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**ABOUT SOCIO-ECONOMIC FACTORS IN THE DEVELOPMENT
OF MODERN RUSSIAN LEGISLATION**

Dr. Arkadiy Vladimirovich Kornev

Kutafin Moscow State Law University, Russia
ORCID: 0000-0001-8693-7758
kornev@mail.ru

Dr. Sergey Vasilyevich Lipen

Kutafin Moscow State Law University, Russia
ORCID: 0000-0002-3478-956X
lihenSergey@mail.ru

PhD (c) Sergey Zenin

Kutafin Moscow State Law University, Russia
South-Ural state University (National Research University), Russia
ORCID: 0000-0002-4520-757X
zenincergei@mail.ru

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Abstract

The article deals with the current development issues of Russian legislation. The authors show the determining role of economic and, more broadly, social factors that determine the law development vector. The study calls into question the idea of the alleged self-sufficiency of a law that develops according to its internal regularities and argues the thesis about the need to study law in the context of cause-and-effect relationships between legal and social factors. The authors use individual particular and special methods, such as sociological, comparative-legal, historical, and logical. An important place is given to the use of systematic and structural-functional approaches, as well as the formal-dogmatic methodology that allows analyzing the quality of normative material. It is concluded that the social significance of the law is manifested in the need to ensure proper socio-economic dynamics and mobility through constant updating and improvement of legislation. The entire legal system is undergoing significant changes, and the quality of the legal environment and legal education is changing.

Keywords

A system of law – Legislative system – Structure – Law – The legal system – Technologies

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Introduction

Today, the whole world is discussing the problem of a pandemic that has suddenly emerged and called into question the effectiveness of economic, political, social, and even legal models which until relatively recently were considered to have no alternative. One can only guess what path world history will take. However, various versions are offered. Therefore, it makes sense to focus on the factors that will determine the development direction.

At present, the talks about the fourth industrial revolution and the transition to the sixth technological order have inconspicuously disappeared. Today, the world community is concerned with a completely different problem – the coronavirus pandemic. Perhaps, this is probably the first time in recent history that scientists can't even say anything definite because the virus is constantly mutating. However, it is already clear that serious structural changes should be expected in the global economy. Accordingly, the legal system of society will also change. For politicians, lawyers, and scientists, it is essential to constantly monitor current trends in the development of legislation.

Methods

Contemporary legal research usually uses a positivist methodology, which involves the study of specific facts and the deduction of laws of objective reality. Based on this general philosophical approach, individual private and special methods are used, such as sociological, comparative-legal, historical, logical, etc. In research on the issues of legislation development, an important place is given to the use of systematic and structural-functional approaches, as well as the formal-dogmatic methodology that allows analyzing the quality of normative material.

Results

Against the background of the global crisis associated with COVID-19, the degree of discussion about the benefits of globalization, a world order based on a clear division of spheres of influence, a market economy, human rights, democracy, the omnipotence of technology, and the progressive development of mankind on the way to universal prosperity and a happy future has significantly decreased. Suddenly it has turned out that today, human, with all the achievements, knowledge, discoveries, and technologies, is just food for bacteria and viruses. The theory of evolution teaches humanity that it is not the strongest who survive, but the adaptable. And these are microbes, viruses, and parasites. Speaking seriously, we have to admit that the "symbols of faith" of modern civilization, such as comfort, consumption, and technology are quite illusory. All this has been qualified relatively recently as a consequence of globalization, which, with some shortages, led humanity to prosperity. But this standpoint has been formed not today, as experts note: "We are also indebted to the strong progress of technology by another feature of the spirit of our time: a strong overestimation of material objects. We became rich quickly, we were used to the world, science protected us from the horrors of plague and cholera; what wonder, if the base human instincts – the satisfaction with unimpeded enjoyment, the love for comfort and free-living – far exceeded the ideal aspirations. The herd is grazing peacefully in a greasy pasture".¹

¹ V. Sombart, M. Bourgeois, *Jews and economic life* (Moscow: Iris-Press, 2009).

