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EDITORS' FOREWORD

4(24), 2022 December issue of WISDOM is dedicated to the 100th anniversary of Khachatur Abovyan ASPU and concludes the jubilee year of ASPU.

The Editorial Staff of WISDOM congratulates its colleagues, students, and graduates of ASPU on the 100th anniversary of their beloved educational institution and dedicates this issue of the journal to that event.

The present issue contains valuable publications devoted to the questions of the methodology of science and epistemology, social philosophy, philosophy of religion, law, art, and economics. The last section of the issue includes a memorial speech for academician Linos G. Benakis, a prominent Greek philosopher and member of the Editorial Board of WISDOM.

The geographical representation of the authors is wide: Armenia, Greece, Indonesia, Kazakhstan, Russia, Ukraine, Uzbekistan, Vietnam, etc.

The increasing number of citations, references, and mentions of the published materials in various publications assume even more responsibility, inspire more positive motivation among the Editorial Staff and the authors, and testify their value.

The Editorial Board extends the sincerest gratitude to all the authors, reviewers, professional critics, and assessors of the papers involved.

We remain loyal and committed to the guiding principle of the priority of pluralism and freedom of viewpoints in the scholarly domain. The views expressed in the publications do not necessarily coincide with the Editorial Board's perspectives.

PHILOSOPHY OF SCIENCE, METHODOLOGY AND EPISTEMOLOGY

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THE PROBLEM AND METHODOLOGY OF STUDYING THE DIASPORA ARMENIANS' ENTREPRENEURSHIP MOTIVES IN HOMELAND

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Abstract: The paper is devoted to the problem of studying the entrepreneurship motives of Diaspora Armenians in their homeland. This term in the article refers to investment activities of Diaspora Armenians in Armenia, which are aimed at creating conditions for the resource provision of employment for the population and its social growth. Particular attention is paid to the ethnic component of the diaspora representatives' investment activities in Armenia. The tasks set in the paper are based on the analytical materials of sociological studies in Armenia, conducted in 1980, 1993, 2007 and 2021-2022, as well as the results of the studies of ten Armenian diaspora communities in different countries during 2012-2021[1]. The research was carried out by the method of stand-ardized interviews, indepth interviews with experts and case studies of entrepreneurs

Economic ties stand out among the multilateral ties of the Motherland and the Diaspora for their strength and long-term nature. In particular, among the peoples with a larger quantity of dias-poras outside their ethnic homeland, the features of these ties are more pronounced. A diaspora with a significant potential and great investment opportunities can create favorable conditions for diasporic business circles to carry out entrepreneurial activities in the ethnic homeland.

Keywords: entrepreneurship, diaspora, homeland, motives, economy, ethnicity, investments.

Introduction

Armenia still possesses a serious financial and business resource of the new and old Armenian diasporas, a high intellectual level and rich experience in managing the social elite, and a diversity of labor skills and abilities of an active and enterprising population. Therefore, the timely and appropriate use of this potential is a most serious problem facing the country. So, no matter

[1] The work was supported by the Science Committee of RA, in the frames of the research project № 21T-5B168.

how "objective," i.e., mainly economic, this problem might seem, it clearly has an ethno-social basis due to the social and ethno-cultural peculiarities of the Armenian ethnos. This explains the fact that more than thirty years after having declared independence in Armenia, in the Armenian diaspora as well, there is an interest of the most qualified representatives of their modern elites to identify ways of developing business activities in the homeland. In this connection, the study of the motives for the diaspora representatives' economic activities in their homeland, and identification of the role of specific demographic, social, and ethno-cultural features in their formation acquire particular importance. The identification and subsequent comprehension of these factors can provide a scientific basis to find new incentives for the dynamic development of the country (Newland & Patrick, 2004).

Numerous examples of entrepreneurship of the diaspora Armenians in Armenia clearly demonstrate the special connection between the motives of this activity of an ethnic nature with its economic expediency. The systematization of knowledge about the ethnic component of the diaspora representatives' investment activity in their homeland acquires special meaning in this context. It is relevant to examine the mechanisms of this activity in the factors that determine it, taking into consideration the growing role of modern diasporas in the world processes, which explains the scientific community's interest in this issue (Loshkaryov, 2015). It is especially important for Armenia, considering the significant social-spiritual and economic potential of the Armenian diaspora on the one hand, and the necessity of its involving in the republic's economy on the other. Stating the fact that the "70% of all foreign investments implemented in the country during the independence years is connected with the diaspora" (Ignatov, 2017, p. 117) reinforces this argument.

The analysis should begin with the fact that the reasons for such activities of the diaspora Armenians in Armenia are usually caused by some factors of a general and specific nature. The first of them, factors of a general nature, are located in a binary opposition, in which one pole is the place of entry, and the second is the exit of the investment resource. The first member of this opposition is the country that receives this resource. It is characterized by its political and economic state, its place in the regional economic system, the ethno-social features and value system of the population, etc. The second pole is the country from which this resource comes. It is classified by the size of its territory and population, its level of economic development, its geographic location, and the nature of its historical ties with the homeland of the ethnic diasporas located there.

Differences in the history of education and quantitative parameters, types of settlement (ethnically compact or ethnically dispersed and characteristic features gravitating towards each of them) of the Armenians of the Diaspora, their demographic and social composition, economic potential, ethnic self-consciousness, the presence of traditions and other parameters condition the factors of a specific nature. Besides that, the specificity can obviously be expressed by the situation that has developed in the old and new diaspora groups, which can be reflected in personal and group characteristics of consciousness and behavior, based on demographic, social, and subcultural differences. Thus, the interaction of these factors manifests itself at the output and inputs of the resource movement, which are revealed in the content of the evaluations, judgments, and characters of behavior of the bearers of these resources and the spheres of their economic activity and current social practices in the homeland. In this regard, it is worth pointing out that this process can unfold in the very broad context of established relations between the diaspora and homeland.

The high level of ethnic identity, operating community organizations, strong blood ties, and other characteristics of modern Armenian diaspora define the fairly rich contents of its connections with the homeland. One of the real and concrete manifestations of these ties is the economic activity of its individual representatives in Armenia. It is obvious that the key drivers of such activity are revealed in the motives, the examination of which should be conducted "through a person included in the ethnic group" (Arutyunyan et al., 1999, p. 7).

In the given case, besides economic expediency, it is an indispensable condition (Yerznkyan et al., 2015, p. 106); the ethnic component of entrepreneurship lies in the aspiration to help their historic homeland, and in some cases to live and work in their ethnic milieu. The study of the mo-

tivation of such a behavior in the context of cause-and-effect relations will allow understanding the realities of homeland-diaspora economic interconnections. Proceeding from this, the paper discusses the range of problems and methodology of studying the diaspora Armenians' entrepreneurship motives in their homeland in economic and extra-economic factors underlying them.

In the context of the above-said, of special importance is the systemic understanding of the processes taking place, which is impossible without the search for new knowledge. It is also important that this knowledge is based on concrete empirical materials, which can be obtained through the development and implementation of special sociological research, as well as the use of available statistical data, narratives in the media, documents of organizations and other sources of necessary information. They are designed to identify and study the ethno-social components of the motives for economic activity, highlight the projections of these motives in the system of value orientations of different ethnic groups in Armenia and the Diaspora, and find the best ways to apply the mechanisms of encouraging Diaspora Armenians to invest in the country.

Study Overview

The growth of diasporas, their increasing role in internal and interstate relations largely determine the prospects for modern processes in the world (Cohen, 2008). This requires systemic elaborations close to life realities, which allow obtaining knowledge necessary for theoretical generalizations, and practical activities.

The idea that in many ways, if not in all, any activity (including economic ones) is based on cultural foundations gives grounds to pose the problem of studying the role of ethno-social factors in motivating the economic activities of diaspora Armenians in their homeland. Among them, firstly, are the symbolic-value entities that underlie both the process of socialization (acculturation) of a person, and each act of his self-manifestation. Notions, attitudes, evaluations, value orientations, goal setting and life plans (programs) of various groups of the Armenians living in different countries, mainly determined by the ethno-social environment and their socio-demographic and subcultural parameters, are the most important premises in the analysis of the situation and constituent elements of economic forecasting the country's development in the perspective.

The main counterparty of the economic interrelations between Armenia and Diaspora are the representatives of business circles of diaspora Armenians, maintaining ties with their motherland and oriented to the economic activity in Armenia. It seems that the emotional attachment to the homeland by the representatives of individual groups of the Armenian ethnic community living in another country is mostly connected to the sense of homeland, memory, identity with the ethnicity as a whole. It appears that the emotional attachment to the homeland by the representatives of certain groups of the Armenian ethnic community living in another country is largely anchored on the feeling of kinship, memory, identity with the ethnic group as a whole. This circumstance imposes a noticeable imprint on the relations between the countries that give this resource and the country that receives it. In this case, one country acts as the investor, and the other as the object to which this investment has been addressed. The latter may be different in form, content and frequency, starting from single or short-term financial aid from the diaspora, and ending with long-term investment of the funds, resources, and technologies in their native country and direct participation in the capitalization of its various fields of economy. In this regard, it should be taken into consideration that if for donor countries this investment flow can very likely be of little significance, for Armenia it works as one of the important stimuli for its economic development. It is obvious that during the movement of these resources, certain collisions may appear both at the exit and entry points of a given resource flow. To resolve these contradictions, it is necessary to rethink the role of the diasporas in the relationship between the countries and in the exchange of resources between them.

Acquaintance with the given problems and experience of its analytical elaborations in Armenia shows that, with few exceptions the study of the diaspora Armenians' real motives of behavior in homeland is an auxiliary and attendant element. And this is in the case, when a motive in many situations becomes its principal factor, requiring a profound and comprehensive analy-

sis. The research experience in this sphere is based on the description and analysis of classical interrelations between the ethnic homeland and the diaspora in the countries with different characteristic features of culture, economic organization and social structure. This is connected with the fact that in modern Armenia, we deal with a country, which has passed, rather is still passing, a transformation stage in the social and political systems, from the non-fixed functioning economic regime to static economy (Avetisyan, 2013, p. 72). For the Armenians, whose stereotypes of the mentality and behavior took shape in another system and ethnic-religious surrounding (accordingly, in a different social, cultural, and institutional environment), Armenia embodies a national statehood, which should be supporte[2]. Consequently, the structure of motives, conditioned by this desire, can be both general and situational in nature, requiring specific knowledge. That is why the tasks set in the paper are based on the analytical materials of Armenia's sociological studies, conducted in 1980, 1993, 2007 and 2021, as well as the results of studies of ten diasporic Armenian communities in seven countries in 2012-2021.

The research was conducted by the method of standardized interviews, in-depth interviews of experts from Armenia, USA, Iran, Cyprus, France, Georgia, and Lebanon[3], and case studies of entrepreneurs from these countries.

Besides multiple tasks in this research, the problem of studying the diasporic Armenians' motivation for investment activity in the homeland, and receiving information on the system of values of the individuals with the skills of business organization, and financial and technological resources were set forth. These activities are based on some non-economic factors, with economic reasons layered on top of them to a greater or lesser extent. Non-economic factors are formed in several contexts.

The first context is the interstate relations, which stimulate the entrepreneurship of the diaspora Armenians in the homeland. These include the relations that have developed between the donor state and the recipient state: between France, the United States and the Russian Federation, on the one hand, and Armenia, on the other. The second context emerges from the diaspora's appropriate reaction to the situations in the homeland. The latter context is due to the tradition of consanguinity between spatially separated relatives. Let's consider them in more detail.

The Context of Interstate Relations

The absence of common borders with those countries, where large Armenian communities exist and the semi-blockade state of the Republic of Armenia for three decades (Davtyan, 2015, pp. 129-130) are a serious obstacle to attract resources from the diaspora, due to which Armenia's economic ties with the countries of high economic potential of the Armenians (Russia, The United States, Canada, France, Lebanon, and others) become complicated.

For this reason, investment programs coming from outside and their areas of application become somewhat peculiar. So Armenia, at one time a country with a developed industry, lost this potential due to the problems associated with logistics and reforms.

In this situation, in the public consciousness of the population of Armenia and its governing bodies and the public, as well as the main figures of diaspora organizations, a firm conviction was formed in the need to attract the economic resources of the diaspora to the country's economy. Thus, in 2011, in an interview given to Telecom CNN commentators, Tigran Sargsyan, the head of the government of Armenia, noted that: "The Armenian diaspora is the first source of investments for Armenia," and investments and private transfers from the Diaspora amount to 60 -70% of Armenia's GDP (Grigoryan & Karapetyan, 2013, p. 67). Statistical data on the dynamics of change of the volume of investments between 2000 and 2022 show the periods of the highest and lowest activity of foreign investments in the Armenian economy (see Fig. 1).

[2] Field research archive, Expert interview N 5, Department of Diaspora Studies, NAS RA, 2022. The data was collected in the framework of the research project № 21T-5B168, "Ethno-social factors of entrepreneurial activity in the context of RA-Diaspora relations".

[3] Field research archive, Department of Diaspora Studies, NAS RA 2013-2020), The ethno-sociological research was carried out within the framework of the state target program,"The main directions of comparative studies of the Armenians in their own and foreign environments: problems and perspectives of the study" (2013-2020). This article is part of a broader study. The full comprehensive study was included in the author's dissertation.

The periods of recession in terms of the volume of investments in the country's economy fell in 2000-2003, although during this period it was accompanied by their gradual growth, after which it increased more than four times already in 2008. Subsequently, there was a decline in these indicators, which in 2017 decreased by more than four times. Then, in 2021 and 2022, the volume of foreign investments increased by more than eight times as compared with 2017.

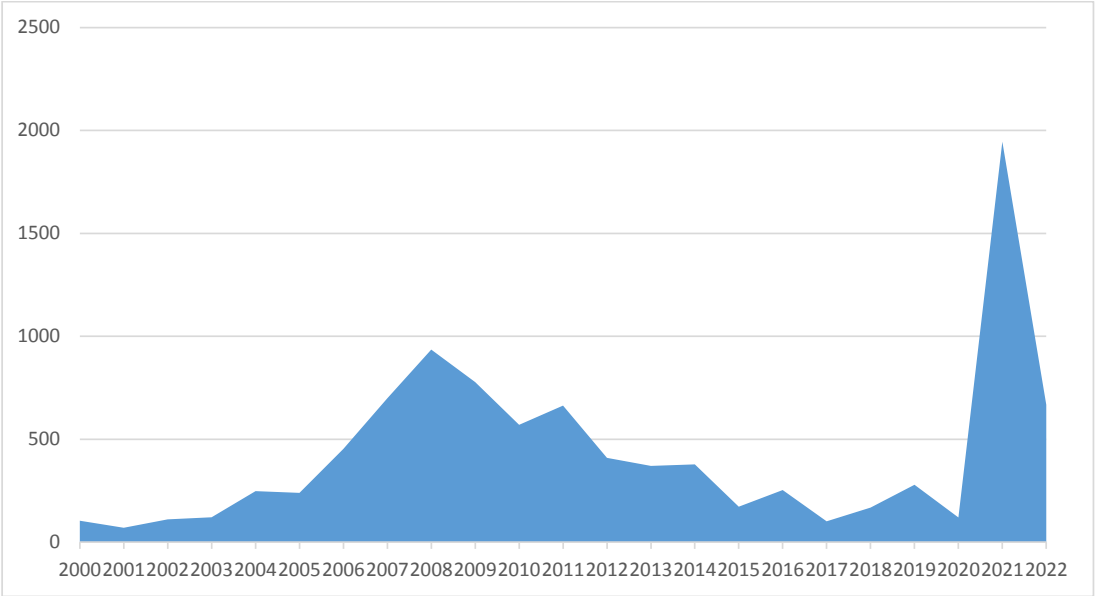

Figure 1. Dynamics of the Total Volume of Investments in the Republic of Armenia from Foreign Countries in the Period Between 2000 and 2022 (in million USD). The graph was compiled by the authors, based on the statistics of the RA Statistical Office for 2000-2022 (Source: RA Statistical Office - www.Armstat.am).

Against the background of data on the dynamics of changes in the volume of investments, statistics allowed to clarify the structure of donor countries. In terms of the financial contribution of each state to the economy of Armenia, a remarkable picture has developed in just four years (2009-2012). It gives, somewhat indirect, but still an idea of the role of diasporas in the composition of the countries, participating in the economic development of Armenia. There is a clear correlation between the presence of a large and organized community of Armenians in each of the countries, listed in Table 1 and the level of investment contribution. Thus, the Russian Federation, France, the United States, Argentina and Lebanon are among the top five countries with the largest volumes of investment. It is obvious. First of all, ethnic Armenians are most numerous in the Russian Federation, where they constitute 2.5 million people, in the USA - about 2 million, France - by different estimates from 500 to 700 thousand, in Lebanon - about 200 thousand, in Argentina 70 thousand. At this, the social parameters of Armenians in the mentioned countries are most complex, with a very wide range of professions and economically active categories of the Armenian population. In addition to this, there is a significant contingent of natives of Armenia who have not lost their family and community ties with their homeland in these countries. This circumstance leads to their active participation in the fate of their homeland, not only through remittances and donations for various projects, but also through their direct involvement in the economic life of Armenia.

Table 1.

First Ten Countries - Investors of Armenia 2009-2012 (in million US dollars)
Direct Foreign Investments DFI (by years) (https://armstat.am/en/?nid=82&id=291)

	2009	2010	2011	2012
RF	384	195	394	123
France	197	147	100	230
USA	13	6	44	15
Great Britain	0.09	4	34	3
Canada	-	0.1	32	0.1
FRG	19	22	25	48
Argentina	48	30	19	55
Switzerland	-	10	18	45
Cyprus	7	12	18	7
Lebanon	14	11	14	13
Total	732	482	816	752

At the present stage, the structure of its economy is mainly limited to extractive and light industries, agriculture and services. This circumstance allows large diasporic Armenian entrepreneurs to invest in those large investment projects that provide funding for social and infrastructural (including medical) projects.

Both in the diaspora and in the home country, the public resonance, regarding the role of diaspora representatives in economic relations with donor countries, is a significant indicator of developing these processes. It is determined by a multitude of constitutive elements. The first of them is represented by the response of different segments of the societies in many countries (in particular, Armenian diaspora figures) to the established relations between their countries and Armenia. As evidence of one such response, the two-day international conference "Alternative Investments in Armenia" held in Yerevan on November 8, 2022, attended by more than 150 representatives from Armenia, the United States, Great Britain, and Curacao, is a case in point.

Such responses that we managed to record during our sociological research in the Russian Federation, the United States, Lebanon, Iran, France, and Armenian communities in other countries contain a description of the state of economic relations between Armenia and the Diaspora in the past, present, and future: the essence of problems, arising during the development and evaluation of certain events connected with the relations between their countries and Armenia. The second element includes the information resource, presented in the media, the influence of which on public opinion is obvious. The flow of stories constituting ideological clichés, myths, stereotypes, etc. in this information, contain the charge (positive or negative), which should influence the quality and intensity of interstate relations and determine the public sympathies. The third element comprises personalities as bearers of information, whose authority largely determines the content of expectations, value orientations of different layers of society and, ultimately, influences the decision-makers. Most of the Armenian and Diaspora ex-persons interviewed during our study believe that the Diaspora, being a part of the Armenian nation, has its interests that are directly related to Armenia, which cannot be ignored. But the extent of participation in the economic development of the country, in their general opinion, directly depends on the chosen strategy for the development of Armenia. They generally note that it is necessary to build such relations, which will bring benefits for the Diaspora to be interested in the RA external economic processes itself. According to experts, there is also a psychological reason for this, which is a very significant problem.

It is related to the differences in the cultural environment in Armenia and the countries where the investment activity comes from.

The majority of experts agree in the opinion that to activate the Armenian Diaspora on the territory of the Republic of Armenia, the specific political organizations and the actions of individual people should play a role. The existing digital organizations do not yet give the desired result that we would like to fix. Here, to a greater extent, personal initiative acts, which is due both to the conditions, prevailing in this particular envi-

ronment (informational, political, etc.), and the presence of effective interpersonal ties in the common space of the homeland and the country of residence.

In the field of small business, diaspora Armenians occupy niches in the services sector, shoemaking, jewelry production and others; what is noteworthy, their activities are developing on the sites of former enterprises (Karapetyan & Nersisyan, 2013, pp. 216-217). The expediency of such an "entry" into the RA economy is due to the presence of a certain infrastructure for this type of production (premises, equipment, etc.), and to the entrepreneurs' preserved former ties and availability of sales markets in Armenia and Russia. Despite the small capacity of the market, the logistics costs, Armenia's weak participation in the region's economy, the diaspora business circles prefer to "do business" in medium and small businesses of the Republic. At this, most of the entrepreneurs of this caliber, interviewed in 2020-2022, motivate their activity in Armenia by the desire to live and work in the homeland, in their national environment. However, they emphasize that they are also attracted by the guaranteed investment, the cheapness of life and labor in their homeland.

The Context of Traditional Homeland-Diaspora Interrelations

According to the sociological studies in Armenia, in the structure of entrepreneurs from abroad, of great significance is the level of the Armenians' settlement compactness in the diaspora. As a rule, there are more representatives from the compact zones among them. It is quite essential to understand the ethnic-social grounds of the aspirations to work in their ethnic homeland. Thus, the materials of the studies in the places of settlement of the ethnic groups in the diaspora, particularly, in Tehran and Beirut, Los Angeles and Paris, Tbilisi and Moscow, show that the Armenians from ethnically compact settlement zones to a greater extent expressed desire to live in their homeland[4]. This indicates that the main motive for such behavior is not in the least part due to the ethnic identity, the preservation degree of which is higher in ethnically compact zones of settlement. Community organizations are active there, internal ethnic interconnections are intense, and the ties with the homeland are systemic there, etc. The real confirmation of this in Armenia itself was the fact that most of the diaspora Armenian businessmen included in the republican selection were mainly from ethnically compact zones (Lebanon and Iran), and only one third of them were from the countries with an ethnically dispersed type of settlement.

Thus, in the presented context, the non-economic component of the diaspora Armenians' entrepreneurial motives in the homeland is due to multiple features that can be conditionally grouped into three categories. The first category of signs is associated with the nature of forming each specific diasporic community of Armenians, the second category is determined by the conditions of their life, and the third - by the composition characteristics of each concrete ethnic group.

It is worth beginning with a significant fact that after summarizing the results of our studies which were aimed at revealing the motives of Armenian businessmen from the Diaspora, depending on the areas of their capabilities (financial, professional, organizational, etc.), as well as their experience in Armenia, we can make one general conclusion. For the entrepreneurs from the Diaspora their need to develop economic activity in their native land, apart from significant economic purposefulness, has an emotional motivation. The matter is that beyond their native land, ethnic groups have actualized ethnic self-consciousness and based on it, there forms a need to realize their investment projects in their ethnic homeland. Usually these entrepreneurs are professionals: shoemakers, winemakers, jewellers, restaurateurs, technicians, and other representatives of medium and small businesses. For the establishment of their business, they used the existing base in their home country - inactive enterprises, vacant premises, etc. For example, some of them use the premises of former shoe factories, confectionery factories, bakeries, etc.

[4] Field research archive, Department of Diaspora Studies, NAS RA 2013-2020), The ethno-sociological research was carried out within the framework of the state target program,"The main directions of comparative studies of the Armenians in their own and foreign environments: problems and perspectives of the study" (2013-2015). This article is part of a broader study. The full comprehensive study was included in the author's dissertation.

Here, of course, a specific personal motive, determined by a desire to increase the competitiveness of Armenia on the one hand, introducing new technologies and advanced management, opening new jobs, involving some of their relatives, and fellow countrymen (villagers), etc., and on the other hand, to make their projects economically purposeful and profitable acquires a special meaning. It is obvious that the latter takes second place and is achieved only after the first problem is resolved. That is why, from the viewpoint of the business community, this kind of activity in the country is not so attractive; besides, Armenia does not have the necessary conditions for business. But still, for diaspora investors, Armenia is of particular interest due to the following reasons. Investors open business in their native country in the spheres, in which they have achieved success outside their native country. Trying to bring their experience, the latest technological developments and management, the representatives of the diaspora are often forced to make unnecessary expenses here, as on this way, there are plenty of problems most often due to non-compatibility of the profile of their economic activities in the diaspora with the local needs. That is why most often in their home country, they face the necessity to diversify their activity, spend more money than they have planned and expect fewer dividends. Therefore, it is obvious that the main reason to continue their activities in the home country is the emotional component of their motivation.

The Context of Kinship Network Relations

It is worth paying attention to one significant factor that determines the emotional content of the motives for the participation of the Armenian diaspora in the economic relations between donor and recipient countries. It is mainly connected with the institute of blood kinship, which by virtue of the tradition of the big family, "gerdastan", is present in the value system of family and kinship relations. It seems to be in the context of these values that the social network, in which an intensive informational exchange, and the tradition of cooperation take place. That is why it is necessary to consider the role of traditional values in the formation of social networks between spatially dispersed relatives. The new social networks are the basis for the study of ethnic-social constituent of the economic relations of the diaspora and homeland.

The vast majority of Armenian residents and diaspora members perceive the existence of spatially diffuse social networks, based on kinship ties, the nature of their functioning, and their potentialities. It manifested itself during sociological research (archive) when we recorded the striking awareness of respondents about the lives of former residents of a given settlement living elsewhere, in the capital and outside the republic, as well as the awareness of emigrants about their relatives, neighbours, and fellow countrymen, who remained in their homeland. In the person of their relatives, and fellow countrymen, they form an image of a real social network, which has a serious resource to secure their interests both in their settlement and beyond its borders. And in respondents' perceptions this network has spatial extent, strength of ties and potential of opportunities.

For members of kinship groups, space acts, in one case, only as an obstacle and cause of costs (related to crossing borders, obtaining citizenship, arranging housing, etc.) in achieving their goals, and in the other, as a field of activity, which, depending on the content of interconnections within networks, can expand or, conversely, narrow. In both cases, they see space as a certain abstract phenomenon, while the social network, members of which they imagine being, is quite real. The degree of kinship, spatial localization, occupation, position in society, income, etc. are the criteria, from which the resource capabilities of the members of this community are drawn.

According to sociological research data, carried out by the authors in Armenia, already in 2005, 40% of all urban residents of the Republic had close relatives and 20% had distant relatives, living abroad. Today, it seems that besides the economic, social, and psychological factors of reproduction of the relationship between the diaspora and homeland, the important role is played by the institute of blood kinship, attachment to neighbours and fellow countrymen, which become a condition for the functioning of social networks that connect representatives of the Armenian ethnic group in their own and foreign environments.

Table 2.

Existence of Close and Distant Relatives Living Outside the RA and the Degree of Kinship in %, According to the Sociological Survey of the Population of Armenia in 2005-2007.

		city	village
Host country	RF	83	85
	Countries of the ex-USSR	9	5
	European countries	9	8
	CUSA and Canada	18	5
Kinship degree	Close relatives	49	55
	Uncles, aunts, etc.	17	75
	Distant rlatives	27	56
	No relatives	34	7

It should be noted that in addition to the historically established diaspora in the countries of Europe, America, and the post-Soviet space, a new contingent has formed, consisting of people from Armenia and the CIS countries. In this new diaspora, kinship relations are of particular importance, which, with the spatial dispersion of relatives, acquire a network texture. The overwhelming majority of the Armenians, interviewed in the diaspora and Armenia, is aware of these networks, the character of their functioning, and their potentialities. Moreover, each type of the RA settlement has its own network potential of family ties, in compliance with which you can explore possible attendant or proceeding from this process further movements, financial flows, exchange of technologies, economic changes, and so on. Among the five cities in Armenia, Gyumri is distinguished by the largest number of people who have close relatives living outside the republic - more than half of the respondents (55%), which is understandable. Part of the Gyumri people, survivors of the disastrous earthquake, actively emigrated to Russia, and some groups emigrated to the countries of Europe and America. And as usually, due to the emigration of the youngest generation, this process led to the separation of families. According to the data, the closest to Gyumri is Gavar, which, together with the surrounding villages, differed from other regions in long- standing traditions of economic (labour) connections with Russia. Then comes Kapan, which lived through the difficult years of bombardment, and the collapse of industrial production. Ijevan and Yerevan had the lowest indices (Karapetyan, 2014). As for rural settlements, the pattern is as follows: the larger the settlement, the higher it is located in the area; the closer to large cities, the higher the data on the presence of relatives and friends outside the Republic (Karapetyan, 2014).

What connects these people with the homeland besides their relatives and dears? Apparently, the property they left in Armenia - real estate, enterprise, or business. The presence or absence of these signs of communication may indicate, on the one hand, a full detachment from the place they left (decision not to return), or on the contrary, keeping when leaving Armenia "just in case" a spare airdrome if they failed at a new place. On the other hand, the existing property shows the desire of an emigrant to have real estate, production, a business in the homeland, where his relatives can guarantee the safety of this property, manage a business, etc. The latter, in all appearances, is a kind of help to the close relatives and dears, who remained at home, in the motherland. It is no coincidence that the first ones make up two thirds among the people who left their property in Armenia, and the second ones are only a few, comprising one tenth part. It is not accidental either that people from Armenia living in Russia have more property in the homeland (over two-thirds of the respondent relatives of the emigrants) than those living in Europe, the former Soviet Union, the United States, and Canada. The factor of distance, transparency of borders (possibilities of border crossing), and historical closeness of Armenia with these countries act here.

Interconnections between the homeland and the diaspora function this way, in the context of social relations, formed on the base of the institute of blood ties in the Armenian ethnicity. At

this, the economic component of these interrelations, in addition to the simple help of close relatives and nears can be determined by the activity profile, and the social and demographic composition of the emigrants themselves.

Numerous examples of mutual assistance between consanguineous relatives, diffused in many countries, testify to the strength of the kinship tradition. One of this examples is here, when the respondent first worked in Vladivostok last year, then trying to find some job, he went to Bashkiria to his uncle, who was working as an asphalt pavement worker (for 7-8 months a year). Then he went to Volgograd to his sister (she had been living there with her family for several years), and afterwards he went to Sochi to another sister (she had a house with her family, and had settled down in this city). Our respondent stayed in Sochi for three or four months, worked there at a construction site and finally, in November, he came back to his village in Armenia. During his trip to Russia his relatives actively found a job for him in every city, and he chose the one he liked. At this, his relatives living in Russia helped him and his family to get Russian citizenship. In the same village, a relative living in the USA bought a rural supermarket for one of the village residents, repaired it and gave it to him to support his family. A relative from France bought the premises of a former enterprise for another resident of the same village, and gave him a chance to earn money on euro-packages.

Another villager who had to undergo an expensive heart operation, he received financial support from his relative living in France. This is only one village, and many such instances can illustrate mutual help and strong emotional connection among the consanguineous relatives, separated by the borders of different countries.

Conclusion

The motives of economic activity of diaspora representatives in their home country depend on numerous factors of general and specific nature. General factors are determined by the state of donor and recipient countries - historical development, place in the regional or world system of economic relations, ethnic-social parameters of the population, system of values, etc. Factors of a specific nature are conditioned by personal and group features of consciousness and activity, which are based on demographic, social, and cultural differences, structures of economic activity. It should be pointed out that the study of the motives of entrepreneurial activity of representatives of the diaspora in the homeland has not only economic aspects, but significant emotional aspect as well. This requires a profound study of psychological, and socio-normative approaches to comprehend the nature of forming the motives for such behaviour.

