

SLCMC 2021**International conference «State and law in the context of modern challenges»****THE PROBLEMS OF SOCIAL STATE CONCEPT
IMPLEMENTATION IN CONTEMPORARY RUSSIA**

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Abstract

This article analyses the basic ideas of social state development and problems of their integration. A social state is the constitutional order basis, and its real embodiment is to some extent the duty of the state. No modern civilized state can function without a developed social sphere, which creates conditions for people's well-being, stability, maintaining public peace and community partnership. These problems were also raised in the Russian President's Message to the Federal Assembly on April 21, 2021: "people preservation, family protection, strengthening social guarantees, and economy, education and culture development". The constitutional principle of the welfare state is implemented through social functions. Particular attention is paid to the problems of availability of education and decent work in Russia. The social functions being performed by the state directly determine the quality and level of social state orientation development. This type of state activity is carried out within the framework of domestic social policy, which is necessary to maintain a certain living standard. Moreover, if we proceed from the goal of the welfare state as articulated in Article 7 of the Constitution of the Russian Federation, we talk about a dignified life of every person and guarantees especially for those who are not able to realize their capabilities. The social functions of the state, such as social protection and social security, accessible education, health care, a certain set of social benefits and services, decent working conditions and commensurate wages, shall contribute to the achievement of this goal.

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1. Introduction

Today the Russian Federation has its own concept of a social state, based primarily on the norms of the fundamental law. Article 7 of the Constitution of the Russian Federation as one of the constitutional order foundations establishes a social state, the main goal of which is to ensure a worthy life for every person. The modern concept of the Russian welfare state implies that it is the citizen's responsibility to provide a decent life for themselves and their family and that the state provides everyone with equal opportunities to achieve this goal.

The constitutional guarantees of a social state are primarily enshrined in Article 7, Part 2 of the Constitution of the Russian Federation. These are the minimum wage established by the state (which today cannot be lower than the subsistence minimum); provision of state support for family, motherhood, fatherhood and childhood, the disabled and elderly citizens, etc. They are further extended into basic social and economic rights and freedoms.

2. Problem Statement

The modern concept of the welfare state is viewed in connection with the social functions of the state. Indeed, the level and quality of social state orientation is directly related to the performance and content of social functions (Safonova, 2016). Sharkov (2018) in his work considered social functions of the state as a set of measures applied within the framework of domestic state policy to replace the population and maintain a certain living standard.

Some scholars consider coexistence of a democratic political regime and social functions impossible. Only the market economy is the democracy foundation (Renfrew, 1988). Hayek (1943), a major classical liberal philosopher, who opposed socialist regime, believed that any state action directly aimed at distributive justice would lead to the destruction of the rule of law itself. In our view, these conclusions are far-fetched. The practice of building legal state along with the social state has long been used in developed Western countries. Thus, the Federal Republic of Germany established a legal social state at the fundamental legal level and implements a socially-oriented domestic policy now. Scientists used to describe the doctrine of a social state based on the rule of law, highlighting these state functions as basic and characteristic of its essence (Hesse, 1981).

Even earlier than the Federal Republic of Germany, Japan in its Constitution of 1947, Article 25 declared: "In all spheres of life the state shall make every endeavor to promote and further develop the public welfare, social security and public health". Thereafter, such a practice of stipulating the principle of the welfare state at the constitutional level was spread to other states as well. In 1978, Spain declared itself a democratic state under the rule of law; in 1975, Portugal declared itself a sovereign republic, with the aim of building a free, fair and solidarity-based society. The Swedish Constitution of 1974 established the state's duty to ensure the well-being of its citizens as well. This trend was also supported by some of the former socialist Eastern European countries. For example, Romania, according to its Constitution, "is a state democratic and welfare state governed by the rule of law". Nowadays, all the developed countries of the world, whether or not they have such provisions in their Constitutions, are more or less de facto welfare states.

One cannot but agree with the opinion of Kulagina (2011) that the main functions of the welfare state are social protection and social security, available education, health care, a certain set of social benefits and services. In our opinion, it is necessary to add the function of providing decent labor and its remuneration as well.

The problems of applying the modern Russian social state concept are related, among other things, to the fulfilment by the state of its social functions. It is impossible to maintain a certain (high) living standard for citizens without implementing and enforcing the basic social functions. Some of them are to be considered in this article.

