

SCTMG 2020

International Scientific Conference «Social and Cultural Transformations in the Context of Modern Globalism»

COMPLEXITY OF LEGAL COMMUNICATION: EPISTEMOLOGICAL ANALYSIS

Viacheslav Ivanovich Kudashov (a), Alexander Vitalievich Dumov (b), Grigiriy Andreevich Illarionov (c), Mikhail Petrovich Yatsenko (d), Dmitriy Vladimirovich Rakhinsky (e)*

*Corresponding author

- (a) Siberian Federal University, 79, Svobodny Ave., Krasnoyarsk, Russia, office@sfu-kras.ru,
- (b) Siberian Federal University, 79, Svobodny Ave., Krasnoyarsk, Russia, office@sfu-kras.ru,
- (c) Siberian Federal University, 79, Svobodny Ave., Krasnoyarsk, Russia, office@sfu-kras.ru,
- (d) Siberian Federal University, 79, Svobodny Ave., Krasnoyarsk, Russia, office@sfu-kras.ru,
- (e) Krasnoyarsk State Agrarian University, 90, Mira Ave., Krasnoyarsk, Russia, info@kgau.ru

Abstract

Legal communication is seen as a complex phenomenon. The importance and role of the epistemological component in modern studies of legal reality is demonstrated. The authors prove that legal communications are formed on the basis of the existing legal culture of society. The article notes that social and legal processes can lead to serious changes in society if the traditions of this society are violated. Such social deformations begin to negatively affect all spheres of society, accumulating the complexity of the country's legal communications. It is proved that the epistemological analysis of the features of legal communication in our country has its own specifics. The authors show that the basis of social and legal life should be traditionalism, which has not lost its attributive connection with the Russian legal culture. At the same time, it is emphasized that the social system should be able to enrich itself in time with modern innovations. For the harmonious development of the modern legal state, all elements of its legal culture must be mutually agreed.

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Keywords: Information, communication, knowledge, epistemology, legal relationships, legal culture.



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1. Introduction

Modern trends of the increasing complexity of human activity forms lead the epistemological thought to the need to establish relationships between complex, polysemantic concepts that describe the reality of human cognition. These relations are essential for successful active comprehension of reality; therefore, it can be argued that epistemological thought plays an organizing role in the generation of understanding models at the level of interaction of cognition. Such a process is not only a theoretical coherence, but also a practical mastery of the perceived, which is accompanied by the creation of appropriate technologies. It can be argued that understanding is a process of epistemological adaptation of cognizing subjects to the context of the comprehensible, which is constantly becoming more complicated.

One of the important concepts faced by legal theorists and law enforcement researchers is the concept of legal communication. Communication in the field of legal relationships is not just a process of broadcasting signals that carry legal information, but the sphere of formation of actors of legal interaction, legal culture and axiology. However, the current situation is characterized by the impossibility of the formation of a specific definition, which is caused by the ontological complexity and difficult to convey the diversity of the world, which does not prevent the situational emergence of definitions. It is important to emphasize here that the definition of a complex phenomenon is also a complex, which is an interweaving of many developing definitions.

2. Problem Statement

In modern conditions, the epistemological analysis of legal communication is complicated, in particular, by a significant increase in social dynamics, when individual articles of laws with the rules of law present in them become inadequate with the existing social reality. The complexity of the epistemological analysis of legal communication is due to the fact that not all laws and articles are adequate for a fairly rapidly changing socio-legal reality. Inadequacy can also be manifested in the destructive nature of its impact on public life, which ultimately manifests itself in the manipulation of the public consciousness and behavior of citizens of the country, negatively affecting the entire process of social development (Kara-Murza, 2005).

3. Research Questions

In recent years, the relevance of those issues has significantly increased, the solution of which becomes especially in demand during the transitional periods of social transformation. In this context, the fact that in recent decades in Russia drastic changes in public life are associated with the violation of legal communications seems quite logical.

The complexity of the epistemological analysis of legal communications is also due to the fact that during the transition period, work continues on laws even after they are adopted. This not only complicates the work of law enforcement agencies, but also leads to the emergence of nihilism in relation to the relevant social institutions. That is why there is ongoing work to resolve conflicts in the legislation to establish maximum coordination between public life and the laws that reflect it. Based on the

prevalence of relevant legal norms and articles in the existing legislative base, laws can be classified (Kulipanova, 2014).

Often, as a key feature of legal communication, its regulatory orientation is highlighted: communicative acts of the legal sphere are aimed at creating, communicating, or implementing certain prescriptions of social interaction. To reduce legal communication to the translation of a certain normative content derived from the reality of the social world means to deprive a person of knowledge and understanding of the basics of normativity.