The investment activity of the diaspora Armenians in their homeland is determined by the complex interrelations of economic and non-economic motives. The expediency of an entrepreneur's economic activity is dictated by the real conditions conducive to achieving success, that has certain limitations in Armenia. Therefore, the system of values formed in an ethnically marked environment, with all its components, can be present in the motives of economic activity in the homeland. It can be assumed that the ethnic-social factor of motives is the main factor in the disposition of representatives of a part of the diaspora to establish and develop economic activity in their homeland. Therefore, the scope of the problem itself and the methodology of its study require multifaceted empirical research aimed at achieving knowledge from such an important source as the witness and participant in the events.

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METHODOLOGICAL ANALYSIS OF STRATEGIES AND TACTICS IN LITERARY DISCOURSE

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Abstract: The objective of this paper is analysis of the prevalent strategies and tactics of evaluation used in the literary discourse. Evaluation is regarded as a cognitive-communicative phenomenon. It is viewed as the essential part of human comprehension and reflection of the outer reality. The pragmatic aspect of strategies and tactics is considered as the major means of expressing the author's intention and the goal. All evaluation strategies and tactics used in the literary discourse are divided into two groups: semantic and pragmatic. The semantic strategies consist of the persuasion strategy and the discrediting strategy, and the pragmatic ones contain the emotive-tuning strategies and the self-presentation strategy.

The results achieved confirm the idea that strategies and tactics of evaluation must undergo profound and detailed analysis in order to reveal the complex process of communication in the literary discourse.

Keywords: evaluation, evaluation strategy, evaluation tactics, literary discourse, semantic, pragmatic.

Introduction

In the process of cognition of the surrounding world, a human being inevitably assesses the events of objective reality demonstrating the personal perception and understanding of them that can revealed through the language. As far as evaluation is one of the tools of cognition, it is identified as a powerful way of influence on human consciousness, and formation of its value worldview.

This way, the power of evaluation in cognition may be diverse because appraisal is an all-pervading process which is characteristic of most aspects and activities of individual's existence. That is why assessment is cognitive-pragmatic in its very essence.

Moreover, evaluation as a communicative concept is considered to be a specific language means that reveals expressive and emotional attitude of the speaker to the utterance, and is mainly connected with the pragmatic purpose of communication.

In modern scientific discourse evaluation is determined as as a wide cover term for the expression of the speaker's approaches, opinions, ideas, standpoints or suggestions as to what they are talking about (Ananko, 2017; Thompson &

Hunston, 2000, p. 5; Bigunova, 2017, 2019; Prihodko, 2016; Myroniuk, 2017). In other words, the speaker attempts to make the interlocutor change their own vision of various facts and share these attitudes and views expressed by means of value judgments.

The investigation of anthropocentric phenomena comprising appraisal is the productive aspect of communication studies. This research is an attempt to determine, classify and characterize the chief strategies and tactics of evaluation manifested in the literary discourse from the point of view of cognitive and communicative linguistics.

Present-day linguistics based on discourse analysis investigates the process of communication from the perspective of its participants. Therefore, the problem of selecting proper communicative strategies and tactics (Issers, 2013) is of utter importance for scientists. Appraisal strategies and tactics are represented by a set of strategies and tactics of communication, the study of which is still underway because there are not many investigations in this field (Iskakova & Islam, 2020; Azimova, 2021).

The *object* of this paper is the analysis of evaluation strategies and tactics manifested in literary discourse.

The *purpose* of this article is to represent a linguistic approach to characterization of strategies and tactics implemented in literary discourse.

The application of modern methodology provided by communicative and cognitive linguistics enables to reveal the innovative ways in the research of assessment strategies and tactics. They can be viewed as the stages focusing on the understanding of the discourse's pragmatic goals.

The *material,* which is subjected to analysis, was a selection of approximately 340 citations from the works by contemporary British and American writers. The criterion of the selection was the existence of evaluative words and word combinations in the utterance.

Methods and techniques are determined by the purposes, the material, the theoretical character of the paper and are of complex character. They integrate theses of the cognitive theory and pragmalinguistics. The essential points of Evaluation Theory and of the Theory of Discourse present basic ideas for the linguistic investigation (Arutyunova, 2012; Dijk, 2009; Myroniuk, 2017; Prihodko, 2016, 2018; Volf, 2009). The aim of discourse analysis is to represent language facts within various contexts, namely cognitive, cultural, situational (He, 2017) and at the same time to single out linguistic means by which we can structure the reality.

Problem of Contemporary Discourse Studies in Linguistics

The term "discourse" has a long and eventful history. It emerged in Latin as "*discursus*" and denoted "to run back and forth" back in ancient times. At present, this notion is used in all spheres of science and is still keeping its advancement in various fields of the human knowledge.

The previous century generated the new scientific paradigm which combined the achievements of functional approach with those of cognitive one. This paradigm has become dominant in modern language studies. It was based on the legacy it has received from the preceding paradigms, mainly from basic ideas comprising the current field of scientific research. Its development resulted in reinterpretation of numerous language phenomena, even the definition of language was reformulated in terms of mental processes performed by the individual.

Some linguists state that "in this new paradigm, the language is considered as a peculiar sign system, which permits the person to treat their own kind for the purpose to exchange the information or to apply it any other way and provides us with different forms of human behavior studies in general" (Aleksandrova, 2017, p. 298). Through this position, the language serves as the means of cognition within the communication with the help of which we can solve and explain communicative-pragmatic tasks.

Most modern scientists state that discourse studies are aimed at the analysis of phrases or sentences, and of the context which is not only linguistic, but also extra-linguistic one (Bax, 2011; Fei et al., 2013). Evidently, the language is not just a tool of reflection, as far as it possesses the power of both representing, constructing and transforming the reality. An essential idea of discourse studies is that language is viewed as the basic constituent of building the individual worldview (Hart, 2011; Babelyuk & Aleksandruk, 2018). Thus, to examine the discourse it is

particularly relevant to take into account the fact that the outer reality is constructed by the discourse we apply.

Studying discourse, researchers do no disregard its main object, that is the language. Discourse is a new concept which emerged in the linguistic studies before the end of the 20th century. In the image of discourse, the language turned to the linguist with its extraordinarily complex dynamic side. It requires an exploration for new approaches and techniques that are different from traditional ones.

Now, there is no agreement on the meaning of the term "discourse" and its parameters. This is due to the fact that discourse classifications are based on various principles

The structure of discourse includes both linguistic and extra-linguistic constituents, which work in communicative process in a particular context. Consequently, analysis of discourse has to take into consideration not only its universal features, but also specific ones peculiar of its type (Baker, 2006) which can depend on its topicality or chronology.

Discourse possesses definite components: the addressee, the addresser, the aim, the time limit, the social and cultural context. It should be noted that these constituents are mandatory in defining the discourse type, as they are in the focus of linguistic investigation.

In our paper we consider discourse as a coherent text in combination with extralinguistic (pragmatic, socio-cultural, psychological and other) factors; communicative process is characterized as an intended social action, as a relevant element of people's interaction and the mechanisms of their consciousness (cognitive processes).

Strategies and Tactics of Evaluation

It is common knowledge that the writer's communicative aim of assessment is always connected with the search for sufficient ways and means of its expression. These language means are selected not randomly, but are combined within a range of steps that all contribute to the author's intended purpose.

The terms "strategy" and "tactics" derive from Latin, and were originally used in warfare theory, in which "strategy" denotes "coordinated application of all the forces of a nation to achieve a goal" (Britannica Concise Encyclopædia, 2006, p. 1829), whereas "tactics" means "the art and science of fighting battles, and deals with the problems encountered in actual fighting" (Britannica Concise Encyclopædia, 2006, p. 1861). Both terms have expanded far beyond their original military meanings, and were incorporated into the terminological apparatus of many other sciences, including linguistics.

The notion "strategy" has developed its semantics in language studies, where it is currently regarded as:

- a pattern of realization of the author's intention in discourse with the help of different language means (Drewniany & Jewler, 2010, p. 130);
- a combination of successive speech acts which express the aims of communication (Cook, 2006, p. 172);
- specific organization of communicative activity influenced by peculiar social context and individual characteristics of interlocutors (Dijk & Kintsch, 1983, p. 54).

From our viewpoint, the most appropriate definition of strategy in terms of discourse studies is its explanation as an integrity of actions of speech targeted at the reaching the speaker's pragmatic goal. This definition gives us the foundation to consider strategy as a fundamental concept of cognitive-communicative approach to literary discourse analysis.

There exist various interpretations of the notion "communuicative tactics". They can be determined as certain means of a strategy realization (Chernjavskaja, 2006, pp. 45-46), a sequence of speech acts that provide efficient implementation of the strategy (Issers, 2013, p. 110), a series of particular tools which serve to express the message and the intention of the author. The tactics are also considered to be the stages of communication that help to meet the general strategic goal.

These stages are realized by a complex of speech acts involved in representation this or that strategy (Coleman & Ross, 2003, p. 8). We consider the most appropriate definition of communicative tactics as a combination of communicative actions in terms of linguistic and non-linguistic means that contribute to the productive carrying out of a certain strategy.

All evaluation strategies and tactics used in

the literary discourse are divided into two groups: semantic and pragmatic.

The semantic strategies consist of the persuasion strategy and the discrediting strategy, and the pragmatic ones contain the emotive-tuning strategies and the self-presentation strategy.

The strategies of evaluation are represented in a discourse (in our case, in literary one), by means of local tactics corresponding to particular discourse components.

The semantic strategies are represented by the following local tactics:

1) nomination (making up names of phenomena);
2) predication (correspondence of names with environment);
3) thematization (integration of meanings into a single entity);
4) stylization (choice of proper lingual means providing the discourse with intended connotations in particular contexts);
5) topical division of discourse;
6) integrity of language units in the discourse.

The pragmatic strategies involve the tactics of:

1) recognition of the existence of the problem;
2) accusation and reproach;
3) disagreement;
4) ways to solve the problem;
5) gratitude and recognition of merit;
6) tactic of indication of success.

To demonstrate the above mentioned statements let us resort to the instance below:

"Soames watched him for a moment dance crazily on the pavement to his own drawling jagged sounds, then crossed over to avoid contact with this piece of drunken foolery… What asses people were!" (Galsworthy, 2013, p. 2009).

In this utterance the word *drunken* preserves its denotation (alcohol-intoxicated). This meaning is mandatory one, but in the passage we observe the transference of the feature attributed to a person's condition to their conduct. The reader's attention is mainly concentrated on analogous characteristics considering its originality and incongruity between conventional and contextual signifier (*piece of foolery of drunken man*).

Besides, the lexeme *drunken* retaining its denotative meaning implies the communicative-pragmatic meaning of "disregard" expressed by Soames. The marker of this scornful attitude of the character is the word *ass* which adds negative meaning to the whole context. Somes's inner speech which is based on the oppositions "right – wrong", "good – bad", reveals the pragmatic strategy of negative evaluation.

The following fragments of literary discourse illustrate the implementation of strategies and tactics of evaluation:

"Bartlett began quietly, "The patient was referred to me on May 12." "A little louder, Gil." The request came from down the table. Bartlett raised his voice. "I'll try. But maybe you'd better see McEwan afterward." A laugh ran round the group in which the e.n.t. man joined" (Hailey, 2015, p. 38).

The pragmatic aim of this utterance is the hidden mockery of the speaker. It is realized with the help of the phrase *but maybe you'd better see McEwan afterward* which expresses contextual irony (as Mr. McEwan is an otolaryngologist and both interlocutors' colleague). In this situation the hint displays the author's strategy of negative evaluative characterization of one of the heroes which becomes clear only for those familiar with the context of the novel. It is a conscious discourse strategy of an author to imply real assessment rather than explicate it.

Let us resort to another case representing evaluative strategy:

"'Dad,' I said, 'you don't seriously think your letter made them give you a prize?' 'Three prizes!' Course it did! I got 'em rattled. They said to themselves, this Harry Bates is no fool. He's going to cause trouble if we're not careful" (Lodge, 2008, p. 171).

In the example above, the utterance, though interrogative in form, conveys the character's negative evaluation of his father's actions, which is further intensified with the negative auxiliary *don't* and the adjective *seriously*. Though verbalized with the help of emotionally neutral words, the statement jokingly insults the person addressed.

The speaker is so surprised with his dad's deed that he expresses a massive disbelief of what he finds out about it. This is implied by the type of question which is obviously rhetorical. Its communicative intention is not to interrogate, but to demonstrate the speaker's utter astonishment at his interlocutor's ridiculous behavior and claim his foolery, which becomes clear from the sentence form (direct word order is characteristic

of statements rather than questions). This implicit communicative strategy of mockery reaches its aim, as dad decodes the message correctly and responds to his son that *this Harry Bates is no fool* (speaking so of himself).

The example below demonstrates another representation of evaluative strategy and corresponding tactics in modern literary discourse:

Ernie's blood was up. "Foolproof depends on the size of the fool." "Witty homily, that." My sarcasm disgusted me. "You must be a genius in Scotland" (Mitchell, 2004, p. 313).

The juxtaposition of the explicit praise and the implied mockery in this example is actualized by contrasting the positively-coloured lexemes *witty* and *genius* with the negative, even derogatory *fool* in a narrow context. Sarcasm is the effective tool of negative evaluation, though if not mentioned in the utterance it could hardly be recognized by the recipient unaware of the context. The communicative goal of the speaker is to scoff the interlocutor, and the way to reach it is indirect.

We can observe the same in the following example:

"The Gas Ring of Ernie flared. "Where I stop isn't for you to pass judgments on, Timothy Cavendish!" (A Scot can turn a perfectly decent name into a head-butt.) (Mitchell, 2004, p. 313).

When the speaker addresses anyone directly, they tend to use the latter's full name only in official situations, as it sounds solemn and somewhat pompous. In the statement above, on the contrary, the full name thrown in the addressee's face is intended to serve as an insult and demonstrates the speaker's disregard of the interlocutor. This intention is disclosed via parenthesis that clarifies the communicative goal of the utterance.

Another case of literary discourse represents the usage of pragmatic strategy and tactics for achieving implicit evaluation:

"Gawky boys, unblessed by charm or other human attributes like empathy and generative grammar, cleverer cousins of the fools I had smashed at chess, leered as I struggled with concepts they took for granted" (McEwan, 2012, p. 11).

The utterance under discussion is an illustration of an implicit expression of a negative appraisal by means of the indirect reference. The choice of the manifestation of the situation components is explained by the implication as one of the main forms of nomination, and by the wish to expand on the features of "gawky boys". The implication can be both an indication of the protagonist's unwillingness to offend those boys with direct characterization, and at the same time draw parallels with their physical and mental abilities.

The negative assessment is achieved by the usage of the words *"fool", "unblessed",* which are explicitly negative. We can observe the implication in this statement which is based on the contrast between the descriptions of their appearance and intelligence. Also the narrator combines in the passage the descriptions of the boys and himself, thus trying to put himself in the best light by means of repetition of the pronoun "*I"*.

As far as literary discourse represents the changing and dynamic reality as projected in our mind and reflects in the process of cognition, the inventory of the evaluative strategies and tactics employed in it can be extended since the discourse is the result of socially conditioned communicative activity.

The communicative strategies and tactics of evaluation take part in the creation of value worldview by constructing people's attitudes, opinions, ideas, thoughts. All this can't be achieved without the integration of language studies with other sciences (psychology, sociolinguistics, linguoculturology, linguistic anthropology, etc.).

Conclusion

This study has explored the expression of evaluation strategies and tactics in the literary discourse.

The typology of strategies and tactics of communicaton is suggested within the framework of the opposition "theory - practice", in terms of which strategy is a complex of intended discourse stages that are manifested in the process of speech interaction and targeted at attaining an appropriate pragmatic aim. Communicative tactics can be considered as the inventory of speech actions applied by interlocutors in communication practice.

The analysis revealed that the studied discourse both informs the readers and contributes to the formation of their evaluative attitude to the events described. The strategic plan determines

the choice of means and methods of its implementation; therefore, communicative strategy and communicative tactics are related as genus and species.

Evaluative strategies and tactics in the literary discourse are directly linked to different communicative intentions and illocutionary forces, and create a unique intentional context. They form the conceptual integrity of this type of discourse, permit expressing more than words mean and represent extra-linguistic, contextual or mental (estimating) interaction of communicants thus comprising the global meaning of communication. It expresses the pragmatic principle of human communication.

In the further studies, it will be promising to resort to comparative analysis of the ways evaluation strategies and tactics are realized in different types of discourse.

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DIALECTICS OF SCIENTIFIC REVOLUTIONS FROM THE POINT OF VIEW OF INNOVATIONS THEORY

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Abstract: It is shown that the difficulties that appear during attempts to uncover the mechanisms of changing of scientific paradigms can be overcome by consistent application of the apparatus of dialectics and by the interpretation of science as a social institution that produces intangible assets. This interpretation demonstrates analogy between T. Kuhn's theory of changing scientific paradigms and the theory of innovation cycles, which goes back to the works of J. Schumpeter. The fact allows one to consider the production of intangible assets by the methods of institutional economics. The basic dialectical contradiction in this interpretation is the contradiction between the innovativeness of a set of ideas that form a new paradigm and ensure the systematic generation of intangible assets, and its liquidity. The liquidity of intangible assets is primarily determined by the extent to which society is ready to accept new ideas and views. The resolution of the identified contradiction is carried out through a cyclical change in resistance to innovation. The period of dominance of a certain paradigm ends when it exhausts the potential of its development, which determines the finiteness of the life cycle of any scientific paradigm, just as the life cycle of any innovation is finite.

Keywords: innovation theory, dialectics, scientific revolutions, post-non-classical science, epistemology, science of science.

Introduction

The question of the regularities that determine the nature of the development of science is one of the central questions in the modern history and philosophy of science (Ladyman, 2012; Irvine 2012).

At present, the model of scientific revolutions has become widespread; the most frequently cited work, in which the corresponding point of view is stated, is the monograph by T. Kuhn (1996).

According to T. Kuhn, the period when the development of science fully corresponds to the cumulative model is finite. This period is called the period of "normal science", when there is an

accumulation of scientific results found in solving the next problems according to generally accepted patterns and methods. In each of the periods of "normal science" a certain paradigm dominates. According to T. Kuhn, the scientific revolution is a change in the dominant paradigm, expressed in a change in the interpretation of the main scientific results and achievements obtained earlier, and most importantly, in a change in the basic approaches to obtaining new scientific results, the methodological basis for the development of science.

Based on the logic of T. Kuhn, it can be argued that the transition from one paradigm to another is only indirectly connected with the own logic of the development of science, it mainly depends on what kind of resources – informational, economic and political – the supporters of a particular paradigm have. However, the mechanism that leads to a paradigm shift remains poorly understood.

As noted in (Platonova, 2017), the change of paradigms, as understood by T. Kuhn, – is rather a psycho-sociological process that is loosely connected with the existing empirical base or logical constructions, as a result of which the scientific merits of any paradigm always remain relative. T. Kuhn (1996) gives an example of chemistry and thermodynamics of the era of dominance of the phlogiston theory. He emphasizes that "these once generally accepted conceptions of nature were on the whole neither less scientific nor more subjectivist than those prevailing at the present time," and this is precisely the conclusion that any historian of science who has studied this issue in sufficient depth will come to.

Examples of this kind lead to a well-defined dilemma, which is one of the starting points in T. Kuhn's constructions. Namely, if certain obsolete concepts "If these out-ofdate beliefs are to be called myths, then myths can be produced by the same sorts of methods and held for the same sorts of reasons that now lead to scientific knowledge" (Kuhn, 1996, p. 2). On the other hand, if they are to be recognized as scientific, then it turns out that science must include "If, on the other hand, they are to be called science, then science has included bodies of belief quite incompatible with the ones we hold today" (Kuhn, 1996, p. 2).

The conclusion that T. Kuhn (1996) draws on this basis leads to a whole range of questions, the answers to most of which are still unanswered: Can scientific development be regarded as a mere increase in knowledge?

Continuing the logic of T. Kuhn (and his followers/critics, including, in particular, I. Lakatos), it should be concluded that there are no guarantees that the next paradigm will be more "perfect" than the previous one. This conclusion is very important against the background of criticism of objectivism (interpreted through the requirements of scientific rigor and accuracy of research in the positivist sense), which is very common in modern literature on the humanities (Cooke, 2000). To replace evolutionism and objectivism in the humanities in the second half of the last century came relativism and cultural analytics (Ionin, 2000; Manovich, 2016).

Moreover, T. Kuhn's conclusion makes the notion of progress deliberately ambiguous. (The fact is also reflected in the current literature (Ionin, 2000).

Thus, the creator of the theory of interpretation of cultures, Clifford Girtz (Alexander, 2008), argued that – "Research is successful if it is more insightful than the previous ones, but it does not stand on their shoulders, but runs alongside them in a race" (Girc, 1997, p. 194). Points of view of this kind are fully consistent with the ideas about the formation of post-non-classical science (Lebedev, 2013, 2014; Arshinov & Lebedev, 2007).

As noted in (Lebedev, 2013), the program of social and socio-psychological epistemology and philosophy of science was stated in the works of M. Foucault, T. Kuhn, representatives of the institutional and cognitive sociology of science (N. Collins, A. Storer, E. M. Mirsky, E. A. Mirskaya, A. N. Avdulov, A. Yurevich, M. Barber and others). The works of these authors emphasize the social nature of science and scientific knowledge (Lebedev, 2013). Specifically, we are talking about the integration of science into broader cognitive systems and contexts, about the dependence of the nature of the functioning and development of science on factors of a social nature. It is significant that the latter are understood not so much as factors of a material nature (economic, technical and technological problems and the needs of the development of society), but as socio-psychological and scientific-organizational ones (methodological stereotypes, the degree

of demand for creative personalities, creative and innovative thinking in society and science and etc.).

The work (Lebedev, 2013) also emphasizes that "an important direction of modern post-nonclassical epistemology and philosophy of science was the cultural and historical analysis of the functioning and development of scientific knowledge", which was most developed in Russian-language philosophical literature at the end of the 20th century in the works of V. S. Stepina, M. K. Petrova, M. K. Mamardashvili and others.

However, it should be noted that the thesis about the formation of post-classical science faces quite definite criticism, which is given precisely from the standpoint of analyzing the change in the social role of science in modern society. Specifically, the following judgments are given in (Nikiforov, 2013).

V. S. Stepin and his followers associate the post-nonclassical stage of the development of science with the widespread use of interdisciplinary and complex research, with computerization and the use of expensive instrumentation systems (Nikiforov, 2013), but the most important thing is that "in the … process of determining research priorities, along with cognitive economic and socio-political goals are beginning to play an increasingly important role".

One of the main theses underlying the ideas about the formation of post-non-classical science in the last quarter of the 20th century is the thesis about the change in the types of scientific rationality. In (Nikiforov, 2013), the point of view of V. S. Stepin and his followers is described through the following visual diagram.

The classical type of rationality: the scientist is guided by intra-scientific values, striving to ensure that knowledge about the object under study does not depend on the means of obtaining it and the characteristics of the cognizing subject itself.

Non-classical type of rationality: the knowledge obtained depends on the means of obtaining it (to substantiate this point of view in the literature, as a rule, philosophical provisions based on the achievements of quantum mechanics are used).

Post-non-classical type of rationality: knowledge depends not only on the means of cognition, but also on the characteristics of the subject of cognition, and social values and goals are added to intra-scientific values.

According to A. L. Nikiforov (2013), this scheme describes not so much the development of science as it reflects the change in the place of science in society, specifically, its reorientation towards applied knowledge (moreover – towards achieving direct commercial results from scientific and technical activities).

This state of affairs is due to obvious factors. As soon as the achievements of science began to be used on a mass scale, as soon as its professionalization was completed, science as a social institution began to increasingly fall under the power of capital, primarily large capital. Hence, there is now a steady desire to convert science into a direct source of profit, and this point of view is being put into practice at the level of political decisions. As A. L. Nikiforov (2013) shows, in modern conditions, scientific knowledge becomes a commodity, and a scientist becomes a hired worker producing this commodity. However, this thesis of A. L. Nikiforov needs to be clarified: in modern conditions, the results of scientific activity become a commodity of wide (almost mass) demand; industrial espionage and the resale of technological secrets are by no means an invention of the 20th century.

Nevertheless, the A. L. Nikiforov's statements are quite convincing. The emphasis in scientific activity throughout the 20th century is clearly shifting from the "High comedy of science," in the words of Maximilian Voloshin, to the "social values and goals" that supporters of the post-nonclassical science thesis talk about.

Based on such considerations, the cited work (Nikiforov, 2013) states that "there is no post-nonclassical science, but there is a growth in applied research with its own extra-scientific goals and values, with its own standards and norms".

Obviously, both the arguments of the supporters of the thesis about the formation of post-non-classical science and the arguments of its critics, at least, have the right to exist. More precisely, there is a quite definite contradiction, which is of a fundamental nature, in the sense that it expresses the inconsistency of the very foundation of science, the dialectical nature of its development.

The purpose of this work is to build a dialectical model for the development of science as a social institution.

Methodology: Dialectics as the Basis for Building a Model for the Development of Science

Attempts to apply dialectics to the interpretation of the nature of the current stage of the development of science are known, one example is the work cited above (Girc, 1997). In the final paragraph of this article, it is stated that "...the most adequate and universal among all paradigms of scientific knowledge is the concept that we call positive-dialectical epistemology".

The approach of (Girc, 1997) to a certain extent corresponds to the ideas of classical dialectics: the structure and dynamics of scientific knowledge is woven from contradictions (understood in the spirit of dialectics), and this circumstance is fundamental. In cited report it is also stated that science and scientific knowledge are not just complex, but dialectical systems, i.e. systems characterized by opposite properties. The fundamental inconsistency of science and its development is expressed, in particular, in the existence of concepts that absolutize certain of its facets.

As rightly noted in (Girc, 1997), empiricism absolutizes the importance of the empirical level of knowledge in science and the data of observation and experiment as the basis and criterion for the truth of scientific knowledge, while theoretism, on the contrary, exaggerates the relative independence of theoretical knowledge in relation to the experimental data of and its role in scientific knowledge.

Similarly, irrationalism exaggerates the role of intuition and the personal dimension of scientific knowledge and cognition, while pragmatism deliberately exaggerates the dependence of scientific knowledge on practical activity and underestimates the ideological significance of scientific knowledge (Girc, 1997). There are a number of other oppositions: internalism – externalism; essentialism – instrumentalism; methodologism – constructivism; naturalism – culturalism; objectivism – humanitarianism; positivism – transcendentalism; individualism – sociology. All of them reflect the objective contradictions inherent in any reflection of what is, both at the level of philosophy and at the level of specific sciences.

However, positive-dialectical epistemology, as follows from the text (Girc, 1997), only states the existence of contradictions, while the consistent application of dialectics provides for their resolution in the spirit of the law of unity and struggle of opposites. We are talking about the application of Hegel's triad "thesis - antithesis – synthesis" to those contradictions that were listed in the final paragraph of (Girc, 1997).

Dialectical Model of Science as a Social Institution

Continuing the logic of V. S. Stepin and his followers, as well as taking into account the criticism of the thesis about the formation of post-non-classical science (Nikiforov, 2013), one can conclude that the development of science (as a social institution) should be considered, first of all, from the standpoint of both institutional economics and applied philosophy.

This approach gives possibility for solving at least one fundamental contradiction that characterizes science as a social institution - the contradiction between science as a means of making a profit and as a self-sufficient civilizational value associated with the generation of new knowledge. We emphasize that namely this contradiction de facto was discussed in cited above report (Nikiforov, 2013).

The following thesis is the basis for this work. Science – is among other things, a social institution that creates intangible assets that can be converted into tangible or financial assets in one way or another. (Formulation option: the main role of science as a social institution has been and is in the generation of intangible assets.) In this regard, it is appropriate to emphasize that economic thought has long operated with such categories as "human capital" (Zhang & Xiaojun, 2021; Bosi et al., 2021), "social capital" (Millon Cornett et al., 2021; Alfano, Ercolano, 2021; Bäker et al., 2021), etc.; notions about intangible assets are by no means unusual.

The above statement de-facto is a broad interpretation of the well-known Marxist thesis, which treats science as a productive force. The need for a broad interpretation of this thesis is determined, among other things, by the fact that the conversion of science (as well as pseudoscience) into financial assets in modern conditions is far from necessarily associated with material production (or even with the creation of infor-

mation technologies).

Thus, the concept of global warming, created on the basis of scientific tools, ensured the formation of well-defined markets that are only indirectly related to material production. Even more illustrative in this respect is the formation of a market for "organic" or "ecological" food products, the inflated cost of which is determined solely by the introduction of ecological discourse into the mass consciousness. There is no need to emphasize that the formation of this discourse was almost entirely based on the use of scientific (and/or pseudoscientific) tools (with appropriate PR support, of course).

Finally, there is the concept of "intellectual property", which formalizes the existence of intangible assets legally.

For the concept we are developing, it is essential that, speaking about the creation of intangible assets, one should take into account the existence of assets that de facto become the property of a corporation and the state (more broadly, humanity), and assets that de facto remain in personal use.

Partially, the ownership of such assets is formalized institutionally (legislation in the field of intellectual property rights, patent legislation, etc.). Along with this, there are intangible assets created as a result of scientific (or pseudoscientific) activities, the "liquidity" of which is associated with the existence of well-defined formal (and, more importantly, informal) institutions.

Examples of such assets are the personal (real or imaginary) authority of a particular scientist, the nature of his scientific connections that determine the opportunities for promoting specific ideas, etc.

Thus, it can be argued that the possibility of ensuring self-realization, self-affirmation, etc. can also be considered as a kind of intangible assets. Self-respect and freedom – even if only internal - have always been one of the highest values for a person worthy of that name.

It follows from this that the Marxist thesis of science as a productive force really needs to be revised, taking into account the consideration of intangible assets, which, of course, does not imply a rejection of dialectics as such. Science, under certain conditions, can indeed become a "productive force", but this does not exclude the fact that it itself produces only intangible assets.

In order for these assets to be further converted into material ones, additional efforts are required. In accordance with J. Schumpeter's ideas, only a complex chain of activities leads to the actual creation of an innovation (Swedberg, 1995; Tülüce & Yurtkur, 2015). Recall that J. Schumpeter understood innovation as an invention that has already reached the stage of commercialization).

From the definition proposed above, it follows that other basic provisions of the J. Schumpeter's concept are also applicable to science. Indeed, as soon as we are talking about the production of certain assets (whether tangible or intangible), then at least the question of using the ideas of the theory of innovation is legitimate.

In other words, science can and should be considered as a tool for generating innovations, but this tool in itself is also an innovation and, therefore, obeys the relevant laws.

From this point of view, the periods of scientific revolutions that T. Kuhn speaks of and his sequences fully correlate with J. Schumpeter's ideas about the life cycles of innovations. What T. Kuhn calls a new paradigm is innovation (innovation of a higher order), which creates an opportunity to generate other innovations.

This point of view allows us to remove all the difficulties that are inherent in attempts to explain the change in scientific paradigms, which were mentioned above. If a scientific paradigm is an innovation (albeit of a higher order), then it must obey the same laws as any other innovation. In particular, its development potential and life cycle are finite.

Indeed, the initial potential inherent in one or another scientific idea of a fundamental nature is quickly exhausted. An example here is the history of the development of quantum chemistry.

As is known, the properties of an individual molecule of any substance can be (at least theoretically) predicted by solving the Schrödinger equation for a system containing the corresponding number of atomic nuclei and electrons. The problem is that a problem of this kind, both in classical mechanics and in quantum mechanics, is exactly solved only for a system containing two bodies (the "two-body problem"). In particular, exact solutions for the Schrödinger equation can only be obtained for the hydrogen atom (a nucleus and one electron). The three-body problem is already solved only by approximate methods (in particular, exact solutions can no longer

be obtained even for a helium atom, which includes a nucleus and two electrons).

