

**FETDE 2020****International Conference on Finance, Entrepreneurship and Technologies in  
Digital Economy****CORRUPTION AS AN INDICATOR OF THE LEVEL OF LEGAL  
NIHILISM IN SOCIETY**

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**Abstract**

The article analyzes the concept (formula) of national security of the state – the policy of the state aimed at reducing the level of legal nihilism, due to the correlation of the level of corruption crime. The authors analyze the regularity of the high level of legal nihilism from the high level of corruption crime. Investigating the nature of legal nihilism as a complex phenomenon, the authors assess corruption as an indicator of its existence. The article presents an approach according to which the higher the level of corruption – the higher the level of legal nihilism; the higher the level of legal nihilism – the higher the level of corruption. By reducing the level of corruption, the level of legal nihilism is reduced. The authors conclude that corruption in society and legal nihilism are determinants of each other: the higher the level of corruption – the higher the level of legal nihilism; the higher the level of legal nihilism – the higher the level of corruption. The authors prove that minimizing the degree of corruption in society, the level of legal nihilism will decrease. The fight against corruption is a significant lever in the fight against legal nihilism, its degree of influence on society.

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## 1. Introduction

The current stage of development of the Russian state and legal system is associated with ensuring national security, which is understood as the protection of vital interests of the individual, society and the state in various spheres from external and internal threats, contributing to the sustainable development of the country.

Being a special form of legal consciousness, legal nihilism is a threat to national security, which determines the relevance of the study of its nature, causes, indicators and forms of manifestation, the degree of manifestation and influence on legal culture and legal consciousness.

Modern Russian society is characterized by many contradictions, among which the simultaneous coexistence of legal nihilism and idealism in public and individual consciousness can be distinguished. In the process of forming legal consciousness, social ties are identified that play a significant role in human life and society. The formation of legal consciousness is influenced by various aspects of human life, including local historical, cultural and regional characteristics (Novikova, 2016).

The versatility of legal nihilism is manifested in the fact that it can be interpreted in different meanings:

- One of the three types of deformation of legal consciousness (right infantilism and legal idealism). Legal awareness includes the formation of: legal knowledge; respect for law as the main regulator of social relations; legal attitudes aimed at lawful behavior.

- At the same time, crucial importance should be given not so much to the knowledge of legal norms, but to the formed conviction in the need for lawful behavior.

- From the point of view of the dialectical approach, legal nihilism is a natural and cyclical process that historically accompanies the emergence and development of law and the state, while the extreme forms of manifestation of legal nihilism are revolutions, riots and uprisings, the consequence of which are coups, changes in the form of the state or its element.

From the position of the ontological approach, legal nihilism can be assessed as a natural process of formation and accumulation of negatively oriented to the law and States views, attitudes that can influence public opinion, culture of behavior in society, social contradiction, tension, crime rate.

- Legal nihilism is a phenomenon that arises simultaneously with the law, immanent law, inherent in it and accompanying it along the whole path of development, since any legal policy naturally entails the division of society into pro et contra.

- Legal nihilism is a structured attitude to law, which 1) multi-component: cognitive, emotional, connotative; 2) has a multi-level structure: the level of personal, group and social; 3) implementation methods: active and passive; 4) the degree of manifestation: high, low, average.

In the most general form of legal nihilism is considered by us as a multifaceted social phenomenon, dialectically immanent right, denying it in general and its individual values, in particular, having diverse forms of its manifestation.

On the issue of the causes of legal nihilism in our country in the scientific literature there is no consensus. One group of scholars associates legal nihilism in Russia with the legal illiteracy of the population, resulting in a disregard for the law. Another group of scientists sees the reason for the

imperfection and inconsistency of Russian legislation. Some authors believe that the reason is the contradiction of Russian law to religious norms, the gap between the principles laid down in current legislation and the principles of Christianity. A large group of authors considers the cause of legal nihilism to be the discrepancy between the norms of Russian law and the sociocultural code of the Russian people, which has occurred in all historical periods (Gubina & Stepanenko, 2018).

## 2. Methods

One of the extreme forms of legal nihilism is offences. It is obvious, based on official statistics, the increase in crime rates, and based on the estimates of criminologists and other professionals, a high level of latent crime.

Official statistics and estimates of criminologists indicate an increase in the crime rate, a high level of latent crime. Regardless of the causes of the offense, the root lies disrespectful attitude to the law, disbelief in its effectiveness and efficiency.