Using biblical stories (the herd), a prominent sociologist outlines the future contours of a consumer society in which technology guarantees a safe existence. The world has come to believe in the "lightness of being", and now is punished for its infantile nature.

For example, this is how globalization processes have been characterized relatively recently: "The vector of these changes is the globalization of technological, economic, social, and cultural processes, leading to the collision and intertwining of various types of civilizations (from the most archaic to the most developed), and revealing the meaning of the fundamental universal values that underlie contemporary society".²

In other words, the globalization processes should break the traditional cultures inherent in different countries, and lead to some common ideals, and worldview guidelines³. Thus, the world is waiting for common standards that will minimize the likelihood of large civilizational collisions.⁴

It seems that S. Huntington saw a more realistic picture of the world. He believed that after the end of the cold war, national states would remain the main players in the field of world politics. Their behavior, as in the past, would be determined by the desire for power and prosperity. Huntington predicted the dominance of the West soon, which strives to preserve the status of the most powerful civilization. Yet its power over other civilizations is now declining. While the West tries to assert its values and protect its interests, non-Western countries face a choice. Some of them are trying to imitate the West, join it, and merge with it. Other states, characterized by Confucian and Islamic societies seek to increase their economic and military power to counter the West, creating a worthy counterweight. The central axis of post-cold war world politics thus will be the relationship between Western power and politics, and the power and politics of non-Western civilizations.⁵

Today's geopolitics is set by the US and China relationship. The adversaries and allies are too bogged down in each other's economies. The share of the USA in world GDP is approximately 23.5 % (it should be borne in mind, however, that the accounting tricks of the USA and the data of world rating agencies, unfortunately, do not allow considering this indicator correct), whereas China's GDP amounts to 16.4%. Today, the USA fully control the world financial sector, while China controls trade. The Russian Federation, with its 1.85% share, looks more than modest, especially in comparison with the previous periods of Russia's history. The Stalinist USSR produced about 20% of the world's GDP. In the years of the so-called economic stagnation, annual growth was 3.5-4%. Today Russia can only dream about it. It is not difficult to guess that the economic impotence of the country resulted from the change of the socio-economic system, the subsequent "reforms" and "optimizations" carried out on legal grounds. Due to lack of conception, fortunately, the state did not fully manage to "optimize" the healthcare sector. As a result, current fighting the pandemic is more or less successful.

² S. V. Kuleshov y A. N. Medushevsky, *Russia in the system of world civilizations* (Moscow: Russskiy Mir, 2001).

³ S. A. Vidya y A. Kumar, "The critical methodology of globalization: Politics of the 21st century?", *Indiana Journal of Global Legal Studies* Vol: 10 num 2 (2003): 87-111.

⁴ K. Jayasuriya, "Globalization, Law, and the Transformation of Sovereignty: The Emergence of Global Regulatory Governance", *Indiana Journal of Global Legal Studies* Vol: 6 num 2 (1999): 425-455.

⁵ S. P. Huntington, *Clash of Civilizations* (New York: Simon & Schuster, 1966).

Certainly, the law is a particular issue. One must not forget that economic relations give rise to the right. In this connection, it is difficult to argue with the classic: "At all times, sovereigns were forced to submit to economic conditions, and could never prescribe them laws. Both political and civil legislation only expresses and records the demand for economic relations".

Dugin A.G. entitled one of his books "The sociology of imagination. Introduction to structural sociology". One must say, it is difficult to accept this title because there is an opinion that only reality can be sociological. However, conventional interpretations of categories, including scientific ones, are changing. Today, reality is often replaced by its perception. The virtual world is increasingly interpreted as "augmented reality". According to J. Baudrillard, "there is no more mirroring between being and its representation, between the real and its concept...We are talking about replacing the real with the signs of the real...".⁶

A legitimate question arises: does this apply to the legal sphere? Perhaps, yes, it does. Aren't digital law, digital rights, and the digital economy simulacra and a substitute for existing ideas of them?⁷ Digital rights are defined as the remote expression of a person's will by electronic and other technical means. This is equivalent to a simple written form of transactions. However, this issue will be considered later.