Quantum chemistry was created as a means of overcoming such difficulties; in its framework, already in the first half of the 20th century, many important and necessary results were obtained, which can be regarded as fundamental. In particular, the method of linear combination of atomic orbitals was developed, a model of hybrid orbitals was created, which successfully described the symmetrical nature of the valence bonds of the carbon atom, etc.

Calculation methods were continuously improved. At present, quantum chemistry has reached the level of implementation of software products that are easy to use and of great practical importance. However, already in the 1980s, monographs on quantum chemistry often argued that many textbooks in this discipline are increasingly reminiscent of programming textbooks. At present, a significant number of papers on quantum chemistry are also published annually, there are also specialized journals, but there is no reason to expect breakthroughs here: even the most significant of the papers published in recent decades cannot be compared (in terms of fundamentality) with those that were made in the first half of the twentieth century.

This situation can be viewed as a particular manifestation of a general pattern. When a basic fundamental idea appears (for example, such a tool as the Schrödinger equation appears at the disposal of researchers, capable of describing atoms and molecules), then the first works will most often be of a fundamental nature, which is confirmed by the entire history of science. The subsequent results obviously cannot be so impressive – everything that could be done quickly and efficiently has already been done. Researchers working in this particular field move to the level of less and less significant problems, while their number tends to grow – success always attracts followers.

For clarity, the generation of a new fundamental idea can be compared with the finding a gold deposit: at the first stages, mining is fast and efficient, but as it is exhausted, it becomes more and more costly.

A more correct wording is as follows. The driving force behind the development of science is the generation of meanings (in the philosophical meaning of this term), i.e. some ideas that can give new field for generation a variety of important projects.

At the same time, one must understand that any scientific discipline that has acquired a complete (canonical) form, formed a certain subject field, its own methodology and tools, is an already completed "project", in other words, a set of already used ideas.

The fact highlights a very definite contradiction. Namely, if science is a social institution that generates intangible assets, then the question of their liquidity inevitably arises, which leads to basic contradictions that determine the uneven nature of its development.

Obviously, the liquidity of an intangible asset depends not only on its own characteristics. For clarity, let us consider the simplest example. A modern astrologer or homeopath can make quite a lot of money from the reputation he has in the relevant circles (this is his most important intangible asset), but his activity certainly could not be successful (financially, of course) if society as a whole had a truly scientific outlook - they would simply start laughing at the providers of such services.

This example shows that the liquidity of an intangible asset depends on how it is perceived by society. A fundamental scientific idea may not be accepted, not even because it is too complex; the history of science demonstrates many examples when the quite interesting scientific publications went unnoticed.

Circumstances of this kind lead to a fundamental dialectical contradiction between innovativeness and liquidity of everything that is characterized by the word "generation of ideas". If an idea is overly innovative, society will not accept it - it will simply be beyond the perception of the majority. If the idea is accepted by the majority (the intangible asset becomes liquid), then the potential for its development begins to be exhausted very quickly. Moreover, the level of innovativeness of an idea easily perceived by society cannot be significant (with rare exceptions).

Namely this contradiction is the basic root of the alternation of scientific revolutions. Completed projects (what T. Kuhn calls "normal" science) can exist for quite a long time, or rather they dominate until their potential is exhausted. Until that time, fundamentally new ideas have practically no chance of being accepted by society, which de facto often does not need new pro-

jects and new design. The time for new ideas comes only when the life cycle of the previous ones ends.

The Problem of the Existence of Objective Regularities in the Development of Science

The issues discussed in the preceding sections are obviously connected with the problem of the existence of objective laws governing the development of science. Indeed, if the emergence of a revolutionary scientific idea is due only to the personal characteristics of the author (mainly his talent and accumulated store of knowledge), then one cannot speak of the existence of objective patterns. The birth of a genius, and even more so the acquisition of a certain body of knowledge by him, can only be considered as a random process.

However, the phenomenon of science as a social institution can also be viewed from the point of view of the modernized theory of the noosphere by V. I. Vernadsky, reflected, in particular, in (Suleimenov et al., 2018; Bakirov et al., 2021). The proposed interpretation of the noosphere can be briefly explained as follows. Consider two people entering into a dialogue. It is customary to say that in this case two individuals exchange information, but this is nothing more than an approximation, and a rather rough one at that. In reality, there is an exchange of signals between neurons that enter the brain of the interlocutors, i.e. interpersonal communication leads to the emergence of a common neural network. Continuing this reasoning, we come to the interpretation of the noosphere as a global neural network.

Further, the exchange of signals localized within the brain of an individual gives rise to such entities as the mind, consciousness and intellect of a person. Similarly, the exchange of signals between neurons of the global neural network generates non-trivial information entities of a transpersonal nature, or rather, a transpersonal level of information processing. The appearance of such entities is due to the fact that the "information capabilities" of neural networks depend non-linearly on the number of neurons - otherwise it would not make sense to create neural networks from an increasing number of elements, as is the case in practice (Shazeer et al., 2017).

At the level of correct mathematical models, this conclusion was substantiated in (Suleimenov, et al., 2022), and in (Suleimenov et al., 2016; Suleimenov et al., 2021), specific examples were presented that illustrate it at a qualitative level. In particular, it was shown in (Suleimenov et al., 2016) that the voting council, under certain conditions, is converted into a neural network, and in this case, the decision is made not by the totality of those who participate in the voting, but by the transpersonal information system formed by them.

Information objects that are formed at the transpersonal level of information processing may have a different nature. One example is any of the natural languages. This is an information object that is by no means localized in the memory of individual people; it exists and develops only through interpersonal communication. Umberto Eco (1968) expressed this metaphorically: "it is not we who speak the language, it is the language that speaks us" (p. 180).

Similarly, science, considered as a system of knowledge, is also a transpersonal information object. Additional arguments in favor of such a judgment are as follows. In accordance with the results of works (Suleimenov et al., 2020; Vitulyova et al., 2020), the human intellect, first of all, should be interpreted as an information processing system. It is obvious that if we consider science, understood as a system of knowledge, from this point of view, then it is impossible not to notice that the processing of information here is carried out precisely by collective efforts. Moreover, the neural network theory of the noosphere, embodied in the works (Suleimenov et al., 2018; Bakirov et al., 2021), makes it possible to reveal the essence and mechanisms of the emergence of the collective unconscious (it is appropriate to emphasize that the conclusion about its existence in the works of both Jung himself and his followers (Gullatz, 2010; Iurato, 2015) was made on purely empirical basis and until recently had no consistent theoretical justification). The neural network theory of the noosphere allows us to assert that, along with the collective unconscious, there is also a collective conscious, in whose area lies the phenomenon of science, understood as a system of knowledge.

Consequently, the generation of new ideas that underlie scientific revolutions can and should also be viewed through the prism of pro-

cesses occurring in the collective conscious (interpreted as a structural element of the noosphere). Such processes have not been sufficiently studied, to put it mildly, but the very existence of a certain organized environment in which they occur allows us to assert that there is a basis for attempts to uncover the objective laws of "collective thinking".

More precisely, already at this stage of research, it can be argued that science as a system of knowledge is a kind of collective reflection: through this phenomenon, the noosphere as a systemic integrity comprehends and reflects itself (and the universe as a whole) also at the systemic - transpersonal - level. Accordingly, the question of the existence of objective laws of the development of science, in essence, comes down to the question of the existence of objective laws of thought. This philosophical problem becomes of practical importance in connection with developments in the field of artificial intelligence systems (Gabrielyan et al., 2022; Suleimenov et al., 2019), but its discussion is beyond the scope of this work.

Further, from the point of view of the neural network theory of the noosphere, the existence of objective laws of the development of science does not at all contradict the randomness of the appearance of one or another set of ideas, which becomes the basis of a new scientific paradigm (as well as the randomness of the birth of a genius). As science develops, the collective conscious comes to a point where resistance to innovation falls (according to the mechanisms) discussed in the previous sections. As a result, the generation of a wide range of very different ideas begins, the vast majority of which remain unclaimed. As an example, we can cite the situation that has historically developed in the field of computer technology, more precisely, its algorithmic basis.

The modern "digital world" is built on binary logic. However, as noted, in particular, in (Ivan'ko & Gasovich, 2016), ternary logic has many advantages over binary logic. Moreover, these advantages were realized in the "Setun" computer created in the USSR in 1959 and its subsequent modifications (Kalimoldayev et al., 2018). This example, among other things, demonstrates the rather complex and contradictory nature of the interaction between science as a system of knowledge and science as a social institution acting as a link with society. From a large number of ideas generated by science as a system of knowledge, a selection is made of those that turn out to be complementary to the processes taking place in society as a whole. Considering that the number of different ideas capable of becoming the basis of a new scientific paradigm was and remains very significant, it can be argued that the objective nature of the patterns of formation of scientific revolutions is manifested at least at this stage - at the stage of assimilation of scientific ideas by society.

However, it must be emphasized that the existence of objective laws of the development of science does not mean that its future is predetermined. The thinking of an individual person obviously obeys objective laws, arising at least from the features of the physiological structure of the brain, but this does not predetermine the direction of mental activity. Similarly, the existence of objective laws to which the collective conscious is subject does not predetermine the vector of development of science. Moreover, it is this factor that makes the establishment of objective laws of the development of science even more relevant. In particular, as shown in (Kalimoldayev et al., 2018) the further development of artificial intelligence systems can go in fundamentally different ways. The choice similar to the choice between binary and ternary logic has not yet been made.

One of the vectors for the development of artificial intelligence systems (Kalimoldayev et al., 2018) implies strengthening of the sovereignty of the individual, but there is also a pessimistic scenario - the degradation of the intelligence of the majority of the world's population.

The establishment of objective laws for the development of science, therefore, can be considered, among other things, as a search for a tool that allows, at a minimum, to exclude the most negative scenarios, i.e. the elaboration of the problems raised in the field of applied philosophy is indeed of urgent practical interest.

Conclusion

Thus, the interpretation of science as a social institution capable of generating intangible assets makes it possible to identify the basic dialectical contradiction between innovativeness and liquid-

ity of the set of ideas that can form a new paradigm. It is this contradiction that gives rise to a change in scientific paradigms: the paradigm, which has high degree of liquidity, suppresses all the others, but this leads to the exhaustion of its development potential, which creates conditions for the development of another paradigm.

This interpretation allows, among other things, to interpret the nature of scientific revolutions with the help of analogy with the theory of innovation cycles, going back to J. Schumpeter's ideas.

Additionally, the report shows that the random appearance of a particular idea (or a person capable of generating such ideas) does not contradict the thesis about the existence of objective regularities that reflect the change of scientific paradigms through the mechanism of scientific revolutions. This is due to the fact that science as a system of knowledge can be viewed as a transpersonal information object. A consistent substantiation of the existence of such objects and their relative independence is given within the framework of the neural network theory of the noosphere.

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SOCIAL PHILOSOPHY

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GENETIC DETERMINISM AND THE PROBLEM OF MORAL RESPONSIBILITY OR IS MORALITY POSSIBLE WITHOUT FREEDOM?

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Abstract: The research devoted to freedom and responsibility proceeds only "inside" philosophical knowledge, and therefore there is a certain limitation. Only the synthesis of ideological positions will allow to open the veil of secrets of human actions. The article states that there are two clearly expressed positions regarding the causes of human behavior: the first is based on the theory of the synthetic evolution and emphasizes its biological (genetic) origin; the second rejects the biological conditionality of actions, because deterministic statements make people perceive their genome as an inescapable fate.

To agree with the lack of freedom means to accept the lack of moral responsibility. Without asserting the truth of the predestination of human behavior, the authors believe that such "philosophical perseverance" can not only lead scientists to a dead end, but also slow down the development of those studies that are associated with the introduction of new technologies, including medical ones based on discoveries in the field of genetics. Therefore, in order to "remove" ethical restrictions, the authors attempted to prove the possibility of freedom even within the framework of deterministic behavior by clarifying the essence of "subordination to the principle", with which moral responsibility is associated.

Keywords: morality, ethics, evolutionary ethics, bioethics, determinism, moral responsibility, genetic reductionism, ethical principle, freedom and subordination.

Introduction

The history of philosophical thinking about moral responsibility is very long. One of the reasons for this interest is connected with the fact that a human being emphasizes his essential dif-

ference from other classes of living beings. It makes him morally responsible, the quality that is based on a special kind of control that can only be exercised by human beings. Another reason is the fear of losing the unique feature which makes possible to implement morally significant actions that entail the responsibility mentioned. It is the fear to lose freedom. Therefore, there is a burning question: does the loyalty of deterministic statements threaten a person's "special status"? For example, can a person be morally responsible for his behavior if it can only be explained by the physical state of the universe and by the laws which control these changes or only by reference to the existence of the sovereign God who leads the world along a predetermined path?

In our opinion, evolutionary ethics advanced in matters of substantiating determinism. It is trying to build a conceptual bridge between biology and human behavior, exploring the system of cultural and biological connection that inspires the evolution of social rules. A change in one system can cause a change in many others because biological systems are interconnected (see for more details Bromberg, 2016). This biological relationship is also projected to social systems. It imposes restrictions on what people are "allowed" to do: genetic determinism as a biological restriction on the one hand and social prohibitions on the other hand. People cannot do what they want because the actions that can cause the following censure need to be regulated by laws and morals. This situation forces people to choose between doing what they freely want (even getting pain, suffering and death) or setting limits on their behavior. However, can we say that did they make this moral choice at all?

In this regard morality is often viewed in a negative context because it can be caused by selfish motives (political, religious, etc.). It has nothing to do with true morality. Despite this judgment the experience shows that the imposition of rules does not generally reduce the quality of human life. On the contrary, carefully formulated rules have great potential to increase it. The widespread imposition of authoritative moral principles and laws effectively reshapes social priorities. It results in the growth of social organization, which contributes to cultural peace, prosperity and productivity. To some extent, social evolution appears as a continuation of the same biological processes observed in lower organisms, where, apparently, a rigid hierarchical organization and effective survival strategies contribute to the life of many living beings. Thus, evolutionary ethics believes that social and moral issues are a consequence of the biological, due to which for many years people not only coexisted but also strived together for a worthy life. Nevertheless, the question remains open: is morality biologically determined and to what extent is a person free in his choice? In other terms: where is the frame of his moral responsibility?

Genetics and Human Self

Since the time of Charles Darwin there has been a tendency to interpret the theory of evolution in terms of a ruthless selfish struggle for survival. Therefore, supporters of the determinist approach, which adjusts morality to biological predetermination are doing their best to expose moral altruism because its existence destroys their harmonious theories. This popular or vulgar has a large number of supporters. It projects biological laws to morality. Their ideological encourager was Richard Dawkins. He introduced the concept in his famous book "The Selfish Gene": our genes are "ruthless egoists", therefore the arrangement of a generous and unselfish society working for the common good is a utopia. Therefore, referring to Hume's law of "is / ought problem", Dawkins sees a way out only in trying to cultivate generosity and altruism because we are "born selfish". To fight the moonlight is a useless thing because you cannot defeat the "biological" one. It is like making people change their height or skin color. Therefore, the question arises: how a creature created in accordance with genetic instructions can challenge the "tyranny of selfish replicators" (Lazarus & Lazarus, 1994). Can "moral learning" be opposed to "genetic determinism"? Otherwise, if the genetic is still not enough to determine human behavior, if we are truly unique among animals in this respect then the search for a rule, from which man has become an exception, becomes a new task.

It seems ridiculous to many people that a gene can plan something, evaluate future results and choose what is best for its abundance. All it can do is the reproduction. Some of its copies will survive and some will not. The gene itself cannot make a choice, it cannot prefer one version of the

future to another, it has no cognitive activity at all. Then how is the choice made?

In our opinion, the idea that morality is derived from the fact that genes have proven their ability to bioinfluence over time, which was extrapolated to moral life, is the biological error. Let's assume that biologists are right, and a person is born with different predispositions to behavior: our desires are caused by our biological nature which manifests itself in different physical and social conditions. For example, an animal may be born with an innate predisposition to reacting differently to others. Humans also possess a genetic plastic predisposition for the formation of affective responses in various social environments. If a person is born with a penchant for learning Chinese he will be more successful if he is surrounded by native Chinese speakers in infancy or Arabic if he is surrounded by native Arabic speakers. Having certain predispositions, a person becomes capable of forming a desire to help others, if he finds himself in a favorable environment, and to manifesting aggression, if he finds himself in an aggressive environment. So does our "biological gift" really enable us to adapt?

Following this logic we will demonstrate how this should work. The population has a gene that manifests itself in the characteristic X: it is good in self-reproduction in a certain environment, which explains the successful evolution of this population representatives of which have such a characteristic. At the same time, the human population should be considered as consciously or unconsciously striving for this genetic success (its own survival, its children, relatives) due to the manifestation of the characteristic X.

Let us take into account the idea that we help other people to impress them (directly) and others (indirectly) with our reliability and to maximize the chances of beneficial relationship with them in the future. It means that in a population prone to mutual assistance such behavior provides the environment in which these genes are reproduced. It can explain the evolution of species or individuals within groups that have the X trait. A person acts as a result of an unconscious desire or a motive hidden from consciousness in accordance with the cliché: "as if" he himself wished for this acquiring success for the future life. But in reality we do not find such patterns of behavior: moral actions are altruistic and cannot be based only on mutually beneficial cooperation for the survival of the population. Moreover, moral actions are often sacrificial, which does not correlate with the evolutionary statement about the priority of one's own selfish interests.

A concern about our genetic future is incredibly weak: few people really think about it. Otherwise, there would be a manifestation of responsibility towards future generations. So far no one has convinced anyone to abandon the release of harmful substances into the atmosphere (hydrocarbons, carbon dioxide, freons, etc.), claiming that it will be more difficult for our grandchildren to exist ecologically if we do not do this. There is a paradox: we want to leave our genes contained in our offspring (if we believe in biological programming) but economic freedom and the desire for a high-quality and dignified life forces us to live here and now without worrying about the future.

Sociobiology tries to find the causes of human moral behavior based on the thesis that as the traits of the human phenotype are determined genetically, it is also an expression of concern, including that associated with the reproduction of our own genetic material. And society somehow "distorts" the fundamental human essence, transforming and masking our true Darwinian goals in accordance with the "necessary" social roles and strategies.

Therefore, the assertion that the "natural" in human nature is a characteristic of lonely individuals who should have an inherent ideology of competitive individualism, seems plausible if people develop in the wild and grow outside of human bonds and parental love. Within these standards our aptitude for the language would be negligible and would qualify as "unnatural" because it should only manifest if we are raised in the linguistic community. We can assume that such an unsocialized infant will grow up to be ruthless, but living moral experience shows that nothing that we observe actually prompts us to think this way. By contrast, toddlers are often friendly, naturally sympathetic to the suffering of others, willing to cooperate, and admirably quick in providing mutual assistance.

If the genetic theory really tries to explain human behavior and its attendant motives and desires it should not start by distorting what should be explained by importing unfounded empirical concepts. Only after we clarify the es-

sence of human nature it will be possible to understand what depends on nature and what depends on upbringing, finding the proper combination of these factors. Both moral and other social encryption messages can be drawn from the synthesis of genetic theory and sociology. To show the inconsistency of this kind of assumptions we first disprove one of the weakest statements on which this theoretical construction rests.

Perhaps this confusion results from Hume's eternal assertion about our inevitable substitution of judgments that "ought" follows from "is". However, in our opinion, this is not entirely true. Facts about human nature are an absolutely necessary part of the contribution to any ethical reasoning, and the biological limitations of human nature are among those that we must notice. For example, keeping prisoners in the cold or dark, depriving them of sleep, or feeding them terribly is contrary to our biological need for warmth, light, sleep and proper nutrition – but this happens – therefore, such a strategy is dictated by others, not biological factors. We do not find anything like this in other representatives of living creatures: neither in polar bears, nor in cockroaches.

There is another example – as sociobiology claims there is a widespread belief, at least among men, that it is "natural" for men to be promiscuous (possibly aggressive) and for women to be loyal (caring and loving), and that this is somehow supported by our biologically asymmetric roles in the production of children.

It is worth mentioning that this story is simplified even from the point of view of evolution. A more realistic model is supposed to take into account both male and female "strategies" to ensure the replication of their individual genes. If everything starts as the traditional history desires, with a population of men with limited educational impulses, but active potential "sperm distributors", and women with less promiscuous tendencies, who are potential "educators". It's easy to see how this might change. Females may be able to find males that are less preoccupied with proliferation and more concerned with parenting, and by choosing them as mates ensure that this becomes a successful trait in males. Males may be more attracted to less caring and more popular females, and this may allow such females to use the energy of males who are most successful in other dimensions and reproduce their own genes more successfully than their homebody sisters.

It is useless to say that everything used to be as it was at the very beginning: the same unconscious spurred genetically motives were the impetus for functioning. To find out what is actually true about people here and now it is necessary to turn to anthropological evidence. Changes in culturally acceptable practices show that there are certain types of plasticity practiced by different cultural settings.

We must understand which of these plasticities is the most successful. Culture matters: morality is not only a reflection of our genetics and biological nature. Nothing should be interpreted in terms of unjustified optimism about the human being. Self-centered rethinking of behavior can be viable: some rejections result from our pride; apparent altruism may be the result of a sense of self-importance; meekness and humility are caused by resentment, etc. But in order to establish themselves, they must be applied to specific cases and held on a rigid empirical leash. We need to see that with their help the pattern is better explained, or predicted, or makes sense. There will be a huge, endless number of cases, but it does not mean that they will unite into one coherent, all-refuting theory, which reveals the moral motivation of behavior within some frame.

When self-reflection is taken seriously, it does not only change our view of the "bad", but also gives more strength to understand our own moral self-determination in order to begin to live in accordance with it. The belief that all people are mortal does not affect my hope of immortality. But the belief that morality does not exist, that caring for others is just hypocrisy and all actions are selfish makes a person neglect moral perfection due to its uselessness in the fight against the biological. People who care about a narrow circle of beloved ones find it difficult to believe those who are disinterested in caring of strangers: this vulgar belief in the biological generates a primitive understanding of the projection to measure everyone by themselves, and to consider others as hypocrites in this regard.

Genetic Reductionism: Dynamics of Natural Science and Ethical Debate

The belief that genes determine both our pheno-

type and our behavior has been called genetic reductionism which in this sense is associated with biological determinism. This streamline has always had both a large number of supporters and opponents with a number of mutually exclusive arguments. Today, genetic reductionism is more likely to be criticized: the idea that genes influence the formation of our behavior is less supported than it used to be several decades ago.

Genocentrism in biology is a disputable issue. It is refuted by studies of molecular biology and epigenetics. In this regard, the famous phrase of the philosopher and psychologist Susen Oyama (2000) that confronting genetic determinism is like "fighting zombies" (p. 122) has already become classic. It does not lose its relevance since in public discourse you can every day find articles, reports about the discovery of "gene for alcoholism", "warrior gene", "conservative gene", despite the fact that the natural science research environment can be called "purified" from this phenomenon.

Criticism of genetic reductionism developed practically throughout the entire twentieth century: biologists, physiologists, embryologists, sociologists, anthropologists, philosophers from different countries are hostile to this position. However, despite this opposition, genetic reductionism also has a large number of supporters. What is the reason for its "vitality"? The answer to this question requires detailed consideration from different positions: scientific, social and ethical.

Scientific and methodological reductionists believe that the functioning of a biological system can be explained through the behavior of its individual structural elements and the interaction between these elements. They argue that the activity of the whole society can be deduced, calculated, predicted from the properties of the individual parts. In this regard, the ability of genetic reductionism to explanation is limited, because genes are a component of complex pathways and networks, and tracking modifications as a result of changing one of the links in the system is extremely difficult. The rigid structure of "gene-trait" or "genotype-phenotype" is also undermined by the phenomenon of gene redundancy and pleiotropy. Redundancy is understood as the presence in the body of several genes that perform the same function, pleiotropy is the ability of a gene to influence several phenotypic traits. All this refutes the rigid causality of the gene, especially with such a property of biological systems as emergence - irreducibility to the properties of individual parts or an interaction between structural elements.

The analysis of the connection of human behavior from the point of view of genetic reductionism and, accordingly, genetic determinism is devoid of any plausibility since genes never act in isolation, and any feature is the result of the action of many genes at once (Van Regenmortel, 2004). Epigenetic discourse reinforces this claim through the description of semi-stable (non-deterministic) biological properties that control gene expression without altering the underlying DNA (Jirtle & Skinner, 2007, p. 254). Living beings turn out to be resistant to genetic manipulations because cells and organisms often compensate for the addition or removal of some genetic information by activating alternative pathways for the appearance of the original effect of the modified gene (Keller, 2000). Organisms with identical genomes, regardless of whether it is genetically modified or not, will develop in different conditions in different ways.

Despite some certainty in strict scientific discourse, the situation with representation is much more interesting. During discussions about genetic technologies, especially within the framework of social and humanitarian subjects, predictive ability appears to be greater than it actually is. Bioethical research can often promote genetic reductionism in this way inadvertently, that's why researchers in this field should be careful, as such research reproduces ideas about the privileged causal status of a gene (de Melo-Martín, 2005).

For example, in the framework of discussions about the admissibility of human improvements through genetic engineering, it is erroneously argued that interference with the human genome is sufficient to change of our cognitive abilities, resistance to disease, beauty, health, etc. This position does not stand up to criticism for several reasons. First of all, there is no empirical evidence for the exclusive influence of genes on human traits and behavioral characteristics. Secondly, genetic determinism can lead to public policy debates prioritizing genetic technology over social reforms. Finally, such statements lead to the perception of our genome as an inevitable fate.

The popularization of reductionism is due to

the specific "rhetoric of the future" that runs through the entire discourse of genetics (Esposito, 2017). It includes expectations, hopes, visions of a technocratic future, in particular the victory over disease, aging and death in general by means of genetic editing. In the history of genetics, this controversy does not disappear and remains stable, despite significant changes in definitions, technologies, politics, scientific traditions, etc. Prediction and control are the main epistemic values in such a discourse. It unites the first geneticists, neo-Darwinists, molecular and biologists, and enthusiasts of the Human Genome project. Despite different positions, the idea that some factors, molecules, mechanisms, information units cause certain traits, underlie the manifestation of phenotypic traits, is the leading one.

Lily E. Kay in "Molecular Vision of Life" (1993) speaks about the seductiveness of a position where the higher levels of an organization can be controlled through the means and study of the lower ones. This reduction is optimal for the technocratic understanding of genetic engineering and the expected future where biotechnological interventions are the norm.

Immersion into the practical contexts of medicine, agriculture, cattle breeding, jurisprudence and biopolitics cause some fetishizing of the gene and support deterministic ideas. Great biotech prophecies cannot exist without simple reductionist models because effective changes are impossible without forms of control.

This instrumental and pragmatic approach views genes as natural components that can be quantified and separated from the contexts of the natural environment and society. The reductional perception conceptually supports the treatment of genetic constructs as trade items, which in a certain sense helps researchers since the status of focusing on the future allows more funding for research, actualizes further developments for the general public (Mcafee, 2003). The rhetoric of the future is addressed to private investors and consumers.

Genetic reductionism even leads to some mystification of its discourse. The sociologists Dorothy Nelkin and Susan Landy in their extensive analysis of articles on DNA in the press came to a very remarkable conclusion. The rhetoric of the deterministic gene is a lot like medieval rhetoric about the soul (Nelkin & Lindee, 2004). Genes and DNA become, in these representations, the essential essences of our being which determine our behavior, while DNA promises us life after death.

It is worth mentioning that in the XX century the reproduction of such views on genetics were the researchers themselves (Haldane, Huxley, McCusick, Watson, Gilbert, Koshland, etc.). At times, magical or religious metaphors were used. The famous quote from James Watson, who discovered the structure of DNA in 1953, director of the Human Genome Project: "We used to think that our future is among the stars. Now we know that it is in our genes". One can remember the performance of the genomics pioneer Walter Gilbert: introducing the concept of genomic information, he took a disc and said, "It's you".

The triad of interrelated concepts: genetic reductionism, essentialism and determinism give rise to a whole galaxy of genetic "-isms" that appear as a result of the significant psychosocial impact of genetic information (Sabatello, 2019). They are all derived from already existing essentialist views on race, gender, ethnicity, etc.

Some of them have something in common with the medical world. The genetic fatalism assumes that health depends on the genetic structure, and the possibilities of reducing risks are very limited. The genetic meliorism claims that the task of genetics is to improve our species through victory over diseases, aging and death. The genetic imperialism is understood as a reductional reorientation of health sciences around genetic information, "all diseases are genetic".

The existence of such an abundance of phenomena can lead to the idea of an excess of genetic-ethical discourse, excessive attention to ELSI programs, but they are a reminder of the manipulation of reductionist, deterministic, essentialist beliefs about the genome. They can lead to interethnic violence, racial prejudice, inequality in health, which is genetic stigma.

To sum it up, it can be assumed that genetic reductionism in its vast manifestations is partially the result of overly ambitious expectations of bioethics, which envy the success of the natural sciences.

However, the perception of genetic reductionism as an extremely negative phenomenon is fundamentally wrong. Criticism does not negate the importance of genes in human life. Moreover, discussions and intellectual traditions (for

example, sociobiology), generated by the contradictions of this phenomenon, make it possible to conceptualize a gene in a new way outside the framework of biomedical sciences, while protecting it from excessive simplification in the spirit of Dawkins. In addition, rethinking the role of biological, in particular genetic determinism, many existing collisions can be resolved in ethics.

Freedom of Subordination or Responsibility without Freedom...?

It is worth mentioning that the concepts of genetic reductionism do not stand up to criticism and the number of its opponents is growing exponentially. All their arguments are based on the fact that there is no evidence of the dependence of moral behavior on genetics and social conditions. However, according to the principle of the falsification of scientific knowledge there is no refutation of this statement. In addition, criticism is caused by the fear of losing the "human self", the awareness of "non-freedom", and, consequently, the impossibility of free choice and explanation of morality in this regard.

In fact, morality is built together with decision-making when we understand that some options are noticeably better than others, when arguing from the point of view the idea of right / wrong, fair / unfair, altruistic / egoistic, etc. This is the manifestation of "moral freedom", as a result of which a person becomes responsible for his decisions. If we do a projection on physical principles, we observe the Heisenberg principle in physics, which says that there are quantities complementary to each other, the measurement of which is impossible at the same time, for example, velocity and mass. The ethical choice is carried out according to the same scheme: a person cannot choose both, especially when it comes to a conflict of values that are at the same level (justice / mercy, generosity / frugality, duty / conscience, etc.) (Bromberg, 2016). Thus, the principles governing the evolution and survival of organisms seem to be much the same as the forces driving the development of moral systems. The question arises: why should the nature of moral values be different if organic systems are incredibly diverse and complex? It is possible to assume that philosophical riddles about the nature of morality are generated from an underestimation of the complexity of moral science. A different logical approach can be found when explaining the components of the traditional moral / freedom / responsibility triad as interdependent. For this, in our opinion, it is necessary to answer several questions: are we free, obeying the moral principle? Where is the boundary of human responsibility in this regard? and how is moral choice made at all?

