of the functions of state bodies and ensure interdependence of interests of the individual and society, and finally, how it relates to democracy and the legal state.

The study confirms the thesis that in modern Russian constitutional science, the concept of constitutionalism has acquired by the level of generalization the quality of one of the main, most significant and capacious legal categories, equally used in the study of both Russian and foreign constitutional law. Russian constitutionalism as a legal category is intended to reflect the most important values of the modern level of development of the Russian statehood, manifested in a concentrated form in the patterns of democratic organization of society and the state based on the balance of power and freedom, recognition and protection of human and civil rights and freedoms, and the rule of law.

The conducted analysis demonstrates the absence of an unambiguous positive definition of Russian constitutionalism. In this regard, we propose an integrated understanding of constitutionalism as a complex legal category, which includes a system of ideas, views, and principles that embody the ideas about a true constitutional state, their constitutionally legal and normative consolidation in the system of existing legislation, the existence of democratic institutions of state power, the functioning of a democratic political regime, and the creation of mechanisms for the protection of the constitutional order and its democratic values.

The given definition made it possible to formulate the content of the system of constitutionalism, presented as a set of the following components:

1) constitutional ideas, including people's power; priority, recognition, constitutional protection, and the guarantee of individual rights and freedoms; rule of law; direct operation of the constitution; sovereignty (state, national, popular); practical implementation of the principle of separation of powers; federalism; political pluralism; constitutional responsibility;

2) the existence of a constitutionally legal mechanism to ensure and protect human and civil rights and freedoms, which consists of five main elements: a) the object — Russian constitutionalism, manifested through constitutional human and civil rights and freedoms; b) the subjects — the institutional systems of the state and civil society: state bodies, associations and organizations, individuals themselves, endowed with constitutionally legal status; c) international legal norms regulating the provision of constitutional human rights and constitutionally legal norms of the branch of constitutional law, specified in other branch norms of the law; d) constitutional guarantees and principles of provision of constitutional human rights; e) new ways and methods of provision of constitutional human and social rights based on the implementation of control powers by civil society institutions;

3) the presence of the relevant normative and legal framework, manifested, first of all, in the establishment of a fundamental law — the Constitution — regulating the activities of constitutional and legal institutions;

4) the presence of a democratic political regime that corresponds to the fundamental law. Thus, part of constitutionalism is the correspondence of the constitution to the actually established social relations;

5) the presence of mechanisms to protect the constitution and the constitutional order, as constitutionalism requires the supremacy of the constitution, related not only to the hierarchy of normative legal acts, but also to the maintenance in the public consciousness of its authority as a fundamental law;

6) socio-legal consciousness and legal culture providing for the possibility of achieving social justice, substantiation of the usefulness of state and legal institutions and the harmony of existing legislation, and the possibility of protecting individual and public interests through one’s actions. Therefore, the concept of constitutionalism is closely related to the rule of law, embodied in the constitution, which sets out the basic principles to which all public authorities should obey and refer to in their activities (Figure 2).