Thus, the Constitution of the Russian Federation of 1993 was the legal foundation for the formation of the legal framework. According to Article 15 of the Constitution of the Russian Federation, the Constitution has the highest legal force, direct effect, and is applied throughout the territory of the Russian Federation. Laws and other legal acts adopted in the Russian Federation must not contradict the Constitution of the Russian Federation.

The system of law and the legislative system as components of the legal framework are constantly being developed. The factors that determine this process are both objective and subjective. Sometimes it seems that the subjective dominates over the objective, although this should not be the case.

Further are some reflections about the system and systematicity. The system is a set of elements that are in relations and connections with each other, and form certain integrity, unity. The concept of a system is organically related to the concepts of integrity, subsystem, element, structure, connections, and relationships. The structure is the arrangement and internal organization of the system, acting as a unity of stable relationships between elements, as well as the laws of these relationships.⁸

Systematicity and, consequently, structurality are inherent in many phenomena⁹. When the system loses its integrity and unity, it degrades and eventually collapses. It seems that the most legalized view of the system is formulated by T. Parsons: "The most general and fundamental property of the system is the interdependence of its parts or

⁶ J. Baudrillard, *Simulacra and Simulations* (Stanford: Stanford University Press, 1988).

⁷ D. Kh. Valeev, "Digitization of law: Some problematic aspects", *Journal of Politics and Law* Vol: 12 num 5 (2019): 147-150.

⁸ I. T. Frolov, *Filosofskij slovar'* (Moscow: Politizdat, 1981).

⁹ J. W. Murphy; T. Parsons y N. Luhmann, "Two versions of the social «System»", *International Review of Modern Sociology* Vol: 12 num 2 (1982): 291-301.

variables. This interdependence is based on the existence of certain relationships between parts or variables, which is the opposite of random variability. In other words, interdependence is the order in the relationship between the components that make up the system. This order must tend towards self-preservation, which is most generally expressed in the concept of equilibrium".¹⁰

Recently, in the context of "methodological pluralism", many familiar approaches have become the objects of criticism. The systemic and structural development of the law has come under attack. The authors' arguments are usually unpretentious; they claim that it is outdated, not necessary, not of practical significance, lack in other countries, etc. For a long time and more and more insistently, there have been calls to abandon the sectoral structure of the system of law and the legislative system. However, nothing serious is offered instead. That's the problem. It's easy to destroy something, while hard to create. Instead of an industry-based approach, it is proposed to divide the right into private and public. First, what's new here? And, secondly, the distinction between private and public, inherent in the Romano-German legal system, is gradually being erased. In fact, it takes place in the doctrine. This has long been absent in practice. These structural communities, i.e. private and public law, are a kind of tribute to tradition. The authors' experience in teaching gives some grounds for thought, including in terms of splitting academic disciplines and, most importantly, their content. In Russia, students learn legislation rather than law or rights, as is customary in the Western tradition. Senior students often complain that the same institutions of law, or rather legislation, are studied by different disciplines. This is a serious problem. It is not an issue of not studying the law and its application. However, one should take into account an empirically revealed fact, namely: in every five years, most branches of Russian legislation are changing completely; while, by the way, thousands of hours of study time have been spent on their study.

In the context of modern reality, new approaches are required. It is necessary to move more boldly from the sphere of legislation to the sphere of law, and from there – to related branches of knowledge and social practices. This way the higher education institutions in Russia will be able to better prepare future lawyers.

