

THE NATURE OF THE LEGAL IMPACT AND ITS ROLE IN THE FORMATION AND INSTITUTIONALIZATION OF NATIONAL INTERESTS IN THE STATE FROM PSYCHOLOGICAL PERSPECTIVE

Valery P. Belyaev¹
 Vladislav Yu. Turanin²
 Roman R. Palekha³
 Bela B. Bidova⁴
 Kseniya A. Belousova⁵

1. Doctor of Law, Southwest State University, 94 50 years of October Street, Kursk, 305040, Russia. E-mail: belvp46@mail.ru
2. Doctor of Law, Belgorod State University, 85 Pobeda Street, Belgorod, 308015, Russia. E-mail: turanin@mail.ru
3. PhD in Law, The Central branch of The Russian State University of Justice (the city of Voronezh), 95, 20-letiya Oktyabrya, Voronezh, 394006, Russia. E-mail: paleharr@mail.ru
4. PhD in Law, Chechen State University, 32 Sheripova street, Grozny, 364024, Russia. E-mail: bela_007@bk.ru
5. Polzunov Altai State Technical University, 46 Lenina avenue, Barnaul, 656038, Russia. E-mail: belousova1982@rambler.ru

Abstract: This article is devoted to the analysis of the nature of legal influence and its role in the formation and institutionalization of national interests in the state. It is established that the national interests of various states are diverse and, moreover, often do not have common points of contact, however, to a large extent, their formation and further institutionalization occurs under the influence of law and other socio-legal norms and values. The content of the National Security Strategies of the United States and Russia is characterized in terms of legal consolidation of national interests and areas of their implementation in them.

Keywords: law, legal impact, national interest, institutionalization of national interests, national security, threats to national interests, strategic documents.

1. INTRODUCTION

Before proceeding with an analysis of the nature of the legal impact and its role in shaping national interests in the state at the present stage, it is necessary to determine what we will understand by this complex phenomenon and what role it plays in social regulation. Undoubtedly, legal impact is a social and legal phenomenon that has significant applied potential, which reveals the mechanism of legal influence on social practice, indicates the nature of transformative social impact, which inevitably reflects, and sometimes determines the degree of legal integration and legal socialization of an individual. The legal impact is, first of all, the influence of legal values on social life, consciousness and human behavior in the direction of the statement of socially useful goals and the construction of a predictable and stable law and order based on them. The social value of the legal impact lies in its ability to take under its protection the true values of society, capable of ensuring its reproduction, security and progressive development (for domestic law), and for international law, these are true values, capable of ensuring international peace and security, and create equal conditions to respect the interests of all subjects of international communication. In this regard, it seems timely to

address to the issue of the nature of the legal impact and its role in the formation and institutionalization of national interests, the implementation of which, based on law and other means of social and legal regulation, is the main goal of the functioning of any state.

2. METHODS

The methodological basis of the study is based on the application of various general scientific methods and methods of scientific knowledge (analysis, synthesis, deduction, induction, system-structural, formal-logical approaches), as well as particular scientific methods - historical-legal, formal-legal, comparative-legal and interpretative.

3. DISCUSSION AND RESULTS

It should be noted that so far, the question remains unresolved, what the term “national interest” means, and what role it plays as a scientific category in the mechanism of legal influence. Disputes arise mainly due to the disagreement of opinions about the essence and structure of this concept, its role and significance. The very concept of national interest has come into scientific circulation relatively recently. In 1935 it was first included in the Oxford Encyclopedia of Social Sciences. Priority in developing the concept of “national interests” is recognized by the American Protestant theologian R. Niebuhr [7] and historian C. Bird [1]. In an expanded form, the concept of national interest was presented in the work of G. Morgenthau “In Defense of National Interest”, in which the author understood interest as “a multi-year standard for assessing and directing political actions”. As a representative of political realism, G. Morgenthau perceived national interests as an objective and universal category, which defended the sovereignty of the state in the framework of world politics and its advantageous position within the system of its relations [9]. In general, national interest is an abstract and subjective category, since its parameters are determined by the picture of the world and the value system that prevails in a given society and state. As noted by J. Rosenau, “the definition of national interest can never be anything else than a system of conclusions proceeding from the analytical and value base of politics” [13].

Moreover, in Anglo-American and European political science, ethnic content was never included into the content of the concept of national interest. For example, any citizen who has an American passport and is no longer burdened with his/her original history, ethnic culture, and traditions of ancestors is recognized as a US citizen. Such a concept was called “melting pot”, due to which the formation of the American national identity took place according to the formula of cultural and biological “fusion”, “mixing” of all peoples into a single American nation. According to the American researcher A. Mann, “the phrase” melting pot “itself has become the national symbol of this century” [8].

