



The Legitimacy of the Government in the Political, Legal and Economic Space of Modern Russia: Features of Understanding of the Socio-cultural Reasons

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ABSTRACT

The article presents theoretical-methodological foundations of social and cultural interpretation of the nature of legitimacy of power. The authors present arguments for the importance of the transition research the government as a whole, its institutions, processes of legitimation and legalization of the national legal system from class or liberal principles and heuristic schemes to different cultural methodologies using hermeneutic methods in the study of Russian political and legal reality. In this context, the article presents and analyses aspects of the modern conservative legal discourse. It should be noted that modern legal literature is taking place several basic approaches to the understanding of its essence: Institutional and sociological neo-institutional. Each of these methods of treatment of political (or rather, the state-legal) regime is valuable because it reveals the one or the other aspect of it, so these three approaches allow to reveal the essence of the institutions of state and legal regime and its special functional nature. Any economic model that does not properly solve the problem of inequality eventually will face a crisis of legitimacy. Unbalanced market and the state will not allow the interaction of the economy to overcome the social and political instability, which in turn will harm the long-term economic growth and well-being (Nouriel Roubini).

Keywords: Political and Legal Organization of Society, Socio-cultural Factors, National Leader of the Legal Mentality, Political Regime, State Power

JEL Classifications: M14, G30, D72, K40

1. INTRODUCTION

At the time, Hegel, in the preface to the "Philosophy of Right" wrote: "...I notice that even Plato's Republic... essentially reflect nothing other than the nature of Greek morality" (Hegel, 1990). This judgment, as a whole, suggests that works Montesquieu is not passed by the general development strategy of the West-European jurisprudence and philosophy of law, but to some extent reflected in the ideas of the most prominent representatives of this sphere of human cognition.

Defended Montesquieu model close conjugation is not only natural but also moral factors, on the one hand, and the maintenance of state institutions on the other, became the starting point

for developing after the type of understanding of the forms of government, form of government, political regimes and other important constructs organization of power relations in the national (spiritual) specificity, which, of course, got its fullest expression in the works of representatives of the historical school of law. Their position, in fact, determined the conservative political and legal discourse, which, of course, asked the vector, its strategy of understanding of national features of the organization of government institutions.

In particular, it has several aspects of its decision in this theoretical and methodological (conservative legal) context of the post-Soviet political and legal discourse, the problem of finding the optimal form of government in Russia (as the transition state).

First, the study of optimality and still continuing to the organic nature of the domestic state of the monarchical government; secondly, consideration of the continuity of many imperial traditions and principles of the organization of the supreme power, and not only on the archetypal or mental levels, but in practice, the institutional plane.

“The most curious thing is that the Russian people... in any democracy, essentially does not believe and the main solutions to their problems from it will not wait. According to, for example, opinion polls, only 7.7% of Russian citizens in 2004 believed that unite Russian society are the ideas of democracy, freedom and human rights. Let us remember that up until February 1917 in power in Russia was a Christian sovereign - case for enlightened Europe unthinkable. Moreover, even after three revolutions of the 20th century Russian (Soviet) power maintained its personalized nature of the sacred - the institution of the Party and state leaders. The Soviet empire (with all its official Marxism) can be interpreted as a perverse ideological legacy of the tsarist ideas...” (Kazin, 2007).

2. LITERATURE REVIEW

Status of research and existing contradictions. At the turn of XX-XXI centuries Russian legal and political science is gradually moving to understanding national and cultural dominants of the organization of power relations, class and the liberal legal methodology do not meet the needs of modern state-legal construction (Agamirov et al., 2015).

However, a study of the status and development of domestic power practices raises many problems and contradictions, especially when viewed from the standpoint of comparative law and comparative state studies as well as in the context of taking place over several decades of convergence of state and law (Mordovtsev et al., 2015).

The waiver is very limited in heuristic potential class or the liberal model of the study of state power and its main forms and the transition to a broad cultural framework leads to expansion of the range of problems to be solved and qualitatively new, is original in its content conclusions by and large for the formation of a new legal and political and theoretical-methodological guidelines, etc. (Ovchinnikov et al., 2015) in addition, their adoption will bring much benefit to the Russian law-making and enforcement practices (Baranov et al., 2015).