In this regard, particularly interesting is the opinion of R. Posner, an American lawyer and economist, judge and senior lecturer at the University of Chicago Law School, one of the world's leading experts in the economic analysis of law, and according to one of the versions, the most quoted lawyer of the 20th century. He notes that traditional legal education focuses on the practical side. Special attention is paid to the analysis of laws, while in the system of case law – first of all, to the analysis of judicial decisions, the study of the characteristics of the main legal doctrines, professional values, as well as, becoming increasingly important, the acquisition of skills in oral presentations in the courtroom and negotiations. However, legal education and legal thought, in general, have become more interdisciplinary in recent years, and, as a consequence (because it has always lacked theory in comparison with adjacent or overlapping areas of jurisprudence), more theoretical. Legal theory has become an indispensable component of legal thought because it can build bridges between different disciplines. Posner writes: "We need such a theory, first of all, to answer fundamental questions about the legal framework because unlike knowledge about how to navigate within the system, it is exactly the knowledge about the system..."¹¹

¹⁰ T. Parsons, *Structure of social action* (Moscow: Academic Project, 2002).

¹¹ R. A. Posner, *Frontiers of legal theory* (Cambridge: Harvard University Press, 2017).

One might get the impression that in this interpretation, the authors are talking about such a science and educational discipline as the theory of state and law. Certainly, not. The authors understand the legal theory more broadly. *Only branch theories in their totality can exactly create what is commonly called the general legal theory.* Civil lawyers or civilists made a great contribution to the creation of the legal theory. Before the revolution, this were S.A. Muromtsev, G.F. Shershenevich, while in the Soviet period – O.S. Ioffe, S.S. Alekseev, et al. From the authors' viewpoint, it is necessary to pay more attention to theoretical problems, which are enough in every branch of science and academic discipline. In fact, the student passed an exam that included a certain version of the law (code), received a diploma, started practical activities, and found that everything has changed. Posner is right when states out that navigating the system and knowing the very system are not the same thing.

Law, as the most universal social regulator, can perform its functions provided that the integrity of the system and the relationship between its elements are preserved. In the works of legal scientists, especially representatives of branch sciences, the distinction between system and structure is not always made. At first glance, these methodological nuances do not seem so important, and therefore it is permissible to omit them. This, certainly, is not the case. It seems that the system should be considered in horizontal relationships between elements, while the structure – in vertical ones. This applies to both the system of law and the legislative system.

The system of law serves to express the divisions, relationships, and unity of legal norms, their internal interdependencies, and the system in general.¹²

Alekseev S.S. understood the legislative system as a system of normative legal acts. The legislative system is distinguished by deep unity and organic integrity. At the same time, the legislation system is characterized by internal dissection and differentiation. The legislative system and its constituent subdivisions must be distinguished with the utmost clarity from the very law, its branches, and other structural entities. In his opinion, in the legislative system, it is necessary to distinguish between the horizontal and vertical planes.

The horizontal plane is the exact one that is closest to the structure of the law. It is in this plane that the branches of legislation can be distinguished.

The inherent structure of legislation is expressed in the hierarchical structure of normative legal acts, in their subordination, in which each act occupies a strictly defined step in the hierarchical structure. The main feature that determines the place of a particular act in the hierarchical structure is its legal efficacy.¹³

Economic reforms in some European countries as well as in the South-East countries have begun with legal reform, in other words, exactly where reforms were supposed to give a qualitative growth of the economy, and as a consequence – an increase in the welfare of the population. In Russia, these processes were more complex.

¹² A. M. Vasilyev, *Pravovye kategorii. Metodologicheskie aspekty razrabotki sistemy kategorij teorii prava* (Moscow: Legal Literature, 1976).

¹³ S. S. Alekseev, *Obshchaya teoriya prava: uchebnik* (Moscow: Prospect, 2009).