So, we found out that the rejection of the concepts of the theory of the biological evolution is connected, first of all, with the fact that a person does not want to think that his behavior is biologically (genetically) determined. If there is the determinism of truths then certain actions of a person are determined by his natural essence, which is a sufficient basis for his moral behavior in general. Can we talk about responsibility in this regard? After all, a morally responsible person is not just a person who is able to do right or wrong actions from the point of view of external assessment, he is also responsible for his morally significant behavior, which causes subsequent encouragement or censure from third parties. So, according to J. P. Sartre (1989), "...a person who decides to do something and realizes that he chooses not only his own being, but that he is also a legislator who chooses all mankind, cannot avoid a feeling of complete and deep responsibility" (p. 93). Sartre relies on the fact that acting in a certain way person asserts the ideal image of a person and thereby "chooses in himself" a person who strives to fulfill his duty to the end. At the same time, arguing that the measure of responsibility is directly proportional to the measure of freedom, the French philosopher believes that a person manifests himself as a completely free person. This position is also dominant in modern philosophical circles. But is it true? There is an opinion that the perfect completeness of human freedom is only an ideal, in the purity of the image of which a person is manifested universally, on the other side of good and evil, in absolute good.

Before answering the main question: is freedom possible within the framework of conditioned (biologically) behavior it is necessary to make clear the meaning of "fulfillment of duty", obedience to the principle with which moral responsibility is associated, because, at first glance, obedience and freedom are logically incompati-

ble concepts.

So, responsibility is always recognized by a person as an avocation or as a duty. In this regard, there are:

1. responsibility due to (a) the naturally or spontaneously acquired status of the individual as a subject, for example, the responsibility of the parents or (b) the obligations that are accepted by an individual as a result of the agreements; thus, one can distinguish between natural and contractual liability (Jonas, 2004, p. 112);
2. the responsibility independently assumed by an individual as a personal and universalized duty (Apresyan, 2001, p. 342).

In both cases, responsibility is associated with submission, self-limitation, even if it was initially chosen by the person himself. Then, is it fair to think that as a person takes on responsibility the measure of his freedom rises? This self-limitation is practically manifested in self-control: in the submission of inclinations to duty, self-will (arbitrariness) – purposeful freedom, accountability – responsibility. If we take seriously the position stated above that the measure of a person's freedom is certified by the measure of his responsibility.

Thus, free will is understood as a necessary condition for moral responsibility since it would be unreasonable to say about a person that he deserves reproach or punishment for his behavior if he turned out to fail to control it. Thanks to this connection between free will and moral responsibility the problem of freedom seems to be very important.

The substantiation of moral responsibility becomes much more difficult taking into account the understanding of responsibility with such a deterministic view of human activity, the conditionality of behavior, because, at first glance, the moment of freedom disappears...

Our task is to find out whether freedom in submission is possible?

The problem of freedom is one of the most discussed issues in the philosophy of morality. It has factors, sides and dimensions. Famous philosopher V. V. Vasiliev (2016) blames that all the problems have been identified, and they are obvious and understandable, in connection with which researchers are often reproached for "reinventing a wheel" (p. 64). It looks illogical: "if the issue of free will (in other specific terms) was discussed in detail by Aristotle, did Locke, Hume, Kant, Moore, Sartre reinvent the wheel?" (Vasiliev, 2016, p. 65). Not at all. Moreover, the problem of freedom is presented in the studies of philosophers, in whose teachings it was not the main issue, and therefore their reasoning often remains on the periphery of ethical and philosophical knowledge, which looks undeserved. One of these philosophers is I. G. Fichte. Without the task to restore justice we will draw our attention to those facets of the problem of freedom and moral responsibility which, in our opinion, seem important for understanding the possibility of freedom and, in this regard, responsibility, in obedience.

On the one hand, if an individual is genetically determined and he is under the power of the natural, biological factors, then he is not free, since he "acts according to the law of nature"; on the other hand, if he decides to "obey" some law, including a moral one, taking on certain obligations, then, as we have already noted, there is also no freedom here, because he refused "the aberration of his will"... So where is the "moment of freedom"?

According to Fichte, freedom is not absolute, it is "the moment of transition". He believes that freedom lies "in the transition, in the rise from nature to morality" (Fixte, 2000, p. 247). In this sense, I.G. Fichte understands freedom as an opportunity to ascend from the lower end of existence to the higher one. He talks about the five ethical levels of being, and freedom lies in the ability to stay at any of them. The one who overcomes all the steps leading to the "kingdom of morality" must abandon his own aberration to "immerse in the law completely". The freedom of choice in this case disappears, because the sphere of various kinds of possibilities is eliminated by the "reality of ethical necessity". Having risen to the highest level of morality a person "completed everything possible, raised and spent the measure of his freedom" (Fixte, 2000, p. 322). Fichte believes that ultimately, a moral person must still sacrifice his freedom and his I.

However, freedom is an integral part of human being and its loss is considered significant. I.G. Fichte came to an unambiguous conclusion that a person, whose will is ethically determined, cannot be fully called free. It evokes a completely justified fear in the person. Moreover, a person does not want to submit to a higher principle,

because he is "afraid of losing his autonomy," his freedom of self-expression. Discussing the same idea in theological categories, many Russian philosophers emphasize how strange the image of God would be, which initially gives a person freedom only in order to subsequently deprive him of it, making the person an "instrument of Good". However, the reality illustrates the opposite: the choice is not made in the same way; it is a reflection of the personality's worldview, its moral experience. Moreover, in similar situations the same personality often acts differently. This means that the initial natural determinism as it acquires moral experience in the process of socialization "acquires" freedom.

This situation forces us formulate the original problem in a new way. At the center of the study is not the question of whether "freedom in subordination is possible, i.e. on the feasibility of the choice between good and evil in favor of good?", but the one of "how to preserve this freedom?". Freedom or law: individual autonomy or principle autonomy? To answer these questions it is necessary to solve the antinomical construction completely eliminating one of its members.

So, the choice is made on the basis of certain values in accordance with the target attitudes of the individual, moral principles and beliefs. Values determine the actions of a person who has the ability to comprehend them intuitively but for a person values are ontological, and one cannot interchange the positions of good and evil. However, personality and values need each other. At first glance, they exist independently or the dependence is one-sided. However, the asymmetry of the relationship is imaginary. Without personality, the essence and specific "way of being" of values remains purely ideal. Only through personality they participate in determining reality receiving expression in real life. And a person, as you know, is moral only when he is free.

This reasoning does not fully reveal the mechanisms of preserving freedom. To determine them it is necessary to turn to the teachings of phenomenologists on the hierarchy of values, first of all, to the views of M. Scheler. He believes that "a special order is inherent in the whole kingdom of values ... one value turns out to be higher or lower than the other" (Sheler, 1994, p. 398). The lowest values are in their essence "the most transient", the highest ones are "eternal". Thus, Sheler defines sensual enjoyment that depends on receiving pleasure as inferior values. Ethical values such as adherence to certain social norms are put by him well above, because he says that moral judgment for a person is more important than the theoretical judgment of science, since it determines to some extent the entire life and the fate of a person. Hence, the most trivial, primordial moral choice for a person is to prefer a higher value.

The idea of the subordination of values was inherited by N. Hartman. His reasoning will become the theoretical background for solving the issue of freedom for us. N. Hartman believes that the value hierarchy is generated by human consciousness, because ideal values cannot be hierarchized. In this sense, only the division into higher and lower values is unacceptable, since then the highest values would correspond to the personalities of the "higher order", and "the highest value to the Absolute", while only the lowest moral values would correspond to a person. Scheler, seeing such a higher value in the "saint", automatically postulates its superiority over all other values, including ethical ones. Then the search for a way out of the situation is impossible – we confirm determinism, destroy morality and freedom of choice and renouncing ethics talk about life in subjection to nature (biological, genetic), religion, etc.

N. Hartman believes that after making a choice in favor of moral values the hierarchy is also preserved. The system of values is "multidimensional", and only one of its lines of coordinates reflects a noble value, which corresponds to the degree of personal development. But at the same time the scale of the of values coordinates with the relationship of different values that are at the same level: at each level, there are its own "axiological antinomies" (Hartman, 2002, p. 217). Therefore, the freedom of choice remains even in the sphere of "higher values", after choosing between good and evil in favor of good. For example, this is due to such values as mercy and justice, generosity and thrift, the fight against evil, which are considered to be virtues ... This value conflict cannot be resolved on the basis of a table of values. A person makes a decision freely, non-deterministically. He takes responsibility in preference for one virtue or another, thanks to an independent action. This independence constitutes the "sense of freedom": the "moment of arbitrariness" is preserved, since

freedom is not completely determined by the principle. At the same time, the adopted "decision" is not considered to be a "resolution" of the moral conflict. If a person could resolve this conflict, it would not be a manifestation of independent freedom of choice: in this case, it would only be necessary to follow the deterministic method of resolution. Consequently, with respect to "conflicting" values, the will of a person as an arbitrariness always remains free, and a person in his real actions is never "rationally determined". To some extent, he takes risk when making decisions. Thus, in this case, freedom takes the form of real freedom not teleologically determined; because in the process of moral activity there is a free choice of a person, first between immoral and moral, and then between moral and moral, as a result of which certain social goals and objectives are realized.

Conclusion

Summing up, it should be noted that the position of genetic reductionism about the influence of the "biological" on behavior is not that intimidating for a person who is afraid to admit his natural dependence, because it was demonstrated that even in determinism free choice remains at the level of "the highest ethical values". Therefore, excessive criticism of genetic reductionism is not always justified, because is not based on attempts to find and explain "other" causes of behavior. But on the unwillingness to "come to terms" with the deterministic position in connection with the fear of losing "human self-identity": the awareness of "lack of freedom", and, consequently, the impossibility of free choice and recognition of the lack of moral responsibility. Therefore, in order to resolve this problem, we tried to prove the possibility of freedom within the framework of conditioned behavior by clarifying the essence of "obedience to the principle", which is associated with moral responsibility, since submission and freedom in their absolute meaning are logically incompatible concepts, which was philosophically refuted and shown under what conditions freedom is preserved. It will let us get fresh look at the possibility of expanding genetic research and outline new perspectives in this regard.

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SOCIAL-PSYCHOLOGICAL AND LEGAL-PHILOSOPHICAL CHARACTERISTICS OF PERSONALITY ANOMIE

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Abstract: The key to the successful and effective development of any society is the socio-psychological well-being of the population and personality, based on certain legal and philosophical concepts. Modern society experiences a kind of civilizational, philosophical, legal and socio-psychological crisis - the transformation of norms and behavior, against the background of which various forms of deviation are clearly manifested. As a result, in the context of the transformation of society, for a more complete and deeper study of the characteristics of human behavior, it becomes necessary to understand the causes of their occurrence. This methodological position allows first of all describing the mental world of a person who acts in the frames of the certain understanding and perception of social-psychological and legal norms of behavior. In this context, the procedure of psychological and legal-philosophical reconstruction of scientific concept of anomie is used as a methodological tool, which is aimed at analyzing various manifestations of the psyche of the personality and its anomic characteristics.

Keywords: anomie, legal-philosophical, social-psychological, social norms, value orientations, person.

Introduction

In a modern democratic, legal, social state, in the context of the study of the interaction of the individual with society and the state, philosophical, legal, psychological studies of the concept of "anomie of personality" play an important role. According to some authors, the concept of anomie is connected with the perception of social norms and their significance.

The history of mankind gives convincing examples when violations of norms turn into destruction. Norms are mechanisms that support the social system in viable balance in the face of inevitable changes. Social norms can be formed spontaneously, for example, in the form of traditions or purposefully in the form of laws, official rules or prohibitions. Sigmund Freud (2005), the founder of psychoanalysis, believed that the normality and anomaly of each person are determined by the degree of predominance of one or another ideal type in his personality. In this

context, the concept of anomie absorbs not only psychological, but also legal and philosophical meanings. The main characteristics of anomic personality are normlessness, social isolation, subjectively perceived absence of moral rules and regulation by law.

It is noteworthy, that for a comprehensive and in-depth study of the anomie of personality, one should turn to the origins of the concept of "personality", which is inherently multifaceted. In some cases, "personality" is characterized "as the inner definition of a single being and his independence, as possessing reason, will and a peculiar character with the unity of self-consciousness" (Brokgauz & Yefran, 1896, pp. 868-869).

In other cases, the concept of "personality" appears in two aspects: 1) in the form of a human individual, a subject of conscious activity, namely legal relations ("person" in the broad sense of the word) and 2) in the form of a fundamental system of socially important qualities that consider an individual as a member of a particular society and state. Although the terms "person" (human integrity) and "personality" (his socio-psychological appearance) are terminologically distinguishable, these concepts are often used as synonyms. In addition, the main feature of the concept of personality is that the human being is not born, but rather becomes, a person. At the same time, the concept of "personality" is a combination of both general and special socio-legal, psychological properties of a person that are realized in legal relations (Kazanchian, 2018).

Philosophical Approach to Anomie

In modern Social-Humanitarian Sciences there are several approaches to the theory of personality anomie as a complex social, philosophical, legal and psychological phenomenon. These approaches and studies have their origins in two classical concepts formulated by E. Durkheim and R. Merton.

According to E. Durkheim, anomie appears in the form of numerous social deformations such as: the crisis of normative regulation in transitional societies (when the old system of norms and values is destroyed and the new one has not yet been established), ineffectiveness of social and moral norms as methods of regulating social behavior, uncertainty of value-normative orientations, etc. (Lafaye, 2012).

The conducted studies indicate that anomie factors have a huge impact on the anomie of personality (Kuzmenkov, 2018). Thus, in the context of the philosophy of law and in social philosophy, it has been repeatedly emphasized that the *alienation of the individual (person)* reveals as the inability to realize oneself in society, to feel part of something big and important generates a sense of the meaninglessness of life and the uselessness of observing social norms. Moreover, *alienation also discloses* the fact, that a person is not adapted to some social norms, rejects them, or does not believe in them, and in some cases simply does not know about their existence (Antonyan, 2022).

It should be noted, that alienation is a very complex and multidimensional scientific concept, which, originating in philosophy, has left its own impact on psychology and jurisprudence. The uncertainty of a person's social positions, the duality of his situation in society lead to alienation, which, on the one hand, can bring to life nostalgia: aspirations, desires and the impossibility of fulfilling them, and on the other hand, unfounded, overgrown expectations that contradict people's real opportunities and real situation (Harutyunyan, 2014, p. 14).

However, the conducted research confirms the fact that alienation can be intentional (conscious) and in this case it poses an extreme danger, for example, during terrorism or riots.

In turn, modern jurists, based on R. Merton's approach to the concept of anomie and emphasizing the contradictions between culturally set goals and the social ways by which individual achieves them, emphasize the fact that anomie of the individual leads to an increase in crime (Kuzmenkov, 2018).

Moreover, scientific and practical research emphasizes the fact that the development of the individual and society generally occurs as a result of human activity. In other words, a person is ultimately influenced by what he does and how he does it.

In particular, "activity" turns into a criterion that establishes the fundamental features, principles, and properties of a human personality. It should be noted that in the legal literature, together with the term "activity", the terms "behavior", "act" are often used.

Although there is no consensus in the legal literature on the relationship between these concepts, some legal scholars consider these terms as synonyms, while others, on the contrary, oppose them, distinguishing between active and reactive features, the nature of behavior and reactions to the environment.

Exploring the problems of human behavior, scientists often emphasize not only the features of the character of a given person, but also the influence of society on the behavior of an individual. S. Rubinstein rightly pointed out, that when motivation for action moves from the material, active and concrete sphere, into the sphere of personal and social relations, thereby obtaining a leading value in human actions, then human activity is filled with a new special feature (Rubinshtein, 2003, p. 362).

At the same time, human activity acquires a special meaning, which fundamentally differs from the term "behavior" in various sections of psychology, such as zoo psychology and behavioral psychology. Behavior of the individual covers a certain attitude to moral standards.

It is worth noting, that in the post-Soviet legal literature, the problems of anomie of personality remain poorly studied.

Legal Characteristics of Anomie

Unlike Western and European jurists, who, relying on the theory of R. Merton, consider the psychologically determined causes of this phenomenon and reveal the features of this concept at the level of the individual, Post-Soviet jurists pay attention only to the socio-economic preconditions for personality anomie, which lead to deviant behavior and the growth of crime (Hagan, 2010).

In our opinion, this approach is too restrictive, since anomie of personality is a versatile and complex phenomenon and requires interdisciplinary research. Concerning the issue of deviant behavior of the individual in the context of anomie, it should be noted that this behavior is a socially destructive consequence of anemia of the individual.

According to the universally recognized definition, deviant (abnormal, dysfunctional) behavior is a set of actions that contradict the norms accepted in society and manifest themselves as an imbalance of mental processes, non-adaptation, a violation of the process of self-realization or evasion of moral and aesthetic control over one's behavior. Moreover, deviant (dysfunctional) behavior is defined as behavior that deliberately violates the general norms of action in a particular situation (Schaefers et al., 2016). In other words, the analysis of individual situations, the reference to anomie is convened to highlight or qualify behaviors that are not normative (i.e. "deviant") caused by a possible disjunction between the normative social requirements and the absence of ways to realize them (Lafaye, 2012; Anheier, 2015). Usually, vitally difficult situations, the hierarchical division of society into rich and poor, frustration and a sense that life is not fair, can lead to deviant behavior of the individual: theft, physical or verbal aggression, abuse of official position, absenteeism, etc.

Social norms can fully function in society if,

- first, there is knowledge about the current norms of both legal and social, and the sanctions imposed in case of their violation,
- secondly, a valuable attitude to existing norms is formed in the public consciousness.

Various forms of deviant behavior lead to understanding of their psychological and legal-philosophical notion. This happens in a society where the rules and values have been changed or transformed, and the laws have been preserved fragmented. Therefore, the anomie is a state not of complete chaos, but about the devaluation of all norms. From this methodological point of view, the psychological and legal-philosophical notions of this issue are investigated by Ju. Burova and E. Koval (2014).

Furthermore, the reasons why certain types of personal behavior are classified as deviant are that they have a negative impact on the participants in legal relations and can harm them.

Thus, deviance characterizes the type of undesirable behavior: theft, physical or verbal aggression, abuse of power, absenteeism, etc. This point of view reveals the typical feature of anomie as a form of deviant behavior.

Psychological Characteristics of Personality Anomie

The psychological concept of the anomie was carefully studied by the American sociologist

and psychologist Leo Srole. He suggested viewing an anomie, especially named as an "anomia" as an individual experience and measuring the individual subjective experience of anomie (Srole, 1956). As a characteristic experience of a person living with "anomia", he proposed five options, compliance with one of which indicates that a person has a personal "anomia":

1. I feel that influential people in society are indifferent to my problems and needs.
2. In a society where there is no order, and no one knows what will happen tomorrow, a little can be achieved.
3. The possibilities of achieving the most important goals of life are gradually decreasing.
4. Regardless of what I do, it turns out that I in vain spend my life.
5. I am more and more convinced that I can't rely on friendly support and environment.

People at this level of consciousness are alienated and isolated from society, looking for a solution to all their problems in thoughts, where the idea of their own guilt is completely absent.

The psychological concept of the anomie was additionally developed by M. MacIver, D. Riesman and other authors (MacIver & Riesman, 1950). The "psychological anomia", according to the M. MacIver, is such a state of personality when a person breaks out of his moral roots and has no more behavioral norms, as a result of which only scattered motives and incomplete ideas about unity remain (Kara-Murza, 2013).

M. MacIver distinguishes three types of personal anomia:

1. When a person's life becomes aimless due to the lack of important values;
2. When a person uses energy and opportunities only for his own well-being;
3. When a person is deprived of interpersonal connections and relationships.

American sociologist David Riesman believed that anomie is an inability to live in society. According to his observation, in any society there are people with "external", "internal" or "traditional" value orientations. He, who cannot adapt to common and dominant norms and value orientations in society, becomes anomic. If the leading goals in modern society are financial success, glory and victory in the competition with others, then in such a society those who have external orientation find their place. Others, whose orientation is traditional or internal, feel lonely, because they feel like strangers in a world whose values they do not share (Geary, 2013).

Anomie, as an individual state of man, was studied by an American sociologist and public figure Elvin Powell. He noted that in conditions when the goals of human activity become contradictory, unattainable or insignificant, the state of the anomia worsens. It is characterized by a general loss of value orientation and is accompanied by a feeling of "emptiness" and apathy, as a result of which a person can feel simply meaningless and empty loneliness (Powell, 1958).

The German sociologist, philosopher and social psychologist Erich Fromm gave another significant characteristic of the manifestation of anomia at a catastrophic level, given that the main indicator of the disease of society is indifference to a person. In this regard, the anomic results presented by E. Fromm (1994) are observed during the manifestation of such phenomena as "narcissism", "necrophilia", "sadism", "masochism", etc.

The author of the concept of individual anomie is the American sociologist Robert Agnew, whose theory is based on the idea of Merton that the emergence of social and psychological tension in humans reduces the need to use legal means to achieve their goals, as a result of which illegal means of achieving the goal become more demanded (Merton, 1938). M. Merton investigated the anomie, in particular, from the standpoint of achieving economic success. The peculiarity of actualization of the socio-economic context is determined by the requirements of the time where the process of socialization of the personality, its promotion on the damage of social stratification was largely dependent on economic success. It is not surprising that contemporaries of the era of scientific and economic progress, including M. Merton, were based in their scientific researches on the concept of using effective means to achieve any goal. According to M. Merton, these funds can be both legal and illegal. The use of illegal means to achieve the intended goal enhances the structural stratification of society, since not everyone has access to legal means to achieve success. Thus, many authors - E. Durkheim, M. Merton, R. Agnew, others, emphasized the inconsistency of the postponed goal by the presence of legal means to achieve it. The consequence of this is the weakening of cultural norms in society, which, in turn,

leads to an increase in crime and to anomie. It is also interesting that in the modern conditions of globalization of society the views of M. Merton and his followers regarding the connection between the limited use of legal means to achieve the goal and socio-cultural stratification of society are increasingly finding confirmation in modern psychological studies related to the anomic behavior of the individuals (De Winter & Dodou, 2012; Hornsey & Hogg, 2000; Levin & Cross, 2004).

One of the most interesting modern attempts to modify Merton's classical theory of anomie is the general theory of tension of Robert Agnew (2006). R. Agnew created a "general theory of tension", which presents various sources of socio-psychological tension, including the inconsistency of the goals and means of achieving them. At an individual level, the source of anomic tension is always associated with a negative attitude towards other people, in other words, a relationship in which a person is not perceived as he would like to be.

The general theory of tension significantly advances the socio-structural understanding and explanation of the nature of deviant behavior on a number of aspects, ensuring more complete coverage of cognitive, behavioral and emotional components of individuals to tension in the social system.

The classical anomic theory and its subsequent versions in the works of various authors suggest that tension is the result of the inability of the personality or groups to achieve goals socially approved in society. The theory of Agnew proceeds from the fact that deviation is a way of adaptation to stress that occurs during various stress options. He identifies several types of tension caused by the negative relations of the individual with other people. Stress may be the result of the following:

- a refusal or inability to achieve the desired and positively assessed goals,
- elimination of positive or desirable incentives for the person,
- creation negatively perceived incentives.

Therefore, the theory of tension expands the range of possible tensions arising in relations between people. For example, tension may be appearing when the ways to achieve the goal (external prohibitions, the mismatch of individual abilities and skills) are blocked, they act unjust or dishonest with the individual; when he experiences serious losses (loss of a loved one, exclusion from the group); when stress arises due to negative relations with parents, teachers and friends. So, if a teenager has serious problems in the family or school, and normal ways to avoid tension in relations with other persons are blocked, then this circumstance gives rise to negative emotions and stresses.

The neutralization of depression, fear, anger, frustration of one of the possible reactions may be the commission of a crime or other deviant behavior. A deviant reaction is a way to reduce stress to achieve the desired goals, protection, gaining positive incentives or evading negative experiences. In this sense, all kinds of deviation are possible, depending on what personal qualities the individual has, to what extent he is integrated into the group, what is the level of his socialization. Thus, the socio-structural approach is presented through the perception of legality - on the one hand, and the possibilities - on the other one, of means using to achieve the goal. This approach is realized in the theory of tension, which allows you to better understand the features of socio-psychological factors of deviant behavior. Such behavior is considered as a result of the inability of an individual or group to achieve goals socially approved in society, as a way of deviant adaptation to the problems and other realities of modern society. Summarizing, we can note that the terms of tension and anomie are not identical, however, the deepening of tension can lead to anomie.

Another socio-psychological phenomenon manifested in an anomic society is apathy. Translated from the Greek language, apathy means a state of impassivity and indifference, which is characterized by emotional passivity, indifference to environmental events, weakening of motives and interests.

At the individual level, apathy is manifested by noticeable infantilism (suspension of the development of the body, in which a person retains children's features of physical and mental development in adulthood), a deviation from interpersonal communication to virtual reality. Modern communication and information capabilities, on the one hand, save the time of a person, which allows him to overcome spatial and temporary boundaries, on the other hand, they deprive him of a sense of reality, thoughtful thinking and the

ability to coordinate their own activities. As a result of this fictional reality, everyday life is violated, and the sense of reality is lost. At a personal level, moral indifference becomes characteristic of anomic society (Hakobyan et al., 2022).

The essential characteristic of the concept of anomie, as we can see, is the concept of social apathy, which contributes to the understanding and explanation of the dominant aspect of social well-being. Therefore, it seems legitimate to refer to its analysis: characterizing the origin and dynamics of the context of use.

Despite the frequent use of the concept of apathy in scientific works, in modern socio - philosophical thought there are extremely few specific studies regarding such a complex social phenomenon. In psychology, apathy is mainly considered as a mental state of loss of interest in life and a kind of emotional decline caused by fatigue, stress or internal conflicts of the individual. Apathy proceeds against a background of reduced physical and psychological activity, apathy can be short -term or long -term. Social apathy today is considered by various authors mainly as existential, social and psychological problem.

We believe that this concept is applicable both for an individual psychological characteristic or personality state, and to denote a common objectified social line that characterizes certain anomic transformations of modern society. These transformations are often manifested through:

- changes in the value system,
- inconsistencies of social behavior by cultural, social and legal norms adopted in society,
- social stratification or polarization of society,
- maintaining tension in interpersonal relationships,
- the prevalence of various forms of deviation,
- deepening a sense of uncertainty,
- depreciation of significant norms of behavior (Hezemans et al., 2020; Zhelnina, 2020).

The use of the concept of "social apathy" will also allow us to consider the problems of anomie at another, more global, interdisciplinary level. In other words, social apathy is seen as legal-philosophical and psychosocial characteristics of the concept of anomie.

Another important feature of our time is the spread of impersonal values when we are talking about "non-heroic times" or "anti-heroes". This situation is associated with the lack of ideals, the uncertainty of moral choice, the absence or incomplete assimilation of behavioral models approved by society, which sooner or later lead to the manifestation of anomia. One of the most insidious realities of our time is the anti-hero syndrome, which destroys all existing ideas and values. Anti-heroes have become examples for imitation for a large number of young people. It is no coincidence that a distorted understanding of the image of men and women, which is captured in the minds of young people, leads to such a distortion of values (Burova & Koval, 2014).

In the discipline of psychology, a personal crisis can also lead to anomie, as a result of which a person's belief system reorganizes, which radically changes person's moral and normative attitude to life. Throughout his life, a person may face various problems and crises. Some of them are associated with the development of man at different stages of life. In other words, the normal, natural phenomena occur in the life of each person and distinguish between the transitions from one stage of life to another (Napso, 2017, p. 42).

Any "natural" event in a person's life (marriage, the birth of a child, a school, the death of a relative, illness, etc.) and his consequences inevitably cause a certain problem situation or crisis, which requires a person to mobilize his own resources. They are called normative stress. This issue was investigated fully by T. Parsons too. The behavior of adolescents and young people in the light of the concept of anomie: a state in which values and norms are no longer clear indicators of the corresponding behavior or have lost their significance (Parsons, 2006).

Conclusion

Thus, we can say that anomie in legal-philosophical point of view is presented as a form of antisocial behavior and continuous decay of the value system. In this context, it becomes important to interpret the concept of a social norm, which acts as a starting point for studying any deviation. According to a common definition, deviant behavior is a deviation from social norms, because one of the main conditions for the existence of any system is its ability to form and maintain social norms of behavior that support the social system in a certain state of bal-

ance. This characteristic is also presented by social-psychological concept of anomie which emphasizes individual features of disadaptation in society.

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PHILOSOPHICAL-ANTHROPOLOGICAL CONCEPTS OF SUBJECT AND SUBJECTIVITY AS A GENESIS OF WOMEN'S EMANCIPATION

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Abstract: The study examine the problems existing in the Ottoman Empire of the second half of the 19th century and the beginning of the 20th century, which are related to the philosophical-antropological categories of subject and subjectivity in male-female relationships, the identification of female-male identities, to the internal domains of their coverage, as well as the possibilities of women's emancipation and realization of their rights in a patriarchal society.

The philosophical concepts of woman-subject and subjectivity were studied based on the philosophical-anthropological-feminist contexts of the works of Western Armenian female authors who were engaged in literary activities in the second half of the 19th century and the beginning of the 20th century, as well as the contexts of socio-cultural and conceptual transformations of women's emancipation.

Their manifestations and changes in society are viewed as the genesis of women's emancipation. This is an interdisciplinary study, so the material has been analyzed in the context of mutual connections and relationships between Philosophy, Literary Studies and Anthropology. The research is unprecedented since analysis of this kind has been attempted for the first time. It is also important and up-to-date in terms of analyses of women's issues in the scope of Armenological Studies.

Keywords: philosophy, subject, self-consciousness, man-woman relationships, genesis of emancipation.

Introduction

Women's literature, concepts of *subject* and *subjectivity*, *identity* (identification) and *self-consciousness*, as stable categories, are directly related to the issues of education, upbringing, emancipation and independence. Woman's biography, writing, literature reading are self-contained and independent semantic concepts that are the subjects of investigation of various fields of science, philosophy and sociology, in particular (Hambardzumyan & Parsadanyan, 2022).

The interest towards women's issues in the field of philosophy is especially connected with

the symbolic orders (categories) of changes in concepts (as a whole) characterizing the woman-*subject* and female *subjectivity*. Examples of their analysis, at all times, can be found in all Eastern, American, European academic milieu, ranging from the issues of women's emancipation to narrow-gender formulations. In this sense, in addition to the observations of the classical philosophical culture of the history of the problem in question (Plato, Aristotle, Hegel, etc.), modern anthropologist-philosophers' and sociologists': Roland Barthes (1989), Jacques Derrida (Kamuf, 1991), Julia Kristeva (1981), Juliette Mitchell (1975), Jacques Lacan (2011), Elaine Showalter (1979), Robert Solomon (2005) studies and justifications from other perspectives are also important, especially when they refer to the *issues of female subjectivity* and the functionality of the concept of *subject* used in society, in general. The *aim of the study* is to investigate the bases, manifestations and changes of the philosophical categories of *subject* and *subjectivity* as a genesis of women's emancipation. The *problem of the study* is to show the transition of the non-classical (multiple and decentralized) model of women's subjectivity to the classical one (progressive, non-decentralized, rational woman subject) through identifying and distinguishing certain features of the mentioned philosophical concepts, turning to Western Armenian female authors who lived and worked in the Ottoman Empire in the second half of the 19th century and some of their works. The concept of *subject*[1] (Solomon, 2005) borrowed from philosophy endows man with the features of freedom and independence, because only human-specific life activity is tangible in the domain of realization of mental and material capacities.

Through a rich contemporary philosophical tradition, it is possible to distinguish separate gender features in the structure of the philosophical system of subjectivity. This also determines the actuality of the research. In this context, the woman-subject is no longer condemned to the idea of having a traditionally emphasized and imposed monolinear identity, but is capable of demonstrating the various manifestations of her identity and not letting any force or factor have an impact on her life in terms of making decisions for her and controlling her life. In the present research the above-mentioned problems are studied in the context of geopolitical, historical, literary-cultural processes, social transformations and their expressions that took place in the Ottoman Empire in the second half of the 19th century.

