



The Role of Law Education in the Formation of the System of Legal Support of National Interests

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Abstract:

To analyze the essence, specifics and practical and scientific importance of ensuring national interests. The author substantiates the statement that one of the main functions of the state has become the implementation of a set of tasks related to the development of national interests, the choice of programs and actions for their implementation, as well as their legal consolidation. Moreover, these aspects of the state's activities are of great importance for preventing the occurrence of social cataclysms that can harm the whole world. Methodology: in solving the tasks set, the author relied on modern methods of cognition identified and developed by philosophical science and tested by legal practice. The research is based on the principles of cognition of social phenomena, which allow reflecting the relationship between theory and practice, the form and content of the subject of research, the process of development and qualitative changes of the phenomena under consideration. In the course of the study, priority was given to special legal methods of cognition, among which methods of comparative legal analysis, theoretical and legal modeling, legal diagnostics, interpretation of legal texts, and legal statistics should be highlighted. Conclusions: the author offers his own paradigm of national interests, defines the key directions of their summation and determination of place and role, as well as the main features. Scientific and practical significance: it lies in the fact that a consistent analysis of problems in the field of ensuring national interests can significantly affect the theoretical and substantive and technical and legal aspects of regulatory and protective activities, provide a closer link between the fundamental elements of the Russian legal system, including elements of the mechanism for ensuring national security. This, in turn, will preserve the stability of the Russian state and

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create conditions for its progressive development. In addition, the complex nature determines the significance of the research results for the philosophy and sociology of law, constitutional, administrative, criminal law, as well as a number of other branch and applied legal sciences.

Keywords: national interests, theoretical and methodological approach, system of legal support of national interests, law, legal mechanism of implementation.

Considering the breadth and limits of the current economic and social development, it is possible to predict and already notice both positive and negative consequences of the implementation of the scenarios of the fourth industrial revolution. In the era of globalization processes and the implementation of all-consuming digitalization, states have to deal with a large number of different kinds of dangerous challenges. Among such challenges, the threat of loss of national identity and the ability to determine the place of national interests in the uniting boundless space is particularly important.

The perfect technological breakthrough makes it necessary to apply joint efforts in creating a new set of laws and international organizational forms of management. Now humanity still controls technology and no later than today it needs not just to think, but to start developing a system of legal instruments that would guarantee the protection of all people on the planet and each person (groups of people) individually. According to Western researchers, "a unified idea of what the future should be contributes to the development of a common judgment about tasks and the definition of what should be guided by when making decisions" [1, p.35]. But the theorists of actual effective management do not explain what this unified idea is and how it is consistent with national interests and, importantly, with individual interests.

We have already talked about the duality of the globalization process, which predetermines the mutual dependence of different countries and the creation of a global legal information system, but at the same time strengthens the desire to preserve national identity [2, p.105]. Therefore, the study and confirmation of the expediency of the theory of national interests has both speculative, conceptual, and applied, practical significance. According to Iering's apt remark, interest is the practical basis of law in a personal context[3, p.39].

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The study of national interests in the general scientific aspect should begin with the consideration of the essence of interest. We consider the approach to interest as an absolutely objective category, especially in the field of law, unconvincing, along with the non-recognition of the presence of the personal in law. We believe that it is necessary to see in interest a complex socio-psychological category caused by real needs and a value system frolicking in society and, in turn, generating new needs and aspirations as an element of motivation for the behavior of individuals and groups of individuals, the nature of their conscious, purposeful activity.

Interest as a legal category, being one of the types of social interest, has its own characteristic features: 1) legal interest is a way of realizing intentions that has a legal semantic load and generates legal consequences; 2) legal interest is realized within certain legal boundaries and this process is fixed by legislatively established state coercion; 3) legal interest is objectified through legal acts (actions) and using appropriate legal instruments; 4) in one way or another, the legal interest is connected with the legal norm (or is consistent with a specific norm or helps to consolidate it, or change it, or lose its force); 5) the exercise of legal interests causes the emergence of legal relations and, in turn, the need to ensure the balance of interests of different entities participating in them.

Consequently, the objectification of legal interest occurs through the actions of the subject and implies that he takes into account the interests of other subjects and interacts with them in terms of finding a compromise. It should be clarified that special State bodies on behalf of the State have the right to determine the predominant importance of individual interests or groups of interests, restrict or even prohibit the implementation of some of them. Private and public interests can also be regulated by endowing individuals with certain powers and according to the position of participants in legal relations, secured by the legal protection of the state.