Summarizing the latest achievements in this field of research can be divided into two main areas, developing or innovative (neo-liberal) forms of political communication, where state power and public power management plays a very small place as an institutional structure for national-cultural unity and political stability (Agamirov et al., 2015); either revolutionary (neo-Marxism, cosmopolitan) forms of socio-cultural unity, depriving it of any social value in the future (Lyubashits et al., 2015).

3. METHODOLOGICAL GUIDELINES AND TOOLS

The article focuses on the application of the principle of complementarity in understanding the specifics of the organization

of power structures in the Russian political-legal sphere, when, on the one hand, having the political institutions, structures and mechanisms largely determine the social and cultural reality, its nature and the direction of development, and on the other - the efficiency and stability of power structures, these key components of the national state depend on many cultural, social-mental factors. The concept of the legitimacy of state power constructed by the methods of understanding in Part I the explanations that generally corresponds to the heuristic settings post-non-classical (understanding) of science (Panarin, 1994).

4. DISCUSSION

It is in the Imperial succession began the organization of institutions of state power, the corresponding basis for the formation of public power space in Russia, and therefore in the spiritual unity of the national political and legal history, modern neo-monarchic (conservatives) and see the source of the recovery of the domestic traditional, and therefore the monarchic state.

Therefore, some of the supporters of the monarchical idea in the last 5-6 years writing about the need to recognize (at least on the doctrinal and legal level) the special “transitional form of power relations.” “We need a transitional form of pseudo to real national monarchy. This form in Russia of the XXI century is a credible presidential power, which implements both top-down from people’s ideal and bottom-up - from everyday social practices and local initiatives” (Kazin, 2007).

In General, these and other this kind of judgment taking place in a special scientific literature, and journalism, show changes of the content and features of legitimation practices in relation to the Russian President that took place after 2000, when the state power has assumed a new, and adequate political, legal and socio-economic expectations of the population.

Generally, established in the late XIX-early XX century in foreign and in domestic jurisprudence and political philosophy the concept of “legitimacy of state power” captures the actual processes of recognition by the majority of the population of certain power of action at a very General level, because, by and large, in a particular society it is not about the legitimation of state power in General (in practice it is hard to imagine) and a more substantive expression of this category - the legitimation of a particular native state (or, more broadly, public) power. Of course, most of all, it is not about parliaments or governments, and the heads of state: The monarchs or presidents that have a tangible and recognized by the majority of the population of the levers of power and control.

As you know, the developed countries (the so-called golden billion) consume about two-thirds of the world’s resources. Rapidly growing resource consumption for the economies of developing countries. The projected increase by 2050 the standard of living is still one to two billion people without intensive formation of the fifth or sixth technological structures, primarily in the “20” leading countries in the world, threatens humanity irreversible “collapse of civilization,” the ability to overcome the effects of which will be more than difficult.

At the time, Weber in "Politics as a vocation" and identified several "clean" type of legitimation of state power, immediately noting their conditionally-perfect nature, the relativity of specific national public law and the social field: "Different techniques, methods, and even types of legitimation are intertwined, combined" (Weber, 1965).

Note that in theoretical and methodological terms, Weber proposed a "framework" project of research of a level of legitimacy of state power and of the factors influencing the preservation of this important to the last state. He identified two fundamental event-time slices: The present and history (Baranov et al., 2015). Modernity is the reason to explore the specificity and the legitimacy of power in specific States because a clear understanding of this, it is important to create legal and political technologies holding power of the media. Historical context provides the opportunity to show "transcendent legitimacy, its sources, existing as long as there is power itself in a particular state or type of civilization."

In the Russian state after 2000, the legitimacy of the President of the Russian Federation begins to take shape (approximately for the next 2-3 years of his reign) of the three "legitimizing" components: Charismatic, traditional, and partly (at least) rational. Historical practice proves the typicality of such a path, its familiarity to domestic society, in the collective perception of the head of state.