In the economic sector, as shown by experience, the state uses the law as the main means of social regulation: it creates the legal basis of the market economy, civil, commercial, tax, and other legislation; creates a reliable banking system and ensures maximum convertibility of the national currency; as well as provides civilized forms of competition. Social activities, financing of science, education, and healthcare should also be mentioned, which helps to overcome the shortcomings of the market economy. To implement these tasks, a system of law and legislative systems are being formed.

Discussion

It seems that today three main factors will determine the further development of Russian society, which has already conceived itself in the trends of the modern world and, above all, advanced countries. However, it is clear that various countries cannot have the same level of development for a variety of reasons. For example, J. Gray believes that the matrices of market institutions contain special cultural traditions inherent in each society. Without the support of these traditions, the set of laws delineating the boundaries of these institutions would be a fiction. Such cultural traditions are historically extremely diverse: in Anglo-Saxon cultures, they are mainly individualistic, in East Asia, they are collectivist, or oriented to the norms of the extended family, etc. The idea of certain special or universal connection between successfully functioning market institutions and an individualistic cultural tradition is a historical myth, an element of folklore. Market institutions are quite legitimately and inevitably different from each other according to the differences between the national cultures of the peoples who practice them. There is no single or ideal-typical model of market institutions. Market institutions that do not reflect national culture or do not correspond to it can be neither legitimate nor stable: they will either be modified or rejected by the peoples to whom they are imposed.¹⁴

The first factor is globalization. There is every reason to prepare a political wake for the ideologeme promoted to unthinkable heights. The epidemic (pandemic) has shown clearly the mythological nature of the ingeniously constructed mechanism for managing the world. Globalization is a form of relatively soft domination that has replaced colonialism¹⁵. There can't be many rulers. Weber M., a lawyer and sociologist, called "Domination" the fourth volume of his best sociological book of the 20th century entitled "Economy and Society". However, this applies just to the national state. Nevertheless, it well describes the sociology of domination. According to Weber, "Domination in the most general sense not related to its specific content, is one of the most important elements of the action of the community".¹⁶ Globalization involves the commonality but much more extensive. One of the most profound thinkers of the 20th century, K. Schmitt, also foresaw the coming of a new era. He is often treated as a prominent critic of liberalism¹⁷. Liberalism, as a political ideology, gave rise to globalism. Schmitt built his political theory in terms of the friend-enemy paradigm. Liberalism, as Schmitt suggested, would weaken Europe and strengthen the USA as a future leading global player.

¹⁴ J. Gray, *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age* (London: Routledge, 1995).

¹⁵ R. Kiely, "Globalization: From domination to resistance", *Third World Quarterly* Vol: 21 num 6 (2000): 1059-1070.

¹⁶ M. Weber, *Hozyajstvo i obshchestvo: ocherki ponimayushchej sociologii* (Moscow: Higher School of Economics, 2016).

¹⁷ T.A. Alekseeva, *Sovremennye politicheskie teorii* (Moscow: Russian Political Encyclopedia (ROSSPEN), 2000), 237

The contemporary world is undergoing a transformation of domination¹⁸. According to V.S. Stepin, the pathos of conquering nature and transforming the world, characteristic of the technogenic civilization, gave rise to a special attitude to the ideas of domination of strength and power. The relationships of personal dependence cease to dominate here and are subordinated to new social binds. Their essence is determined by the general exchange of results of activity that take the form of a commodity. As a result, in the culture of a technogenic civilization, there is a peculiar shift of emphasis in the understanding of the things of domination of strength and power – from a person to a thing produced by him¹⁹.

The second trend, according to the authors, is the gradual destruction of post-industrial urbanism. In recent decades, urban population growth has continued throughout the world. In many countries, huge agglomerations have formed, where millions of people live. Today, these agglomerations definitely have an excessive labor force, which will be very difficult to occupy in the near future. Contemporary technologies make many professions unnecessary. Today, many employees work in remote mode all over the world, except for those services, without which it is impossible to ensure normal functioning. Thus, after the pandemic, there will be a temptation to get rid of the excess labor force, which will lead to an increase in unemployment. For example, before the pandemic in the USA, the proportion of freelancers (it is believed that the word was coined by W. Scott), i.e. part-time workers, amounted to about 35%. As a rule, these people are not connected in any way by labor relations with specific enterprises and companies. They are waiting for an invitation from recruitment agencies to perform temporary jobs. There is reason to believe that the number of such people around the world will only increase. This raises many issues about the legal protection of such employees.