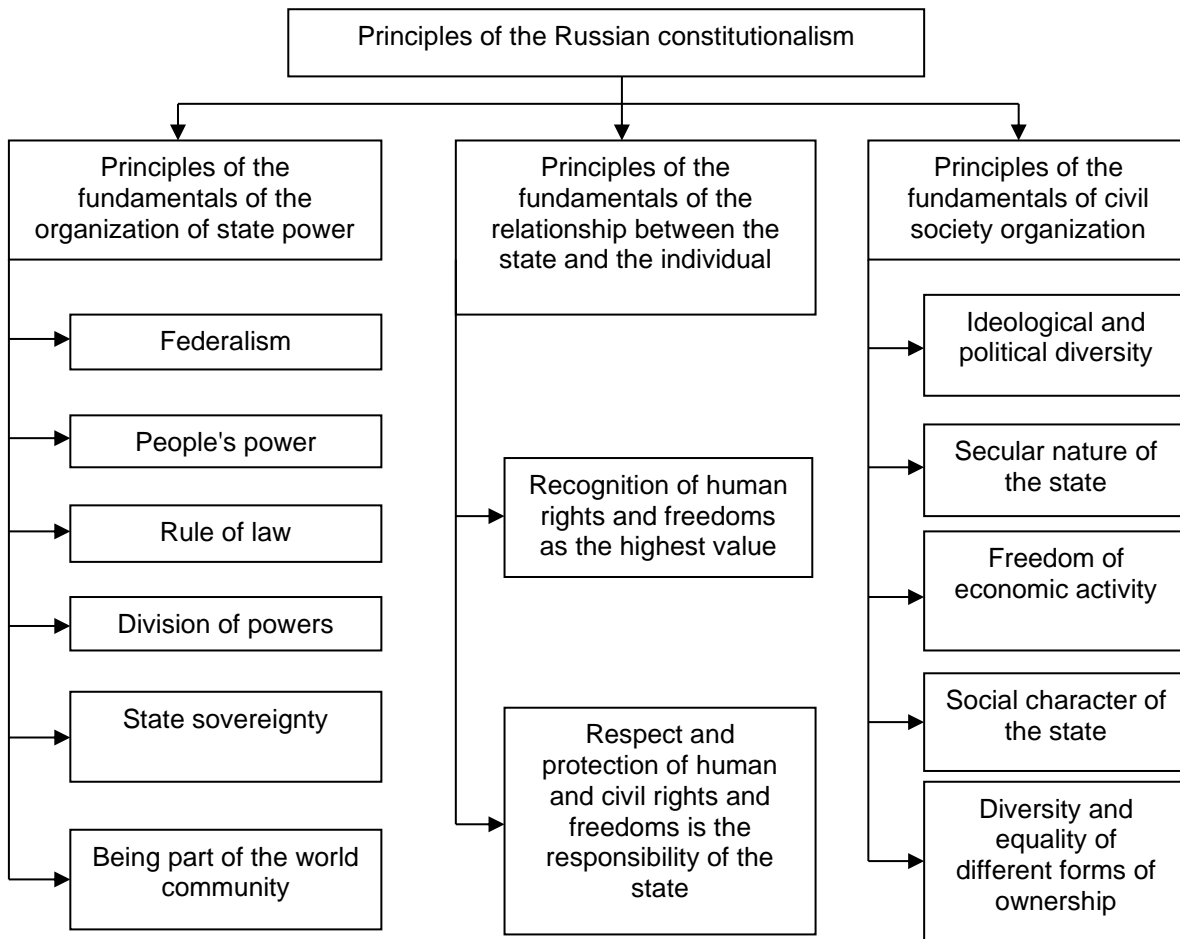


Figure 2
Principles of Russian constitutionalism

In this regard, constitutionalism, as an indispensable institutional condition for the development and functioning of civil society institutions, is a guarantee for the construction of the legal state. As a legal phenomenon, it determines the active influence of the constitution on the political life of the country, the rule of law and its defining role as the fundamental law in the system of existing legislation, the mediation of political relations by constitutional and legal norms, the constitutional regulation of the state system and political regime, as well as individual rights and freedoms, the legal nature of relations between a citizen and the state, and legal constitutional legislation.

Studies show that the ideas of Russian constitutionalism have deep historical roots due to the national specifics of the formation of statehood. However, in modern literature, insufficient attention is paid to such a crucial problem as periodization of Russian constitutionalism. The absence of a unified periodization of the history of Russian constitutionalism, which corresponds to the modern level of the development of legal and historical science, is explained by the following. First, the process of studying the stages of the formation of constitutional legal norms is accompanied by several methodological problems, based on a significant difference between the current constitutional law and a retrospective view of the process of its formation. The conceptual differences are the identification of the criteria of periodization of the history of the constitutional development of Russia and the definition of their content, which allows defining the features of each of the identified periods and understanding the fundamental signs of the constitutionalization of legal institutions.

Second, the clarification of the content of the term "constitutionalism" is a fundamental point in determining both the temporal duration and periodization of Russian constitutionalism. So far, neither Russian nor foreign constitutional science has developed a single universal concept reflecting its essential and specific features.

Third, the problems of establishment and development of constitutional institutions in Russia are studied by several legal and historical sciences — the constitutional law of the Russian Federation, the history of the state and law of Russia, the theory of state and law, the history of political and legal studies, and sociology. The difference in methods and principles enriches the scientific tools of studying constitutionalism and also makes it difficult to develop a unified approach to the issue of its periodization.

We see the overcoming of the mentioned circumstances in the formation of the following fundamental principles in the scientific consciousness, in accordance with which the scientific periodization of the history of the development of Russian constitutionalism should be built: recognition and approval of the conceptual content of the term "constitutionalism"; coverage of the whole complex of phenomena and relations arising from the moment of the origin of objective prerequisites for the emergence of Russian constitutionalism, its formation, and further development to the present day; gradual development of Russian constitutionalism from the initial, undeveloped forms of the stage of origin and manifestation of constitutional ideas to more developed forms of consolidation of these ideas in the form of projects and normative acts; presence of a mutual connection between periods, the conditionality of the appearance of each subsequent period by the development of constitutionalism at the previous stages; detailed study of individual periods, covering all the variety of manifestations in a given period of such a multidimensional and multifaceted phenomenon as constitutionalism.