It can be stated that the national interests of various states are diverse and, moreover, often do not have common points of contact, however, it is impossible to deny (as well as belittle) the role of legal influence in their formation and institutionalization. For the modern period of the development of Russian statehood, associated with the constitutional recognition of a person, his/her rights and freedoms as the highest value, and Russia as a democratic and legal state, the system of legal influence is characterized by goals (and the means to achieve them) of an emphasized constructive nature. So, in the modern legal doctrine as such it is necessary to recognize: ideas of peace, harmony and goodness [15]; national security [2]; formal equality, freedom, justice [12]; social solidarity [6]; the legitimacy of law [16] and others, which together constitute the basis of the national interests of the Russian state.

Law, acting as a form of expression and consolidation of goals (means), both in the domestic and international life, should become their effective filter, which will allow to select exclusively true values, delimiting them from false, through the applied criterion – creativity, ensuring the progressive development of social systems. In this regard, it should be noted

that such a right can ensure the predictability of social development, its stability and sustainability. And this is the key to overcoming the instability of social development, social chaos and tension. Thus, the fundamental basis for the formation of the US National Security Strategy (where the national interests of this state are traditionally fixed) is the American liberal value system based on the provisions of doctrinal state-forming documents, such as the Declaration of Independence [14], the US Constitution [4] and the Bill of Rights [3]. The US national security strategy is an intellectual product, a set of interconnected ideas in the field of trend management, real and predictable, to protect the permanent interests of society and the state. In general, the doctrinal vision of national security and, consequently, national interests in the United States that has been formed over more than 200 years has the following structure: fundamental (permanent) national interests; ensuring the security, prosperity and freedom of the American people; the country's corresponding mission at this historical stage (to be adjusted by each newly elected US president).

It is characteristic that the current version of the US National Security Strategy (NSS), published by the administration of US President Donald J. Trump on December 18, 2017 [10], as a basic provision contains the following: "Our state's primary duty to the people is in order to serve their interests, ensure their safety, defend their rights and protect their values" [5]. The analyzed Strategy identifies four vital national interests (the so-called "fundamental pillars"): protection of the United States, American citizens and the American way of life; promoting America's prosperity; maintaining peace through power; expansion of American influence. In addition, the main challenges and trends affecting the situation in the world are described, among which are: revisionist powers (including China and Russia); regional dictators; terrorists from jihadist organizations. Moreover, in addition to counteracting external threats, a significant attention in the analyzed document is paid to the development of American well-being and maintaining a strong economy that protects the American people, strengthens its lifestyle and supports American power. It also says about the need for leadership in research, technology and innovation, and America's energy superiority.

In general, we can talk about maintaining the continuity of the new US National Security Strategy in relation to previous legal documents in this area and traditional American national values enshrined in the US Constitution. In turn, in the Russian Federation national interests also have legal fixing of the basic documents of long-term planning, the updating of which takes place at least once every six years, which is similar to American practice in this area. The current National Security Strategy of the Russian Federation in 2015 [11] is based on the norms of the Constitution of the Russian Federation, current legislation, defines national interests, goals, tasks of Russia in the field of domestic and foreign policy, strategic national priorities of the state at the present stage and measures to ensure national security.

According to the text of the National Security Strategy of the Russian Federation, the national interests of the Russian Federation are defined as objectively significant needs of the individual, society and the state in ensuring their security and sustainable development. National interests are thus directly related to national security, since, according to clause 6 of the aforementioned Strategy, ensuring national security is the implementation by state authorities and local governments in cooperation with civil society institutions of political, military, organizational, socio-economic, informational, legal and other measures aimed at countering threats to national security and satisfying national interests (emphasized us - auth.).

In this case, ensuring national interests can be presented as a generalized criterion for determining a safe (dangerous) situation according to which a nation (state) is in a state of security when it does not have to sacrifice its national interests, and when it is able to protect these interests by political, economic, military and other actions. We emphasize that correctly recognized and consolidated interests can ensure the national security of the state, its stable, progressive development, and incorrectly formulated ones, on the contrary, can

disorganize, disorient, and lead to crisis and stagnation. The study of the text of the National Security Strategy of the Russian Federation (paragraph 30) indicates that national interests are formulated as areas of meeting needs, priorities and guidelines. These include: strengthening the country's defense, ensuring the inviolability of the constitutional order, sovereignty, independence, state and territorial integrity of the Russian Federation; strengthening national harmony, political and social stability, developing democratic institutions, improving mechanisms of interaction between the state and civil society; improving the quality of life, strengthening the health of the population, ensuring stable demographic development of the country; preservation and development of culture, traditional Russian spiritual and moral values; increasing the competitiveness of the national economy; consolidation of the status of one of the leading world powers for the Russian Federation, whose activities are aimed at maintaining strategic stability and mutually beneficial partnerships in a polycentric world [11].