The modern city is a business, political, administrative, and financial center. The technologization of the contemporary metropolis makes significant adjustments²⁰. For example, if banks and money in their usual form disappear, then what to do with a huge mass of specialists in lending, insurance agents, couriers, lawyers, etc. Banks will be replaced by online banking. Tax collection will also be computerized. The healthcare system is already being robotized. Robots diagnose and perform operations. Then, does health care need so many doctors? But COVID-19 has clearly shown all nations that the health system of even the most advanced countries was not ready for this virus. It turned out that it was impossible to cope with this problem without humans. But what will happen after we defeat it?

In short, digitalization of many types of professional activities, robotization, and contemporary means of communication will make significant adjustments to the labor market²¹. Many professions are at risk, and hence at threat of mass unemployment²².

¹⁸ I. Shapiro, "On Non-Domination", *The University of Toronto Law Journal* Vol: 62 num 3 (2012): 293-335

¹⁹ V. S. Stepin, *Istoriya i filosofiya nauki: uchebnik* (Moscow: Academic Project, 2014).

²⁰ G. Sion, "Smart city Big Data analytics: Urban technological innovations and the cognitive Internet of things", *Geopolitics, History, and International Relations* Vol: 11 num 2 (2019): 69-75.

²¹ S. Caserta y M. Madsen, "The legal profession in the era of digital capitalism: Disruption or New Dawn?", *Laws* Vol: 8 num 1 (2019).

²² S. Scarpetta, "The future of work: Advancing labor market resilience", *Journal of International Affairs* Vol: 72 num 1 (2019): 51-56.

Another trend has emerged quite clearly – the formation of a contactless social environment. Normal, familiar forms of communication are gradually being replaced by virtual ones. It is a big question whether an era of *posthuman* and *nonhuman* will come? Whether one likes it or not, humanity comes to solipsism, an extreme form of subjective idealism, according to which only he and his consciousness exist for a human. Other people, as well as objective reality in general, exist only in human perception and consciousness. If one does not see the other (others), then the others simply do not exist. These are, of course, extremes, but who knows the scenario for the further development of contemporary society. One can just judge on the emerging trends.

In this regard, the issue of granting legal properties to artificial intelligence is raised²³. One is already talking about the digital presence of a person in the virtual space. In this regard, legal science and practice face many problems that will need to be resolved on the immediate horizon. No doubt, all of this may lead to serious structural and systemic changes in the law.

Conclusion

Thus, a scientific study of trends in the development of legislation in any country is unthinkable outside the context of the international, regional, and national socio-economic situation, since this requirement follows from modern globalization processes and the realities of geopolitics²⁴. The social significance of the law is reflected in the need to ensure proper socio-economic dynamics and mobility through constant updating and improvement of legislation.

The entire system of law is undergoing significant changes, and the quality of the legal environment and legal education is changing. Among the external factors that determine the development of the contemporary legislative system, it is necessary to mention first of all the differently estimated globalization, the gradual destruction of post-industrial urbanism, as well as the formation of a contactless social environment.

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²³ R. Dremluga; P. Kuznetsov y A. Mamychev, "Criteria for recognition of artificial intelligence as a legal person", *Journal of Politics and Law* Vol: 12 num 3 (2019): 105-112.

²⁴ E. W. Anderson, "The effects of globalization on geopolitical perspectives", *Geo Journal* Vol: 45 num 1/2 (Globalization and Geography) (1998): 105-108.

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