The State has extensive protective and protective capabilities that ensure the preservation of the existing hierarchy of legal interests, recognition of the subordinate interests of certain persons, the exercise of interests and the possibility of obtaining judicial and other legal protection in case of their violation.

Previously, before the fourth industrial Revolution came, priorities in the field of legal state interests were formed exclusively centrally. This approach was regarded as the most appropriate way to consolidate the correlation of individual and public interests. With the

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advent of modern technologies, there has been a rapid change in both the methods of economic activity and the system of legal regulation implemented by the state itself [4, p.144].

In times of conducting economic and political activities in a hybrid form, endowing intergovernmental structures, multi-national companies with extensive powers, the legislative framework of the state should be soft, flexible and liberal, forming a competitive and convenient regulatory environment, and at the same time ensure state control, national security and independence of the state.

Proceeding from the above, it can be concluded that the development of national interests, the choice of programs and actions for their implementation, as well as their legal consolidation in its entirety is one of the key functions of the current state. This process is complicated because the society that currently exists is a society whose borders do not exist, but at the same time it is characterized by the highest level of individualization of individual personalities of this society. Moreover, individual parts of society perform several legal functions, taking part in both real and virtual legal relations, at the same time they can represent a multitude of legal entities. The difficulties of this process are also connected with the discontinuity of established, traditional social institutions, for example, family, marriage.

We believe that under such circumstances, one of the priority tasks of the state is the preservation of the nation, which is meant as a historically formed social association of people, whose common interest is the support of state power on its territory. A common language, a common historical past, common views on life, unity of culture, religious principles, legal concepts, axiological system and, of course, interests can become the means uniting the nation.

In contrast to G.F. Shershenevich, we see the dissimilarity of such categories as nation and people. The explanation for this is that there can be many peoples within one nation. Along with this, we believe that Gabriel Feliksovich's position is correct regarding the fact that "the unity carried out for many years, even centuries, the protection of the state implemented jointly, joint participation in the management and formation of legislation", if not completely eliminated, then significantly weaken the splitting effect and eventually transform the "state population" into a single nation [5, p.24]. In accordance with the current legislation, the

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Russian nation exists. It also indicates the need for legal consolidation of the community of its interests[6]

National legal interests are understood as a type of public interests, the semantic load of which is established with the help of various legal and non-legal technologies and depends on the cultural outlook of the nation, the social stratification of its constituent society and the nature of the internal interaction of elements of the social sphere.

In States whose structure and activities comply with the principles of democracy, national interests can be formed solely on the basis of the widest application of means and techniques of dispersed interaction of public and state institutions on equal rights, the formation of various forms of public-private cooperation, encouraging social activity of the population and communities of citizens. Moreover, the state is the main regulator and, along with this, the guardian of national legal interests, since, first of all, the state structure has the highest political and social significance, and at the same time, in the course of the historical process, the state received the main social competencies, among other things, legalized coercion.

It is very difficult to ensure national interests with legal instruments during the course of globalization processes. The scope of our research work does not allow us to consider all the existing problems. For this reason, we will talk about the most important ones.

The existing methods of legal regulation are based on its direct connection with the soil, more precisely with the earth's surface, which, according to the law, belongs to one or another community of people who took possession of the common territory before everyone else and created an independent state on it. Nothing less than the territorial sovereignty of the State, which at the moment includes both the surface of the earth and the sea, and the airspace, forms the basis of the territorial principle of the law. This principle mostly formulates the orientation of international legal relations, which are the interaction of territorial legal foundations formed at the state level, secured by legislative acts, in essence, of international law.

Due to the technical and technological improvement of communications, if not erased, then the territorial boundaries are blurred. This makes it difficult to use the territorial principle and changes the understanding of the state-legal space. Of course, such transformations will affect the state strategic management, the methods used by the state to develop national interests, the implementation of legal external and internal regulation.

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Therefore, we believe that without the consolidation of national interests, it is impossible to prevent social cataclysms that affect the whole world, since the course of bringing the legal system into a single supranational form will destroy the traditional established order of interstate interaction. With effective international legal interaction of independent states with different regulatory and legal bases, with the course of globalization processes and the presence of one common global economic space, unification will become impossible, since it is impossible to achieve a uniform legal regulation of similar social relations if one does not interfere in the public structure of states. And this goes against the principles and norms of international law recognized by all [7, p.127]. As a result, instead of bringing legal systems into a single supranational form, there is confidence in the need to bring law to harmony, that is, bringing legislations and political and social institutions of different countries into a similar state.

