

Theoretical and legal analysis of the concept of national interests of the state

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Abstract

The purpose of this research is theoretical and legal analysis of historiography of concepts of national interests in legal science. The study examines the main theoretical approaches to the relationship and understanding of the categories of "interests", "legitimate interests", "national interests", their sources and significance in modern legal science, the methodological characteristics of these concepts, the features of their relationship, as well as their dialectical relationship and specificity, the role of the concepts in legal regulation. The doctrinal and conceptual features of securing national interests in the modern Russian legal system are selected and priorities of formation of the system of national interests are defined, the optimum ways of formation of system of national interests are proposed through integrated models that ensure adequate integration of a national interest's objective, establishment of legal mechanisms of their protection and implementation. We investigated and evaluated the effectiveness of the international legal mechanisms of ensuring national interests of Russia in the regional and global level, defined the priorities of international legal cooperation in the context of ensuring national security and protecting national interests.

Keywords: interest, social interests, legitimate interests, national interests, theoretical and methodological approach, implementation mechanism, national security, protection of national interests.

Introduction

Over the past decade, the term "national interests" has become Central to legal rhetoric and one of the main and frequently used in Russian legal science. It is firmly entered into the everyday life of politicians and scientists of different political orientations. The relevance of the research topic of conceptual principles of determining national interests is due to the need to develop a balanced system of law in order to achieve the balance and ensure the protection of all legitimate interests: individual, group, public and state. These types of interests can and should be linked into a single system, which is the system of national interests, responsible for the stable development of society and the state, ensuring the solution of not only tactical tasks, but also allowing to take into account, in the process of legal development of the state, the interests of future generations of Russian citizens. The importance of the system of national interests cannot be overestimated, as it is both a stimulus and a benchmark for the development of the state, society and the individual, reflects the social meaning of law.

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The process of transformation from a socialist legal system to a liberal democratic one can be considered complete. Since the adoption of the Constitution of the Russian Federation to the present time there have been fundamental legal reforms that have changed the content of all branches of law and principles of legal policy of the state. At the same time, the main vector and principle of legal policy has become the consolidation and protection of the interests of the individual in the law, human rights and freedoms, which were the main value under the Basic law. However, in the interests of the individual, the state, responding to threats and challenges to national security, is obliged to create a stable and adequate to these challenges system of legal support of national interests.

During the global financial crisis, when the need for rational management of the market by the state as an independent arbiter and guarantor of stability in all spheres of life has once again become apparent, it is necessary to recall not only the individuality of the person, the uniqueness of his interests, autonomy, but also the unity of interests and common values. The key to this unity is national security, which loses its credibility in the event of a distortion of the system of national interests. The main way to coordinate interests, their implementation and protection is the right as a universal regulator of social relations, which are based on pluralistic needs, taking the form of interests in the process of explication, and in the legal dimension - the form of subjective rights. But the concept of national interests cannot be reduced to a system of subjective rights and obligations, it is much broader, which is most evident in the framework of legal policy.

The current state of the Russian legal policy, arising from the peculiarities of domestic lawmaking, is characterized by the lack of experience of optimal combination and compliance with various types of interests, together forming a system of national interests.

The imbalance in the protection of social interests in the Soviet state was replaced by the imbalance towards the protection of individual interests in the Russian state. The power of the legislator, the business elite, civil servants, middle class, etc. often have different understandings of national interests and expect the appropriate law-making decisions from the legislator. If their expectations are not met, there is an opinion about the anti-people nature of the legal policy, which is immediately replicated by forces interested in weakening or discrediting the current government. This means that it is now necessary to form a doctrinally based system of national interests conceptually, which would allow the most complete implementation of the social essence of the state proclaimed by the Constitution of the Russian Federation and give the opportunity for progressive stable development of all spheres of public and state life.

The object of the study is the law as a result of the coordination of interests, and the subject is the reflection of national interests in science, its basic principles and directions in the conditions of national security.

The aim of the study is the theoretical and legal analysis of the development of concepts of national interests in the legal Sciences, their relationship with the interests of the individual, society and the state in the formation of the system of national security.

Materials and methods

In our opinion, the understanding of the essence of national interests is largely facilitated by the rules of the formal logic of interrelated concepts: interests-needs-national interests. Immediately it should be noted that the concept of "interest" as a category that serves as a prototype of the concept of "legitimate interest" a number of sciences operates: sociology, law, economics, philosophy, psychology, etc., which raises it to the rank of general scientific category [1, p.75]. Social traits and social type of interest originates in its essence. This was noted by representatives of the Enlightenment. They called the object of interest inherent in understanding the people with their own idea of happiness [2,p.86]. According to Helvetius, "the spiritual world is subordinate to the law of interest like the physical world, which is in the same position as the law of motion. For living on our planet individuals interest is a kind of magician, able to modify their idea of any subject" [3,p.34]. In historical periods closer to our time, interest, acting as a driving force of social, state and legal development, has not lost its meaning, because: "the whole range of things for which people are fighting, is associated with their interests" [4,p.311]. As a result, it may seem that in the social and philosophical plane, interest and needs are the same. However, interest is not limited to needs. For this reason, we can share the following opinion: "human needs – is the source of his interests, forming their basis. But these concepts are not identical. Interests are a larger concept. In addition to the needs they are to provide the tools and methods of their satisfaction" [5,p. 239]. For our part, let us clarify that there are not only needs, ways and means of their implementation, but also national interests that are not related to the needs of the current legal entities. We are talking, for example, about the interests of future generations.