Thus, the national interests of modern Russia have their own specifics, due to the economic, political, social, ethnic, cultural and geopolitical features of Russian society and form the basis for the functioning of both the state mechanism as a whole and the mechanism for ensuring national security. On their basis, economic and political programs are created, plans and concepts are formed, laws and other normative legal acts are adopted. The mission of the most important national interest is to preserve national values and reflect emerging threats. As a result, we note that in the modern world various traditions and cultures of perception, legal consolidation and practice of realization of national interests have developed. At the same time, a unifying beginning is their understanding as a generalizing consolidating concept, objectively significant needs of the individual, society, state as a whole, removing the contradiction between the interests of a civil society state based on law, formed and institutionalized under its legitimate influence.

4. RESULTS

As a result of the theoretical and legal analysis of the nature of the legal impact and its role in the formation and institutionalization of national interests in the state, the following conclusions can be drawn. Firstly, the national interests of various states are diverse and, moreover, often do not have common points of contact, however, to a large extent, their formation and further institutionalization occurs under the influence of law and other social and legal norms and values. Secondly, the activities of states related to the realization of national interests and ensuring national security, protection against such internal and external threats, are carried out in accordance with strategic legal documents in this area developed (and adopted in the established manner) in accordance with the peculiarities of historical development and priorities established in this state.

REFERENCES

- [1] Beard C. A. The Idea of National Interest: An Analytical Study in American Foreign Policy//New York: Macmillan. 1934.
- [2] Belyaeva G. S., Belyaev V. P., Bidova B. B., Dyumina A. A., Kuksin I. N. Peculiarities of National Interests Institutionalization in The North American Tradition: History and Modernity//Humanities & Social Sciences Reviews, 2019, Vol.7, No.4, pp.805-808.
- [3] Bill of Rights — "An Act declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown". Date Views 21.11.2019. <http://www.legislation.gov.uk/aep/Wil-landMarSess2/1/2/contents>.
- [4] **Constitution for the United States.** Date Views 21.11.2019. <https://www.whitehouse.gov/about-the-white-house/the-constitution/>.
- [5] Date Views 21.11.2019. <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-announces-national-security-strategy-advance-americas-interests/>.

- [6] Ebzeev B. S. Lichnost i gosudarstvo v Rossii: vzaimnaya otvetstvennost i konstitutsionnye obyazannosti [Individual and the State in Russia: Mutual Responsibility and Constitutional Obligations]. 2011 [in Russian].
- [7] Good R. C. The National Interest and Political Realism: Niebuhr's " Debate" with Morgenthau and Kennan//The Journal of Politics, 1960, Vol.22, No.4, pp.597-619.
- [8] Mann A. Immigrants in American life, selected readings//Houghton Mifflin School. 1973.
- [9] Morgenthau H. In Defense of the National Interest: A Critical Examination of American Foreign Policy//New York: Knopf, 1951, pp.241-242.
- [10] **National Security Strategy December 2017**. Date Views 21.11.2019. <https://whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>.
- [11] natsional'noi bezopasnosti Rossiiskoi O. S. Federatsii: ukaz Prezidenta RF ot 31.12. 2015 № 683 [On the National Security Strategy of the Russian Federation: Decree of the President of the Russian Federation No. 683 of December 31, 2015]//Sobranie zakonodatel'stva RF (St. 212), 2015, pp.1-2.
- [12] Nersesyants V. S. Obschaya teoriya prava i gosudarstva: Uchebnik dlya vuzov. M.: Norma, Infra-M//General Theory of Law and State: A Textbook for High Schools. Moscow, 2002, -552 p. [in Russian].
- [13] Rosenau J. N. National Interest//International Encyclopedia of the Social Sciences. 1968, Vol. XI. NY.
- [14] The Declaration of Independence. Date Views 21.11.2019. <http://www.ushistory.org/DECLARATION/document/>.
- [15] Umnova I. A. Pravo mira: Filosofskoye i Pravovoye Izmereniya: Monografiya. Moskva, – 180 s//Law for Peace: Philosophical and Legal Dimensions: Monograph. Moscow, 2011, 180 s. [in Russian].
- [16] Vitruk N. V. O Sotsialno-Pravovoy Sushchnosti i Legitimnosti Konstitutsii Rossiyskoy Federatsii 1993 Goda//Rossiyskoye Pravosudiye, 2008, Vol.2, pp.4-12.