In a special category of crimes that infringe on national security, included on the basis of the national security Strategy of the Russian Federation, approved by presidential decree from December 31, 2015 No. 683: 1) the activities of terrorist and extremist organizations; 2) the activities of the radical associations and groups that use nationalist and religious-extremist ideology; 3) the activities of criminal organizations and groups; 4) criminal attacks against the person, property, state power, public and economic security; 5) corruption (Meeting of the legislation of the Russian Federation, 2016).

On the way to eradicating legal nihilism in society, there are many problems, the main of which is the reluctance of society itself to fundamentally change something. The reason for the nihilistic attitude towards corruption is a simplified view of it as something normal and taken for granted. Such an everyday understanding of corruption was formed in society only in such forms as a bribe, bribery. Most citizens are not fully aware of the essence of corruption as a phenomenon, the mechanism of its negative impact on state and social institutions. The lack of theoretical understanding of this problem has given rise to many incorrect approaches to its practical solution (Ivanova & Shundrina, 2019).

For modern Russia, the political causes of corruption should include:

- the irresponsibility of the executive branch to the legislative (representative) and judicial authorities, which is manifested in the functioning of the patronage system for the formation of the state apparatus, in which the “right” person is pushed to ministerial and other key posts without discussing candidates in legislative (representative) authorities;

- the presence of many bureaucratic licensing procedures, prohibitions on the implementation of a certain type of activity;

- lack of proper public control by civil society institutions over the functioning of the bureaucracy, which is accompanied by the illusion of openness of state authorities and local self-government;

- the lack of a clear distribution of competence between government agencies while maintaining a certain share of duplication of official powers with a dismissive attitude of civil servants to their duties;

- the weakness of the anti-corruption policy, which manifests itself in the weak political will of the country's leadership in deciding to bring high-ranking officials to criminal responsibility, when they are not

guided by the law, but proceed from political expediency, the degree of kinship and proximity to the highest echelons of power, narrow party interests, etc. (Platov, 2018).

There is also a set of measures that contribute to the eradication of legal nihilism. These include:

- improvement and further modernization of the regulatory framework. It is important here to understand that legislation is in accordance with international law, but also to fully meet the needs of our society.

- increase the level of legal culture of the population. This becomes possible only in the context of the implementation of the concept of legal policy in the state. The level of legal culture depends on the quality of legal education and, as a result, shows the literacy of the population in the legal field.

- Work in the field of improving the quality of higher legal education. Graduates of law schools are the “face” of the state, as their professional activity is aimed at protecting the rights and guarantees of citizens. It is worth mentioning that when developing educational programs in legal specialties, it is important to take into account the opinions of employers, as this will allow students to acquire the competencies necessary for their successful professional activities.

- the fight against corruption in society. As you know, corruption is a negative social phenomenon that permeates many areas of social structure, manifests itself in a society with a weak level of legal culture and, as a rule, forms a certain level of legal nihilism among citizens (Akhmetov, 2017).

### **3. Results**

Particular attention should be paid to the crime of corruption, which is a special indicator of the high level of legal nihilism. The legal definition of corruption is set out in the Federal law of 25 December 2008. № 273-FZ «On combating corruption»: «abuse of official position, bribery, bribery, abuse of authority, commercial bribery or other illegal use by an individual of his official position contrary to the legitimate interests of society and the state in order to obtain benefits in the form of money, values, other property or services of a property nature, other property rights for themselves or for third parties or illegal provision of such benefits to the specified person by other individuals» (Public opinion, Official website of the Foundation, 2019).

It is obvious that there is a whole range of causes and conditions that give rise to corruption. The statistics of the public opinion Foundation, which conducted a number of surveys on the causes, level and state of corruption in Russia in March 2019, are of interest. Thus, 70 % of citizens believe that the country has a high level of corruption. At the same time, the causes of corruption were distributed in the following order (from more to less): 1) the result of impunity; 2) historically; 3) the result of poor living conditions; 4) non-compliance with the law (Petruchak, 2012).

Based on the foregoing, it can be said that corruption is a form of legal nihilism. Often, it is legal nihilism that is the determining factor in such a low activity of civil society institutions in the fight against corruption. The basis of legal nihilism is the denial of the social value of law, expressed in the form of various forms - from skepticism to complete indifference to it. It is necessary that the law becomes the ideology of society, while society itself should be interested in the formation of effective and humanistic legislation, and should also actively participate in its creation. The impact of the state on the individual

should not be reflected in measures of a coercive nature (the existence of these measures is possible only in a short time interval) (Mesilov & Ivanov, 2018).