We emphasize that the social and legal components of the interest are connected by the method of realization of the need, since the directions and tools to achieve the execution of the interest can lie in the legal, illegal or non-legal (not subordinate to the rules of law) plane.

Depending on the method of achieving the needs in the course of the interest, a link is established between the social interest, the legitimate interest and the subjective right, acting as a positive norm, which serves as the basis of a legal relationship. This relationship is determined by establishing a balance of interests related to the individual, group, society and the state. In other words, the key subjects of legal relations, whose rights and obligations are established by existing laws. At the same time, there is no doubt that the state is an exceptional comprehensive model of coordination of interests within the existing groups of society and in general the whole society, as well as the preservation of the community of the nation. One of the founders of the theory of state, Cicero, regarded the state as *res publica*, which means the cause of the people. The people he perceived as "a community of people among whom there is a bond of agreement on rights and the common interest" [6,p. 65]. In science it is suggested that the "consensus rights" as a method of satisfying the "common interests" [7, p. 67].

Note that such a natural satisfaction and protection of interests takes place only if they are in the legal field established by the state.

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According to G. V.F. Hegel, there is a connection between the individual and the state, and the state is the result of two different primary sources: the collective interests and the interests of the whole, which is interpreted as collective interests. And one and the other source in his opinion "are in close relationship, in fact, exist to complement each other and at the expense of each other, constantly moving into each other. In an effort to achieve their goals, people conducive to the attainment of the interests of the whole, at the same time, the satisfaction of universal conducive to the attainment of the objectives of the individual" [8,p. 312].

Therefore, when considering the system of national interests, it is necessary to take into account its organic nature, which contributes to the process of distinguishing national interest from pseudo-national interest. In other words, an interest that is pursued by a certain group or several groups, and is either non-national if the interest of the group is separated by the borders of the state, or supranational if the interest of the group is not limited to the territory of the state. These differences are found in the mismatch of their interests to the public or state interests, or in the mismatch of their interests and national interests, which contributes to their separation from the interests of the nation. However, in this regard, it should be noted that there is such a problem as the understanding of the essence of national interests, which, in fact, they represent. The essence of the problem lies in its antinomial because there are various opinions about its resolution, which, thus, have a rationale. For example, in the Russian Empire common interests of the whole nation were considered as the necessity of formation of such situation in the country, which would favor its inhabitants on the way of salvation of their souls for the good of the Kingdom of Heaven [9, p.28].

In turn, in the USSR national interests were limited to the construction of communism, allowing future generations to live with dignity. In today's Russia in the content of national interests prevails the formation of conditions for quality of life and material well-being of people living in its territory now. The activities of all state structures of power, the legal system and local administrations are focused on the implementation of these goals. In our view, the whole spectrum of current social, political and philosophical dogmas can be narrowed down to two key concepts.

In line with the first principle, the urgency of consolidating the fundamental ideas of the rule of law and civil society with the domination of the rights and freedoms of the individual, the formation of a democratic liberal system, the creation of a market economy and the possibility of free movement of capital, etc., is recognized. In accordance with the second, the exaltation of state conservatism, characteristic of our country's statehood and the natural correlation of the system of general and personal rights and obligations is predetermined.

It should be emphasized that in the first and in the second case the following postulate is not refuted: "National interests are the basic basis of the country's legal policy. They play the role of a benchmark that can invest in it the main value content and identify real, practically feasible goals from the position of both the current moment and the emerging prospects. The right in this context is one of the key instruments designed to protect the nation's interests without hindering to achieve them and not complicate their ability to live" [10,p. 35]. For our part, we add that the difficulty lies in the understanding of a specific system of national interests, its political and ideological orientation and the implication of the allocation and setting goals.

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At the same time, in the process of studying the key models of conceptualization of common interests for the nation in the current theory of law, as well as in the course of formulating practical recommendations, it should be remembered, in the words of V. D. Zorkin, that: "...the state has not yet implemented an all-encompassing legal modernization, providing, first of all, a complete change in the legal consciousness of elite groups. Therefore, before the country, as before, the challenge is to resolve legal problems" [11,p. 11]. According to V. N. Sinyukov this problem, for the most part, is due to the fact that: "law is no longer a phenomenon of national culture, which largely led to the tendency of the legal consciousness of the population and even lawyers in the direction of nihilism. "Ascended" over the culture of the nation, like Antey, detached from the ground, Russian law has lost its internal energy, originality, individual style, legal zest, stopped feeding truly national legal creativity, became a haven of bureaucracy and disgusting policy. There was a loss of the right of grace and spiritual and moral essence. The right was reduced to" instruments "of the course of economy," forms "of social hostel," methods "of implementation of the basic ideas of" legal state "and" separation of powers", " regulators "of legal regulation and formalistic" ensuring " of the rights of the individual, as well as to other similar things. They, of course, are necessary, but not in current disintegration, devoid of living contents, spiritually alien form, which hinders the process of formation of national consciousness of the participation culture" [12,p. 15]. Such a detailed citation of this author shows that law is an inherent part of life, its component. It should naturally guarantee the unity of interests of the state, society and the individual. The community of interests should be exposed in detail to the society as a whole, which makes it possible to form an awareness that the observance of the law, which is the main means of guaranteeing interests, is also a personal interest of each person. And we fully agree with that judgement.

We believe that the consideration of the place and role of national interests in the existing legal system and to determine the status and prospects of development of the mechanism of their legal regulation requires, first of all, to identify the content and meaning of the concepts of "interest", "legitimate interest", "national interest", laid down in the modern theory of law and functioning legislation.

