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SOME ASPECTS OF MUTUAL RESPONSIBILITY OF STATE AND INDIVIDUAL IN LEGAL STATE

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Abstract

This article analyzes particular problems of mutual responsibility of the state and the individual in a legal state. It is noted that the relationship between the state and individual is expressed in full protection of the latter by the institutions of state power. It is the security of the individual that is the state definition as legal. In the modern period, the idea of the highest value of rights and freedoms is to a certain extent declarative. The readiness of the state and society for practical implementation of the legal state model is determined in the constitutional consolidation of its basic principles. The analysis of the constitutional consolidation of the legal state principles demonstrates the evolutionary development. The relationship nature between the state and individual is the most important indicator of society conditions in general. Legal restrictions on the freedom of people actions in society are objective. The state should determine limits of its intervention in the area of human existence. Moreover, they are focused on interests of people themselves, so that a person does not suffer from the freedom of another person. It is very important to clarify mutual responsibility in the problem of the state and the individual. If a person is responsible for his actions, the most important function of the state is to protect the life, security, property of people and their freedom. Contradictions between the state and its citizens should be resolved by impartial judicial bodies on the basis of a legal right.

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1. Introduction

Studies of mutual responsibility problems of the state and the individual in a legal state are mediated by fundamental theoretical and practical significance of the concept of a legal state. Even in antiquity, the idea of building a legal state worried the minds of philosopher. It was associated with the search for perfect and fair forms of public life, opposing despotic rule and absolutism. The problems of the formation and development of a legal state, its fundamental principles, relationship between the state and society still remain unresolved. Today, states aspire to unite into a single global community, built on interaction and mutual respect, which further increases the interest in the issue of a legal state. The development of common values for each individual and universal for all states, recognition of the civilization achievements will be the basis of implemented processes.

2. Problem Statement

Disclose the essence and political-legal nature of the legal state idea, some aspects of mutual responsibility of the state and the individual in a legal state.

3. Research Questions

The issues of the formation and functioning of a legal state, the analysis of some aspects of mutual responsibility of the state and the individual in a legal state, the views of modern law scholar scientist on mutual responsibility questions of the state and the individual.

4. Purpose of the Study

The purpose of the study is a theoretical and practical analysis of the legal state essence and the analysis of some aspects of the mutual responsibility problem of the state and the individual.

5. Research Methods

The structural-logical approach, system presentation of the material, comparative legal research method, and formal legal method were used as research methods.

6. Findings

Modern science is a legal state as a product of the new time, noting that countries of antiquity and the period of the Middle Ages did not know it. There is certain logic in this statement. The state and law history of that time represented a greater degree of authoritarian regimes associated with the activity and will of a particular person and non-development of natural rights of the population majority. However, here are the assumptions of some lawyers about the idea development of a legal state.

In connection with modern trends in the development of society, the reorganization of social system and state structures, the issues of formation and functioning of a legal state have acquired special

significance in legal science. At the same time, "... the defining guideline for building the newest statehood are the principles of a legal law, enshrined in the Constitution" (Kalmykova & Churkin, 2016, p. 78).

Among the main elements that form the basis of a legal state are: state guarantees of individual rights and freedoms, functioning of the power sharing system, functioning of representative and legislative power, principles of a federal structure, normative order of democratic politics, the emergence of civil society.

The main core of the legal state idea is the priority principle of individual rights and freedoms. It is determinative for all other principles. The priority recognition of all rights and freedoms of the individual, the duty of their observance, legislative consolidation demonstrate the concept implementation of the legal state and declares the corresponding goals and objectives. All other principles are the guarantors of the first and can be realized only in the conditions of its recognition.

In this regard, a legal state built on the principle of the rule of law, which has always been considered a high priority, changes the definition.

"The creation of a system of political, legal, civil and public guarantees ensuring the validity of these constitutional provisions, mutual responsibility of the state and the individual, constitute the process of the legal state formation" (Afanasev, 2017, p. 39).

Having analyzed a number of works, we can say that all of them point out common features of a legal state, noting that it is also based on the idea of an autonomous, state-independent personality possessing indefeasible, inalienable rights. This "... leads to the emergence of a new relationship between the individual and the government, representing fundamentally different than in an absolutist state" (Danilov, 2017, p. 99).

Civil society, where free citizens are united, represents a social basis for a legal state. It realizes individual rights and freedoms of a person, labor and creative opportunities, supports and ensures pluralism of opinions. "The transition to a legal state from totalitarian methods is associated with a sharp and intensive reorientation of social activity of the state power" (Avdeev, 2017, p. 19).

The bases of a legal state are the principles of justice and humanism, equality of individual rights and freedoms. Such a state, exercising the supremacy of power, its completeness and exclusivity realizes the full provision of freedom of public relations based on equality and justice for all citizens.

A legal state cannot exist without the principle of power sharing, formulated in ancient Rome. The Romans believed that "... creation of laws and their explanation should be done by the same people, execution of laws and control over the execution of laws should be done by second people, all disputable situations in the state should be resolved by third people who were independent judges" (Vorobeva, 2017, p. 46).