Based on the constitutional features of Russian statehood, we formulated eight basic legal principles of Russian constitutionalism: the principle of democratic statehood; the principle of federative statehood; the principle of sovereign statehood; the principle of legal statehood; the principle of socio-economic statehood; the principle of secular statehood; the principle of moral statehood; the principle of collectivist statehood.

Research shows that until recently, provisions on state sovereignty and people of the subject of the Federation as a source of power in the republic were kept in the Fundamental Laws of Bashkortostan, Sakha (Yakutia), Tatarstan, and the Chechen Republic that contradicted the principle of the unity of state power. Thus, for example, the Constitution of Tatarstan proclaimed the republic a sovereign state, associated with the Russian Federation based on the treaty on mutual delegation of powers and subjects of jurisdiction. It was emphasized that Tatarstan independently defines its state legal status. In the Constitution of 1992, the Chechen Republic generally proclaimed itself a subject of the international community, building its relations with Russia based on a bilateral international treaty. The mentioned attempts of the subjects of the Russian Federation to declare themselves sovereign states, to assign the right to determine their legal status unilaterally, without the participation of the federal centre, and to recognize the contractual nature of the Federation were assessed by the Constitutional Court of the Russian Federation as illegal and unconstitutional. The Court explained that the Constitution of Russia does not allow any other bearer of sovereignty and source of power other than the multinational people of Russia and, therefore, does not imply any other state sovereignty other than that of the Federation. It should be noted that today, the contradictions have been overcome, which is of great importance in strengthening federalism as a fundamental principle of Russian constitutionalism.

Discussion

The reliability of the presented approaches is confirmed by the fact that Russian constitutionalism can be regarded as a legal ideology capable of guaranteeing stability in the state and society, acting as a fundamental factor of state-building, and providing the dynamics and relevance of the legal system⁸. Although the constitution is designed to have strong spiritual principles and foundations, the process of deideologization has significantly influenced the development of a new scientific apparatus of constitutional law and a new terminology system. Constitutional ideas, which have become constitutional principles, formed the basis for the development of the term "constitutional order", which has had a positive impact on the formation of a new model of constitutional law. However, the modern legal development of Russian society and statehood is not notable for its ideological content, strategic alignment, and worldview clarity and is not always similar in the mental and cultural sense. This inevitably and quite strongly affects the Russian law, its semantic, doctrinal, axiological, normative content, and the practice of its implementation. Absence of clearly expressed and formulated ideological and spiritual component in society and state complicates the process of forming the identity of Russian statehood.

⁸ K. A. Lebedev; O. S. Reznikova; S. D. Dimitrieva y E. I. Ametova, "Methodological approaches to assessing the efficiency of personnel management in companies", *Journal of Advanced Research in Law and Economics* Vol: 9 num 3 (2018): 1331-1336; N. A. Rykhtikova; E. Ya. Anisimov; S. Yu. Evdokimov; E. V. Ivanova y O. Ye. Lebedeva, "Improvement of enterprise financing system in unstable economic environment", *The Journal of Social Sciences Research S3* (2018): 298-303 y E. V. Vinogradova, M. M. Mukhlynina, D. N. Mukhlynin, N. V. Solovyeva, O. Ye. Lebedeva, "Economic and legal aspects of environmental safety", *Journal of Environmental Management and Tourism* Vol: 9 num 1 (2018): 144-150.

The fact that it is difficult to the state in its current condition in full measure to guarantee / to fully guarantee the protection of the rights and freedoms of citizens, to ensure order and lawfulness, and to realize the purpose of its activities to serve society is also explained by the absence of a constitutional and legal ideology, which includes clear ideological goals and objectives towards which all subjects of social relations should be oriented. This state of affairs only weakens already unstable, often negatively influenced Russian legal culture. The solution to this situation may be the recognition and approval of a new constitutional ideology which, in a concentrated form, expresses the ideological aspirations of the people and consists of the generally accepted ideas of democracy, freedom, and the rule of law expressed in the norms of the current Constitution of the Russian Federation. Such ideology may be the ideology of Russian constitutionalism, the legal core of which is the Constitution of the Russian Federation of 1993. Thus, Russian constitutionalism as a legal ideology is reflected in the Constitution of the Russian Federation and acts as a system of political and ideological relations that determine the highest values of the functioning of the Russian state through a constitutional mechanism for setting limits on the functioning of government bodies. In this case, the Russian state should actively promote the legal ideology of Russian constitutionalism, as it promotes the development of legal processes in Russia and the construction of adequate state policy in various public areas, contributes to overcoming the phenomenon of legal nihilism, and prevents the demoralization of public consciousness. At the same time, constitutionalism as a supraparty legal ideology does not contradict the provision of the Constitution of the Russian Federation that no ideology may be established as a state ideology or mandatory. This prohibition applies to all party ideologies, but not to constitutionalism in any way — by the legal essence and mandatory nature of the Constitution itself.