It should be said that the concept of "legitimate interest" has firmly entered into many theoretical and legal studies, as well as into the functioning legal system of the Russian Federation. For example, A. V. Mal'ko and V. V. Subochev believe that "the legitimate interests are, first, those interests that are not contrary to the law of the aspirations of the people entering into legal relations, arising, inter alia, from the permissions in a certain extent indicated by law" [13,p. 154]. In fact, figuratively speaking, legitimate interests are a directed segment, beginning with social needs and ending with subjective rights and legal obligations related to them.

In turn, the term "national interests" is often interpreted ambiguously. In one sense, this concept is presented in conjunction with foreign policy activities, because it symbolizes the nation (state), whose function is to protect their own interests in the global political system; in other cases, national interests are considered in the context of solving domestic political problems. Then they are interpreted using different arguments.

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In another sense, national interests are a means of foreign policy research. This approach is peculiar to the school of political realism. In this case, the concept is compared with the kind of public interest that is relevant to foreign policy, because it is the most suitable system of relations between countries for a particular nation.

In addition, the concept of "national interests" reflects those circumstances that limit the capacity of a state. We are talking about treaties, the interests of different parties, the impact of other states, geographical specificity or belonging to a particular structure, for example, to a commercial or military organization.

The followers of the school of realism consider national security to be the basis of national interests, thus linking the interests of the state and the interests of national security forever. In their view, national interests are the natural result of real threats and dangers to the state, which inextricably links them with the phenomenon of national security.

Note that even the name of the concept of "national interests" indicates that the state itself symbolizes the existing national interests. According to some researchers, national interests are actually determined by the position of the state, which it occupies in the international arena, and are manifested in the course of analysis of its historical path and current position in the international system. [14, p. 119] Another group of theorists believe that national interests are the fruit of a biased interpretation of the powers that be. [15, p. 210]. In other words, they are what a particular author means by this concept.

For our part, we draw attention to the following fact - in many ways, the driving force of the foreign policy of most countries in different periods of their existence was that modern scientific thought and ordinary people understood as a national interest. But, at the same time, the term "national interests" came into use modern science and practice recently [16, p. 33]. At the official level, it began to be used in scientific works only in 1935 after confirmation of its validity by means of inclusion in the Oxford encyclopedia [17, p.269].

Nevertheless, spears are still being broken in disputes about what is meant by the notion of "national interest" and what role it plays as an analytical category and a mechanism of legal influence. The controversy is mainly due to the divergence of views on the structure of the concept and its application. And the mechanism of legal regulation of national interests is practically not mentioned.

Note that the concept of "national interests" is used by a wide range of authors, as theorists of realism and their adherents, supporting the concept in practice, and the exponents of other theories and trends. Such an active application of this concept should interest us for at least two reasons. The first is the understanding that if a subject relies on national interest, it does not mean that he is seeking to use force. After all, a well-understood national interest is nothing more than a recognition of the right to exist, as well as respect for the interests of all those who take part in political action.

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On the second reason, we can say the following: supporters of the concept of objective realism is subjected to well-deserved criticism for their unilateral and reductionist attitude to the situation, including the subject of our study, for the understatement of the values and positions of the opposing party (including their perceptions of national interest). At the same time, international relations as an independent scientific discipline gained its status largely due to the origin and formulation of the theory of political realism. It was the school of political realism that introduced the concept of "national interest" into its teaching, making it the starting point of its scientific search.

For our part, we note that the problems forming the basis of realistic analysis do not lose their importance. We are talking about the problems of war and peace, general strategic principles, threats to state security, diplomatic struggle, the formation of coalitions and alliances, negotiations between different States, and a number of problems related to so-called big politics. In this series, the category of "national interests" does not lose its analytical and legal significance.

For this reason, it is necessary to refer to the theses that reflect the essence of this concept in the interpretation of G. Morgenthau, the recognized founder of the school of pragmatism and political realism. The researcher of his work L. P. Tsygankov offered his interpretation of the main thing that is reflected in these theses in the form of the following provisions:

- National interest is a real reality. It is based on the peculiarities of the location of the state on the planet and the resulting specificity of development in the economic, political and cultural spheres, as well as the characteristic features of human nature. Therefore, the national interest is a stable basis of the country's foreign policy.

- National interest is a category that is absolutely amenable to reasonable understanding by public figures. Only they should be guided by the understanding that a policy can be right only if it is rational and is based on a correctly understood national interest. [18, p. 180].]

It should also be noted that there are significant differences between the national interest and the public interest. The national interest is in a haphazard international environment, unlike the public interest, which is limited by the laws governing policy within the state. In other words, the national interest is related to the sphere of foreign policy and this is different from the public interest.

Of course, the era of globalization is making adjustments to the existing world order in which states are central figures. In the changed conditions, states are no longer perceived as national entities. They have been replaced by super-state, whose interests prevail over particular national interests, losing its value. At the same time, the need to centralize global power has not yet been justified. Political philosophy, of course, can try to convince everyone of the preference for one or the other option, based on its philosophical and political orientation. However, in reality, in global leadership, it is possible to notice different components of the established governance mechanisms. First of all, in a fragmented form of existence there are spheres of planetary existence, such as agriculture, security and culture. Each of them produces its peculiar peculiarity, in varying degrees and in different ways officially recognized mechanism of organization-self-organization. These areas are relatively independent. For example, there is a project proposal from the Commission on global governance on education in addition to the UN Security Council and the economic Affairs Council, which will be called the Economic Security Council. [19, p. 10]

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Proponents of globalization regard and give preference to global governance (which is just such a "club" institution of circular influence and balancing) as an innovative kind of democracy. It is a divisive (discursive) model of democracy, a republic in which all the services involved participate on an equal footing in the debate on existing problems in order to coordinate their actions. [20, p. 50]

Such a turn in philosophy is also important because the introduction of innovative forms of competence in the understanding of global governance makes it possible to identify a previously neglected problem, such as what is meant by global governance in the context of such fundamental doctrines as legitimacy, sovereignty and democracy.