Self-Recognition of a Woman's Identity in the Domain of Culture

It is known that the classical model of subjectivity corresponds to the *mind-body* opposition, in which *mind* (intelligence) is characterized by positive features: intelligence, spiritual domain, activity, and, according to some analysts, characterizes masculinity (the man). Meanwhile, *body* is associated with a number of negative characteristics: sensuality, emotionality, unconsciousness, irrationality, which are traditionally attributed to the woman in philosophical anthropology. Besides, in classical philosophy and philosophical anthropology, the masculine is viewed and evaluated from the perspective of the *subject*, while the feminine – from that of the *object*. According to Luce Irigaray (1985), the concept of femininity in general exists "due to male discourse models, as it becomes its mirror reflection" (pp. 122-130).

The question was also discussed in the domain of social philosophy, and the focus was turned to the domain of social and literary-cultural transformations of the patriarchal society of the Ottoman Empire in the second half of the 19th century, to the main processes of *individualization* and transformations of female authors from *an object* to *a subject*. The focus was also turned towards the discovery of the traditional and closed dialogue between men and women dominant in the Ottoman dictatorial society, where woman's *self-realization, self-recognition* and *identity-consciousness* in the realms of the concepts *literature* and *culture* were hindered and prohibited.

This phenomenon was observed in the examples of the works of Elpis Kesaratsian, Srbuhi Tyusab, Sipil, Zapel Yesayan, who were en-

[1] A subject - narrowly meaning an individual who possesses conscious experiences, such as perspectives, feelings beliefs and desires, a being who has a unique consciousness and/or unique personal experiences, or an entity that has a relationship with another entity outside itself (called an object). A subject is an observer and an object is a thing observed.

gaged in social and cultural activity in the second half of the 19th and the beginning of the 20th centuries, as well as in the context of some of their publicistic articles, essays (Kesaratsian, 1862a, 1862b) and analyses (Tyusab, 1881a, pp. 452-458, 1881b, pp. 344-349). In their essays, Elpis Kesaratsian (1862a, 1862b) and Srbuhi Tyusab (1881a, 1881b) put forward the issues of women's social rights, their role and significance in society, education and upbringing, as well as their economic independence. Meanwhile, in their novels "Mayta", "Siranush", "Araksia or the Governess" (Tyusab, 1883, 1884, 1887), and "A Girl's Heart" (Sipil, 1891) Tyusab and Sipil raise the issue of the status of a woman as a victim in a closed patriarchal system and the issues of finding ways out of it. In Yesayan's "Gardens of Silihtar" (1935) the situation is a bit different, although in the novel she also tells about the status of women living in the Ottoman Empire in the second half of the 19th century. The key word that characterizes the Ottoman dictatorial society, in this case, is not *traditional* or *conservative*, but *patriarchal* and *closed*, as was in the beginning, and as a result, the possibilities of not only recognizing the phenomena, but also ever opening, seeing, naming and materializing them weree wasted.

Moreover, the importance of the philosophical interpretation and theorization of the concepts of *subject* and *subjectivity* is not only in making sense of the existence of a woman as a *subject* in a patriarchal society, as well as emphasizing and realizing it as an existential signifycance, but also in proving that in that patriarchal society, the woman was practically not recognized as a bearer of literary, cultural, historical and political, and even more so, philosophical knowledge and an active subject (Zherebkina, 2007, pp. 157-159) realizing that knowledge, as was the man, but only an object identifying the latter's needs and serving those needs. All these issues were being solved and materialized, of course, against the background of the reforms taking place in the Ottoman Empire after the proclamation of the Tanzimat[2] in the second half of the 19th century, but didn't they also exist before the Tanzimat? So, what was going on?

Essentialistic Perceptions of the Concepts *Woman-Subject* and *Female Subjectivity*

In general, the philosophical theory of feminism proposes the issues defining the concepts *woman-subject* and *female subjectivity* at two levels and directs them towards women's emancipation: a. essentialistic, according to which a woman's subjectivity and experience are considered as a whole and are analyzed in a single discourse, b. anti-essentialistic, according to which identity (identification) is considered in the realms of multiplicity, and experience in the realms of contradiction and decentralization.

French anthropologist and philosopher Simone de Beauvoir (1956) puts forward the perceptions of woman's thinking, subjectivity, experience and writing. Beauvoir's philosophy also gave rise to a number of European and American anthropologist-philosophers examining women's subjectivity: Luce Irigaray, Hélène Cixous, Sarah Hoffman, Rosi Braidotti, Louise Passerini, Judith Butler, Joan Scott, etc., who began to examine the question in the domains of new dialogues and new practical approaches. But in philosophical anthropology Simone de Beauvoir's literary legacy was the first to make a conscious attempt to express the phenomena of woman's thought, subjectivity, experience and writing. Unlike the previous feminist theorists, the innovation of her work on women's status and dependence on the *Other* was that Beauvoir grounded her theory through the categories of individual psychology and the unconscious rather than women's dependent socio-political and economic statuses. For carring out such an analysis, Beauvoir relied on the ideology of Jean-Paul Sartre's philosophical theory of existentialism, according to which, "The existential subject is the subject of choice, because man is always what he chooses to be. The choice of the subject is never predetermined and never equals to socio-economic or psychological determinism, it never ends and is never stable" (Sartr, 2009, pp. 361-922).

[2] Tanzimat - In the Ottoman Language, Code of Reforms, the Basic Principles of which were set out and published in decrees *Gulhan, e Hatt-i Serif* in 1839 and *Hatt-ı Hümayun* in 1856 which envisaged reforms which were not implemented. Tanzimat was admitted to the Ottoman Empire in 1839-1876, at the same time the first constitution of the Empire was adopted.

Hélène Cixous (1976) writes that through writing more than ever, a woman has the opportunity to show her originality, objectivity and subjectivity, meanwhile, in that context without suppressing her bisexual nature (pp. 875-893). She criticizes all the written texts that are marked by stereotypes found in male writers' texts and are characterized by false, implausible female characters. Cixous urges male authors to write about men, and female authors to write about women (Cixous, 1976, pp. 875-893). Thus, the feminine writing was also becoming an opportunity to express the awareness of the subjectivity and experience of the woman through writing.

Identifying Subjectivity as the Genesis[3] of Emancipation

Emancipation is the subject's autonomous action aimed at his/her own liberation. According to the famous sociologist Max Weber (1990), emancipation is accompanied by *fascination*, rationalization of the world image. *Humanization* is the mandatory part of such rationalization, and in its inner domain the semantic changes of man-woman relationships are featured. These relationships gradually transform from perceptions of subordination and dominance into domains of mutual responsibility or responsible love. They are observed not on the principle of complementarity, but that of reciprocity.

In the second half of the 19th century, the cultural, historical, political, social changes and developments taking place in Europe and the Ottoman Empire, Constantinople, in particular, also manifested themselves through mass processes of women's emancipation. They were effective not only in terms of aesthetically expressing the differences between man and woman, love, femininity and masculinity in literature and culture, but also in terms of philosophically interpreting and formulating that aesthetics and recording the development processes in literature.

Later, in the 40s and 50s of the 20th century, Simone de Beauvoir (1956) wrote in this respect: "The more individualized a man is, the higher a man's desire for individualization, the sooner he will recognize the woman's rights to individuality and freedom" (p. 274). Simone de Beauvoir connected the general process of individualization of a person, finding his personal destiny, with liberation from the burden of patriarchal customs and traditions.

The reformation processes taking place in the Ottoman Empire in the late 19th century had a key impact on similar processes recorded in the 20th century. In this context, noteworthy are the works of Armenian women authors, who lived and worked in Constantinople in the mentioned period: collected essays by Elpis Kesaratsian, "Collection of Letters to the Reading Armenian Woman" (1879), the novels "Mayta" (1883), "Siranush" (1884), "Araksia or the Governess" (1887) by S. Tyusab, "A Girl's Heart" (1891) by Sipil, "Gardens of Silihtar" (1935) by Zapel Yesayan[4]. These female authors *succeeded in demonstrating their female thinking, voice, experience, writing, that differed largely from male stereotypes and models of the interpretation of reality,* despite the fact that they lived and worked under the Ottoman dictatorship, where every thought or action was censored (Kharatyan, 1989, pp. 5-7) and nothing escaped the keen eye of the ruling elite (Hambardzumyan & Parsadanyan, 2022, pp. 40-47).

They began to search for unique ways of self-realization through literature and social, charitable works, to demonstrate female self-awareness, at the same time affirming their own identity and boldly declaring about education, upbringing, gender relations, women's socialization, work and other issues. They began searching for original ways of self-realization through literature, social and charitable work (Hambardzumyan, 2022; Hambardzumyan & Parsadanyan, 2022), to demonstrate female self-consciousness, hearby asserting their own identity and boldly declaring about issues related to education, upbringing, man-woman relationships (Kesaratsian, 1862a, 1862b) women's socialization, work and others (Hambardzumyan, 2021; Hambardzumyan & Parsadanyan, 2022).

For Western Armenian women authors living and working in the Ottoman Empire in the second half of the 19th century, the categories of

[3] Genesis is a method developed by Michel Foucault based on Friedrich Nietzsche's "Geneology of morality" (Nietzsche, 1994).

[4] Before the Armenian Genocide of 1915, Zapel Yesayan was involved in literary activities in Constantinople, and after the Genocide - in Soviet Armenia.

freedom and independence became the axiological high points of the value system, through which they presented themselves to the society, revealing the secret of femininity. During the same period, in Western European societies, these developments led to the maturation of new democratic values, which were full of ideas about human rights, and in the Ottoman dictatorship it was never overcome.

The Genre of Autobiography as the Subject's Self-Representation

Autobiography, along with the genres of diary and memoir, is subject to the literary rules of *Great Literature*. The main problem of a woman's autobiography, as defined in the feminist literary criticism, is not only the problem of self-representation of the female *self*, but also that of *establishment of identity consciousness*. A woman first realizes her identity, and only then takes the path of self-representation. In this sense, the traditional concept of *auto-gyno-graphy* (Wilson, 1982, p. 53) in feminist literary criticism is replaced by that of *auto-bio-graphy*, with the acceptance of subjectivity typical of women in autobiography. And what are the main criteria of the genre of female autobiography, which stand out in feminist literary criticism?

In a woman's autobiography, her whole life is described, and not this or that stage of it. In terms of content, one of the main themes of a woman's autobiography are those of home and family, because especially the family is seen as the main model for the *shaping one's identity*. In this regard, Zapel Yesayan's autobiographical novel "Gardens of Silihtar" is noteworthy, which differs from the classic autobiographies of women by the distinctive features of the content and its internal philosophy. Yesayan speaks about the *body* and *sexuality* not through secondary observations (as a supplement), but neutralizes and weaves them into the main autobiographical plot of the novel: "The homes we called on were a completely unfamiliar environment to me. They were families of prosperous salespeople, whose words, behavior, and the things they served were calculated and predetermined forever. The women, young women and even children of those families lacked any spontaneous expression. Everything was in strict order. For them there were things that "were right" and there were things that "weren't right". And their long conversations were venomous criticisms of other families like them, who made a slight deviation from the established laws, did something that "wasn't right". ...They carefully followed the Parisian fashion, and followed or thought to follow the orders of such announcements point by point. Especially young women spoke with fiery enthusiasm when the topic was discussed" (Yesayan, 1935, p. 99).

The distinguishing feature and peculiarity of Yesayan's autobiographical novel is the presentation of the collective experience through the personal one, which contrasts the conscious or unconscious content of the woman's inner private world with the world history. And although in the women's autobiographical texts it is often not possible to determine in principle which historical era it belongs to, the period (second half of the 19th century) and the place (Ottoman Empire, Silihtar) are thoroughly described in Yesayan's "Gardens of Silihtar"). This rejection or challenge of history through the presentation of home, kitchen-work, family life, creation of the characters of family members, themes of childhood experiences and illnesses, socio-political morals are recognized as a conscious feministic characteristic of women's autobiography. In the structure of the text, emotionality is paralleled with the narrative sequence of events, and the author's internally affected stories are paralleled with the eventfulness of the great (empire) history.

In Western Armenian women's works the experience that is in the domain of marginality is opposed to traditional biological, social and role stereotypes created and accepted by men. The distinctiveness of a woman's writing has always been and remains in the meaning, form and purpose of writing, which is focused on the manifestation of her *self-determination* and self-identification. In this context, female and male phenomena are shaped into a particular worldview as objective and subjective systems of women's works, which characterize the nature of the female author's consciousness, appearing through manifestations of female-male behavior, writing style, gender space, and genre peculiarities.

Identity-Consciousness as the Genesis of Emancipation

Michel Foucault (2010) also had a great impact on the formation of the concept of women's autobiography. Analyzing the different forms of madness as an experience (isolation of the insane, legal acts and medical treatises, fictional images and prejudices, the author examines the formation of modern concepts of *madness* and *mental illness*, which are distinguished from the irrationality typical of the classical era as a deviation from the general standards of social and ethical ones. According to feminism researchers, a woman as a socially marginalized object is characterized by an act of confession and as a confessing being, a woman always notes that she is censored and forbidden to speak, and a complete picture of women's social identities is formed. Foucault pays special attention to the fact that the discourse of cognition in the culture is always the discourse of sin, and the characteristic figure of the embodiment of sin in history is the woman (Foucault, 2010, pp. 439-443).

The studies of women's literature by Elaine Showalter, Sandra Gilbert and Susan Gubar also prove that their main form traditionally is autobiography as an original writing-genesis of *identity-consciousness* and *self-recognition*, on the basis of which genres are differentiated: novel, short story, diary, memoir, poetry. Elaine Showalter applies the methodology of Foucault's analysis of marginal practicalities as a self-confession of femininity based on the analysis of female sexuality in different spheres of reality[5] (Showalter, 1977).

And although the contents of the subjective concepts may change throughout different historical eras, nevertheless, in the domain of culture, the gender inequality of the representtative politics of women and men, according to Showalter, remains unchanged even when the phenomenon of the irrational is represented by a man (confessions of sins, pathology or sexual perversions in the discourse of male confessional prose of the late 19th and 20th centuries). So, at the symbolic level, within the male subject, the inevitable (madness or sensuality of femininity) (Showalter, 1985) can also emerge (or does emerge). Feminist theorists tending towards man-woman difference argue that women-specific discourse, including the autobiographical one, as an alternative form of cognition is simultaneously revealed as an alternative to subjectivity.

According to them, the woman who confesses (her sin) is not only an object of power, but also a speaking subject, who also uses her body language, which, as a cognitive reflection of language, at the same time is in the domain of prompting signs: will, desire, and self-enjoyment that shatter the foundations (traditions) of the patriarchal culture. In that respect, women's autobiographical discourse, according to them, cannot be interpreted in the scope of the traditional-patriarchal discourse of men, in which it inevitably acquires secondary signs. In this context, it is also necessary to develop the criteria for the analysis of women's autobiographies.

Conclusion

In the study, the philosophical-anthropological categories of *subject* and *subjectivity* were examined in the context of the historical, literary and cultural processes, education and upbringing reforms, social transformations and their expressions, that took place in the Ottoman Empire in the late 19th early 20th centuries.

In this context, the mentioned categories contrasted with traditional models of the closed society of the Ottoman Empire. They met the requirements of the transforming society and were focused on the realization of a civil, legal, economic subject that could take responsibility not only for the social process, but also for his/her own life. It has also been discovered that traditional and patriarchal morals recorded in the works of famous European and American theorists, philosophers, anthropologists and sociologists, are in the base of the formation of non-democratic stages of the societies of the late 19th, the beginning of the 20th centuries and modern societies, as well as of their historical and geopolitical developments.

Having studied the manifestations of identity awareness in the fictional works of Western Ar-

[5] His main conclusion concerns the inevitable disproportion between men and women in culture: if the concept of femininity is always mentioned as a symbol of the irrational and a sin, the ultimate expression of which is the labeling of *madness,* then the masculine is inevitably intertwined with the concepts of *reason* and *rationality*.

menian female authors, it can be concluded that their formulations have not been studied at all in Armenian literature. In the 1870s and 1880s, their literature, social and literary-cultural activities developed vertically thanks to Elpis Kesaratsian, Srbuhi Tyusab, Sipil, Zapel Yesayan and other Western Armenian female authors. Thus, when interpreting a woman's subjectivity, considering it in the context of the proposed concept of *subject-object* is worthy of note. And although the prose of Western Armenian women engaged in creative activity in the late 19th and early 20th centuries served as a basis for our study, it can also be extended to women's literature of the 20th early 21st centuries.

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PHILOSOPHICAL ANALYSIS OF THE CONCEPT HUMAN SITUATION

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Abstract: Modern man, community, and humanity as a whole have become apprehensive about their future. Globally, there is a particular concern about the paradoxical tying of the Gordian knot, which is essentially triggered by contradictions caused by antagonistic problems in the fields of ecology, demography and economics. There are several ways to overcome the challenge that the world and man face. Firstly, radical, when one of the spheres is given in for the sake of one or two others. Secondly, the systematic distraction of the masses from critical issues. Thirdly, alternative, the shift of attention from popular methods and means of solving the current critical problems in favor of non-linear ones, i.e. those related to unconventional views on a given problem and approaches to its solution. Understanding of the human situation can lead to some encouraging results by means of focusing attention of the significant majority of the humankind represented by the so-called leaders of public opinion. Basically, under given circumstances, the principle, according to which real change starts with the people themselves, their intention to change, will be effective. In this case, in contrast to violence, coercion, manipulation, bribery and blackmail, the modus operandi of maintaining social interaction will be responsibility, meaningfulness, respect, a sense of proportion and tact.

Keywords: meaningfulness, human situation, social engineering, "construction" of man, sustainable development.

Introduction

Permanent fear for individual and collective future has recently become relevant to almost every intelligent person. Such anxiety develops in an atmosphere of long-term instability that the civilized part of the world has consistently been immersed into during the recent decades. At the

same time, the fear is based on the realization of a number of quite obvious and intuitively fixed challenges humanity confronts. Among the systemic challenges, specifically due to the recent events in and around Ukraine, the key problem to consider is initiation of the possible ways of mutual understanding in the sphere of the world politics. Simultaneously, another problem requires an immediate concern: ensuring the prognosticated functioning of the world economy, establishing control over challenges in the environmental and demographic spheres, which, undoubtedly, are closely related. The latter, among other things, means that they cannot be solved individually. Therefore, modern humanity is compromised by the need to find ways to comprehensively design their own progress. As a result, the idea of "sustainable development" has emerged, which advancement and promotion is associated with the activities of the World Commission on Environment and Development (WCED). It focuses on understanding the mechanisms for optimization of the interdependent existence of the environment, society and economy.

However, it may turn out that the above mentioned approach to optimizing the existence of humanity and, consequently, man is ineffective. At least the idea of sustainable development has been gaining momentum since the last quarter of the last century, while the crisis of civilization is only deepening. In addition, despite the declaration of the focus of the idea of sustainable development on guaranteeing comfortable living conditions for almost everyone, in fact, a specific person (individual) is left out of consideration. In particular, a person is left to their own devices when it comes to discovering their potential, finding the meaning of existence, acquiring and maintaining a stable harmonious inner state.

Therefore, on the one hand, it is obvious that the identity of a person as an equivalent of their essence undergoes a significant deformation, ultimately. At the same time, on the other, the majority of people prefer not to notice the latter deformation, overwhelmingly focusing on the conditions and circumstances of collective and individual survival, maintaining the physical succession of the human species. Meanwhile, the above-mentioned course of the world events causes distinct anxiety among a large cohort of thinkers. In particular, Vardan Atoyan and his associates point out the tendency to level the identity of a person: "In the modern world, it is a shift of identification crisis followed by identity crisis as values change due to the global economy, creating a consumer character for whom identification and identity issues are secondary" (Atoyan et al., 2022, p. 5).

Meanwhile, delivering a person from the burden of everyday worries and setting them up for self-development and self-realization, as shown by the wisdom embedded in the cultural heritage of different ethnic groups, is associated with integral, adequate understanding of the current real situation of man. After all, trying to achieve a goal without understanding and taking into account the peculiarities of the starting point is essentially pointless - actions for the sake of actions, the content of which is given ex post facto. Therefore, the considerations of this article are devoted to the actualization and understanding of the situation of modern man as a measure of all things in the context of sophistry, in particular Protagoras.

Needless to say, numerous authorial scientific and creative achievements in a number of areas of cognitive interest provided the basis for further considerations in this field. In particular, this tradition has been deeply rooted in ancient Greek philosophy, especially Plato's reasoning, the works of German classical philosophy, especially I. Kant and A. Schopenhauer; and among the thinkers of the 20th century, M. Heidegger and H. Arendt had a noticeable influence on the further progress of the idea. Consequently, in their search, the authors of the article both paid attention to the study of the works of C. Castaneda and I. Shah as accomplished representatives of philosophical art and also benefited from numerous contemporary scientific studies, which raise questions of identity, sustainable development, the search for the foundations of understanding, etc.

The Situation of Man as an Existential Attribute

Following Heidegger, we can find that the situation of man as an attribute of their existence, as a rule, falls out of the field of perception and understanding, because it is an essential background of their life. As for the former, the back-

ground, overwhelmingly lacks due attention to say the least. This gives the false impression that a person's situation is self-evident. Meanwhile, a meticulous understanding of the human situation, among other things, can significantly help to overcome the existential paradox revealed by the German theologian Karl Friedrich Oetinger: "God, grant me the serenity to accept the things I cannot change, / The courage to change the things I can, / And wisdom to know the difference" (Shapiro, 2014).

The human situation is a kind of continuum in which each individual finds himself, or an integrated set of conditions and circumstances that always determines the style and way of life of the same individual. And because people differ at various levels of expression or showing of certain qualities (potential), including intelligence, and their own and others' existence and the existence of the world in general, each individual reflects individually. As a result, the reflection of the human situation is also to some extent individual, both at the level of certain socio-cultural groups, including ethnicity, as well as social stratum, professional incorporation, etc., and at the individual level. Thus, a search for points of understanding to form the basis to achieve a coherent idea of the human situation would lead to the establishment of sustainable voluntary cooperation within a certain structure. In particular, the world as opposed to covert group or influence centers practice of imposing a worldview paradigm, which, among other things, characterizes and forms an idea of the human situation.

Therefore, the human situation is not self-sufficient, but rather a derivative constant of human existence. In this case, human nature is not just the basic constant, but the primary one. Meanwhile, at least in view of the fundamental limitations of human cognitive abilities, which are emphasized by many luminaries of human intelligence, only one suggestion is certain about the nature of man: the latter is the root cause that makes man unlike any other being; for instance Martin Heidegger (1998) considered cognition endowed only with the ability to hide what was open from the beginning in non-cognitive activity. As for attempts to comprehend human nature, they are certainly covered in any worldview paradigm, which, as a rule, compete with each other for access to as many potential adherents as possible and their concentration on themselves. Needless to say, such competition is growing.

Another basic constant about the human situation is the human condition, in particular, as proposed by Hannah Arendt (1998): "…the human condition is not the same as human nature, and the sum total human activities and capabilities which correspond to the human condition does not constitute like human nature" (p. 34). That is, it is Arendt's transformed Heidegger project of open existence, or an integrated set of defining, as Paul Ricoeur (1995) would say, trans-historical traits of human existence. Arendt includes fertility, mortality, plurality, and worldliness to this set. Being integrated in the position of man, they create, in other words, the circumstance of humanity - the circumstance and the condition at the same time, the presence of which simultaneously determines and guarantees the existence of man as such. That is, such a person, as discovered by every member of the human race, when thinking about their nature or existence.

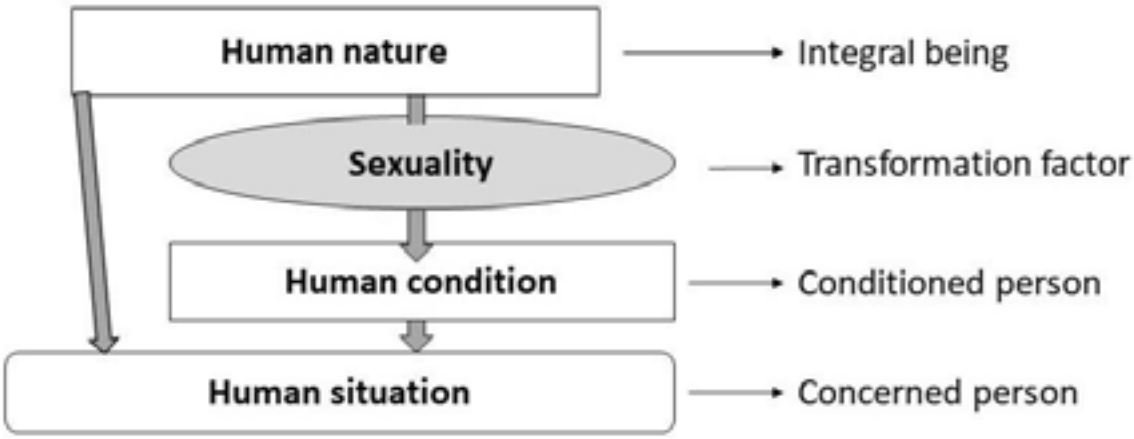
Thereby we can resort to a certain schematization of human existence: human nature as the set of all possible potentials to be human is projected on a number of lasting circumstances and conditions of existence, the symbiosis of which is the human condition. In this case, the position of man determines how actualized human nature or attributes of human nature in a particular existence, one in which a person realizes themselves in the socio-historical retrospect. And therefore, the combination of human nature as an irrational factor and the position of man as a rational factor of their existence creates the current situation of man. At the same time, the human situation is to some extent dynamic and changeable, as different cultural layers of human existence are associated with specific dominant interpretations of human nature and the functional capacity of the four-key circumstance set of human situation.

Meanwhile, the proposed scheme looks at least incomplete without taking into account such a phenomenon as sexuality. At the level of the everyday existence of the species Homo Sapiens, the phenomenon of sexuality is obviously understood from all possible perspectives. However, such understanding, as a rule, ignores the achievements of esoteric experience, as well as mythology, i.e. the irrational element of human existence, which appeals primarily to the nature

of sexuality. Whereas, in the light of the symbiosis of rational and irrational approaches to understanding the essence of sexuality, the latter can be presented as "a deep source of temptations and desires, the cause of desires and fears. After all, before a person discovered lust, they were not familiar with anything that became an integral part of the existence of a concerned person" (Kaluha, 2011, p. 453). Thus "sexuality, or rather its awakening and manifestation in man clearly corresponds to a certain, so to speak, spiritual state, a certain degree of detachment or alienation from its ontological source" (Kaluha, 2011, p. 41). Thus, "it is sexuality as a source of deep feelings, the original circumstance of human position and the ontological basis of feelings" that tightly "binds the concerned being to the ordinary world" (Kaluha, 2011, p. 444).

In the context of these suggestions, sexuality is a kind of transformation principle. The perfect or integral being, which corresponds to human nature as a result of awakening or manifestation of intentions, lust as a primary impulse, acquires certain unique features, standing out in the original existence. Accordingly, self-sufficient or sovereign existence[1] is transformed through sexuality into a conditioned being, whose existence is determined by the circumstances of human situation. And the very circumstances of the human situation become relevant due to sexuality, because without the latter, neither fertility nor plurality is possible. However, the unborn cannot be mortal, and the non-manifested does not need the space of its own manifestation, i.e. earthliness.

A person whose attention is always focused on the conditions and circumstances of survival, that is, on the current situation in which they permanently find themselves, becomes a concerned person. The way they exist is vanity.



Picture 1. Transformation of Integral (Perfect) Being to the Level of the Concerned Person.

[1] A person who discovers the world, themselves and others through knowledge, and is aware of the self as a conditioned being, the self-sufficient or sovereign being can only be a delusion of their imagination. The basis for the formation of such ideas are certain worldview paradigms, innately significant for a particular person. For example, in Buddhist context, the manifestation of sovereign being is an enlightened one or a Buddha, particularly Gautama Buddha. In Christian discourse, obviously, the embodiment of sovereign being is Jesus Christ; and Prophet Muhammad is in Islam. A self-sufficient existence is at least devoid of any desires, and, therefore, free from passions or needs.

The Human Situation in the Light of Structural and Functional Approach

The system of modern ideas about man, as varied as of scientific, religious, or household nature, is represented by a huge amount of information[2]. However, the question "What is a man?" remains debatable. Therefore, per se it is bypassed by consistent conscientious researchers, and at the same time, its interpretations benefit significantly some scientific or religious fraudsters. Such fraudulence often leads to various social conflicts, instigated by certain ideological fanatics. Therefore, it would be consistent to agree, basically, that the essence of man is beyond knowledge, and therefore different interpretations of the essence of man can in no way claim to be final and true.

And yet man constantly manifests his own essence in the activity. Depending on the type of activity a person becomes both a contributor and a witness of certain manifestations of his essence. As a result, the essence of man can be traced from a functional point of view. However, modern terminology is, obviously, far from clearly expressing at least the essence of abstract concepts, including those designed to reveal certain manifestations of human nature. In particular, it concerns such concepts as soul, will, creativity, intention, spirit and so on. Therefore, when resorting to the use of such concepttualization, it is important to refer to the context in which these notions reveal their meaning. However, in this regard, it is worth considering the fact that a contemporary person is not an adamant adherent to any specific worldview paradigm in their original forms, but rather they (people) combine the elements of various worldview paradigms optionally, for example, Christianity, shamanism, Vedism, materialism, etc. Thus, the worldview of modern man is a mosaic, assembled into a cluster of different teachings, some of which, not surprisingly, are well combined at the level of the same worldview of the average person even if the very sources are incompatible with each other.

On the other hand, based on the fact that any doctrine or worldview paradigm reflects a certain facet of truth, the elements of the doctrine can be combined in such a way as to obtain a current functional idea of the essence of man. Functional representation is a particular representation that in a given situation allows to answer the question "What exactly does the operator deal with?" and "What exactly can the operator do to meet his goals or objectives?"

Summing up the above mentioned, the human situation can be represented through the key operational characteristics of man, which would reveal, in particular, the triggers of human activity at different levels of its activity and manifestation. The first basic human manifestation available for perception is obviously the body. The body itself has been studied, as they say, lengthwise and crosswise, from physical parameters and anatomy to anthropology and psychiatry. In the isolated state, it is essentially a biological mechanism. Then the question arises as to what sets this mechanism in motion; determines its features of activity; provides the ability to think and reflect, etc.?

Based on the systematization of various philosophical and scientific theories, mythology, esoteric experience etc, it is possible to form a certain scheme of closely related structural and functional elements of man. At the heart of this scheme is the body - a certain biological entity with the key mode of its functioning is denoted by the concept of "life". Deprived of the aforementioned mode of functioning, the body is a corpse that is subject to entropy under natural conditions. Therefore, we can draw the obvious conclusion that life is a force and at the same time a phenomenon opposite to entropy. Since the phenomenon of life is clearly traced at the level of the plant, the element that brings life to the body can be called, after Aristotle, the vegetative aspect of the soul. Of course, this is a figurative concept that hints at a phenomenon rather than expresses its essence, but at the same time makes it clear that behind this concept the urge or will to live lies, especially in the context of philosophical thought of Arthur Schopenhauer.