It is this, combined type of legitimation of the power of the second President of the Russian Federation had a positive impact on many political (Lyubashits et al., 2015), legal, socio-economic, ideological, geopolitical, and even demographic processes. It was after 2000 was not only clear that "... does not build a house without a Foundation, and not to raise the country without the idea of this country, without the idea of the New Russia. In fact, while there are no ideas - and no country. The acute social crisis - economic, but the deepest, generating all the other ideological" (Chubais, 1998).

Clearly, it became clear that "legal does not, in itself, is the source of legitimacy, can act as such only if there is 'faith' to be bound by the legal establishment... Customs, traditions, laws, ensuring the existence of institutions, the management of the Affairs of the society are also in need of legitimacy regardless of their legal existence and consolidation" (Mirzoev, 2006). Although, one of the most important issues of the topic the essence of "is there a possibility of control or management of the reproduction of legitimacy?" - was not allowed.

In 2008, in post-Soviet Russia begins a new era associated not so much with the legitimacy of the Russian President - legal of the Russian President as the rise of legitimate Institute of national leader, significance of which was not exhausted, neither the position nor having the constitutional provisions. This institution arose objectively because of many factors related to the characteristics of the domestic state-building, economic and political life of the last 15-16 years.

Using philosophical and methodological scheme of Arnold Toynbee, it is possible to say that the Institute is a national leader in post-Soviet Russia is a "Response" to "Challenge" the time

response of the domestic socio-legal and spiritual (statist-autocratic) reality, rooted in the depths of national history and for over three hundred years associated with paradigmatic contradictions of its institutional and political development, the processes that go on in the world, globalization impulses, fully feel many countries.

In this respect agree with the opinion of Trojanova, believes that "today we are witnessing a creeping world-revolution, aimed at creating a "new world order," the new "universal civilization," not nation-States with their borders and sovereignty, where mankind merges, in the words of Dostoevsky in "one flock." This revolution is called globalization" (Froyanov, 2007).

In these circumstances, of course, is finding adequate to the national interests of the modernization strategy that includes effective enforcement mechanism of the Russian political-legal and socio-economic identity, and hence sustainable development of the national statehood, law and order, which is simply impossible in conditions of absolute domination of the "borrowed" law and state institutions, as is evident, at least from the experience of the Petrine reform when the Russian law-making and law enforcement came down more than a 100 years) to the practice of "legal translation" and the subsequent burst in the fabric of the national legal culture, regulatory system of social relations of different kinds copied "articles," etc.

In the end, society has been quite expected and understandable rejection of "the new Russian law," the imported legal and institutional forms, and the Russian people "had the reputation of" incorrigible "legal nihilist" that we tried, and some are trying at the present time to prove and couched in "liberal clothing") reformers.

Economic security can also be considered the most important quality characteristic of the economic system of legitimate power, which determines its ability to maintain normal living conditions of the population, sustainable obespechenie resources, economic development, consistent implementation of national interests. The main criterion of economic security, apparently, will be the minimum of the total damage to society, the state, man. Conditionality of such an approach can be adopted in a security test certain features of the border as a sign of the critical state of the socio-economic system, beyond which there is a threat or degradation and destruction of the system.

Of course, the easiest option in this situation - a variant of "third way." Its essence approximately following: "The history of the 20th century, Russia experimented with two opposite models of social development. This is the model of bureaucratic, authoritarian socialism that, abandoning the ideals of freedom and justice. failed to win the competition with capitalism. And the opposite of the model of liberal fundamentalism, established in the early 90-ies, which today is rejected by the absolute majority of Russian citizens. It follows that a necessary 'third way,' which can and should join Russia. This is the way of connection (or convergence) of the best features of socialism and capitalism. That this is possible, according to the domestic experience of the new economic policy (NEP) and the outcomes of current economic reform in China" (Slavin, 2007).