The discussions on national interest that have been going on in the Russian scientific community for more than twenty years reflect a lack of unanimity in the understanding of this concept. As well as foreign, our theorists were divided in the dispute not so much on supporters or opponents of objectivism, but on adherents of realism or liberalism paired with idealism.

Realists believe that the national interest retains its dominant position for absolutely all countries on the planet. Therefore, to treat it with disdain would not be just a mistake, but rather a danger. [21, p. 80]. In other words, national interest, in their opinion, is not limited to the range of civil interests, because it takes into account many real socio-economic, geopolitical and other factors.

Liberals also believe that "there is an exaggeration of the role of national interests (the concept is not precisely determined, but rather means something that has a material base, for example, oil products, finance, land, military force) and underestimation of the role of more delicate psychological aspects." [22, p.11]. Representatives of liberalism believe that the formation of national interest in a democratic society occurs through the generalization of civil interests, and the authoritarian or totalitarian society is based on the "sovereign" view, implying the prevalence of state interests over the interests of the individual. [23, p. 468] this explains the ongoing struggle between the state and society for power and influence. More precisely, the state is trying to strengthen its position and strengthen control and influence, and society is against the need for such strengthening, despite the fact that the interests of society and the state do not contradict, but rather complement each other.

There is no doubt that the subordination of national interests, to some extent, to the events taking place in the international arena. At the same time, national interests depend on the situation of the economy within the state, the level of its social and political stability, civil and moral atmosphere. In addition, it is important that states in transition tend to not only focus on the mutual influence of the national [24, p.138] and public [25, p.40] interests, but also strengthen the ability of public interests, their priority position in front of the interests of the state. Our country, at the moment, is in such conditions.

It is no coincidence that in the national security Strategy of the Russian Federation [26] national interests are divided into interests that are in the field of activity of the domestic and global legal system, and this division is quite natural and legitimate.

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Based on the current realities, Russia's domestic political national interests need a comprehensive focus on the main problem. This is the need to revive the country, its economy and the well-being of its citizens. Foreign policy needs to reflect this objective in full as on philosophical and concept-centred and an operational level. In other words, the interests of society prevail in the relationship between national and public interests. At the same time, in the conditions of modern Russia, national interests have a more complex internal structure, which is due to the inevitability of new internal and external challenges that need to be answered.

Earlier, it was mentioned that there is a certain confrontation between the state interests and the national interests with the public, bearing in mind the interests of civil society. In connection with their mutual dependence, in some cases they are perceived in the comparison of interests: national and state. This view of the situation is not entirely correct.

If the national government or nation-state means public unit that is involved and engaged in international relations, it is right to interpret national and state interests as a category with a direct close relationship among themselves and complement each other. For our part, we should add that taking into account the ethno-social model of understanding of the nation and the integrative approach to the essence of the state, state interests represent a balanced set of objective needs and needs of the state power realized by society, due to their interdependence and cultural and historical features.

Thus, the public interest is a complex category that includes as the main components:

(a) national interests (including the interests of society as a whole, social corporations and individuals);

b) the interests of state power. National interests are formulated and ensured by the state. However, the state can realize not only national but also corporate interests (in this case the interests of the state bureaucracy are considered as such interests). At the same time, it is important for the functional stability of the socio-political system that these groups of interests do not come into conflict.

Thus, M. V. Ilyin believes that "national interest is the interest of the nation, uniting and containing such categories as sovereign territorial state and civil society". The duality of the categories of "public interest" and "civil society interests" is regulated in such a way that "they have a connection with the national interest not only because of their content, but also to a large extent are the concepts that define the semantic elements from which it is necessary". [27, p. 81]. In this context, the opinion of researchers who prefer the concept of "national-state interests" is confirmed. But, the fact that in the world legal system the state represents the image of the nation remains unchanged. Therefore, in the theoretical and legal context, national interests are most often understood as the interests of the state, which, in turn, reflect national interests.

When considering the category of "national interests" in the complex, it can be concluded that they determine, based on geopolitical data and public resources, taking into account a large number of interests, structures, preferences, etc., which are mutually intertwined and have different directions. The formation of these preferences takes place in accordance with the existing level of economic development of the state, its authority and role in the world, national and cultural traditions, etc.

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The development of a set of national interests has been going on consistently and for a long time in the context of a complex historical intertwining of various factors in the economic, social, cultural, political, national and psychological spheres. It is for this reason that national interests have a strong link with the bearers of these factors, which are the people and their history. National interests are strongly linked to the phenomenon of self-determination of the nation. [28, p. 13]

All the difficulties associated with the nation and its formation relate to the concept of "national interests". That is why the concept of "nation" requires a more detailed analysis.

The large - scale economic crisis and the crisis of all public institutions in the Russian state, the collapse of the system of established values and norms, the most powerful mass collective actions of social groups, political destabilization and interethnic conflicts of the post-Soviet period affected the development of scientific ideas about the category of the concept of "nation". In this context, it is necessary to pay attention to the work of V.A.Tishkov, who adheres to the postmodern ideas. It should also be noted relativistic theory of the nation put forward by A. G. Zdravomyslov.