Increasing the level of mobility and self-

2 "Information always provides a mediator. Therefore, information by its nature, of course, is indirect, and therefore information for the social being is always an indirect phenomenon, which reflects not the reality itself, but the essence and properties of the mediator. That is, every fact understood by a person, without exception, does not deal with reality or its segment, but with manifestations of the subject's nature, which are reflected in the subject's consciousness under the pressure of external influences, in other words, generated by provocation" (Kaluha, 2020, p. 9).

sufficiency in the living world is related to the sensitive aspect of the soul. At the same time, starting from this nonhuman animal-related aspect of the soul, there is a duality that forms the field of dialectic of unifying and individualizing (personalizing to man) vectors of development. The interaction and at the same time the opposition of the mentioned vectors, obviously, should be understood as some permanent cause that stimulates the development or leads to the decline of an individual (person), and also promotes the development of at least adaptive abilities at the species level. Generic, namely generic as a certain embodiment of the superindividual (super-subjective or supra-personal to man), the principle associated with the survival of the species primarily through a number of basic skills (knowledge), which are commonly identified as reflexes, in particular in the context of its formation by an outstanding physiologist Ivan Pavlov, and also as a set of innate reflexes, instincts. Correspondingly, the individual principle, the basic representative of which is desire, is responsible for the survival of a single member of a species or genus, if it is a human race. It implies that desire itself is an initiator of the individual conscious activity, and self-awareness, consequently, is the basis for ascertaining one's individuality as well as that of another, therefore distinguishing oneself among others as being unique. And it is the latter unique someone who, through desire, cares about their existence or conditions of life.

Another structural and functional element of the system "man" is the rational aspect of the soul (possessed by human beings). It combines collective and personal principles. The functional basis of the former is common sense (sensus communis[3]), in particular in the interpretation of Heidegger, the latter, figuratively, is intelligence. Common sense is responsible for maintaining a certain order in a particular social community and interaction between members of the community. It is also associated with the formation and maintenance of the Weltanschauung in a functional state - a symbol of the permanent integral reflection of reality as it opens to the representative of the species Homo Sapiens. Thus, the consequence of the obvious damage to the integral vision and sequential reflection of the world is madness, which, as experience shows, is intrinsically pertinent to man.

Intelligence, alternately, ensures the personal sovereignty as a community member through the ability to reflect, set goals, and prioritize, using both concrete and abstract concepts which are directly related to the operation of things, processes, phenomena, self-management, etc. Systemic problems with the functioning of intelligence at the level of the representative of the Homo Sapiens species are manifested as mental disorders, in particular in the form of Congenital Dementia, Down syndrome and so on. With regard to the aforementioned, neither the mental disorders nor madness is observed in animals. However, the latter does not mean that the so-called rational (human) aspect of the soul is not inherent in animals. They are also guided by common sense and intelligence, although, as experience shows, in more limited ways than those endowed with man. Thus, man, most likely, is fundamentally distinguished from other species, relatively speaking, by the higher aspects of man.

It is at the level of the higher aspects of man, which can be conditionally described as transcendent (in particular, in the context of Kant's epistemology) aspects of the soul or spiritual aspects of man (in the context of classical Christian orthodoxy), the above-mentioned dialectic of animal and human aspects of the soul is discarded. The creative principle is primarily related to the ability to contemplate, to capture certain ideas in their Platonic interpretation, i.e. eidos, and to embody them in the works of art, technique, technology, etc. In terms of casual understanding of the essence of creativity, the latter is identified as the ability to produce new, previously not represented in the world. Thus, creativity is the basis of the cultural sphere, which is associated in particular with the ability of man to transform the elements of the environment in accordance with their own intentions and goals, thus creating both a living space and a space of art. However, in its highest aspect, creativity is a matter of the process itself rather than the final result. In this case, the most important procedural achievement of creativity is the creator in a state of his permanent transformation.

3 "Sensus communis should be understood as the idea of a common sense for all, i.e. the ability to reason, which in its reflection mentally (a priori) takes into account the way of imagining each other, so that their own reasoning is consistent with the human mind and thus avoid illusions" (Heidegger, 1998, p. 307).

In addition, the highest aspect of creativity transcends a person beyond the limits of being determined by a social factor, in other words, the permanent need for the presence of one's own kind or the social environment in general. The latter, among other things, means that an artist reaches a state of complete solitude, which, following, for example, the Vedic worldview paradigm, is achieved through a state of complete silence when the interior dialogue stops. Specifically, complete concentration on a creation or process is practically analogous to deep meditations.

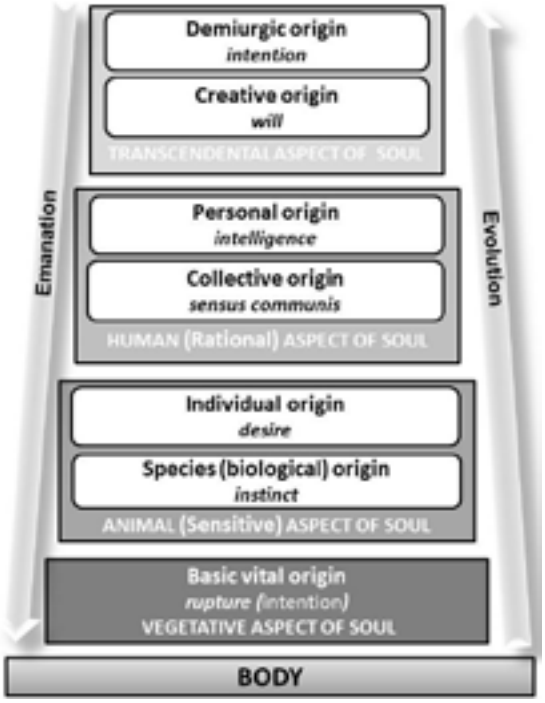
Obviously, creativity as a deep meditation is not possible without will. Will is, in theory, a disputable attribute of human existence, which is given little attention in practice. At least the general public predominantly avoid systemic practices regarding the purposeful development of the will, likewise a stable integral view of what the will is, what its source is, and what its key function is in human existence. On the contrary, the urgency of the problem of freedom, as a lasting impression, is intentionally blurred against the background of artificially accentuated problems of freedom, duty, responsibility, and so on. Among the other reasons, obviously, there is the fact that the stronger the volitional principle, the more self-sufficient its agent, the less dependent it is on the system. It is almost impossible to control or impose on such a person, only to negotiate, and even more so - to manipulate or use. Essentially such a volitional person becomes autonomous, i.e. one that coexists and interacts with the system[4], but is no longer its element. It ceases to be directly dependent on systemic or human circumstances, to be a concerned person, and therefore acts out not of necessity dictated by conditions and circumstances (human situation), but as an agent of pure spontaneity, based on awareness of the course of events, or goodness as its essence is interpreted by one Sufi sage in a number of parables, in particular: "the seeker of Truth is the master of choice: to do good or to do what must be done". That is good is the antithesis of necessity, not evil, as is commonly believed at the level of systemic worldview, inherent in the ordinary element of the system.

The demiurgic principle completes the "construction" of man. The term "demiurge", as a provisional term, is used in a similar sense as it was given by Plato in cosmogonic teaching or is now given by classical orthodoxy: the bearer of the potential to create something out of nothing by force of thought, or rather intention. Regarding the latter, the concept acquires its fullness in the texts of Carlos Castaneda, in particular according to the teachings of the representative of shamanism Don Juan: "… Intention is present everywhere. It is intention that creates the world" (Castaneda, 1995a, Vol. 6, p. 57). Incidentally, the fact that this potency is not a product of fiction and preserved in humans is demonstrated by at least the manifestations of schizophrenia, including the ability of a person to form objects or subjects available for their own interaction beyond their perception by others. However, the former ability is not subjected to any arbitrary control by an average person, and therefore is identified as a significant mental disorder.

At the same time, the embedding of the primitive content in the concept of "intention", thus reducing it to the synonymous series alongside desire or intention, is also due to the fact that the concerned person is not able to understand, as it may be: "…Desire in which there is no desire, action in which there is no action. To intend means to want, not wanting, to do, not doing" (Castaneda, 1995b, Vol. 9, p. 18). In addition, the ordinary person is practically unable to overcome the conditionality of conditions and circumstances, and, likewise, to restore their own integrity, penetrating, figuratively speaking, the veil of sexuality, that is, finally eradicating lust as a deep cause of distinction and differentiation. The intention, when arbitrarily dispose, is practically a weapon of incredible destructive power at hands of a person overburdened by inclinations, rage, hatred. Therefore, intention as the highest potential at the level of public opinion is not mentioned at all as a completely irrelevant phenomenon. Meanwhile, in the context of shamanism, the real source of will is the same intention: "Intention and its result are will" (Castaneda, 1995a, Vol. 6, p. 55).

After all, when contemplating in a chosen way, it is easy to establish causal links between the structural aspects of the human system, as well as the principles and their key attributes.

4 The system is understood not as a set of elements and relations between them, but as a transcendent phenomenon, which by its function provides stability and maintains the order of elements and relations between them, as a certain form of existence



Picture 2. Structural and functional elements of man in accordance with the combination of understanding the essence of man within the Eastern traditions, Plato and Aristotle's doctrine of the soul and modern ideas about the functional characteristics of the human body and consciousness.

Conclusion

The above-suggested considerations are the starting point to form an integral holistic view of the human situation, and perspectively open in terms of finding ways and means of internal harmonization of men, optimizing ways and conditions of their activity. At the same time, the very ideas do not grant a direct access to practice or to the acquisition of new skills or production of new technologies, and yet their importance is best revealed in the statement of Al-Qazwini: "Practice alone does not improve humanity. Man needs contact with the truth, initially in a form that will help him" (Shah, 2003, p. 19).

After all, a representative of the civilized world at the level of theory, the reflection of something through reasoning as a mechanism of operating concepts, terms, etc. or at the level of internal dialogue, deals exclusively with the ideas about anything, based on the same ideas made public by authoritative institutions. In this case, the primary source of any idea can be considered the context, the origin and true essence of which is beyond knowledge, but is revealed through the same authoritative ideas. Thus, cognition, which is based on interpretation, is aimed almost at itself, which creates a vicious circle. Its opening, if we follow the Vedic paradigm and not only the worldview paradigm, is achieved only by arbitrarily termination and prolongation of abstinence from internal dialogue, abandoning the context directly related to common sense, as common sense is the mechanism of "connecting" the individual to the context. Therefore, terminating the internal dialogue the individual is immersed into pure practice, where the goal and results lose any meaning, while the process becomes extremely relevant. That is, in the course of pure practice, free from internal dialogue, the individual temporarily loses the social group's conditionality in all its manifestations, including fear of public condemnation, the value of self-image, and therefore any complexes in the context of Freudianism, or, paraphrasing Heidegger, before Nothing, immersing in one's own state of Dasein.

Consequently, expansion and systematization

of the ideas about the human situation will certainly help to find ways of self-expression and self-realization, based on the fact that the existential peculiarities of personal ideas determine the subject or series of subjects of person's attention, i.e. actualization. At the same time, gaining a new experience of inner stability and comfortable existence, in the course of this search, will certainly encourage people to reconsider the hierarchy of values, as well as their attitude to the world around them, themselves and others. As a result, the issue of sustainable development will cease to be exclusively formal for the majority of the "humanity" system. It will acquire clearer contours in the eyes of those who will realize their potential, clearly define their priorities and realize the meaning of their existence, accepting the latter as an irrefutable constant: as long as human life lasts, it is always meaningful. In other words, someone's specific life always has a meaning, despite frustration in themselves, or because they cannot find a meaning of their existence, when as a matter of fact, they basically have lost the taste for life or desire to live.

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GENDER EGALITARIANISM AS A VALUE OF INTERNATIONAL LABOR RELATIONS

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Abstract: Gender philosophy, issues of gender identity and gender inequality are topical issues of the philosophical and legal scientific direction. The manuscript presents an approach that includes understanding gender issues in labor relations from the standpoint of the social state, relations of equality, justice and the common good. Only by gaining a foothold in theory and practice, constantly rising to the level of its philosophical generalization, the ideas of gender equality provide a mechanism for their real implementation, and the gender approach serves to effectively solve problems and preserve social peace. The principle of gender equality acts as a goal that must be taken into account in lawmaking and law enforcement. The purpose of the study is to determine the place and role of international legal instruments in the formation of national methods for ensuring gender equality and processes related to the improvement of mechanisms for protection against discrimination. The study is based on the assumption that international labor agreements have the necessary leverage over national legal systems and that it is in the public interest to effectively implement and enforce them.

Keywords: international law, human rights, employment standards, gender equality, discrimination.

Introduction

The fundamental problems of law, such as justice, freedom and equality, guilt and responsibility, etc., are at the same time the most important philosophical problems. Equality is a philosophical and legal category that finds its adequate expression not only at the level of legal phenomena, but, above all, in actual social relations that actually exist and receive subsequent legal consolidation. The term "gender equality" as a civilizational value includes equality before the law, equality of opportunities and equality of results.

The manuscript presents an approach that includes understanding gender issues in labor relations from the perspective of a social state, the

relationship of equality, justice, and the common good. Only by being fastened in theory and practice, constantly rising to the level of their philosophical generalization, the ideas of gender equality provide a mechanism for their real implementation, and the gender approach serves to effectively solve problems and preserve social peace.

In addition, during the formation of the research methodology, we proceeded from the fact that the philosophy of law contributed to the development of international labor law, rethinking the fundamental legal concepts and theories regarding the nature of international law, its relationship with national legislation, the relationship between law and the state, as well as the very idea of social justice. In the last decade, the practice of international law has stimulated theoretical reflection on several fundamental issues, such as the welfare State, equitable distribution of resources, social responsibility of the business community, ensuring human dignity in labor relations.

The purpose of the article is to highlight the issue of gender theory, which, through the prism of international standards, considers a set of basic legal problems of gender equality, their reflection in national legislation and the practice of its application in Kazakhstan. For the modern concept of a social legal state as the most optimal type of state, where the idea of formal equality of all before the law with the desire to achieve social equality is the most important, the most important is the principle of social justice.

Trends in determining the nature of gender equality are the recognition of personal social value, self-perceptions and self-identification of men and women, along with the observance of equal rights for men and women (Connell, 2006; Inglehart et al., 2003; Jenkins & Reardon, 2007). Ultimately, a search is underway for legal structures that minimize the hierarchy of differences between the sexes. In turn, the concept of "gender equality" in the philosophical and legal perspective is increasingly considered as the establishment of harmonious partnership relations between a man and a woman; creation of conditions for the full realization of male and female potential, expressed in equality of potential opportunities, equality of personal status, an identical system of values that does not depend on gender characteristics, and an equal assessment of the significance of gender social roles by society.

The main objective of the article is to help overcome the delusion that "the solution of the women's issue in legislation" and the absence of gender discrimination in social, cultural, psychological and other behavioral spheres of life from the point of view of the law completely removed the "women's issue" from the rostrum of society.

The principle of gender equality acts as a goal that must be taken into account in lawmaking and law enforcement. International legal guarantees of gender equality are the means and methods provided for by international legal acts that ensure equal rights for men and women and equal opportunities for their realization in various spheres of society. International legal standards, being a kind of minimum requirements of the international community for states to ensure the latter gender equality, have had and continue to have a significant impact on the development of Kazakhstani legislation, including through the direct priority application of generally recognized principles and norms of international law, as well as ratified international treaties.

The authors substantiate the following problem: despite the fact that the state has ratified the main international instruments in the field of guarantees for the prohibition of discrimination against women, parity equality at the present time remains only an ideal to which it is necessary to strive. This conclusion is demonstrated on the example of the implementation of international standards in national legislation, as well as on the basis of an assessment of Kazakhstan's implementation of international obligations in the field of guaranteeing the principle of non-discrimination in labor legislation.

Based on the material of modern international legal documents, it is possible to see the ways and logic of the formation of legal norms and structures in the field of human rights and freedoms: the approval of these norms and structures initially in a class-limited version, the subsequent development of the primary model, the enrichment of its content, its gradual distribution (in that or other modification and modernization) to other social strata and countries, and, finally, the recognition of the universal nature of the achievements of the most developed countries in the field of human rights by the modern world community and the resulting international legal

(in combination with domestic capabilities and efforts) forms and means for their approval in all states and national legal systems. In this whole process of gradual universalization (first at the domestic, then at the international levels) of the provisions on the legal equality of people and human rights, an essential role was played by the ideas of natural and inalienable human rights, which, while remaining in the conditions of statehood, must be recognized and guaranteed by public authorities and laws.

The essence of international law can be summarized as follows: it is a system of law created by coordinating the wills of its subjects (primarily states), which plays a stabilizing and coordinating role in international relations. At the same time, interacting with domestic law, it acts as a separate, independent, and distinct legal system with its own branches of law and institutions.

The choice of the manuscript hypothesis is based on the findings of a number of studies. As Simmons (2009) cadmits, her study does not prove a causal relationship between treaty ratification and improved practices; it shows the positive correlation between them in many countries that are not stable democracies or autocracies. She constantly reminds readers that treaty commitment is not the only or even the most important reason for the improvements; treaties do not guarantee better rights; treaty commitments are not magic and international law is not a panacea for all ills; and treaty commitment will not eliminate ruthless dictators, end racial or gender discrimination for all time or raise all human beings to an acceptable standard of living. This is because the root causes of rights violations are often structural inequities or social and psychological dynamics of violence and domination, which cannot be directly addressed by these treaties. Rather, she argues that treaty commitments contribute to a political and social environment in which these rights are more likely to be respected. Therefore, her theory is conditional and probabilistic, not deterministic. Throughout her study, Simmons repeatedly insists that in stable autocracies or democracies these treaties are largely irrelevant. In stable autocracies, citizens have the motive to mobilize but not the means. In stable democracies, they have the means but generally lack a motive. In other words, treaty ratification only works for countries that are neither stable democracies nor autocracies. The practical impact of international law on the development of national legislation is noted in the studies of Beitz (2013), Abbott et al. (2015) and Hill (2010).

Elkins et al. (2013) make the following conclusion: "We find that the international instruments have a powerful coordinating effect on the contents of national constitutions. This is an important finding, as it is analytically challenging to evaluate the effect of specific mechanisms of constitutional convergence. We also find that ratification is important, and that binding international law leads to new rights in subsequently adopted national constitutions. Normative convergence been accompanied by changes in actual human rights practice".

The studies state that international human rights law has made a significant contribution to the formation of human rights institutions, the development of guarantees of national systems of rights and freedoms of citizens (Beitz, 2013; Goodman & Jinks, 2013; Boyle & Kim, 2009; Nielsen & Simmons, 2015; Buribayev et al., 2020).

International treaties corresponding to the Constitution and other obligations of the Republic are an integral part of the law in force in Kazakhstan. The country recognizes and guarantees the rights and freedoms of man and citizen, established by the Constitution and the norms of international law recognized by the Republic. International labor standards significantly impact Kazakhstani legislation's development, including through direct priority application. In the applied sense, the "international dimension" of Kazakhstani law provides an opportunity to identify gaps in legal regulation, as well as norms that do not comply with international standards of gender equality in the world of work, to define prospects for further improvement. "The question of international law's efficacy is plagued by problems of the counterfactual – namely, that we do not know how a world without international law would look. International law is the product of specific forces and factors; it accomplishes its ends under particular conditions" (Shaffer & Ginsburg, 2012). The most important condition for the effectiveness of international norms is the political will of the state to comply with advanced universal standards; society's request for fair social development; the desire of all institutions of power to work and develop the legal sys-

tem in accordance with the best achievements of the world community.

As the main hypothesis of this analysis, we take the fact that the modern theory of international law stands on the position of mutual influence of international and national systems of law. On the one hand, the norms of international law are subject to application in national systems of law. On the other hand, the national legal system can influence the formation of international law. Thirdly, international law has a progressive impact on the national legal system, setting in motion the mechanisms of unification, implementation of domestic and international law. In this case, the leading actor is, as a rule, the universal system of law.

Additionally, we note that ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is linked to the improvement of conditions for women (Gray et al., 2006). Post-ratification improvements CEDAW were particularly strong in democratic countries and countries with extensive linkages to women-focused international organizations (Cole, 2013). Ratification of the CEDAW has a positive impact on observance of womens rights (Hill, 2010). CEDAW provides a way to think about women's interests that is broad, inclusive, and sufficiently flexible to reflect changes over time (Baldez, 2011). International human rights law is one small, but not utterly insignificant, aspect of the success of the women's movement, important more for its role in enabling the movement to grow and prosper than for what it does in and of itself. Nonetheless, it is worthwhile that documents like CEDAW exist, and not merely for their direct legal value (which can be questioned). Documents help people to network across national boundaries and to develop a sense of common purpose, a common language, a common set of demands, and a sense that progress is being made; all of which are incredibly important for a movement, especially an international one, and especially for members who feel isolated or relatively powerless (Nussbaum, 2016).

Ratifying core conventions adopted by the International Labor Organization (ILO) creates legal obligations to improve labor standards in the domestic economy, notably with regard to union rights, minimum age and discrimination in employment, and forced labor (Baccini & Koenig-Archibugi, 2014).

In order to analyze the ILO conventions, which to some extent contain norms on guarantees of gender equality, they should be divided into three categories. The first group of norms of international labor law is of an anti-discriminatory nature in the form of a prohibition of discrimination and ensuring equal rights and treatment in the field of labor and social protection for men and women. The second group of ILO instruments establish protective norms for all women (gender labor protection). These international legal norms take into account the differentiation dictated by the objective characteristics of the workplace (night work, harmful and difficult working conditions, etc.).

The third group of ILO conventions provides for special protection for mothers through the provision of benefits, benefits, social preferences. According to the terminology of the ILO, gender labor protection and maternity protection are established in order to ensure this category of persons not only legal but also actual equality in the field of labor and employment.

Method

We have conducted a comprehensive study based on the comparative legal method. In the theory of law and the theory of comparative labor law, this method involves the study of legal matter in two directions (levels): international legal (comparison of international labor standards and norms of Kazakhstani labor law) and model legal (comparison of various systems, models of labor law, and its institutions). At the same time, not only normative legal acts, but also law enforcement practice, including judicial and contractual ones, are subject to comparative analysis. In relation to our study, the comparative legal approach means the following. The method involves a comparison of the Kazakh labor legislation on gender equality with international legal standards, which are legalized in the international legal acts of the UN, ILO, and regional international organizations. We are talking about the so-called "international dimension of labor law" in the aspect of the problems of gender equality we have stated. Next, different types (models) of legal support for gender equality in social and labor relations are subject to comparison. Our

work is of a legal nature, but it uses methodological approaches, an array of factual material and the conclusions of philosophical, sociological and other humanitarian studies. At the same time, all of them, including sociology and philosophy of law, are of subordinate importance for achieving the goals of legal regulation.

It should be noted that the law has a relatively limited ability to contribute to a rapid change in the nature of social relations associated with stable stereotypes, an established division of social roles, and mental preferences. At the same time, even the achievement of formal equality and equalization of the starting opportunities for men and women, as well as all people in general, will not lead to the achievement of true equality At the same time, gender philosophy, issues of gender identity and gender inequality are questions whose answers are crucial: the changes in the social status of women and men in our time have fundamentally changed many of the principles of work in the labor market (Beregovskaya et al., 2022).

The legal, and even more so the actual, alignment of the legal status and opportunities in the implementation of the labor rights of men and women depends on a number of factors that are predominantly extralegal in nature. The doctrine of equal rights in itself does not solve the problems of actual equality, which is especially important for modern Kazakhstan. However, the creation of a solid legal foundation for ensuring equal rights and opportunities for women and men in all spheres of society and activity is the first condition for achieving the goals of gender equality. The most important task of the gender strategy is to ensure the fulfillment of obligations arising from international treaties in the field of gender equality, the implementation of measures that guarantee the application of ratified international treaties that meet the national interests of the Republic of Kazakhstan.

International legal guarantees of gender equality are the means and methods provided for by universal acts by which the equal rights of men and women and equal opportunities for their realization in various spheres of society's life are ensured. International legal standards, being a kind of minimum requirements of the international community for states to ensure gender equality by the latter, have had and continue to have a significant impact on the development of Kazakhstani legislation, including through the direct priority application of generally recognized principles and norms of international law, as well as ratified universal treaties. The binding nature of the universally recognized principles of international law for states is due not so much to voluntarily assumed contractual obligations as to the universal recognition of these principles, their support from the international community, the high status and authority of international organizations involved in their formulation, and the state's membership in these organizations.

In the study, we presented an analysis of the compliance of Kazakhstani law with universal international standards. We also formed recommendations on the implementation of ILO conventions in Kazakhstani legislation aimed at creating equal rights and opportunities for women and men, which is in the national interests of Kazakhstan.

Discussion

The implementation of the norms of international labor law is the final stage of the mechanism of international legal regulation in this area. The implementation of international legal acts is the activity of the state aimed at the realization of international norms by taking domestic measures to create and ensure legal mechanisms for the implementation of international law (amending existing legislation, adopting new legal norms, etc.). The theory of implementation proceeds from the independence and difference between the systems of international law and domestic law. However, the mechanism of "admission", including the norms of international law in the system of domestic law implies a differentiated approach depending on the type of legal norms, their content and the ultimate goal of international legal regulation.

Kazakhstan is a party to most of the major international treaties dedicated to the protection of human rights. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights have imposed on states the obligation to ensure the equal right for men and women to enjoy all economic, social, cultural, civil and political rights. At the national level, attention should be directed primarily to the implementation

mechanisms provided for in human rights treaties.

The ILO is the main institution ensuring the fight against discrimination and gender inequality, which act as the subject of two fundamental conventions: the 1951 Convention on Equal Remuneration of Men and Women for Work of Equal Value (No. 100) and the 1958 Convention on Discrimination in Employment and Occupation (No. 111). Many other ILO documents, for example, the 1981 Convention on Equal Treatment and Equal Opportunities for Male and Female Workers: Workers with Family Responsibilities (No. 156), the 1983 Convention on Employment and Vocational Training of Persons with Disabilities (No. 159), the 2011 Convention on the Work of Domestic Workers (No. 189), relate to certain aspects of equality and non-discrimination.

A state that has assumed the obligation to comply with and conscientiously implement international legal acts must harmonize its national legislation with international law. Authorized subjects of domestic law must contribute to the effective use by the state of its rights and the conscientious fulfillment of its international obligations. All subsequent actions of these entities must be consistent with the provisions of international law. The legislator takes measures to harmonize the norms of domestic law with international law. The most effective in the process of coordination are sending, incorporation and legitimation, which allow creating the most harmonious conditions for the coexistence of international and national law.

The labor legislation of Kazakhstan prohibits discrimination of employees, including on the basis of gender. Discrimination is the other side of equality. Although the problems of discrimination and protection against its manifestations are in the field of view of the science of labor law, it still takes place in labor relations, which is evidence of the insufficient effectiveness of existing legal norms. An analysis of international legal norms on the prohibition of discrimination, taking into account their interpretation by international judicial bodies, indicates that the list of signs (grounds) on which discrimination is not allowed is not closed. Differences in rights and obligations, restrictions or preferences in relation to certain citizens or categories of persons are recognized as discriminatory if they do not have an objective and reasonable justification, do not pursue a legitimate goal, or are disproportionate (inadequate) to the set goal. Their result is the violation or destruction of equality of opportunity and treatment.

Despite the existing legal prohibitions on discrimination based on sex, the problem of gender discrimination in the labor market exists (Tleubayev, 2020; Kireyeva, 2019; *National report "Labor market of Kazakhstan: Development in a new reality"*, 2021). Gender discrimination manifests itself in hiring (job advertisements indicate the preferred gender of the applicant, while women are offered lower wages than men), the gap in wages between men and women for work of equal value is not narrowing (today women receive 30-40% less than men for similar work), the rights of pregnant women and persons with family responsibilities are violated. In Kazakhstan, there is still a list of professions that are prohibited for women. Many experts and women's organizations consider such a list to be unreasonable, violating women's right to choose a profession, while at the same time legislators claim that they are taking care of women's health in this way.

Taking into account the guarantees of international acts, it may be recommended to develop a system of measures aimed at reducing gender segregation in the field of occupations and reducing wage inequality that exist in practice, including overcoming gender stereotypes; develop and use a system of methods for objective evaluation of various works. Such a policy implies not only legal but also political, social and economic actions on the part of state bodies.

The problem under study is also actualized by the fact that the violation of gender equality is also allowed in relation to men. Gender asymmetry in relation to men is enshrined at the legislative level, both in the Labor Code of the Republic of Kazakhstan, laws on military personnel, on law enforcement agencies, etc. Thus, the Labor Code of the Republic of Kazakhstan mainly provides guarantees to women with family responsibilities; the legislation does not prevent the father of the child from receiving parental leave. However, the procedure for the implementation of these social rights is rather difficult and requires significant organizational and time costs. Legislatively established gender asymmetry, in which the state, while granting privi-

leges to care for children, other family members only to women, actually recognizes their greater responsibility for the family, while unreasonably depriving men of such rights.

The Criminal Code of the Republic of Kazakhstan provides for criminal liability for violating the equality of human and civil rights and freedoms, fixes the objective side of this crime, introduces the concept of discrimination, prohibits unjustified refusal to hire or unjustified dismissal of a pregnant woman or a woman with children under the age of three years. However, in practice, the responsibility for these offenses is not applied in practice due to the vagueness of the wording. In fact, there was not a single case of judicial proceedings on these elements of the crime. Often, women illegally dismissed in connection with motherhood apply to the courts of general jurisdiction with claims to recognize the dismissal as illegal and reinstate them in their jobs. At the prompting of public organizations, some plaintiffs add to these claims a requirement for the court to recognize the fact of discrimination. The courts, although in most cases stand up for the protection of women's rights and recognize the dismissals as illegal, still refuse to recognize the fact of discrimination on the basis of sex, despite all the existing legal grounds. As such, there has been no jurisprudence in cases of discrimination (Supreme Court, 2021; Prosecutor's Office, 2021).

Convention 111, ratified by Kazakhstan, provides for the obligation of the state to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof; undertakes, in a manner consistent with national conditions and practices, to introduce such legislation and encourage such educational programs as may ensure the adoption and observance of this policy; repeal any statutory provisions and change any administrative instructions or practices that are inconsistent with this policy. Such signs of discrimination as gender, race, nationality, religion, etc., are possible precisely in relation to a person who is a carrier of living labor; therefore, these restrictions, as well as "setting wages not lower than the minimum wage", also included in this principle, are not applicable to other branches (civil law related to the regulation of the results of labor activity).

An analysis of the norms of labor legislation reveals norms that significantly infringe on the rights of workers, depending on the nature of the work they perform. These are special working conditions for seasonal, domestic, home-based workers, when these categories of workers are placed in a more dependent position on the employer, infringing on their rights compared to other workers.

Legislative consolidation of the principle of equality of rights and opportunities corresponds to the provisions of ILO Convention No. 111; however, the Convention also fixes another aspect of equality - equality of treatment, which, unfortunately, was not reflected in the Labor Code of the Republic of Kazakhstan. Equality of treatment is the equality of workers when interacting with employers, suggesting that employers should treat all workers equally, regardless of their belonging to a certain group, for example, persons with family responsibilities, disabled people, older workers, etc.

The current law in Kazakhstan "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women" is a framework law and does not provide the necessary level of regulation of the problem of discrimination and ensuring gender equality. This Law contains a vague definition of "gender discrimination" and lacks the concepts of "direct" and "indirect" discrimination. Additionally, anti-discrimination norms in relevant laws, including in the field of labor protection, have not been developed.

The constitutional principle of universal equality of rights, regardless of any circumstances (gender, race, nationality, language, property and official status, place of residence, attitude to religion, membership in public associations, etc.) is intended to be a guarantee against any discrimination, including by gender. However, legal science and practice in Kazakhstan, the legal consciousness of citizens in most cases are indifferent and indifferent to the numerous facts of discrimination. The international obligations assumed by Kazakhstan put forward certain requirements that must be met, including by legal means. At the same time, the absence in science and legislation of the legal concept of "discrimination on the basis of sex" and sanctions for its commission makes the mechanism for protecting the rights of women and men incomplete and does not allow them to defend their rights in each

specific case.