If this principle is violated, then abuse of power and corruption will be established in the state, leading the state to ruin and instability. As a result, there are conflicts that can be expressed as in peaceful speeches, which lead to reforms, or it can grow into a real civil war, the consequences of which cannot be foreseen.

The principle of power sharing involves the creation of a system of "checks and balances", which does not allow concentrating power in one hand. This principle implies the independence of the government branches, and each, within its competence, manages the state and makes certain decisions that affect the interests of citizens of a democratic state (Kagermanov, 2018).

In the Constitution of the Russian Federation, Russia is proclaimed a legal state (Part 1 Section 1), but this provision of the Constitution is not yet a statement of fact. It is necessary to take into consideration that in the Russian Federation "... a legal state is just beginning to form, in which both civil society (in the formation stage) and public authority, whose priority tasks include protecting and ensuring the rights and freedoms of citizens" (Fomin, 2017, p. 38). Based on this, it can be concluded that the main and invariable national interests for the Russian Federation are ensuring human rights and freedoms, preserving sovereignty and state unity, developing civil society and democracy, solving economic problems, strengthening positions of Russia and its authority in the international arena (Belyaeva, Belyaev, Bidova, Rasskazov, & Potapov, 2018).

Civil society is a social basis of a legal state, being its required component. Nevertheless, "... you can imagine a civil society in the absence of a legal state, but it will pose a threat to power structures that neglect its interests" (Kalmykova & Churkin, 2016, p. 78).

The purpose of civil society is the achievement of a legal state regime in the country. Actions of a civil society in non-legal state can be interpreted as stability disruption and authority exceeding, but civil society is always eager to form a legal state as the only possible habitat of its own. Thus, civil society and a legal state in the course of their interaction form a complicated and organic social system, complementing each other.

If we consider the responsibility of the state to a citizen, then we can identify the main criteria: protection against external threats (military aggression, violation of rights abroad, economic downturns) and internal (banditry, terrorism, decline in living conditions), development assistance. There are also reverse duties - a citizen before the state: to raise children, being able to live in society and develop it, save the family, pay taxes.

More and more people are interested in what the responsibility of the state to the citizen is. Considering the growing problems of society, we can partially explain what the responsibility of the state to a citizen is. Requirements have increased in connection with the latest events in the world: joining Crimea to the Russian Federation, military actions in Ukraine, income decline after the introduction of sanctions.

Changes on a global scale affect the needs of the population. In most cases, this is determined by the foreign policy of the ruling party. During the period of external threat, citizens need confidence in the strong will of the country leader. His image and behaviour at world meetings are also significant.

Let us try to figure out what the responsibility of the state to the citizen is. The main criterion for life in society is the preservation of conditions for a normal life of the population. They are achieved by maintaining some indicators: birthrate, average family income, the effect on mortality for various reasons.

The main criteria are those that the state can directly affect. The instruments are the authorities: legislative, executive, judicial, military departments. All institutions and formations follow one goal: to preserve the integrity of the state.

There is a state responsibility to a citizen. The latter is guaranteed some rights by the Constitution:

- worthy secure life;
- property ownership, the right to dispose of it at one's discretion;
- favorable environment (preservation of natural conditions and punishment of those responsible for its damage);

- protection of historically significant objects and events (Vasileva, 2017).

The responsibility of the state to the citizen is in the readiness of authorities to resist unforeseen events that may even partially lead to disorders. The following actions act as preventive measures for improving the consciousness of society:

- formation of patriotism in the younger generation;
- education;
- reducing the income gap between the very rich and the poor;
- timely adjustment of laws under the prevailing conditions. This is relevant when following regulation acts becomes an absurd activity.

There is a mutual responsibility of the state and the individual. A citizen is obliged to take actions to preserve a healthy society. These include assistance to law enforcement, raising mentally healthy children, paying taxes and others. Those who disagree with the norms of the unity of laws are prosecuted.

Mutual responsibility of the state and the individual is the only possible way for a healthy and strong society to exist. This is achieved by the legality of all ongoing actions in the country. The order begins with the responsibility of each person for actions.

State responsibility to every citizen is often a blurry definition. There are often contradictions that cannot be eliminated. Most people in society want to have a higher than average income and go to the “soft” job. However, someone is obliged to be attendants.

The task of the state is to create a number of conditions for a part of society, according to which the working class is prepared since childhood. No matter how sad it sounds, but the order is kept on obedience. Disagreement manifestation with such a position is recognized as sabotage. The head uses all the instruments to eliminate rebellious individuals (Morozova, 2016).

The mutual responsibility of a citizen and the state performs a regulatory function through the person self-consciousness, adherence to the principles of humanity and honesty. Although the statehood is not always based on the enumerated qualities. Rather, these requirements are applied to individuals.

The responsibility of the state is often confused with the desire of ruling elite to be enriched. Participation or non-participation in events contributing to this directly affects compliance with the principles of legality. Therefore, a citizen has no right to separate his personality from what is happening around him.