V. Tishkov in his works devoted to the study of the nation used the instrumentalist approach. Starting from the very foundations, he in the manner of E. Gellner admits that there is one source and one factor of nation-building, which is the policy of nation-building of the nation state. In other words, "within a nation there is little movement towards national self-determination and to the least extent the nations themselves form nation states. The concept of the nation arises within the masses in the form of a political program for the formation of independent communities of citizens, and states already form nations, implementing the process of nation-building." [29, p. 88] Along with this, any of the individuals uses this spiritual impulse to attract the collective in resolving any social goals that are created in an environment of inequality, dominance and competition suitable conditions for existence, access to resources, to the government and for their own success. [30, p. 78]

According to V. Tishkov, today in our country, despite the fact that there is a state, there is still no nation itself. This is due to the fact that Russia there is not available, and there can be no prerequisites for the emergence of such entities as national States of ethnic groups, which could implement such a process. He believes that the nation is a figment of the imagination of scientists, followers of scholasticism, a set of moods and feelings, an intricate set of features, feelings and personal-collectivist strategies. [31, p. 142]. He believes that in science and in politics there should not be such a word as a nation. Relegating the word itself from the pedestal, one can later overthrow the nation itself and take away from supporters the right to use it "for peculiar purposes of attraction in order to strengthen their own status within and outside their groups." [32, p.159]. In his version of the instrumentalist direction, there is no cultural and spiritual basis and attitudes, national consciousness, historical memory and human sympathy for one's own national identity.

A.G. Zdravomyslov fits to the concept of "nation" at somewhat different angle. He believes that the definition of the category of "nation" and the structure of "genuine national interests" is not a matter of priority. In his opinion, it is much more important to create an image of the nation, which will be perceived by this community as true. A nation or ethnic group is a phenomenon of

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collectivistic consciousness within which the cycle of the individual's life process takes place. This category is an environment in which social relations are carried out and the individual is self-actualized with the help of historically actively used means to transmit culture to the future generation. According to A. G.Zdravomyslov, relativistic theory of the nation offers to regard national and ethnic communities available now as interreacting community. Everything that exists around nations and national identities is not a static environment. This world is in constant motion, mainly because nations are not isolated but interact with each other. "This reflects the essence of the relativistic theory of the nation, opposing different objectivistic interpretations of this phenomenon." [33, p. 26]

Results

In our view, nations have their ethnic origins and are communities that have created the state and the legislative will. While the nation and national interests are not entirely predefined and constant values, requiring that they were considered with: the open, objectivistically understanding of the nation is always in search in all respects of the unmistakable resolution of the problem of national interests, and, therefore, is the basis of the aggressive policy. Argumentation of the national idea and concept of national security should be "formed, guided not by objective prerequisites, but by the formulation of the question to oneself – maybe this nation is the primary source of excessive danger to other peoples and countries." Based on this postulate, it is quite natural that a scientific approach should be applied to the process of searching for "national enemies". We believe that the individuality of the national community is expressed mainly in the community views of individuals, in the "collective consciousness", which is in tune with the opinion of E. Durkheim. [34, p. 125].

When considering the nature, characteristics and phenomena of the nation, united in a specific social form of the commonwealth and the interaction of individuals, it is necessary to be guided by the fact that we have a community united in a monolithic organism. This understanding of the problem is set out in the integral theory of the nation, received in these extreme years, many admirers. The emergence of this theory is a natural reaction to the disconnection of the opposing academic positions and directions, and a complex result of the ideas realized by some domestic theorists about the unification of theoretical knowledge relating to the category of "nation". This theory was formed in the context of the equivalent of the national community of theoretical expression of its integral nature, its natural base and characteristics, as well as its main interests. The described theory aims to touch upon in addition to all the characteristics, signs, phenomena of national life in their community and cohesion, also the problem of revealing, first of all, what was previously hidden: the secret integral national connection, the main quality that unites, connects serious spiritual threads of the individual and whole generations in one collective community.

There are many different social groups and unions. But of all of them the national solidarity can only have the greatest spiritual solidarity, and the most impressive emotional impact (in addition to such a community as the family). National solidarity is characterized by a significant illogical ability to unite, to awaken spiritual impulses in the form of love or hatred, especially before the danger emanating from the outside. The roots of this phenomenon lie directly in the fundamental principles of national existence. At the same time, despite the complete stay of national life in the collective quintessence and the formation of a structural connection with the outside world due to it, dissolution in this substance does not occur. According to M. O. Mnatsakanyan, the structure of this community includes: a) the social form of the union of individuals; b) the methods of their

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grouping and coordination; c) the subjects of conditional interaction; d) the external situation as a whole, affecting their unity, and its individual elements (territorial position, language, etc.); e) basic internal characteristics of this social form of union and interaction - historicism, stability, definiteness, intensity, solidarity. [35, p. 71]. It is possible to agree with this definition of national solidarity, but it should be noted that of all known social groups and communities (excluding the family), it is national solidarity that has the greatest, especially powerful emotional charge, the greatest internal solidarity. It has a powerful irrational ability to unite, to show feelings of collective love and hatred, especially when there is an external threat. Therefore, solidarity is perhaps the most important feature, characteristic of the substance of national community, integral national communication. The problem of nations and nation-building is directly related to the concept of national interests and therefore requires separate consideration.

As we said earlier, the phrase "national interests" came into use in the public life of our country not so long ago, having absorbed a set of concepts that were not previously reflected in the national Russian public consciousness. First of all, it became obvious dissimilarity of national and state interests.