Only a very few realize gender discrimination as a way of violating human rights and civil liberties, degrading human dignity. Meanwhile, in contrasting the sexes, first of all, social development loses, because equality of the sexes has the social value of constructive cooperation in society. Over a long historical period, women have sought legal equality with men. But between legal and actual equality, that is, between equality of rights and equality of opportunity, there is a huge distance. To overcome this distance, to achieve equal participation with men in all areas of public life is one of the main tasks of the development of modern society.

In order to implement the socio-economic rights of women, it is necessary to create national action plans for the eradication of poverty for women, which will be based on the state policy on women's issues (taking into account international standards); improve the system of national statistics on the economic situation of women in the state, develop a mechanism for preferential allocation of funds from national aid funds; based on the Law "On Employment", develop a special section on the employment of women in state and regional employment programs. In addition, it is necessary to adopt legislative acts that provide for the full economic interest of states and employers in activities to improve working conditions, and, above all, women of childbearing age; adopt the law "On the protection of the health of pregnant women"; develop programs for the "Protection of women's reproductive health" and ensure their funding; create mechanisms for quotas, tax and other benefits, etc. for employers who use the labor of women, especially pregnant women and mothers with children under three years of age; provide for the responsibility of employers and other officials for concealing information about an occupational risk to women's reproductive health. It is also necessary to adopt targeted programs aimed at professional retraining of women and raising the level of their qualifications; strengthen the system of vocational training, before training, retraining of women, as well as create conditions for professional readaptation, advanced training or retraining of women who have breaks in their work activity.

Gender equality standards are also established by Convention No. 156 "On Equal Treatment and Equal Opportunities for Men and Women Workers: Workers with Family Responsibilities", Convention No. 183 "On Maternity Protection", Convention No. 100 "On Equal Remuneration for Men and Women for Work of Equal Value". All universal human rights conventions have mechanisms to monitor the observance of their norms by member states. For each of the conventions, special Committees have been created and are working, whose competence includes the analysis of practice and assistance in the implementation of the norms of the conventions in the member states. Thus, the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women established the Committee on the Elimination of Discrimination against Women. States are required to submit regular reports to the Committee on the implementation of the Convention. The Committee considers these reports and sets out its views and recommendations in the form of concluding observations. Under the Optional Protocol to the Convention, the Committee is empowered to receive communications from individuals or groups whose rights have been violated by the state concerned and to initiate investigations into gross or systematic violations of women's rights. To date, the Committee has registered 18 appeals across Kazakhstan with complaints about illegal dismissal during maternity leave, as well as gender discrimination in determining the right to pensions. Currently, there is no practice of direct application of the Convention on the Elimination of All Forms of Discrimination against Women in Kazakhstan. However, this is not directly related to gender issues, but is due to the general orientation of the courts to apply, first of all, national legislation, and not the norms of international treaties.

The UN Committee on Economic, Social, and Cultural Rights recommended that Kazakhstan consider introducing the concept of sexual harassment in the workplace as a separate crime in the Criminal Code and Labor Code to strengthen the protection of women from discrimination in the workplace. The ILO Committee of Experts also considers sexual harassment as a form of discrimination prohibited by Convention No. 111. In its most recent opinions on Kazakhstan, the CE criticized the lack of legal provisions in Kazakhstan regulating the inadmissibility of sexual harassment in the workplace. In the opinion

of the Committee, the establishment of criminal liability alone cannot solve the problems arising in this area, since this issue is very sensitive and difficult to prove, and the cases for which criminal liability is established do not cover the spectrum of cases that are considered as unacceptable sexual harassment. Given the importance and serious consequences of sexual harassment, which is a serious form of gender discrimination and a violation of human rights, it is necessary to take effective measures to prevent and prohibit sexual harassment at work, both through the creation of a hostile atmosphere and the use of legal mechanisms.

The issue raised is directly related to the ratification of Convention No. 190, supplemented by ILO Recommendation No. 206, on the elimination of violence and harassment in the field of employment, 2019. This is the first legally binding international standard for workers that deals exclusively with the problem of violence in the field of employment and recognizes the fact of gender violence. Together with Recommendation No. 206, it clearly regulates the possible actions and the basis for the formation of the labor sphere of a new era - mutual respect. The Convention states that everyone has the right to an employment environment free from violence and harassment. Previously, this has never been formulated in an international agreement in world history.

In Kazakhstan, the proposal of trade unions to include the Convention No. 190 in the list of acts subject to ratification within the framework of the general agreement is currently difficult to move forward with. The preparatory work for the ratification of Convention 190 requires an increase in the level of public involvement, and the necessary awareness of the problem among social partners, and workers to create an enabling environment for the smooth adoption of the convention and the implementation of its provisions in domestic labor legislation.

In addition, national traits, stereotypes, and difficulties associated with the promotion of this international act in our state are obstacles to the ratification of Convention 190. There is a stereotype that there are already enough difficulties and offenses in the labor sphere, and the issue of violence is regulated by criminal and administrative legislation, and therefore not everyone understands the need to cover this topic also within the framework of labor law. At the same time, violence in the labor sphere is a hot topic for Kazakhstan today, and the upcoming ratification is an important step toward achieving decent working conditions.

Results and Conclusion

The conclusions of international organizations, law enforcement practice, and our own research confirm the hypothesis put forward about the insufficiently effective national mechanism for protection against discrimination under international standards, despite certain efforts on the part of civil society and the state.

Achieving equality for women is possible with the development and observance of international standards and an effective national mechanism. Kazakhstan's national mechanism for achieving gender equality does not fully comply with international standards and norms.

The existing legislation does not contain a mechanism for monitoring and monitoring its compliance. The lack of law enforcement practice and statistics on cases of gender discrimination and violation of human rights in employment leads to the absence of an action algorithm for the executive and judicial authorities. The existence of a law does not guarantee compliance with this legislation if those who violate it do not see the mechanism of influence and precedents for punishment for ignoring it.

There is a significant gap between the theory and application of basic norms and standards in the field of gender equality. Kazakhstani women have limited opportunities for judicial protection of their rights, and limited access to information about their own rights and about the current legislation in the field of gender equality. The law does not provide for specific sanctions for violation of provisions related to gender equality. In practice, it can be difficult to prove the fact of discrimination based on gender. First of all, the courts accept documentary evidence for consideration, and it can be extremely difficult to obtain such evidence in the case of gender discrimination.

It should be noted that during periods of economic crisis, or recession, which Kazakhstan is currently experiencing, discrimination, as a rule, intensifies, negatively affecting social sta-

bility in the country. Consequently, for Kazakhstan, the problem of gender discrimination becomes more acute. Within the framework of the chosen state course of modernization of society and the economy and the ever-increasing global competition, the gender potential of citizens should be used as the main competitive advantage of the Kazakhstani nation. To reveal and realize the gender potential of the nation, it is necessary to ensure the implementation of international pacts and conventions in real legislative practice. The full-fledged work of existing laws, their qualitative improvement, and systematic implementation will increase the population's trust in the authorities and the country's image in the eyes of the world community.

The ILO has done tremendous work to redress gender inequalities, including in the sphere of employment. The result of this work was the adoption of a significant number of international acts aimed at achieving gender equality and preventing discrimination in all spheres of public life. However, the ratification by states of international acts does not in itself testify to the observance of the principles and postulates outlined in them. A key role in achieving true gender equality is assigned to the national mechanism - a special system of political management structures and practical measures of the state aimed at solving gender problems in all areas of public life, including in the sphere of work.

In this direction, it is important to amend the existing legislation, namely, to make it more substantive and in line with recognized international standards. The key aspect is the inclusion in the legislation of a more precise definition of the concept of "gender discrimination" based on the accepted terms of the ILO and the UN, taking into account the specifics of Kazakhstan. The legislation requires revising the employer's responsibility for the manifestation of discrimination in terms of strengthening the legal protection of employees from manifestations of discriminatory actions.

The effectiveness of government measures to comply with international law and implement the gender equality policy in the Republic of Kazakhstan remains low due, primarily, to the formalist approach. The ratified conventions and pacts mainly carry a mono-targeted load - improving the image and position of the country in international rankings. In this connection, the main goal of these documents is missed - to increase the level of observance of human rights and the realization of equal opportunities for citizens. Such an approach leads to short-term superficial results, which are clearly not included in the plans of the state, whose efforts are aimed at achieving long-term goals.

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THE PHENOMENON OF EDUCATION IN THE CONTEXT OF AN INTERCULTURAL PHILOSOPHICAL APPROACH

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Abstract: The article discusses the principles of coordination of intercultural philosophy with the main vectors of development of modern spheres of education. The mechanisms of the formation of intercultural philosophy since the end of the 20th century have been investigated. The etymological analysis of the concepts of "dialogue", "discussion", "contact", "interaction", "polylogue", "speech of many" and "multiple contacts" is carried out. The authors analyze the processes of correlation, mutual influence and communication of cross-cultural discourse in the context of comparative philosophy and synthesis of cultures both from a general theoretical and methodological perspective. Special attention is paid to the prospects of studying the phenomenon of intercultural and interregional interactions of the philosophy of education, comparative and intercultural philosophy.

Keywords: education, culture, society, philosophy of education, comparative philosophy, interculturality, intercultural philosophy.

Introduction

The phenomenon of education is an important object of research in various sciences, because it is education that is the basic foundation that ensures the development of the individual, as well as society and its institutions. Philosophy seeks to comprehend all spheres of human activity, including education. The philosophy of education itself acquired an independent status in the first half of the 20th century in the USA and today it is defined *"as a philosophical reflection on the nature, aims and problems of education"* (Kuzanyan, 2017, p. 107). It is important to note that when interpreting the phenomenon of education through the prism of philosophical reflection, one should take into account the *cultural context* in which the educational process is carried out. Education is a place of contact between different cultures, their interaction and communication. And here we are witnessing the process of *intercultural dialogue in education* and in this regard, an *intercultural philosophical approach* is being actualized, which considers all cultures as equal among themselves and at the same time creates conditions for their effective and mutually beneficial interaction while preserving the uniqueness of each culture.

The Genesis of Intercultural Philosophy

In the philosophy of the 20th century, special attention is paid to cross-cultural studies, an attempt to *compare Eastern and Western civilization*. In this regard, such a new direction as comparative philosophy is being formed, the basis of the methodology of which, as defined by P. Masson-Oursel (1926), is an *analogy* (p. 37). It is through the method of analogy that comparative philosophy searches for similarities and differences between the cultures of the East and the West. From this point of view L. Skof (2008) notes that comparative philosophy is a *"universal positive science of analogy"* (p. 123). At the same time, P. Masson-Oursel's (1926) remark that *"there is no truth that is not relative"* (p. 37) is interesting. Proceeding from this, we can say that comparative philosophy, according to Masson-Oursel's (1926) idea, should not give priority to one or another culture, since the monopoly of any culture in the spiritual life of mankind is unacceptable (p. 37). These motives, which were set by P. Masson-Oursel, are important not only for the development of comparative philosophy, but also for the emergence of intercultural philosophy. However, his methodological approach in further comparative philosophical research has undergone changes. Thus, one of the founders of comparative philosophy, P. T. Raju (1962), believed that *"the subject of comparative studies is the comparative study of various traditions, the basis of which should be a person and his life"* (p. 270). At the same time, he means that "the goal of comparative philosophy is a cultural synthesis that implies not domination, but development, not imposition, but assimilation, not narrowing of the worldview, but its expansion" (Raju, 1962, p. 288). Thus, P. T. Raju shifts the methodology of comparative philosophy towards the synthesis of cultures, which will be expanded by Ch. A. Moore (2021) into the idea of a *"substantial synthesis of cultures"* and a *"world synthesis of philosophies"* (p. 5). Within the framework of comparative philosophy, there is a desire for a dialogue of cultures through their synthesis. M. Siderits (2017) notes that for in order to understand another culture, it is necessary to fully enter into it, the ability to think like a native of this culture (p. 3). Therefore, within the framework of comparative philosophy, the approach of *"fusion philosophy"* is formed, which was criticized by M. Levine (2016), according to whom, "fusion philosophy" does not contribute to the convergence of different philosophies and approaches, it substitutes views and positions (p. 237). It follows from this that cultural synthesis, as a methodological approach of comparative philosophy, loses its relevance, since the very expression "fusion" implies precisely the connection, the absorption of one thing by another. In the context of culture, this means the absorption of one culture by another, which in itself leads to the loss of cultural identity, Westernization or Easternization as a consequence of globalization.

In modern comparative philosophy, an attempt is being made to form a new *"comparative philosophy without borders"* in order "to open up ways for penetration, if not fusion" (Chakrabarti & Weber, 2016, p. 1). However, we believe that this approach inherits the ideas of cultural synthesis in certain way. At one time, S. Radhakrishnan, J. Santayana and J. Dewey on the pages of the journal "Philosophy of East and West" opposed the idea of the synthesis of cultures, rejected the idea of their uniformity, indicating that in one way or another intercultural connection are observed in the historical process (Dewey et al., 1951, pp. 3-5). On the basis of these disputes, a new direction is being formed in comparative studies – *intercultural philosophy*.

The intercultural philosophy was formed at the end of the 20th century. The founders of this trend are such thinkers as R. A. Mall, H. Kimmerle, R. Fornet-Betancourt, F. M. Wimmer and others. Unlike comparative philosophy, intercultural philosophy rejects the possibility of cultural synthesis and calls for intercultural dialogue based on equality and pluralism of cultures. The absorption of one culture by another is unacceptable for interculturalism. M. Stepanyants (2017) notes the revision of the Eurocentric position that has taken place (p. 21), as a result of which intercultural philosophy "aims to comprehend and solve, in addition to purely philosophical, the most important global problems through dialogue as a means of relieving tension, achieving mutual understanding and mutual respect, finding new ways to jointly solve common problems" (Stepanyants, 2015, p. 157).

Fundamental Principles of Intercultural Philosophy

R. A. Mall (2000) writes that *every philosophy by its nature must be intercultural* (p. 9). The very expression "intercultural", as Hsueh-I Chen points out, has the meaning of "being between" (Hsueh-I Chen, 2014, p. 72). This also means that the intercultural philosophical approach does not try to establish a priority culture, recognizing all cultures as equally important and unique in their own way. According to R. A. Mall (2000), interculturalism is also a *"mental and moral category"* (p. 4). V. G. Furtardo (2004) believes that this category should be understood in the context of pluralism (p. 4). Hence follows the basic principle of intercultural philosophy – *tolerant pluralism*, which is also complemented by the principle of *"cognitive modesty"*, which today has an interdisciplinary character (Stepanyants, 2018, p. 195). M. Stepanyants (2018) notes that from R. A. Mall's point of view, cognitive modesty is "the recognition that the Western type of philosophizing is not the only one. This is a reflection that is not limited by national or civilizational borders" (p. 196). An important principle of intercultural philosophy is also the principle of *"unity without uniformity"*, proposed by R. A. Mall (2014, p. 69). This postulates that intercultural interaction, as well as the dialogue of cultures, should take place without reducing one culture to another, without merging traditions and values.

The central concept of intercultural philosophy, as well as comparative philosophy, is *intercultural dialogue*. However, unlike comparative philosophy, the dialogue of cultures in interculturalism is not understood in the context of the East-West dichotomy. Intercultural philosophy refuses such a classification of cultures, because it contradicts its fundamental principles. Also in this regard, the concept of "intercultural dialogue" in intercultural philosophy is expanded to *"intercultural polylogue"* (Wimmer, 2002). Semantically, "dialogue" means "conversation", "contact" or "interaction", while "polylogue" literally means "speech of many", "multiple contacts". D. Olu-Jacob (2014) notes that a philosopher engaged in intercultural studies considers dialogue and polylogue as a means of communicating with other cultures other than his own; he tries to understand another culture and extract something positive from it for himself. Intercultural orientation seeks to give meaning and space to other cultures, to build bridges between them, while condemning ethnocentrism (p. 108). It is especially important to note that a real polylogue of cultures is being implemented in the environment of intercultural philosophical research, as American, European, Chinese, Indian and African studies are present here. The study of African cultures in intercultural studies is particularly relevant today. This shows that the intercultural philosophy is multipolar and is not limited by any framework. Also note that interculturalism is different from multiculturalism. R. A. Mall (2000) notes that multiculturalism tries to preserve the purity of each culture, but in reality, no culture is an absolute closed system and every culture interacts with other cultures (p. 14). In the historical process, cross-cultural ties are always traced, when one culture absorbs the traditions and values of another, but does not merge with it.

Education and Interculturalism

In the 21st century, in the era of intensive development of digital technologies and globalization, the phenomenon of education is influenced by a variety of factors, including culture, as well as artificial intelligence. The concept of *"artificial intelligence"* is firmly included in our life and, in the future, will actively influence all spheres of human life (Naumenko et al., 2021, p. 53), including education. Artificial intelligence is particularly important and relevant in the context of the COVID-2019 pandemic, when many social and cultural processes have been transferred to the virtual space.

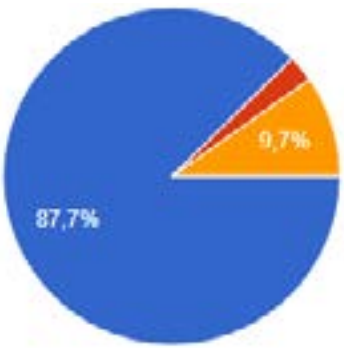
Today researchers pay attention to the fact that the cultural content of the educational process is one of the factors of ensuring equality in education. For example, P. Bourdieu argued back in the 70s that the educational process affects children from different cultural groups differently (Bourdieu & Passeron 1977, pp. 16-17). And today it is no less important and relevant to pay attention to the cultural context of education. Through the prism of a comparative philosophical approach, education will be considered as a meeting place of Eastern and Western cultures, however, ways of their synthesis will be sought. In the intercultural philosophical approach, we

can also consider education as a field of interaction and communication of cultures, but also their dialogue or polylogue. Interculturalism recognizes the uniqueness of each culture, the impossibility of reducing it to another. At the same time, conditions are being created for equal and equivalent interaction, because the voice of each culture is significant, but no less valuable than the other. For a more detailed understanding of the significance of the cultural context in education, we conducted a sociological survey among students and an expert interview with teachers with extensive experience in teaching.

The sociological survey among students covered 195 male and female respondents aged 18 and over, studying in various bachelor's degree (1-4 courses) and master's degree (1-2 courses). The interviewees were asked the following questions:

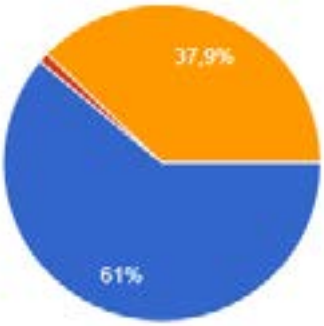
1. "Do you think the educational environment is a platform for interaction between representatives of different cultures?".

The overwhelming majority of respondents consider the educational environment as a platform for interaction between representatives of different cultures (87%), while 9.7% of respondents found it difficult to answer, and 2.6% of respondents gave a negative answer.



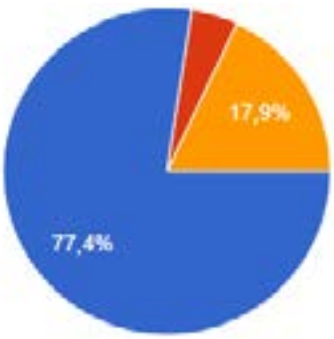
2. "In your opinion, should various events be held in educational institutions to strengthen intercultural ties (sports competitions, "Festival of Countries", "Friendship Festival", concerts, talent competition, etc.)?".

61% of respondents said that these activities should be carried out, while 37.9% of respondents believe that these activities should be carried out depending on the wishes of the majority of students. Only 2% of respondents expressed the opinion that these events should not be held.



3. "How do you think the cultural plurality of the educational environment affects the quality of education?".

77.4% of respondents noted a positive impact, 17.9% of respondents believe that it has no impact and 4.6% of respondents noted a negative impact.



The results of the conducted sociological survey among students show that, for the most part, education is a platform for the interaction of cultures. At the same time, intercultural relations in educational institutions should be strengthened through a number of activities. In addition, cultural plurality, according to the majority of respondents, has a positive impact on the quality of education. The dynamics of negative responses remains minimal. Based on this, we can say that students understand what cultural plurality is and what is the significance of intercultural communication in such a phenomenon of social life as education.

The conducted expert interviews were attended by three experts leading professional pedagogical and research activities in various educational institutions. The composition of the expert

interview participants is as follows.

Expert	*Scientific degree*	*Teaching experience*	*Age*
Expert 1	DSc, Professor	32 years	53
Expert 2	PhD, Associate Professor	41 years	65
Expert 3	MSc	21 years	49

During the interview, fist expert noted that the educational environment is a platform for intercultural interaction, a dialogue of cultures. However, knowledge is objective in nature, and it should be transmitted in a form free from the cultural context. Unification of students' clothing is not mandatory, the form of clothing should be free, convenient for students. Separate classes on education, culture, ethics and norms of behavior should not be conducted, as they are often purely formal in nature. But at the same time, according to the expert, various events presenting different cultures should be held in educational institutions, which will strengthen intercultural communication in the educational environment. In the course of his professional activity, the expert did not notice cases of discrimination based on cultural identity, but it is important to teach teachers anti-bullying and other methods of preventing such discrimination. Since knowledge is objective, the educational material does not necessarily have to take into account the cultural identity of each participant in the educational process. The language of instruction does not have any influence on the cultural identity of participants in the educational process.

The second expert also noted that the educational environment is a platform for intercultural interaction. However, cultural diversity should be taken into account depending on the subject taught. The unified form of clothing, according to the expert, is important, ensures equality and at the same time is aesthetic. Meanwhile students can be allowed to wear items of clothing or accessories that express their cultural identity. In an educational institution, according to the expert, it is mandatory to conduct classes on education, culture, ethics and norms of behavior, which will have a positive impact on the quality of the educational process. The expert also replied that intercultural exchange is promoted by various events presenting different cultures. Interestingly, the expert noticed discrimination on the basis of cultural identity in the educational environment and such cases can be prevented through teaching teachers anti-bullying and other methods. The expert also noted that the cultural identity of participants in the educational process should be taken into account depending on the specific situation. The language of instruction has a positive effect on cultural identity through the fact that it provides an opportunity for direct acquaintance with another culture.

Third expert also agreed that the educational environment is also an environment of interaction between representatives of different cultures. The presented educational material should be adapted for all students-representatives of different cultures. According to the expert, a unified form of clothing is also necessary, but at the same time students can be allowed to wear clothes or accessories that express their cultural identification. Separate classes on education, culture, the development of ethics and norms of behavior should be conducted, because otherwise the quality of classes may deteriorate. Various events presenting different cultures should also be held in educational institutions, as this strengthens the intercultural dialogue. The expert does not note cases of discrimination on the basis of cultural identity, and the prevention of such cases is part of the professional skill of the teacher. The cultural identity of the participants in the educational process should not be taken into account in order to ensure intercultural equality. The language of instruction does not have a significant impact on the cultural identity of participants in the educational process.

Summarizing the results of the expert interview, it should be noted that all experts agree that education is a platform for intercultural interaction and dialogue. However, the relationship between the educational process and cultural diversity is quite complex, since knowledge is objective and should not depend on the cultural context. At the same time, the cultural context can be taken into account depending on the subject being taught. Regarding the unification of the form of clothing in an educational institution, experts disagreed, but they were united in allowing students to wear items of clothing or accessories that express their culture. The experts also expressed a common opinion that various events presenting the culture of participants in the edu-

cational process should be held, as this will strengthen cross-cultural ties and communication. Only one expert has faced discrimination on the basis of cultural identity. According to two experts, it is necessary to train teachers in anti-bullying techniques and methods aimed at preventing discrimination. The language of education, according to experts, does not always have an impact on the cultural identity of participants in the educational process.

Thus, we see that culture and education are interconnected. The educational environment is not only an educational process, but also an intercultural interaction, a dialogue of representatives of different cultures. Cultural diversity has an impact on the quality of education and on the learning environment. Therefore, it is necessary to take into account this factor through the prism of interculturalism.

Conclusion

Education as a social phenomenon is directly related to its cultural context. At the same time, it is important to philosophically comprehend the phenomenon of education through a cross-cultural and philosophical approach. In the history of philosophy of the 20th century, the issue of comparative research of various Eastern and Western cultures is actualized, comparative philosophy is institutionalized as an independent field of philosophical research. In the context of comparative philosophy, Eastern and Western philosophical traditions, doctrines and concepts are compared. However, there is a tendency towards cultural synthesis, which is now known as the concept of "fusion philosophy". Based on the criticism of this approach in comparative philosophy, such a direction as intercultural philosophy is formed, which considers all cultures as equal among themselves, without dividing them into eastern or Western.

The intercultural philosophy based on such principles as cognitive modesty, tolerant pluralism and "unity without uniformity" postulates and considers the phenomenon of the dialogue of cultures as a platform for genuine interaction of different cultures. Interculturalism creates an ideological basis for the interaction of representatives of different cultures in an educational environment. Cultural plurality has a significant impact on the quality of the educational process, as well as creates opportunities for intercultural dialogue. This is also facilitated by the holding of various cultural events that enrich the educational process, contribute to the formation of a tolerant and pluralistic attitude towards another culture. It is important to note that education, along with the fact that it performs the function of educating individuals, also forms a certain spiritual culture and values in them, performs the function of educating the individual. From this point of view, the intercultural context of education is of key importance, since it teaches to understand and accept other cultures, to recognize the equality of all cultures among themselves, and also to look for ways of optimal cooperation. Philosophical reflection of educational processes, an intercultural approach to this problem is becoming even more relevant in the context of modern global changes.

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THE PHILOSOPHY OF EXTERNAL PUBLIC DEBT MANAGEMENT

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Abstract: The main goal of the presented article is to propose effective solutions in the philosophical context of the management of the foreign public debt of RA. The Government of the RA should adopt as a priority the philosophy of attracting borrowed funds from the domestic market.

Considering also the fact that the Republic of Armenia relied on the philosophy of ensuring double-digit economic growth, having a long-term goal to increase the real GDP indicator, which will ultimately contribute to reducing the volume of debt obligations. As a priority contributing to this goal, the RA Government intends to significantly increase the volume of trade turnover[1], especially in connection with the current geopolitical situation, when Armenia, in particular, is the "gateway of Europe" for Russia, which is the main trading partner.

Keywords: debt, government, governance, funds, domestic, foreign, economic growth.

Introduction

In spite of the different philosophical accounts of debt, a constant element runs throughout the debt literature as an uninterrupted thread, namely that debt repayment is conceived as a fundamental obligation, one that the debtor cannot and should not circumvent without costs. Indeed, the act of non-repayment does not only mark the transgression of a contract, which is punishable by law, but also and foremost the betrayal of a promise, which is something morally wrong (Kant, 2002). In this reading, the inability of giving back what is owed necessarily entails a slip down the moral ladder (Stefanutti, 2020).

Debt has become a paramount topic of discussion and controversy in recent times, fuelled by the financial crisis of 2008 and the different episodes of the sovereign debt crisis in Europe, above all involving Greece. This has produced a great deal of commentaries, economic analyses, and journalistic polemics from all sides of the political spectrum. Yet despite this profusion of discourse, it still proves difficult to seize the exact contours of the problem. Debt affects both the most isolated individuals and the most powerful states, it is equally a matter of "cold" economic rationality and the "hottest" emotions and

[1] In 2021, major trading partners of the RA included Russia from the CIS countries (31.4% of trade turnover, compared to 30.6% of the previous year), and from the EU and other countries China (15% and 13.5%, respectively), Iran (6.0% and 5.6 %), Switzerland (4.6% and 6.6%), Germany (3.5% and 4.2%), Italy (3.4% and 3.3%), Bulgaria (2.7% and 2.4%) and the Netherlands (2.7% and 1.8%). Source: RA Ministry of Finance www.minfin.am.

moral judgments, it appears at once as the most empirical thing with the hardest material consequences and as a mysterious, ethereal, abstract, and purely speculative entity (the unreal product of financial "speculation"). The concept of indebtedness not only characterizes an increasingly universal economic predicament, but also defines a form of subjectivity central to our present condition (Santner & Schuster, 2016).

In this context, studying the debt problem, we discuss various aspects on which various approaches of well-known theorists have been formed.

Alexander Douglas careful reflections – historical, semantic, logical and practical – suggest that the 'obvious' point of view is at best misleading and at worse pernicious, especially in a global economic system that is in its essence dependent on government-managed debt.

Douglas looks at debt in the ancient world, with its pattern of high interest loans to subsistence farmers in times of crisis (war, drought etc.), leading to loss of possessions (and thus earning-potential) and the sale of family members into various forms of slavery. He also notes the need for periodic amnesties (like the Biblical Jubilee) where debts were cancelled and slaves returned to their families, not simply as a matter of justice, but in order to prevent revolution. Out of this experience – the exploitation of the poor in forcing them to borrow to survive a crisis beyond their control (forced debt) – springs the ancient condemnation of usury, from the criticisms of Aristotle to the censures of medieval church councils. Here there is very limited evidence for the common utility of the institution of debt, and thus limited grounds for any absolute moral obligation to pay in full all interest-based loans.

Sometimes usury does allow for idle savings to be put to good uses. But sometimes it allows them to be put to *bad* uses. Chief among the latter is the activity of rich usurers, with savings to spare, lending to the very poor at rates that ultimately ensure that they will end up even poorer. The very poor will nevertheless take the loans on these terms out of desperation.

Thus debt as an institution is morally ambivalent. Clearly there is a good, mutually beneficial set of debt-related practices. But we cannot insist on an absolute obligation to pay debts, without considering the quality and effects of all debt-related activity in society at large.

Douglas goes on to an apparent digression on money. In fact, this discussion establishes the unique role of sovereign government in the social web of debt, production and social security, which derives from the nature of money.

In 1931 it came as a surprise to the British government to discover that it could come off the gold standard without the pound collapsing. But, says Douglas (2016a), "Only when the gold promise ceased to be honored did the explanation become clear: the paper notes themselves were acceptable for tax payments, and this gave them a value of their own, independent of their redeemability for anything else" (p. 164). This has radical consequences for the way we think about government debt

Materials and Methods

As is the case with all economic concepts, and when setting goals in the process of public debt management, there is still no consensus among economists. However, according to one of the most common points of view, the main goal of public debt management is to minimize the cost of servicing it and, as a result, the state receives loans on the most favorable terms. In this case, the mechanism of public debt management is quite simple, since the state at the stage of economic recovery tries not to take long-term loans whenever possible, so that in the future you do not have to pay for them amounts with high nominal interest rates. Therefore, in order to avoid this during an economic downturn, the government of this country takes the opposite actions, that is, sets a goal to attract new loans by increasing the terms of debt obligations, mainly in the form of long-term loans (Rusyaykina, 2001)

Local and foreign literature, scientific publications of well-known researchers interested in the problem were the research basis for the researchers.

The authors used the scientific analytical method as a research method, emphasizing the tools of generalized philosophical conclusions.

Literature Review

"Philosophy of Economics" consists of inquiries concerning (a) rational choice, (b) the evaluation

of economic outcomes, institutions and processes, and (c) the ontology of economic phenomena and the possibilities of acquiring knowledge of them. Although these inquiries overlap in many ways, it is useful to divide philosophy of economics in this way into three subject matters which can be regarded respectively as branches of action theory, ethics (or normative social and political philosophy), and philosophy of science. Economic theories of rationality, welfare, and social choice defend substantive philosophical theses often informed by relevant philosophical literature and of evident interest to those interested in action theory, philosophical psychology, and social and political philosophy. Economics is of particular interest to those interested in epistemology and philosophy of science both because of its detailed peculiarities and because it possesses many of the overt features of the natural sciences, while its object consists of social phenomena (Philosophy of Economics, 2003/ 2018).