The ambiguity of the epistemological analysis of legal communication is largely due to information, which is considered today as a reflected variety of the organizational complexity of the world. With regard to the sphere of legal communication, it can be described as an image of the complexity of social relations, although the possession of information is not identical to comprehension and understanding, since understanding cannot be considered as an imprinted image. Legal understanding and legal awareness, which are the basis for participation in acts of legal communication, are based not on fixing a certain set of provisions, but on involving legal aspects of social reality in the picture of world outlook. This picture necessarily implies the formation of a knowing subject as an actor in legal relationships, because the formation of legal knowledge always has a personal character, because it is determined by epistemological settings, as well as the cognitive experience of the actor.

The complexity of legal communication from an epistemological position is also due to the twofold nature of the information, which can manifest itself in its generative or phenomenal nature. The generative nature of information is manifested in the formation of legal knowledge, which serve as the basis for models of orientation and action in legal reality. At the same time, the phenomenal nature of legal information can be traced in its informative properties. In addition, the complexity of legal communication is manifested in its structural heterogeneity, which is characterized by the interweaving of information and epistemological processes, and also manifests itself in the multiplicity of forms of interaction of actors. Epistemological studies of the complexity of legal communications of our time contribute to the development of a methodology for the study of the complex dialogics of legal communication, since they are aimed at proving the positive impact of interdisciplinary research on the processes occurring in the legal sphere of society.

In transitional periods of history, transformational processes are actively taking place, which are accompanied by a critical assessment of the past and present, which complicates the epistemological analysis of legal communication. There is also a conceptual revision of individual postulates of the socio-legal axiomatics, as a result of which the unshakable elements that were previously positioned as the unconditional truth based on the leading provisions of science are called into question.

A great influence on the formation of legal communications is played by the penetration of foreign cultural elements into the law of a particular country from the external social and legal environment. These are special interconnected processes, including, on the one hand, the assimilation of legal innovations, and on the other hand, the process of transferring innovations from a legal donor, which can be a powerful state or part of the international legal space.

Similar processes that take place in international and state law can change the direction of the country's development towards perfection or pronounced degradation. The degradation of the law and

constitutionalism of countries occur when legal receptions turn out to be foreign-cultural, since in the end they can undermine and even eliminate the legal and constitutional tradition. The danger is the introduction of previously absent elements into the country's legal system, as well as an attempt to create non-traditional legal structures or something new that was absent at the previous historical stage, but should, in the opinion of the “reformers”, enter into interaction with the culture of the country being rebuilt.

The transition periods are characterized by a rather high dynamics of social relations, therefore their legal basis is not always able to adapt in time to new conditions. Based on the fact that the legal system can act effectively only in a stable society, it is necessary to accept the principle of the rule of law as a leader. Chairman of the Constitutional Court of Russia Zorkin (2008) rightly emphasizes that the deep legal meaning inherent in the constitutional text allows adapting this text to changing social and legal realities. Moreover, relying on this doctrine enables identification of its current significance in the context of modern social and legal realities without distorting the legal essence laid down in the relevant documents (Zorkin, 2018).

The epistemological difficulties that the researcher of legal communications expects are also due to the fact that such processes in the legal sphere create more and more problems in real social life. The catastrophically declining level of university legal education is of great concern, since on this basis the status of individual specialists in a particular legal sphere is formed, as well as legal communications. As a result, the appearance in the legal legislative system of inadequate articles and norms of laws. The consequences of this situation are felt by all of society, since they are manifested in communications of various levels, reinforcing the general deformation of law and society as a whole, while forming the rating of the entire human rights system.

However, significant deformations can occur not at the stages of developing legal norms that can remain true, but in the process of discussion or adoption by the relevant authorities. The fact is that certain social forces can radically influence specific legal articles at the stage of discussion of laws. In addition, ready-made legal documents that are executed by analogy, i.e. have the character of a foreign culture pattern, are often brought for revision to legislative bodies. In this case, the complexity of legal communication is maximally manifested precisely at the level of epistemological analysis, because in this case it is difficult to study individual articles and systematize them. The fact is that a country that is actually subordinate to the donor country and transforms in accordance with the needs of its society and accept legal articles that run counter to the needs of the country's citizens can be considered a non-independent legal recipient (Kokina, 2019). If legal documents that do not correspond to the legal culture of the country are approved, then they require special analysis to determine the continuity in the reception of law (Parshkova, 2012). In this regard, the problem of the correspondence of the legal foundations of social institutions to modern social relations, as well as the determination of how adequately the progressive innovations are supported by law, is particularly relevant. Of particular importance in the block of these problems are issues of consistency in the overall structure, organization and levels of legal systems necessary for the sustainable development of the country. Lloyd (2002) wrote on this subject that legal norms that do not reflect the mores, customs, and lifestyle of people in a given society appear due to passive resistance of citizens, since the law should be a conceptual expression of basic values, so it cannot

be limited to a simple reflection of the level public morality or norms of behavior that are accepted in this society. The law should act as a positive guiding force that serves as an instrument of social progress (Lloyd, 2002).