National interest is an abstract and subjective category, since its parameters are determined by the picture of the world and the value system prevailing in a given society and state. The reality of national interest is revealed in the process and as it is implemented. And this, in turn, implies the presence of strong-willed and active principles, as well as means for the implementation of the goals set by the state. From this point of view, policy can be seen as an essential tool for the realization of national interests.

State interests are understood primarily as national interests, since Western countries are mononational states (not so much in the ethnic aspect as in the social aspect). The nation represents the twofold unity of civil society and the state. By default, the national interest appears as a generalizing interest, which removes the contradiction between the interests of the state and civil society. It is assumed that representatives of civil society, independent public have an impact on public policy. Internal tasks, private interests of citizens have priority in the formation of foreign policy. "What is good for citizens is good for the state" - this is the principle of the approach to the public interest in countries with developed civil society.

Moreover, the term "national interests" is much broader than all the existing ideas about it. For this reason, all these ideas lie in the plane of national interests. And what is most important is the realization that the debate about the definition of national interests is included in the list of elements of the process of formation and evolution of the state.

In the modern Russian state there is a need to establish a tradition of conducting discussions about national interests, which can be achieved only in the process of nation – building as such – the nation finds itself in the national consciousness, acting as the driving force that gives birth and reproduces the national state. Therefore, in order to approach seriously to such a category as Russia's national interests, it is necessary to work out a number of problems in advance. For example, the nature of such interests, their relationship with other phenomena of public consciousness, the structure of interests, suitable mechanisms for their formulation and formation, evaluation criteria, etc.

Of course, the formulation and interpretation of national interests depend on the understanding of the goals, values, prospects of development of society, prevailing ideological and religious concepts in it. In other words, they are a form of the civilizational foundations of the nation

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represented by society. Also in the national interests social and moral ideals of society are manifested indirectly. At the same time, we can say that national interests are derived mainly from the pressing problems of the nation, while being the determinative leitmotif of all state internal and external governance. National interest is a concept (i.e. a system of ideas) that substantiates the priorities of the development of society, the conditions of its self-preservation, its place in the geopolitical space, ways of interaction with other peoples and states.

The formation of Russian national interests is carried out with the expectation of a long-term perspective. They are inevitably reflected in the strategic and current policy objectives both inside and outside the state, carried out within the system of legal and public administration, as well as state structures to ensure national security.

The primary factor in the successful implementation of Russian national interests is the sovereignty of Russia and the possibility of solving domestic political, economic and social problems without external interference. This will ensure a decent standard of living for citizens, guaranteeing national unity and socio-political stability of the vital functions of the state.

It should be borne in mind that, in the exercise of its national interests outside the country, it, as well as every other state, should take into account the national interests of other countries and the interests of the international community in general, trying to achieve a certain balance between them. Otherwise, it will not be possible to achieve such a degree of international security, in which only the national interests of one's own country can be observed.

The urgency of the application of this approach to national interests can be explained by the fact that up to the present time, unfortunately, many scholars [36, p.7] identified the national interests of the state, placing between these categories an equal sign, which is not always justified, even in foreign policy. [37, p.17]. One can see firsthand the difference of these interests at the time of the emergence of various kinds of social conflicts and unrest, such as revolutions, civil wars, etc. [38, p. 214]

Attempts to approach the issue from the opposite side, that is, to separate national interests from the interests of the state, also failed. The mismatch of this approach to the reality is most clearly seen on the example of the national-state interests – a category that is promoted by some of the researchers [39, p. 75]. In their understanding, the nation and the state are separate, independent from each other subjects of indigenous interests. However, as such, there are no separate entities "nation" and "state". After all, the state is a part of the nation. It cannot exist without a nation.

We believe that the lack of unity in the approach to national interests is due to the fact that this category and the legal mechanisms of its formation have not been taken into account for many years and have not been studied by the relevant branches of scientific knowledge in the country. This proves the need for a common terminology and unambiguous interpretation of concepts, including the notion of national interests.

All states are faced with the problem of determining, establishing and ensuring the implementation of national interests. And its solution for each of them is difficult, in several stages and in many directions. Different actors of the social system, representing different social strata and groups, participate in the formation of national interests.

In the current Russian national interests have not been identified in full and their awareness is still not finished. Their legal basis can be determined as insufficiently formulated. This state of affairs is mainly due to the lack of formation of civil society. Nevertheless, some civil society institutions are involved in the process of identifying and fulfilling Russian national interests, thus contributing to the determination of the actual needs of society, which, in general, are also part of national interests.

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This gap in regulation of realization of national interests is eliminated by the decree of the President of the Russian Federation from May 7, 2018 No. 204 "On the national goals and strategic objectives development of the Russian Federation for the period up to 2024," May 8, 2018. [40] As stated in the preamble of the document, the provisions of the "new may package of laws" were approved in order to "implement the breakthrough scientific, technological and socio-economic development of the Russian Federation, increase the population of the country, improve the standard of living of citizens, create comfortable conditions for their residence, as well as conditions and opportunities for self-realization and disclosure of talent of each person." In this document, the Russian Government is instructed to ensure the achievement of nine national goals by 2024:

1. Ensuring sustainable natural population growth in Russia;
2. Increasing life expectancy to 78 years;
3. Ensuring sustainable growth of real incomes of citizens, as well as the growth of the level of pension provision;
4. A 2-fold decrease in the level of poverty;
5. Improvement of housing conditions for at least 5 million families annually;
6. Ensuring the accelerated introduction of digital technologies in the economy and social sphere;
7. Acceleration of technological development, increase in the number of organizations engaged in technological innovations, up to 50 % of their total number;
8. Creation of a high-performance export-oriented sector in the basic sectors of the economy, primarily in the manufacturing industry and agro-industrial complex;
9. Russia is among the five largest economies in the world.