To eliminate or reduce the manifestations of legal nihilism, one should resort to such an effective measure as legal education and legal education of citizens. Legal education promotes a deep understanding of law, the effective assimilation of the values of law, and the improvement of the legal culture in Russian society, since in Russia, as a rule of law, the priority and highest value are the rights and freedoms of man and citizen. However, most citizens are characterized by legal illiteracy, are not interested in the dynamics of the legislative process or are not able to follow the development of legislation, as a result of which most citizens do not properly form their legal understanding and legal awareness. The consequence of this is the frequent offenses committed by persons of different ages and different social groups. Many citizens do not know what is an offense and what is not, and often learn about it only after its commission (Adaeva & Kartigin, 2016).

#### **4. Discussion**

The scientific community identifies a large number of reasons and conditions that contribute to the spread of legal nihilism: the crisis of modern society, the lack of state ideology in the legal sphere, the criminal nature of the redistribution of property, the current law in combination with legislative illusions, the imperfection of the legal system, the inconsistency and instability of modern Russian legislation, the degradation of the value of the court in the public mind, widespread mass non-compliance and non-compliance with legal requirements (Polishchuk, 2006). There is no doubt that legal nihilism is reflected in all these reasons.

In theoretical jurisprudence, it is noted that "in the economic sphere, the total damage from corruption on the planet is more than 7% of world GDP. The world market for corruption is estimated by the world Bank to reach 1 trillion. dollars'. .... As a result, economic development is slowed down, free economic competition is eliminated, monopolism is established, the investment climate of the country as a whole and its individual regions deteriorates. In addition, corruption directly affects the growth of prices for goods and services, significantly stimulates the growth of the shadow economy» (Meeting of the legislation of the Russian Federation, 2008).

The social sphere is also directly connected with the economic sphere, in which the influence of corruption is also significant. Corruption provokes social instability, tension, discredits the social and economic policy of the state. The negative impact of corruption can also be traced in the spiritual sphere, since the moral foundations of society are undermined, while in the public consciousness corruption is regarded as a daily phenomenon, the value of legal regulation of social relations is not realized.

Corruption as a social and legal phenomenon poses a threat to economic security that infringes on the vital interests of the individual, society, and the state as a whole. Corruption processes affect all spheres of public life, including the economic sphere. Corruption leads to a decrease in the effectiveness of the functioning of the state, counteracts state interests in various fields of activity, and also poses a direct threat to the security of citizens, society, and the state. Corruption processes pose a threat to the national security of the state in the legal, political, economic and social spheres of public life (Koshkina, 2016).

Corruption is an unchanging satellite of the state for many centuries. However, this poses a threat to national security as it forms a certain worldview in the minds of people, a selfish orientation and leads to spiritual degradation of the individual and society, and professional deformation of law enforcement officials. The danger of corruption to national security lies in the fact that it strikes the state administration. The most severe and dangerous form of illness of a public organism is state corruption, when the state becomes dependent on the power of dishonest officials and legislators, in whose hands the levers of state power become not corporate service, but corporate business. Researchers note a high level of corruption of officials at the level of tax collection. Under a seemingly legitimate pretext, but in fact through fraud, they withdraw significant funds from the budget. As evidenced by the scandals with billions of illegal refunds of taxes paid on profits and value added. At the distribution function level, corrupt officials organize a system of “kickbacks”. The final recipients of social budgets, in exchange for the allocation of social payments due to them, return to officials’ part of the funds legally received from the budget in cash. The examples of illegal use of social budgets in the education system, health care are revealed (Koreneva & Sysoev, 2016).

## 5. Conclusion

The contradictions existing in the social, economic, spiritual and moral spheres provoke great manifestations of legal nihilism, and on the other hand, there is a reverse influence of the considered phenomena on these areas of public life, on national security as a whole. And the facts of corruption, in General, undermine the attitude of citizens to the authority of the state and law. Corruption in society and legal nihilism are determinants of each other: the higher the level of corruption – the higher the level of legal nihilism; the higher the level of legal nihilism – the higher the level of corruption.

Thus, minimizing the degree of corruption in society, the level of legal nihilism will decrease. The fight against corruption is a significant lever in the fight against legal nihilism, its degree of influence on society. The formula for ensuring national security is formed – the implementation of state policy aimed at reducing the level of legal nihilism, due to the correlation of the level of corruption crime.

A special place in eliminating the causes of corruption behavior described in the article should be occupied by the formation and development of legal awareness of Russian citizens within the framework of existing education and training systems. The expected results of this work include not only filling in the gaps of anti-corruption knowledge, but also involving citizens in active legal activity, developing an adequate assessment of corruption-significant phenomena and events, their willingness to act in the context of corruption risks strictly in accordance with existing legislation based on the system sustainable anti-corruption beliefs (Ochapkin, 2018).

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