The social and legal life of society and the mentality of the peoples inhabiting the country are organically interconnected, and the sociocultural specificity of the country is clearly manifested in the specifics of its legal culture. Lawyer Semitko (1996) rightly emphasizes that the legal culture dictates the principles of legal behavior to each member of society, and gives the whole society a system of legal values, as well as legal norms that ensure the interaction of legal institutions and organizations. Salnikov (1990) proceeds from the fact that legal culture is a specific social phenomenon, since it accumulates in itself the totality of positive components of legal reality in its actual functioning. Embodying the achievements of legal thought, legal technology and legal practice, the legal system is aimed at the progressive development of the individual and society (Salnikov, 1990).

The complexity of the epistemological analysis of legal communication, according to leading Russian philosophers of law, is due to the difference between Western and Russian legal cultures. The difference is in the predominance of rationalism, that is, the connection of law and morality in Western legal culture, while the domestic legal culture acts as an attributive connection of law and morality, which is based on the key idea of social justice for our compatriots (Sorokin, 2010).

4. Purpose of the Study

The purpose of the article is due to its relevance, as well as insufficient coverage of the problem in the scientific literature, and consists in an epistemological analysis, as well as a classification of the problems associated with the complexity of legal communication in the context of the globalization of education and the formation of the information society. This goal determines a number of tasks that arise in the article in the process of analysis in connection with specific approaches to the object and subject of research.

5. Research Methods

To study the epistemological features of legal communication in all its complexities, the use of an integrated systemic-dialectic methodology is necessary. An epistemological analysis of the legal communications of our time can be carried out using various methods: dialectical, systemic and axiological approaches. When conducting a comparative analysis of the legal traditions characteristic of Russian and Western legal cultures, the method of historical and logical interconnection seems quite effective, and the comparative method in the study of Western and Russian constitutionalism helps to understand the essence of the legal space.

Epistemological studies of legal communications against the background of the constitutional and legal culture of the West and Russia are reflected in the works of N.V. Vitruk and I.V. Timoshkina. At the same time, O.E. Kutafin and I. Kenenova devote their scientific work to the analysis of the peculiarities of Russian law, while they focus on the specifics of domestic constitutional and legal traditions, conducting a comparative analysis of Western and Russian legislation. The problem of the connection of law with

other social institutions, therefore, it seems interesting to study the features of the development of the legal space of Karnaukhov (2018). These and other researchers have proved the organic connection of the general culture of the people with the traditions of legal culture, and the constitutional culture with the legal and general traditions and culture of the people. Accordingly, taking into account the peculiarities of Western and Russian legal culture based on the identified relationships allows us to conclude on the specifics of the Russian constitutional culture and tradition (Lafitsky, 2018).

In the study of legal communication through an epistemological analysis of the socio-legal base, it is supposed to pay special attention to issues related to the quality of lawmaking, since during a certain social time any social norm becomes outdated and is not able to act adequately. The same applies to procedures for legislative discussion and adoption of relevant legal documents.

6. Findings

For an adequate epistemological analysis of legal communication, legal education is of great importance not only as a training, but also as a legal education of the individual. This is due to the fact that legal education and legal nurturing are of great theoretical importance. Such education describes the inextricable interconnection of the processes of purposeful formation of the consciousness of the personality of a law-abiding citizen, including moral ideals, legal attitudes and value orientations, special, professionally necessary characteristics. As Karnaukhov (2018) notes, “In legal education, a “theoretical worldview and conceptual training is required, providing in-depth knowledge of the basic norms of the Constitution of the Russian Federation ... and other necessary regulatory documents based on the modern theory of the state and law based on the Federal Law “On Education in the Russian Federation” (p. 183). The complexity of the epistemological analysis of legal communication will be manifested as long as it is not built on the basis of the best traditions of the domestic legal culture. However, such a system of education should also be open to the best innovations that are emerging in modern society both at the level of the international community and individual countries of the world.

7. Conclusion

Thus, an epistemological analysis of the features of legal communication presupposes the solution of the problem from the standpoint of traditions characteristic of a particular society, since this allows all citizens to join the social and legal life, as well as the values of the general, legal and constitutional culture of the people of the country in which the general social and political and legal management of society is performed.

The cultural and legal basis for managing society can have a deforming effect on the life of society, if there is a neglect of the best traditions, general cultural, cultural, legal and constitutional-legal foundations of the country's life. This vector acquires special significance during periods of active social transformations, as well as transitional processes. Transformational social and legal processes can lead to serious changes in society, since traditional constitutionalism is violated, which accumulates the complexity of the country's legal communications, and such social deformations begin to negatively affect all areas of its life.

An epistemological analysis of the peculiarities of legal communication in our country shows that social constitutional life should be based on traditional constitutionalism, which has not lost its attributive connection with the Russian legal culture, but which can be enriched with modern innovations in a timely manner. It can be argued that for the harmonious development of the modern legal state, all elements of its legal culture must be mutually agreed.

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