Achieving such ambitious goals will require significant additional resources (not only financial, but also temporary, labor, management) and reformatting management approaches to solving problems.

As such, the process of realization of national interests is based on the mutual work of different social structures. At the same time, the state is a key link in the political system of society. This process involves political parties, public organizations, movements, etc.

If we talk about the national interests of today's Russia, it should be noted that they are inextricably linked with the specifics of the country's regions and the need to take into account geographical, climatological, sub-ethnic, demographic and other features. The presence or absence of certain natural resources causes uneven socio-economic development of the regions, generating heterogeneity of interests between the socio-economic regions of the country and, as a consequence, affecting the implementation of national interests.

At the same time, it should be remembered that globalization processes can interfere with the implementation of the national interests of the Russian Federation. Therefore, our country should determine, shape and implement national interests taking into account the specifics of its capabilities and its geopolitical position. In addition, the nature of its socio-economic and national cultural development should be taken into account. Of course, the foreign policy strategy of the state should be developed taking into account the common human interests. However, they should not be a basic component of the national-political line of the country's development.

Discussions

One way or another, a significant number of researchers studied the problems of social, legal, state and national interests. The first group includes Western European scientists who have made a decisive contribution to the formation of the classical understanding of the essence of state law and the system of interests as a driving social force: Socrates, Aristotle, Plato, Polybius, Cicero, M. Paduansky, N. Machiavelli, K. Helvetius, P. Golbach, J. Boden, T. Hobbes, J. Rousseau, Sh. L. Montesquieu, J. Locke, B. Spinoza, I. Kant, G. W. F. Hegel, I. G. Fichte, G. Hugo, K. Savigny, K., Marx, F. Engels and other prominent thinkers.

Next is the group of modern foreign researchers, which laid the foundation of modern theories of interests (among which stand out the German and American school): R. Iering, G. F. Puhta, G. Radbruch, F. Regelsberger, R. Stammler. In American science, there are six main schools: 1) institutional (J. Bryce, A. Bentley, H. Morgenthau); 2) behavioral (D. Waldo, K. Bolding, Ch. Merriam); 3) postbehavioral (S. Dodd, R. Ch. Mills); 4) modeling (G. Almond, K. Deutsch, D. Easton); 5) axiological (F. Bro, G. Lasswell, L. Hoffman); 6) structural-functional (A. Bentley, D. Easton, J. Kennan, W. Lippman, R. Pound, J. Rosenau, E. Ferniss, K. Waltz, E. Ehrlich), etc.

The works of Russian thinkers can be divided according to the chronological criterion into three groups: pre-revolutionary scientists (which are adjacent to the scientific representatives of the Russian emigration), the Soviet school and modern researchers. A significant influence on the formation of the concept of interests has rendered the works of representatives of Russian pre-revolutionary law, in particular by authors such as: N. N. Alexeyev, M. F. Vladimirsky-Budanov, Y. S. Gambarov, I.A. Il'in, B. A. Kistyakovsky, N. M. Korkunov, K. N. Leontiev, M. O. Menshikov, P. I. Novgorodtsev, A.I. Pokrovsky, A. A. Rozhdestvensky, I. L. Solonevich, F. V. Taranovsky, L. A. Tikhomirov, E. N. Trubetskoy, V. M. Hvostov, B. N. Chicherin, G. F. Shershenevich and other remarkable Russian scientists.

In the Soviet period, the interests and their role in legal regulation of Institute of public relations has been the object of research of such scientists as S. S. Alekseev, V. M. Baranov, A. B. Vengerov, N. V. Vitruk, R. E. Gukasyan, O. S. Ioffe, V. B. Isakov, V. P., Kazimierzuk, O. E. Kutafin, N. S. Malein, A. V. Mal'ko, G. V. Maltsev, N. I. Matuzov, V. S. Nersesyants, V. N. Sinyukov, V. V. Stepanyan, N.A. Shaikenov, A. I. Akimov, L. S. Yavich and others.

The current state of the Russian scientific doctrine of interest was strongly influenced by the works of such writers as V. K. Babayev, R. L. Bobrov, A. M. Vasilev, N.A. Vlasenko, N. N. Voplenko, A. N. Goncharov, V. D. Zorkin, V. N. Kartashov, D. A. Kerimov, V. A. Kozlov, V. V. Kopeychikov, O. A. Krasavchikov, V. N. Kudryavtsev, V. N. Lavrinenko, V. V. Lazarev, V. I. Leushin, E. A. Lukasheva, I. I. Lukashuk, M. N. Marchenko, A. B. Melnichenko S.V. Mikhailov, V. D. Perevalov, A. K. Piontkovsky, F. M. Rayanov, V. M. Rodachin, I. S. Samoschenko, A. P. Semitko, I. N. Senakin, K. I. Sklovsky, L. I. Spiridonov, V. V. Subochev, V. M. Syrykh, Y. G. Tkachenko, Y. A. Tikhomirov, G. I. Tunkin, N. N. Ulyanova, A. P. Tsygankov, A. F. Cherdantsev, V.A. Shabalin, A. S. Shaburov, G. H. Shakhnazarov, V. F. Yakovlev, and others.

Despite the long-term scientific attention to the problem of national interests, a comprehensive theoretical and legal research aimed at studying the features of the formation, development of the system of national interests in Russia, has not been conducted to date.