3. Research Questions

According to the Constitutional amendments of 2020, children are the most important priority of state policy, and the state shall create conditions contributive to the comprehensive spiritual, moral and intellectual development of children.

In order to implement this provision, the President of the Russian Federation introduced a legislative initiative to strengthen nurturing component of the national educational system. In July 2020, the Federal Law "On Amending the Federal Law 'On Education in the Russian Federation' regarding Educating Students" was passed.

The main emphasis in the law is on the fact that nurturing (or educating) should promote the comprehensive intellectual and moral development of students, patriotism and citizenship formation, and respect for the memory of Fatherland defenders, the older generation and the man of labour.

Education is defined by law as an activity aimed at personal development and providing conditions for the self-determination of pupils on the basis of cultural, spiritual and moral values, rules and norms of behavior applied in the interests of an individual, family, society and the state as a whole. It is intended to develop patriotism and citizenship sense, respect for the memory of Fatherland defenders, for the law and the rule of law, for the man of labour and for the older generation, and to encourage honour for the cultural heritage and traditions of the people of Russia, as well as nature and environment. The Federal Law, which is the focus of our attention, reveals the mechanism to conduct educational work and indicates that children's nurturing (or educating) will become a compulsory part of the educational process, since any personality is formed not only through acquiring necessary skills and knowledge, but also through taking up certain spiritual, moral and ethical values.

The modern state educational policy is aimed, among other things, at raising a harmoniously developed and socially responsible personality on the basis of the spiritual and moral values of the peoples of Russia, as well as historical and national cultural traditions. This goal is pursued primarily through the modernization and development of the education system, subject to the main priorities for the country's social and economic development. In this regard, innovative projects and programmes are being implemented within various federal innovation platforms which focus on improving scientific and educational potential and developing new teaching technologies, methods and aids.

On May 7, 2018 the President of the Russian Federation signed the Decree "On National Goals and Strategic Development Objectives of the Russian Federation for the period until 2024" (hereinafter referred to as the Decree).

For this Decree to be implemented, national education projects aimed at ensuring global Russian education competitiveness, bringing Russia into the top ten countries in terms of general education quality, educating a harmoniously developed and socially responsible personality, using spiritual and moral values, historical and national-cultural traditions were approved.

The Decree adopted, it resulted in the development of the National Project "Science" which purpose is to secure the Russian Federation belonging to the list of top five world countries leading in scientific and technological research development. In addition, it is intended that the National Project is to ensure that leading Russian and foreign scientists and promising young researchers would be interested in work on the territory of the Russian Federation, and that domestic research and development expenditure would be increased.

The National Project "Education" has also been launched; it aims to provide opportunities for self-realization and development of talents. This national project includes the implementation of a number of federal projects, including "Export of Education" project, which is aimed at making Russian education on the international educational services market more appealing and competitive.

This project is to increase the attractiveness of Russian educational programmes for foreign nationals, improve conditions for their stay during their studies in Russia, and increase the Russian education brand status and recognition on the international educational market.

Educationally essential is also the Federal Project "Young Professionals", which aims to ensure the global competitiveness of Russian education by 2024, to create a competitive professional education system, capable of guaranteeing the training of highly qualified specialists and employees, in accordance with modern standards.

Another project that is worth mentioning is the Federal project "Digital Educational Environment" within the framework of the National Education Project, which aims to meet the challenge of creating a modern and secure digital educational environment by 2024, ensuring high quality and accessibility of education of all types and levels.

For this project to be implemented by 2024, Targeted Model of Digital Learning Environment implementation is necessary, which will make it possible to create digital competency profiles for students, teachers administrative and managerial staff in all educational establishments of Russia, making it possible to design and implement individual curricula.

Modern approaches used to organize the educational process in Russia imply timely updating of education content, and educational technologies, and require development of individual learning approaches through individual learning pathways, as well as an objective system of assessment of personal educational achievements of students.

The right to work was introduced into most constitutions of the world only after World War I. However, in the Soviet Union, this right was enshrined somewhat earlier. It is necessary to emphasize that already in the Constitution of the USSR of 1936, articles 118 and 119 defined the rights to work and rest and their enforceability in details. These rights were guaranteed by a universal employment policy. In some foreign constitutions (those of the USA, or Japan), the right to work is not fixed; only the right to entrepreneurial (economic) activity is enshrined. However, it is assumed that the right to work is a component part of this right.