We believe that harmonization, which in fact means friendly grouped, implies the same unity of imagery, but having a more peaceful character, and leading to the creation of a voluminous, spatial system of legal regulation, consolidating the preservation of original national components and their mutual connections, the main qualities and functions of cultural and legal influence on the digital system of legal activity. In our opinion, legal coexistence is the most expedient and rational alternative to global official-business communication, due to the digitization of objects of real reality, transforming them into content. Legal coexistence is a form of joint existence of different subjects of law, which benefits them in everything [8, p.43].

The development of national interests implies the implementation by the state structure of many goals of the state of internal and external properties. Among the goals of the internal order, the following should be noted: the formation of a system of strategic management, research and forecasting, as well as relevant state bodies; the dispersal of the structure of state power and the provision of broad operational management functions to private organizations; the distribution of regulatory competencies and responsibility for their implementation between state and non-state actors; the formation of an effective mechanism of legal supervision in order to obtain real information about the nature of the impact of the regulatory framework on social relations and what follows them; encouraging the formation of various forms of public-private partnership and business initiative of Russians; removing

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administrative barriers in the implementation of economic and other social activities. The main external goal is the organization, coordination and steady implementation of a unified state strategy of legal evolution at the global level, the formation and development of interethnic legal forms of regional significance.

References:

1. Abucharka R., Huri M. *Effektivnoe pravitel'stvo dlya novogo veka: reformirovanie gosudarstvennogo upravleniya v sovremennom mire: perevod s anglijskogo*. [Effective government for the new century: public administration reform in the modern world: translation from English]. Moscow: Sberbank, 2016. 282 p.
2. SHatkovskaya T.V. *Modeli vzaimodejstviya politicheskikh sistem, obespechivayushchie nacional'nuyu bezopasnost' gosudarstv* [Models of interaction of political systems that ensure the national security of states]// *Gosudarstvennoe i municipal'noe upravlenie. Uchenye zapiski SKAGS*. [State and municipal management. Scientific notes of SKAGS], 2015. no.3. pp. 104-107.
3. Iering R. *Cel' v prave*. [Purpose in law] V 2-h t. T.1. Sankt-Peterburg: N.V. Murav'ev, 1881. 23 p.
4. SHatkovskaya T.V., Epifanova T.V., Vovchenko N.G. *Transformaciya struktury mekhanizma pravovogo regulirovaniya v usloviyah cifrovoj ekonomiki* [Transformation of the structure of the mechanism of legal regulation in the digital economy]// *Problemy ekonomiki i yuridicheskoy praktiki*. [Problems of Economics and Legal Practice], 2018. no. 3. pp. 142-146.
5. SHershenevich G.F. *Izbrannoe: V 6 t. T. 4 vklyuchaya Obshchuyu teoriyu prava* [Selected: General theory of law]/ *Vstup. slovo, sost.: P.V. Krashenninikov*. Moscow: Statut, 2016. 752 p.
6. *Ukaz Prezidenta RF ot 26.04.2016 № 200 «O premii Prezidenta Rossijskoj Federacii za vklad v ukreplenie edinstva Rossijskoj nacii»* [Decree of the President "On the Prize of the President of the Russian Federation for Contribution to Strengthening the Unity of the Russian Nation"]// *Sobranie zakonodatel'stva RF*. [Collected Legislation of the Russian Federation], 02.05.2016. no. 18. St. 2607.

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7. Konvenciya o prave, primenimom k dogovornym obyazatel'stvam (RIM, 1980), st.16 [Convention on the law applicable to contractual obligations (ROM, 1980), article 16]// TreatySeries. Volume 1605. NewYork: UnitedNations, 1997. pp. 59 - 156.
8. SHatkovskaya T.V. Obespechenie nacional'nyh interesov v prave cifrovoj epohi [Ensuring national interests in the law of the digital age]// Vestnik YUridicheskogo fakul'teta YUzhnogo federal'nogo universiteta. [Bulletin of the Faculty of Law of the Southern Federal University], 2020. T. 7. no. 3. pp. 42-45.