Conclusions

To sum up, using the ideological program summarized in the Russian Constitution, it is necessary to develop and improve conceptual ideas about the law to actively promote by the state the legal ideology of Russian constitutionalism, containing the moral potential, which implies the priority of individual rights and freedoms, the separation of powers, political pluralism, and the important role of the court. However, the implementation of the ideas and principles underlying any ideology is impossible without the existence of special subjects that guide society to achieve the goals and objectives defined by this ideology, as well as develop and implement the ideological knowledge that forms its basis. Reflecting the vision of the reality of the state and social order, the idea of the proper socio-political order and legal ideology as an objectively existing and normatively fixed system of ideas, principles, and values predetermines the nature of the activity of these subjects. It acts as a set of norms, prescriptions, and requirements regulating a special kind of social relations, emerging in the sphere of establishment and recognition of ideology, and an independent ideological institution.

References

Karpov, V.V., Kovalev, V.A., Korableva, A.A., Khairov, B.G., Lebedev, K.A. “Methodical framework of forming territorial innovation clusters based on import substitution mechanism”. *Espacios* Vol: 38 num 58 (2017).

Lebedev, K.A., Reznikova, O.S., Dimitrieva, S.D., Ametova, E.I. “Methodological approaches to assessing the efficiency of personnel management in companies”. *Journal of Advanced Research in Law and Economics* Vol: 9 num 4 (2018): 1331-1336.

Lomakina, I.B. Konstitutsionalizm i ego doktrinalnoe zakreplenie v rossiiskom sotsionormativnom kontekste [Constitutionalism and its doctrinal consolidation in the Russian socio-normative context]. *Kriminalist* 2(27) (2019): 34-37.

Lukovskaya, D.I., Lomakina, I.B. "Konstitutsionalizm i konstituiruyushchie printsipy kak faktory legitimatsii pravovoi sistemy". *Vestnik Sankt-Peterburgskogo universiteta MVD Rossii* num 1 Vol: 81 (2019) 37-44.

Michurina, E.S. "Nekotorye printsipy ekonomicheskikh osnov konstitutsionnogo stroya Rossiiskoi Federatsii". *Vestnik Povolzhskogo instituta upravleniya* Vol: 18 num 3 (2018): 63-64.

Mukhlynina, M.M., Shishanova, E.I., Nikiforov, A.I., Ryazanova, N.E., Lebedev, K.A. "Economic and legal aspects of environmental protection when using artificial water bodies". *Journal of Environmental Management and Tourism* Vol: 9 num 3 (2018): 633-638.

Muravev, I.A. "Konstitutsionalizm i prosveshchenie". *Evraziiskii yuridicheskii zhurnal* num 11 Vol: 138 (2019): 96-102.

Rykhtikova, N.A., Anisimov, E.Ya., Evdokimov, S.Yu., Ivanova, E.V., Lebedeva, O.Ye. "Improvement of enterprise financing system in unstable economic environment". *The Journal of Social Sciences Research* S3 (2018): 298-303.

Safonov, V.E., Rumyantseva, V.G. "Rossiiskii konstitutsionalizm: ot teorii k praktike (k stoletiyu konstitutsii RSFR 1918 g.)". *Rossiiskoe pravosudie* num 3 (2019): 98-103.

Vinogradova, E.V., Mukhlynina, M.M., Mukhlynin, D.N., Solovyeva, N.V., Lebedeva, O.Ye. "Economic and legal aspects of environmental safety". *Journal of Environmental Management and Tourism* Vol: 9 num 1 (2018): 144-150.

Vydrin, I.V. "Osnovnoi vopros rossiiskogo konstitutsionalizma: vzaimootnosheniya lichnosti i obshchestva, grazhdanina i gosudarstva". *Grazhdanin. Vybory. Vlast* num 2 Vol: 12 (2019): 177-188.

Zavalko, N.A., Kozhina, V.O., Zhakevich, A.G., Matyunina, O.E., Lebedeva, O.Ye. Methodical approaches to rating the quality of financial control at the enterprise. *Quality - Access to Success* 18(161) (2017): 69-72.

CUADERNOS DE SOFÍA EDITORIAL

Las opiniones, análisis y conclusiones del autor son de su responsabilidad y no necesariamente reflejan el pensamiento de **Revista Inclusiones**.

La reproducción parcial y/o total de este artículo
Puede hacerse sin autorizacion de **Revista Inclusiones, nombrando la fuente**.