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Conclusion

In general, national interests are the ratio of the needs of the nation to the existing situation inside and in the world and the foundations of their implementation. From this it follows that the emergence of new factors and conditions of world development entails a radical transformation of national interests and their reformation.

Such factors and circumstances may include: the spread of spheres of economic influence, the modernization of the media, the globalization of all spheres of society, the emergence and aggravation of all-planetary problems, the emergence of a trend towards the expansion of democratized territorial zones on the planet, the growing need of humanity to preserve personal dignity, achieve material well-being and a number of others.

At the same time, it should be noted that the national interest cannot be ensured if the basic conditions of the country's existence are not observed: a stable situation within the state, a decent level of economic development, spiritual and moral tone of society, military and strategic security, environmental security, a favorable situation in the international arena, an authoritative role and place in the world community.

It must be emphasized that to ensure the national interests is possible only when the balance and coherence of the above-described conditions, as the public system depend on each other and complementary components. To achieve the absolute provision of any of them is possible only in the ideal version. In fact, more often than not, an element is missing or underdeveloped, which is made up for by the greater development of other elements and conditions. The essence and skill of the effective implementation of the national interests of a state is to ensure precisely this balance.

One of the main features of the current world system can be called the interdependence of countries and the unity of the world, its integrity. At the same time, the Foundation of international policy is the national interests of individual states.

In the case of countries, the national interest is considered to be meaningful, formally stated actual needs, the satisfaction and protection of which are a guarantee of the stable existence and rapid development of countries.

The national interests of the modern Russian state mean a complex of balanced interests of individuals, society and the country in the sphere of economy, ecology, domestic and social policy, in the international arena, as well as in information, border, military and other areas.

National interests are long-term and determine the key goals, strategic and current objectives of the internal and foreign policy activities of the government. For their provision institutions of state power are responsible, performing their own functions, including with the assistance of public organizations working in compliance with the Constitution of the Russian Federation and the legislation of our country.

It is characteristic that the tasks of ensuring national security are formulated since the founding of the country, causing the most important conditions for its existence and normal functioning. We consider the task of ensuring national security to be a multilateral and multifactorial problem. Analyzing the problems of national security from a historical perspective, it is noted that the term contains both constant and variable values. The first type of values can be attributed to the existence of external and internal threats to national security that the country faces in the course of development. The second type includes certain forms of threats to national security associated with historical factors that play an important role at a particular stage of development.

Note that the modern regulatory framework and diverse legal, political, philosophical and other literature contain many definitions associated with the general theory of security. The unusual frequency of their use can create the wrong impression that these topics are very important and well developed, which does not always correspond to the real state of affairs.

From our point of view, firstly, there is a lack of interest on the part of the legislator to study not only the conceptual material, but also to study the relationship of the basic terms. Secondly, the widespread use of terminology related to the theory of safety is not based on its detailed scientific interpretation.

As it is clear from the previous presentation, for the formation of scientific knowledge it requires a clear elaboration of categorical and conceptual apparatus, as it makes it possible to improve both the theory and law enforcement practice. The lack of clearly correlated terms and general scientific categories in this area can add to this process of inconsistency and doubt.

The essence of the analysis is reduced to the following conclusions and generalizations:

1. As an object of scientific research, the concept of "interest" is one of the fundamental categories of legal science. The concept of "interest" should be understood as the needs realized by the subject, which are due to national and cultural characteristics and formed values, socio-economic and political structure of society at a certain stage of its historical development. The corresponding awareness of its content affects the interpretation of the whole range of social phenomena, inter alia, interrelated with the phenomenon of the state.

2. The concept of "needs" is a need for something essential, without which it is impossible to maintain the body, the individual, the social group, the whole society in a functioning state. This category is an organic initiator of activity for the subject. There are the following types of needs: biological (inherent in the animal and human world) and social (containing features peculiar to a certain historical period, and depending on economic, cultural and ideological factors). A significant feature of the needs is their dynamism, volatility, renewal, due to the satisfaction of previously necessary needs, on the basis of which the desire to implement new, higher-ranking ones. The needs of the individual create a certain hierarchy, based on the simplest biological needs and passing to social needs.

As for the social needs of the subjects, they are subjected to the level of social development and distinctive social conditions of their functioning. The realization of some needs becomes the starting point for the formation of other needs. This characteristic feature of people leads to the transformation of the natural and social environment, distinguishes them from animals that do not transform the environment, and adapt to it.

3. As a social actor, the state should perform certain functions towards the nation that ensure its protection and protection of its interests, encourage its development by creating the most conducive atmosphere within the state and beyond, organize the activities of each individual citizen and population groups so that they can realize these goals.

4. The national state should perform the function of formation and implementation of security policy, total evolution and growth of the nation, improvement of its cultural, spiritual, educational component, well-being in the social and economic sphere.

5. The state is a tool in the hands of the nation, serving it, and used to achieve its goals, solve its problems and tasks, to meet its needs and interests. At the same time, the nation, being a kind of association of individuals, has a characteristic purpose, which determines the standard of living of the individual, groups, communities, and specific functions, for the most part not having similarities with the functions and purpose of the state. Their identity is expressed in the identity and originality of the nation as a human community, its dissimilarity with other communities and

human groups. It is the nation that is the bearer of such fundamental spiritual values and power, the producer of forces for its growth, improvement and preservation, which the state or a separate group of people does not possess.

6. National interest is a category that expresses the understanding (subjectivization) of the objective needs of society. In our opinion, the determination of national interests is based on the most substantial criteria that characterize the phenomenon of the state in the complex, as well as the implementation of its functions, despite the ethnic and national component.

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