In principle, such an approach is an example of a conventional primitivism problems, and that leads to simple answers to the complex question of national existence. Is out of the current, extremely complex in all respects to the situation in “the crossing” “boring” socialism (which in principle was not) and a certain “desired,” the sought of capitalism (which is also, by and large, in Russia also).

In practical terms, the development of this myth (by the way, the article is Slavin is quite right to his findings the name) is well familiar with the late 80-ies of the last century, the development of democratic and self-government began in the society and production, the establishment of cooperatives and cooperatives, joint stock associations and self-governing labor collectives. Of course, in this context, sound and “sobs” about the NEP and regret for ignoring at the beginning of Gorbachev’s perestroika the Chinese experience, etc. I want to say that this kind of “sentences” more appropriate for journalists and some politicians seeking to fast prescription for public recovery, but are unlikely to have serious scientific value, any heuristic value.

Firstly, the NEP is nothing more than well-known historians of the Leninist version of “the deception of the deaf” (the term is attributed to Vladimir Lenin) and abroad, and inside Soviet Russia; secondly, the NEP was not compatible with the foundations established by the Bolsheviks of state-legal regime, but she was able to divert the attention of the then existing opposition from a number of main problems of state-building, and give impetus to the formation of the Soviet economic model. In addition, NEP is a “breather” for the future “glorious deeds.” In this sense, the NEP, Brest-Litovsk phenomena of the same tactical and strategic order, they are due to exactly the situation the ways, methods of solving urgent problems, in the end, Leninist-style political, legal and economic thinking, it seems natural to state “trick,” special “flair,” although the country’s NEP and gave a short-term positive effect, led to relative stability in important areas of life.

In relation to the Chinese experience, in general, it is difficult to even talk about it “framework” of continuity, as “reforms of Deng” is designed for the Chinese world, the way of life, bizarre to Western rationalism, the combination of “Marxist-Maoist” and traditional Ordinary-Confucian thinking, got, really, a successful institutionalization in the 80’s and 90’s in politics, law, Economics.

It is clear that no third, no else way of development of Russian statehood in the 21st century is not and cannot be, because there is one private self-contained project of modernization, adequate to us as we are and for others to be will not be able (otherwise it will be on us, and someone else). The problem of strategy of Russian modernization needs to proper scientific understanding. Moreover, in the beginning it is necessary to perform it strategic moments, not exchanged for a different kind of “stuff,” the fragments, the essence of which still remain a mystery without solving the conceptual issues.

5. CONCLUSION

In methodological and theoretical terms, it is necessary to seriously consider the changes to the configuration of the Russian

political regime, form of government, it is obvious that occurred in the country since 2000, and it is important to consider the characteristics and importance of the foundations of the national political system - Institute of the head of state (President) for further development of domestic statehood and national legal systems, since the emergence of the Institute of national leader, of course, caused by the change of the vector of evolution of state-legal (more specific category from the position of the considered problems) regime in post-Soviet Russia.

Inequality and legitimacy in economic theory and social practice are inextricably linked with the problem of justice. At the same time social justice is increasingly perceived as an inalienable individual right to a share of national wealth, corresponding to his labor contribution. Increasing the redistribution of income from labor to capital is destabilizing society, more and more forms of protest moods, deprives the majority of citizens of motivation and incentives for interested, productive labor, questioned the long-standing order of assignment of the social product. According to the survey (2011) of the analytical center “Economy and Life” newspaper, more than 80% of the readers do not consider fair distribution of wealth in Russia.

It is worth noting that the modern legal literature exists several basic approaches to understanding of its essence: Institutional, neo-institutional and sociological. Each of these ways of interpreting the political (or rather, state-legal) regime is valuable because it reveals one or another aspect of it, therefore, these three approaches allow to reveal the essence of state-legal regime, in particular its functional nature:

1. In the framework of institutional theory proves the organic link state legal regime with the form of government and even the form of government (for example, proponents of this trend believe that federalism is “liberalism in the vertical,” etc.);
2. Neo-institutionalist, consider state legal regime as a way to organize, legitimize the political system and government institutions. State “mode functions in order to minimize the element of coercion in the political process;”
3. Representatives of the sociological approach to the examination of the specificity of the state-the legal regime the main emphasis is on the balance in the relationship between social and political beginning, i.e., social relations and specific political practices, institutions, processes. Moreover, almost all the representatives of this school agree that political regimes cannot be transformed by changing its existence of legal procedures, as each of these modes occurs and operates in accordance with rooted in a particular society and state social grounds. Therefore, any changes in its content are not associated with formal legal party state regime and radical metamorphosis of the economic and moral relations, producing (prevalently) sector, etc. In this regard the efforts of the ruling elites seeking to transition from one type of state legal regime to another by creating a new regulatory regime, absolutely barren, if this is not taken into account other factors.

The establishment of dialectic relations between these approaches allows not only to reveal institutional and non-institutional, external and the underlying state legal regime, but also to identify

a number of key sources of legitimation of the Institute of national leader:

1. The absolute legitimacy of the second President of the Russian Federation (support 76-78% of the population, and after the annexation of Crimea to the Russian Federation even more) that occurs after relative resolution of the Chechen conflict, removal of this “hateful” for the average Russian oligarchs, and finally strengthened after the administrative reform in 2000, when the head of state is strengthening the vertical of power, sharply limits prevailing in the early-mid 90-ies of the system, “the Governor’s localism;”
2. Do not agree with the opinion of the representatives of the sociological approach to jurisprudence, believes that the formal legal framework does not affect the transformation of the state legal regime. Of course, a direct relationship here, but, for example, enshrined in Chapter 4 of the Constitution vast powers of the President of the Russian Federation, obviously, are an important legal background (if, of course, other factors) for the emergence of the Institute of national leader that simply could not occur if a limited number of power functions of the President. He just wouldn’t show itself with such key issues, and his authority or would not have arisen at all, or have grown accustomed to the General flow of decisions and actions of different government bodies;
3. Institutionalists absolutely right that the transformation of the state legal regime inevitably leads to the question of the adequacy and appropriateness of a particular form of government in a particular state. Is no exception and the post-Soviet Russia, in which more and more develop monarchist sentiment, receiving not only ideological, but also a serious scientific proof. The latter is philosophical and political, and legal character. Standing here in the first place, of course, to mention another anonymous edition of the “Project Russia,” the second book of which was published in 2007 and third in 2009 (Project Russia, 2009) and its unknown authors state: “Our idea - the monarch whose power is limited to religion. Power, standing on two legs - the altar and the throne. Please note, we wish to restore the system and principle, rather than any monarchical family” (Saveliev, 2008).

In the framework of legal science, modern political science, just a lot of moderately monarchial sentiment, moreover, often backed by quite a serious legal and political terms, arguments, stresses, let the intuition of a radical change in the configuration of institutions of public authority, to which Russia has approached in the process of its post-Soviet development (Seregin, 2007).

Especially because, by and large, domestic state and society tends to see the monarch is not itself “sovereign” (in its classic version, but first and foremost is a national leader, free from any party “fuss” standing above the imaginary elections, independent even from the Constitution of the Russian Federation to the extent to which this takes place against the President, but are willing to take responsibility for the country “conscience” for the “truth.”

For a start moderate neo-monarchic believe that “it would be great if our ruling elite had the brains and will to make the Constitution a ‘permanent’ election of the President - up until his ‘majority of the

people want.’ If this does not happen, ‘elected king’ will actually run the country regardless of the person occupying at the moment, the highest office in the state...” (Kazin, 2007).

By and large, such judgments are a modernist interpretation of classical legal ideas. For example, in the time of Kavelin wrote, “ideally, it seems the Russian autocratic power, inspire and direct the people’s opinion. The story itself forces us to create new, unprecedented kind of political system, which does not look for another name, such as autocratic Republic” (Kavelin, 1989).

6. ACKNOWLEDGMENT

The research is done with funding from granting by the President of Russian Federation as part of research project “Archetypal (socio-cultural) bases of Russian governmental organization and its evolution in XXI century” No. MD-6669.2016.6.

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