In Russia, constitutionalization of labour relations has reached a new stage of development nowadays. The proper development of the modern Russian concept of a social state today cannot be imagined without ensuring decent work, minimum wages provided. Constitutional amendments approved by people included requirements for minimum wage which is now set at minimum subsistence level at least.

It seems absolutely correct to enshrine this provision at the state (constitutional) level. The subsistence minimum can be called the "official poverty line" in the Russian Federation. It is calculated on the basis of the consumer basket cost. The value of the consumer basket is determined by the cost of different livelihood means, which are considered necessary for a person under specific social and economic conditions. It consists of necessary foodstuffs, food commodities and services. However, fixing the minimum wage at the level no lower than the subsistence minimum is the least that the state can do to ensure an adequate life standard today.

The adoption of the International Labour Organization (ILO) Declaration on Social Justice for a Fair Globalization on June 10, 2008, made it clear that a comprehensive approach to protect the right to decent and fair work was necessary. Article 7, paragraph 2, of the Constitution establishes one of inherent social state guarantees, i.e. minimum wage.

However, article 37 of RF Constitution contains no provision specifically establishing the right to decent work, suggesting the need to improve and develop the norm.

Official statistics shows that 6.7 million people in the Russian Federation have been affected by the Covid-19 pandemic. Thus, the need to promote employment, provide jobs and decent wages is one of the basic priorities for our state. Russia adopted the programme of cooperation with ILO for the period of 2014–2021, setting the main directions to follow:

- establishing a people-centered approach to labour development;
- strengthening social involvement and developing a system of collective agreements;
- providing safe and healthy working conditions;
- increasing employment and improving labour productivity.

In the Russian Federation, there is also a state programme "Employment Promotion". It implies protection of citizens against unemployment, increasing labour capacity, etc.

One cannot but agree with Douhan (2018) that the right to decent work is closely linked to the implementation of the concept of sustainable development in all three areas (economic, environmental and humanitarian) and to the right to have favourable environment.

4. Purpose of the Study

The purpose of this research is to comprehensively study the problem of implementing the social state concept in modern Russia based on its social functions, such as accessible education and decent work.

5. Research Methods

The authors used general scientific and special cognitive scientific methods. The dialectical and formal-legal methods allowed showing the interrelation and mutual influence of different social state functions, to classify and systematize them. The historical-legal and comparative-legal methods were used to identify the stages of legal regulation of social state institutions in different periods of the country's development. Of great importance for the research carried out is the systemic method. The relevance of that method is due to the increasingly urgent theoretical and practical need for a comprehensive and systemic approach to the development and transformation of social life conditions and related social relations.

6. Findings

The result of this study is a rationale for further education reforms to ensure the global competitiveness of Russian education and, as a consequence, full-fledged use of the right to decent work with adequate remuneration. It is one of the guarantees that could help build a social state in Russia, the main goal of which is a decent life and freedom of personal development.

7. Conclusion

The analysis above leads to a number of conclusions. Basic social functions are not implemented, it is impossible to establish the fact a Russian social state exists. New educational organization approaches in Russia imply timely updating education content and educational technologies through individual learning pathways, as well as an objective system of assessment of personal educational achievements of students.

The formation of a modern social state in Russia places great emphasis on taking measures to create an educational environment that makes quality education available and socialization successful for disabled persons by introducing inclusive education, developing adapted educational programmes, creating conditions for vocational training and facilitating further employment.

For the concept of the social state, decent work with commensurately high wages is of paramount importance, and, in our view, there is a direct connection between education and the right to decent work.

References

- Douhan, A. F. (2018). The 'New' human rights and international law. *Russian Law on-line*, 3, 40.
- Hayek, F. A. (1943). *The Road to Serfdom*. University of Chicago Press.
- Hesse, K. (1981). *Fundamentals of Constitutional Law of the Federal Republic of Germany*. Law Literature Publisher.
- Kulagina, E. A. (2011). The prevailing functions of the social state: some aspects of academic discussion. *Science Journal of Volgograd State University*, 2(20), 155.
- Renfrew, Ch.B. (1988). *The interaction of business and democracy in our political system. Democracy: Its strength and weakness*. University of Texas.
- Safonova, O. D. (2016). On the question of possibility of changes of the social functions of the state in the period of globalization. *Bull. of Saint-Petersburg University. Series 6, 1*, 57.
- Sharkov, A. V. (2018). *The social function of the state: a philosophical analysis of the problem*. Perm.