The mutual responsibility of a person and the state involves mutual control over the activities of all structures of the society. Healthy relations between all branches of government are possible only with active participation of the population. The manifestation of passivity often becomes a crime on the part of both citizens and the state.

To speak of the state as a certain separate component is incorrect. Society influences the authority actions, it gives them powers. It also takes them when management has ceased to evoke a sense of trust.

The duties of each individual are clearly defined in the legislation. And this is under constant control, timely measures are taken. It is much more difficult to control the authority, which is lacking in the modern society of the Russian Federation.

If a citizen does not perform his duties, he is instantly brought to responsibility in accordance with existing laws. However, government deficiencies often go unpunished due to the lack of instruments of the individual.

Thus, insufficient provision of medicines during the period of acute need does not entail material compensation to citizens without lengthy legal proceedings. At the same time, misdemeanors of an individual are immediately punishable by the Criminal Code and full compensation for the damage (Malevich, 2017).

Similar gaps are present in each branch of activity in the Russian Federation. It is appropriate to talk about the incomplete performance of the duties by the state.

Undoubtedly, the ruling party in a democratic society predetermines what the state responsibility to the citizen will be afterwards. The right to choose is often unconsciously identified with material well-being, which fundamentally changes the essence of this mechanism purpose.

The electoral system should be a way of manifestation of the individual's civil duty, aimed at forming selfless ruling elite. But in fact, each person initially considers the desired party as a means of enrichment. Every voted person comes to the polling station in hope of improving living conditions after only one signature in the ballot paper.

With this approach, there is a substitution of values and, along with it, of the concept of the citizen duties. Control and constant participation in the affairs of the state are a required measure for building equal relations between all authority structures and society.

The main duties of a citizen are prescribed in the Constitution of the Russian Federation. The state is obliged to comply with these points, but in a slightly different form. Every person must show respect for the cultural values of individual cells of society.

The duties include not admitting encroachment on another's property, freedom. Every person is obliged to pay taxes, take care of natural resources. A separate issue is posed to protect the homeland, image of the country, protection of cultural heritage.

The mutual responsibility of the individual and the state means that citizens and power structures must strictly perform the duties entrusted to them by law.

Any relationship between a person and government agencies, leaders of all levels should be based on legal norms. Any impact on a person not determined by the law requirements is a violation of civil rights and freedoms.

At the same time, the person is obliged to perform his duties towards the country. The state has the right to demand from him to carry out actions prescribed by law and compel to them, but only within the framework of the legal field. For instance, paying taxes is a constitutional obligation of citizens of a country. Failure to comply with the requirements of the law inevitably entails a number of sanctions from the relevant structures (Iakimova, 2016).

The legal state should, in its turn, perform duties to protect civil rights and freedoms, the inviolability of the person and property, ensure public safety, etc.

On the issue of mutual responsibility of the individual and the state, an important role is also played by the guarantees of the rights and freedoms of an individual, which is due to the recognition of a person

as the highest value. Actually the legitimate interests of the citizen and their legal support are the priority of the legal regime in any country.

First of all, the guarantees of a person are connected with the legal recognition of the right to freedom and independence. Freedom does not mean some permissiveness in a legal state. Rather, on the contrary, an individual realizes his rights and legitimate interests by such actions, which primarily do not infringe upon the status of another person and do not violate the existing rights of other people.

Civil society and a legal state are actively interacting social phenomena. The implementation of the state functions occurs through legal and organizational forms; in addition, such methods as persuasion and coercion are used. This necessitates an analysis of the social institutions role in the implementation process of excluded powers from the rules in the law-making field by the state power, law enforcement and the execution of legal coercion.

At the moment, the state is faced with the task of creating the most favorable conditions for building a civil society that is in close cooperation with a legal state, which draws the necessity to form a legal theory of the civil society and its development in relation to the specifics of Russian realities.

Another reason for the lack of civil society development is the underfunding of activities of the organization and social movements. Despite vigorous activities of such organizations as “National Front”, the Public Chamber is still centralized in the process of forming social movements. Political scientists note that the key role of the development of civil society institutions is played by state structures in this aspect, and not by the population itself. Institutes of civil society are interconnected with the apparatus of public authority. In modern Russia, the institutions of civil society are still underdeveloped, and probably for this reason, many public structures are created on the initiative of authorities, rather than the population. Thus, the free will of citizens of the Russian Federation is replaced; the real possibility and realization of the right to participate in government management are limited, which ultimately can lead to political apathy, legal nihilism, and these impede the development of civil society. The state must develop the functioning of democratic traditions and ensure the effectiveness of political, personal, social, economic and cultural rights and freedoms of the individual.

7. Conclusion

In this way, the relationship between the state and society is manifested in the proclamation of society being civil by the state. Regulatory acts issued by the state establish the rules of conduct for the majority in such a way that the minority, by virtue of law, could not oppose them. The relationship between the state and law is expressed in the supremacy of the adopted regulatory acts.

Government action models are built through the law, as well as the introduction of public relations into a social channel. The features are fixed and established by international practice, which all social relations are built on.

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