In practice, the amount of debt may increase or be subject to adjustments if the financial system continues to operate as a result. .For debt in circulation to keep increasing, the amount of demands for loans must keep increasing. This, in turn, presupposes an unsustainable and environmentally damaging rate of economic growth. At the same time, if the government wants money it too must borrow, so that a portion of taxes are used to pay interest owed to the banks. Many do continue to wonder why the government does not change the system and find a way of creating money itself. The answer usually offered (amongst the few that consider these matters) is the temptation would be there for those in power to use the money to meet their debts and pledges and buy votes, etc., with the result that hard-won trust in money would soon dissipate (Douglas, 2016b).

It is also worth noting that when debt reaches a certain level, foreign investors and creditors become more cautious about investments, which undermines economic growth (Makaryan & Hayrapetian, 2021).

Finance and philosophy may seem to be worlds apart. But they share at least one common ancestor: Thales of Miletus. Thales is typically regarded as the first philosopher, but he was also a financial innovator. He appears to have been what we would now call an option trader. He predicted that next year's olive harvest would be good, and therefore paid a small amount of money to the owners of olive presses for the right to the next year's use. When the harvest turned out to be as good as predicted, Thales earned a sizable amount of money by renting out the presses (Aristotle, 1984).

Coins have largely been replaced by either paper or electronic money, and we have built a large infrastructure to facilitate transactions of money and other financial assets - with elements including commercial banks, central banks, insurance companies, stock exchanges, and investment funds. This institutional multiplicity is due to concerted efforts of both private and public agents, as well as innovations in financial economics and in the financial industry (Shiller, 2012).

Our ethical and political sensitivities have also changed in several respects. It seems fair to say that most traditional ethicists held a very negative attitude towards financial activities. Think, for example, of Jesus' cleansing of the temple from moneylenders, and the widespread condemnation of money as "the root of all evil". Attitudes in this regard seem to have softened over time. However, the moral debate continues to recur, especially in connection with large scandals and crises within finance, the largest such crisis in recent memory of course being the global financial crisis of 2008 (Philosophy of Money and Finance, 2018).

In particular, the COVID-19 pandemic, which followed the financial crisis, created new challenges in the global economic system, further aggravating the costs of countries, measures to overcome which are still being implemented.

Take the first question: why should I pay my debts? It's easy to be tempted by simple answers, such as 'because I said I would', 'because I owe it to my creditor' or 'because it's just the right thing to do'. Yet although these answers make legal sense, they don't quite work philosophically-speaking. They all sound like universal principles, but the obligation to repay debts is a very particular thing, depending on the particulars of the case.

Debt and duty – despite having roots in the same word (the Latin, *debitum*) – are not always the same thing. Paying debts is of course the right thing to do, but not always. What we need is an explanation of why it is usually the right thing to do – universal principles won't do the

trick (Douglas, 2019).

The State has the task of determining the juridical framework within which economic affairs are to be conducted, and thus of safeguarding the prerequisites of a free economy, which presumes a certain equality between the parties, such that one party would not be so powerful as to reduce the other to subservience.

Economics understood in abstraction ... is not just an academic error: it actually dismantles the walls of the home. Appealing to the market as an independent authority ... has meant in many contexts over the last few decades a ruinous legacy for heavily indebted countries, large-scale and costly social disruption even in developed economies; and, most recently, the extraordinary phenomena of a financial trading world in which the marketing of toxic debt became the driver of money-making – until the bluffs were all called at the same time.

There have been many remarkable anthropological and sociological studies of debt and related institutions. Philosophy can contribute to the ensuing discussion and help us to keep our language precise and discover the implicit principles contained in our intuitions (Douglas, 2015).

According to B. A. Heifetz (n.d.) public debt is broadly characterized as outstanding financial obligations of the state and its authorized body in relation to residents and non-residents M. Fedosov, L. D. Buryak and D. D. Butakov believe that "public debt is the amount of outstanding debt obligations on domestic government loans, as well as the amount of financial obligations of the country to foreign creditors at a certain point in time" (Fedoov et al., 1991). According to K. McConnell and L. Bryu (1992) "the public debt is the size of the positive balance of the state budget and the deficit". J. Dolan, D. Campbell, J. Campbell. believe that the public debt is the accumulated amount of budget deficits over previous years (Dolan et al., 1994).

In the explanatory economic dictionary, public debt is interpreted as the total amount of debt owed by the government of a country to the owners of securities, equal to the amount of the budget deficit in the past, minus the budget surplus (Kirakosyan, 1999, pp. 342-343). Another approach defines that the public debt is the size of the state's internal and external obligations to its creditors (Avetisyan, 2001).

The above definitions are summarized in the Law of the Republic of Armenia "On public debt", according to which the state debt is the sum of the debt of the Government and the debt of the Central Bank. The components of public debt are domestic public debt, external public debt and government guarantees (RA Law on State Debt, 2008, article 5, article 6).

In principle, we can agree with the above definitions of public debt, which have almost the same meaning. At the same time, they emphasize two circumstances: the mechanism of the formation of public debt and the formulation of public debt. It can be concluded that the definitions presented in the professional literature, together with their philosophical concepts, are not sufficiently holistic and can be supplemented taking into account the peculiarities of the formation of public debt and how diversified its impact on the economy are. We believe that public debt is the result of financial relations, when temporarily available funds as a result of borrowing from the private sector or from abroad are transferred to the state budget (Vardanyan et al., 2021).

The past half century has witnessed the emergence of a large literature on economic methodology, presenting many methodological approaches and conclusions that apply to many schools and branches of economics. Much of the literature has focused primarily on the fundamental theory of economics, namely the theory of equilibrium resulting from bounded rational individual choice, but macroeconomics is of enormous importance in determining the appropriate responses to the recession since 2008 in the daily work of economists, coupled with the rapidly increasing role of empirical and experimental research, finding responses in methodological inquiries (Backhouse & Fontaine, 2010).

Reinhart, Rogoff and Savastano (2003) studied the cycles of capital flows to developing countries over the past two hundred years and came to the conclusion that debtors and creditors change, however, the nature of the cycles has remained the same over time. When interest rates and stock profitability are low and liquidity is high, investors look elsewhere for high profitability. At such times, it is easy for developing country governments to raise funds from external sources, which they do. But history has shown

that for many countries, raising debt leads to insolvency.

A history of multiple defaults suggests that large capital inflows to such countries end in insolvency. According to these authors, the acceptable upper limit of public debt is specific for each country and depends on the history of previous defaults and the history of inflation.

Table 1.

The History of Defaults of European Countries until the 20th Century
(Kyurumyan, 2014, p. 53)

		1501-1800 years of defaults		1801-1900 years of defaults	Total
	Quantity		Quantity		
Spain	6	1557,1575,1607,1627,1647	7	1820,1831,1834,1851,1867, 1872,1882	13
France	8	1558,1624,1648,1661,1701,1715, 1770,1788	-	-	8
Portugal	1	1560	5	1837,1841,1845,1852,1890	6
Germany	1	1683	5	1807,1812,1813,1814,1850	6
Austria	-	-	5	1802,1805,18611,1816,1868	5
Greece	-	-	4	1826,1843,1860,1893	4
Bulgaria	-	-	2	1886,1891	2
Poland	-	-	1	1814	1
Russia	-	-	1	1839	1
Total	16		30		46

Public debts are high and rising. And the world worries. Academic economists worry that the "long-term trend in debt accumulation seems inconsistent with [these] theories of optimal government debt policies" (Yared, 2019). Portfolio managers and financial regulators worry about the shrinking universe of safe assets, excessive risk-taking, and the corresponding threats to financial stability. International financial institutions worry that if history is any guide, (e.g. Sandleris, 2016) current debt levels likely carry the seeds of future trouble involving some painful combination of sovereign default, high inflation, and financial collapse (Debrun et al., 2019).

In the case of some debt-intolerant countries, its maximum permissible volume does not exceed 15 percent of GDP. According to Reinhart, Rogoff and Savastano, knowing the level of debt intolerance is important for making decisions on the stability and restructuring of debt, the integration of capital markets and the volumes of funds raised from external sources to mitigate the effects of the crisis.

Eden, Kraay and Qian (2012) studied 118 cases of default and 282 cases of foreign investment expropriation by 172 countries in 1970-2004 and concluded that although defaults and expropriations occur in the same countries in the long run, they do not in the short run. In only five cases, these events occurred in the same year. Defaults are more likely to occur after periods of rapid debt accumulation when economic growth is low.

Bi, Shen and Yang (2014) examined the effects of fiscal consolidation and government spending under different levels of debt burden and found that fiscal consolidation has a negative effect on GDP. In cases of high debt burdens, increased government spending pushes the economy closer to fiscal policy limits, increasing risk and the associated premium that investors overlook, as well as the likelihood of default. With high debt burdens, the expansionary effect of government spending growth is smaller than with low debt burdens and may increase the probability of default.

According to Stiglitz, the costs associated with servicing the public debt of a number of developing countries exceeded twenty-five percent of exports (Stiglitz, 2002) and even fifty (Stiglitz, 2007). Stiglitz also refers to the so-called "odious" debt provided for political purposes during the Cold War, and expresses the opinion that nations should not pay for these loans instead of the enriched ruling administration, and creditors themselves should take into account the possibility of losing their money in such cases. Today, the citizens of Chile continue to pay the debts taken by the Pinochet government, the citizens of the South African Republic

continue to pay the apartheid debts, until recently, Argentina was still paying off debts incurred to finance a "dirty war" waged against its own people by the junta that seized power in 1976-83, during which nearly 30,000 Argentinians went missing. The legislative acts of Lebanon and Tunisia determine the maximum relative amount of public debt (as a percentage of GDP), and the legislation of Zambia sets the maximum absolute amount of debt (World Bank, 2007). In a number of countries, such as Bulgaria, Colombia, Costa Rica, Croatia, Indonesia, Lebanon, Sri Lanka and Tunisia, the maximum limit on the amount of debt that can be raised is set in the state budget laws. The laws of Bulgaria, Colombia, Croatia, Pakistan and Tunisia limit the maximum annual amounts of guarantees provided by the state (Kyurumyan, 2014).

For example, studying the current debt problem of China, we consider it important to note that the debt of local governments is subjected to a special analysis.

The current local government debt problem in China has a long history, there are many problems, and the potential risks are enormous. Therefore, the Chinese central government and its subordinate governments are required to grasp the essence of local government debt problems, and based on their own functions, adopt effective measures to gradually resolve the debt problem and further reduce the local government debt risk. The reasons for the local government debt in China, such as the mismatch between the local government's power and financial resources, the concept of political achievements, and the rule of law and the rule of law reform of the financial market mechanism all take time. It needs to take into account the applicability of the current Chinese fiscal system; it is necessary to carry out a slow experimental trial and error to get a better solution, and the current economic situation of each province adopts a soft landing method to gradually carry out governance.

In the international community, the financial risk management mechanism generally adopts a quantitative management model. Then, on basis of quantification, according to the overall economic development of the country, a "linear indicator system" is established, and a "warning signal" with visual significance is also used. "Lights to monitor the current debt size". When a debt problem arises, effective measures can be taken to monitor the debt at the first time. However, China's current debt situation is relatively complicated, and there are many kinds of debts, and most of them are still in the form of implicit debt. Even if they have corresponding management measures and systems, they are subject to various objective conditions for local governments. The constraints cannot be perfected like the international community, in order to monitor and warn government debts (Zou, 2019).

According to a report from the Jubilee Debt Campaign, there are currently 24 countries facing a full-blown debt crisis, with 14 more on the verge. Globally, there is about $200 trillion of debt on the books (Kalantari & Sholes, 2019).

Although the poor and disenfranchised of the world play no role in negotiating these loans, in debt crises they usually end up paying the price. So when a country borrows money, who or what is the "economic agent" responsible for taking on the debt? Can traditional economic theory explain why we face debt crises and how we can get out of them? Or do we need a new economic model that dispels some of the myths of the traditional model and offers a more ethical solution to the global debt crisis? (Kalantari & Sholes, 2019).

The goal of minimizing the cost of servicing the public debt J. Tobin complements the issue of currency stabilization (dram, currency), believing that only such debt management can be beneficial for the state. At the same time, J. Tobin (1963) supports this point of view also because, in his opinion, it is impossible to clearly distinguish between the spheres of public debt management and monetary policy, as well as the activity spheres of the Central Bank and the Treasury.

The definition of the goal of public debt management by Keynesians has received various interpretations. According to these theorists, the public debt was considered as a factor in achieving and maintaining economic stability, therefore, in this case, the public debt management policy is aimed at improving the efficiency of the economic incentive system (Hansen, 1997). In this case, the costs associated with interest payments on the public debt are minimized until, so far, it contributes to the stabilization of the economy. That is, the state at the stage of economic recovery should mainly issue long-term obligations, which, in turn, is due to an increase in the

interest rate and investment demand. But during an economic downturn, based on judgments about the stabilization of the economy, it is necessary to issue short-term loans to compensate for excess liquidity (Bayadyan & Markosyan, 2014).

The Philosophy of RA Public Debt Management in Recent Years

As known, the main blow of the global financial and economic crisis occurred in 2009, which began with the US mortgage market, and then spread to the whole world. By some estimates, the crisis was the deepest since the Great Depression of the 1930s. The crisis affected all countries, including the Republic of Armenia. Neither the country's government nor the private sectors were prepared for this unprecedented crisis. In such circumstances, sound debt management plays an important role in process of public sector financial management. This obtains more importance for countries with small and open economies, when the domestic economy has limited resources, and the government is forced to raise debt to implement a fiscal policy conducive to economic growth.

Therefore, in such a situation, the government should be sure that the borrowing policy in the future will not lead to an unstable situation, will not increase financing costs to an unacceptable and extreme level, or will not make the country vulnerable to the development of the external world. This requires the implementation of an effective debt management system, which under favorable conditions can reduce negative impacts and mitigate potential risks (Chinaryan, 2012).

It is worth noting that during the last financial and economic crisis, almost all especially developed countries had to conduct an unprecedented stimulating economic policy in order to revive their economies... As a result, for example, in the USA and many countries of the European Union, the public debt crossed the threshold of 100% of GDP, and the monetary policy interest rate reached the zero lower limit[2].

[2] The European Central Bank reduced the asset purchase program from September 2018 and stopped it completely at the end of the year.

The economic and political reasons for increasing government debt are well understood and instruments have been deployed at both the national and the EU level, to stop and possibly revert the upward trend. However, results have been mixed at best. There are countries who have followed and will continue to follow a prudent course of action and thus manage to keep government debt comparatively low or broadly stable. At the same time, there are quite a few countries who, for a number of reasons, did not manage to keep government debt from growing relative to GDP.

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With the aim of an adequate response of the RA to economic developments in 2020 and in the medium term, the following priorities were set for fiscal policy (Government Debt Strategy, 2020):

1. Anti-circuit policy. In accordance with the system of fiscal rules in 2020 fiscal policy will be an incentive to counteract the economic shock caused by the outbreak of the COVID-19 pandemic and the imposed economic restrictions. And starting from 2021, fiscal policy will have a neutral orientation.
2. Stimulating long-term economic growth. Fiscal policy in 2020 will deviate from the "golden rule" of state finances, which requires that the volume of government borrowings in a given year should not exceed the volume of state investments, and current expenses should be covered by own revenues. From 2021, fiscal policy will return to the "Golden Rule". Under the "Golden Rule", increasing the role of capital expenditures directed to state infrastructures will allow to promote long-term economic growth and ensure the stability of the state debt in the long run due to GDP growth.

3. Maintaining financial and debt stability. The reduction of tax revenues of the state budget in the context of the COVID-19 pandemic and the growth of current expenditures and lending to the economy due to anti-crisis actions will lead to a significant deviation of the debt burden of the RA Government from the threshold of 50% in the GDP. In the medium term, the objective of fiscal policy is to smoothly reduce the debt burden to 54.7% (Statistical Data (2022), and then to ensure the government debt burden reduction target of 50% of GDP in the following years.

Conclusion

The overwhelming majority of scientific publications on external public debt management refer to quantitative analyzes of the latter. Despite the fact that the results of such an analysis indicate possible scenarios of debt policy pursued in the future by politicians and performers, as well as possible obstacles associated with them, nevertheless, it is necessary to conduct a qualitative analysis to interpret the effectiveness of the use of borrowed funds, and also indicate the most effective directions of using them.

However, as in many countries, in RA as well, from the point of view of universal philosophical understanding, there is still a strong need to increase the effectiveness of debt policy implementation.

In the article, based on the conclusions arising from the conducted scientific research, the authors made the following accents:

1. to introduce the need for a qualitative analysis of the external public debt management strategy in combination with the basic data of quantitative indicators;
2. the need for legislative corrections on other indicators, in particular, the ratio of domestic public debt / GDP, the ratio of domestic public debt / external public debt, as well as the establishment of maximum thresholds for the above indicators, taking as a basis the indicators recorded in previous years;
3. to increase the provision of accountability and transparency of information on the direction of use and the direction of attraction of external public debt.
4. As known, the external state debt is involved in order to finance certain investment projects. We believe that ensuring the accountability of the used funds will also help ensure that the debt funds involved in the legislation are addressed to the specific investment program.
5. Taking into account the prototypes of Eurobonds issued by RA in the international capital market in recent years and the directions of their use, it is allowed to emphasize that in the structure of the RA state debt, the debt denominated in foreign currency is a predominant part, and also the directions of use of the involved funds do not correspond to capital-creating directions.
6. We consider it necessary to emphasize that the implementation of a stimulating policy aimed at issuing and purchasing government Treasury bonds on the domestic market by the RA Government in the long term may significantly weaken the share of debt quoted in the currency existing in the structure of the RA government debt. The latter is considered quite risky, since in the context of debt management it increases the risks of refinancing and the exchange rate.

Thus, despite the fact that in 2008 the RA Government managed to overcome the challenges caused by the financial and economic crisis, since it did not have a very high level of public debt, nevertheless, in the current situation, when the debt-to-GDP ratio in 2020 was 63.5%[3], exceeding the threshold set by the RA legislation in 60%, additional global shocks caused by the current geopolitical situation, the irreducible high level of debt can have an extremely negative impact on the financial and economic system of the RA.

Due to the continuous growth of the state debt, the authors emphasize the urgency of additional multilateral analyses, in the context of ensuring the consistency of the decisions of the RA Government on the injection of foreign state debt and the addressability of the policy adopted and implemented by the latter.

[3] As of December 31, 2020, the debt of the RA government exceeded 60% of GDP, making 63.5%. Based on the presented RA fiscal rules, it is planned to implement fiscal consolidation, reducing the government's debt from 60% of GDP by 2026.

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SAFE DEVELOPMENT OF RUSSIAN EDUCATION IN THE CONTEXT OF ITS CRISIS

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Abstract: The purpose of the article is a philosophical analysis of the difficult situation that has developed in Russian education as a result of multiple reforms for foreign cultural, primarily Western, samples without taking into account their own socio-cultural specifics of the development and functioning of the education system. The development of Russian education along the path of maximizing its security can be carried out with the help of culturally adapted processes of modernization of domestic education. The article suggests approaches to the safe development of education.

Keywords: education system, safety of education, modernization, education crisis, national security.

Introduction

To date, there are a lot of studies related to the modernization of Russian education, these are the works of A. Y. Mozdakov (2008), S. V. Kamashev (2011), E. F. Moros (2020, 2021), N. V. Nalyvayko (2007), I. A. Pfanenstiel (2010), O. N. Smolin (2011) and others. However, despite the large number of studies highlighting the ideas of modernization of Russian education, there is not enough theoretical and methodological research, thanks to which it would be possible to clearly define the strategy and tactics of the development of the system of education and training based on the traditions of domestic education, and also taking into account the use of the best foreign experience, which would exclude unreasonable options for reforming according to foreign cultural patterns that harm the security of the individual, society, and the state. At the same time, the decline in the intellectual and professional training of students has created the danger of a sharp slowdown in the material, economic, scientific and technical development of the country, and this in turn leads to an increase in the problems of national security of the country.

In other words, there is an urgent need to develop such a strategy of the Russian educational system, which will ensure not only the preservation of the best traditions of education, but also its sustainable development with the transformation into a determining factor in the revival of the country. This requires socio-philosophical research, with the help of which significant general concepts of practically effective models of modern Russian education are developed in the context of ensuring its security in the conditions of increasing international and global contradictions of modern civilization.

Methodology

The methodological basis of the study is built in accordance with the set goal. The research methods were general socio-philosophical principles and methods of cognition, widely used in the

study of social processes, as well as general scientific approaches related to the peculiarities of the analysis of the study, which helped to identify crisis phenomena dangerous for the education sector of Russia and suggest approaches to the safe development of education.

Research Result

Modern analysis of the concept of "modernization" shows that in recent years it has been filled with rich socio-philosophical and cultural content. This is a special way of social progress, characterized not by arbitrary, but by a controlled, purposeful nature. Changes in the framework of education reform and modernization process mainly occur in accordance with the modern requirements of society. The slogan of the ongoing reforms is the idea of the revival of Russia, which acquires a national character and contributes to the restoration of the integrity of the historical process.

Modernization in the field of education presupposes its adaptation to the emerging new state-political and socio-economic conditions of the country's development, as well as mastering the foreign experience of modernization in the field of education accumulated by developed countries of the world. In other words, the modernization of education is its improvement according to modern requirements. The use of new tools in the educational process is a systematic method of formation, application and provision of all teaching activities and knowledge acquisition with the involvement of all available resources, which are focused on optimizing the forms of education. Teaching methods depend on its specific content and is a way of implementing the knowledge transmitted in the learning process. The purpose of education and upbringing – the development of students' necessary knowledge, skills, abilities, adequate forms of interpersonal, social behavior and communication, mastering professional skills and experience, constant self-development of the individual, its ability to self-government.

The social effectiveness of this process is expressed not only in the final result, but also in its orientation from one stage of development to another. In this regard, it is important to clearly identify a certain socio-philosophical approach to the very content of the concept of modernization and its process. In the context under study, not any forms and ways of modernization should be accepted, but only those that ensure the safety of the domestic education system by preserving its socio-cultural identity, building up innovative approaches and optimally borrowing the best achievements of foreign cultural forms of education. This approach you can denote as "modernization on the way to education security" providing the most effective development of the domestic education system.

From the standpoint of the philosophy of education, the education system is a multidimensional phenomenon. This is, first of all, a special kind of activity, secondly, it is the most important social institution, thirdly, a purposeful process of acquiring and transferring knowledge, skills and abilities from teachers to trainees and on their basis – the formation of personal needs and abilities, fourth, it is a phenomenon studied by many sciences – pedagogy, sociology, psychology, economics, medicine and other disciplines, fifth, it is the most important social value. Finally, the education system demonstrates ever closer integration with production and science, acting as the most important national economic branch (Grechany, 2008, p. 211).

The development of the foundations of the strategy of the Russian educational system, which would ensure not only survival, but also stable development with its transformation into a determining factor in the revival of the country, is one of the most urgent tasks of the philosophy of education, scientific theoretical and methodological tasks. The practical realization of this goal should become the main task of the educational strategy, since only on this basis can truly humane and democratic conditions for individual development and free self-determination of each individual be formed.

For such a multi-confessional, multinational country as the Russian Federation, the most important task of education and upbringing is the formation of harmonious interfaith and interethnic relations based on common centuries-old values of people, a sense of patriotism and civic duty, national and religious tolerance, a common path of development and a unified worldview system.

At the same time, the solution of these tasks is complicated by the fact that the changes taking

place in the country in the 1990s led to the destruction of the previously formed system of international and patriotic education. A single clear ideology for the country was destroyed, instead of which, until now, no worthy alternative has been proposed, which, among other things, resulted in the revival of various chauvinistic, nationalist and fascist movements.

Today, the situation is gradually beginning to change for the better and society is widely aware of the detrimental consequences for Russia of moral degradation and loss of a sense of patriotism. Russian President Vladimir Putin even proposed patriotism as a national idea (Putin declared patriotism a national idea, 2016). Individual public associations and political parties, for example, the "National Liberation Movement", the "Great Fatherland" party, raise serious and deep discussions in society about the need to amend the Constitution of the Russian Federation in terms of abolishing the direct ban on a single state ideology present in it. They regularly point out that a state without an ideology is like a ship that has no clear course. Currently, it is difficult to say how these discussions will end, but the idea itself seems to us quite justified and constructive. If a specific state ideology is officially approved and accepted by society, it will automatically form a goal-setting system in the domestic educational space. The state, which aims at prosperity, has no right to observe the formation of fundamentally new ones in society in a detached and passive manner, different from the traditional former values and ideals. A specially adopted state program of patriotic education of citizens of the Russian Federation speaks about the great importance of working on this problem (Resolution of the Government of the Russian Federation of December 30, 2015. On the state program "Patriotic education of citizens of the Russian Federation for 2016-2020", 2015).

Without the development of an effective system of education and upbringing, the normal existence and development of modern society is impossible. Public life does not tolerate imbalance, destabilization, uncertainty. The definition of the main strategic directions in the field of education and upbringing is possible only on the basis of a comprehensive analysis of the current state of this system in the country, identifying the main contradictions in it. Therefore, it is necessary, first of all, a socio-philosophical understanding of these contradictions, which will make it clear which areas of philosophical and scientific-theoretical research and the development of concrete practical measures require focused attention from philosophers, scientists, politicians, educators, organizers of education (Smolin, 2011, p. 98).

Transformations in modern society, new strategic vectors in economic, social and cultural development, the need for young professionals to master new social roles, taking into account the greater openness of society, its high degree of informatization and dynamism – these factors have radically changed the requirements for education, increased the expected contribution of the educational system to the modernization of society, defined the field of education as priority.

In the conditions of a globalizing economy, the labor market is not in demand for randomly formed types of specialists, but specifically in-demand professionals. Increasingly, in the socio-philosophical and scientific literature, there is talk of a decrease in the effectiveness of the system of higher professional education in Russia. As arguments, examples of the growth of the number of students in higher educational institutions, as well as graduates who are not employed in their specialty, a high proportion of unemployed with higher education, the lack of wage differentiation depending on the educational level, and others are given (Davydova, 2013, p. 70).

In recent decades, two inextricably linked and at the same time opposite trends have emerged in international educational practice. On the one hand, the role of education in the life of states, peoples and individuals is steadily growing, and on the other hand, there has been a serious crisis of education itself and its structures, in particular, due to insufficient funding and a decrease in the prestige of pedagogical activity. The latter is especially characteristic of developing and underdeveloped countries. Similar problems are observed in modern Russia. The education crisis is caused not only by financial insufficiency, it is also the result of a misunderstanding by state structures and society of the importance of education, its role and significance in social progress.

In Russia, the crisis of the educational system has reached a level that threatens national security. In the current conditions, the development of a socio-philosophical concept of ensuring na-

tional security, which would provide for the development of the domestic educational space in accordance with the interests of society and the state, seems extremely necessary. A comprehensive philosophical understanding of the existing problems and ways to solve them is necessary to overcome difficulties and bring the country to a higher level of its development.

Currently, there is an increase in hotbeds of tension between countries, ethnic groups, religions, and the aggravation of armed and information conflicts. The works of scientists and analysts are widely discussing about the danger and inferiority of westernization and dewesternization, the defeat of societies by so-called social anomie, loss of identity, value disorientation, the collapse of "spiritual power" caused by "overproduction of information", etc.

Modern terrorist acts are primarily aimed at infringing on the spiritual and economic interests of States as a whole, as well as individual citizens and organizations. Highly developed industry and scientific and technical potential are often used today for destructive purposes that harm the cultural and educational development of the population, as a result, it has become possible for developed countries to impose their rules and values on the whole world (Weber, 2011, p. 177).

Russia has the prospect of losing its international influence and the emergence of such dependence, which is forced to take measures to protect its culture, spiritual values, traditions from negative information influence. The crisis of the domestic education system causes a real and potential threat to political, military, economic, technical and technological, social security, which cannot be ensured without qualified personnel, the introduction of modern scientific developments and high information technologies.

Where the priorities of education are at the heart of state policy, its defining civilizational and socio-economic role is realized, rather intensive cultural and social progressive transformations are observed. An example confirming this obvious thesis is the positive experience of the Republic of Korea. Even 50 years ago its socio-cultural starting opportunities were low. Compulsory primary education was introduced in the early 1960s. A network of technical and vocational schools began to form. If in 1945 there were only 19 universities in the country – a meager number by European standards – then 40 years later their number reached 100; the number of students increased 120 times; more than 90% of school-age children receive education in secondary educational institutions; more than a quarter of boys and girls receive university education (Boronoeva, 2012, p. 132).

Against the background of a wide range of opinions, two main socio-philosophical conceptual approaches are distinguished when interpreting the nature of the crisis of the education system and the main ways to get out of it. There is a widespread claim that the existing education system today is not able to provide the level, quality, scale of professional, intellectual and informational training that would meet the requirements of the emerging systems of social, industrial relations.

The requirements for productive capabilities provide not only for the need for a high educational level, but also for the formation of a different type of professionalism, thinking, intelligence, attitude to rapidly changing social, industrial, technical, information realities.

Such an approach can be characterized as technocratic, offering to change the nature and meaning of education, focusing its content and methods on the formation of young people's skills to operate with information, think professionally and pragmatically, master computer technologies, etc. The main aspect of the concept is its orientation to a high level of professionalism and the organization of training depending on the social order of society and the requirements of the market.

In the conditions of the actively changing content of knowledge, its constant increment at an increasing pace, the reform of higher education is taking place in almost all countries.

The main directions of these reforms are: diversification, continuity, integration, increasing the fundamentality, humanization, democratization, computerization, integration with production and science (Pushkareva, 2008, p. 61).

Thus, considering the current trends in the development of education in the world, it can be stated that technocracy prevails in it, while the comprehensive development of the individual has ceased to be a priority. According to the standards of the ongoing reforms, a modern specialist is a person who possesses special and general

knowledge, is able to select, perceive, interpret, use and analyze constantly increasing flows of information, promptly respond to numerous changes in science and technology that meet the requirements of the latest information technologies which will inevitably be implemented. Such a specialist needs to have basic knowledge, professional competence, analytical thinking, information culture, socio-psychological training. The current stage of development of society and the educational system, as one of the most important social institutions, requires a large number of competent specialists with a creative mindset, the ability to find unconventional methods and ways in technology, science, management, and economics.

To solve the problem of building a creative attitude of a specialist to his activities, it is necessary to rely on the implementation of the approach of continuing education. This approach involves self-education and the ability to resort to the help of qualified specialists and teachers in a particular field at any time. Therefore, the model of education is changing in principle. There is a transition from a model that was based on the training of a specialist in one field to a model that is focused on the versatile development of personality, self-development and the formation of the ability to study independently. As one of the real means of implementing modern education, we propose the concept of periodically renewable education.

As a result of the analysis of the changes that have been observed in the Russian higher education system recently, it is possible to identify the main directions of this process. The first direction is orientation to the Anglo–American model, consisting of three stages of university education. The second direction is the formation of a new type of educational institutions that seek to fill empty niches in the existing centralized educational system based on a state monopoly (The future of higher education in Russia: Expert view. Foresight Research 2030, 2012).

Currently, the predominant direction is focused on the Anglo-American model of university education consisting of three stages: bachelor's degree, professional master's degree, PHD programs. This model was conceptually designed at the beginning of the twentieth century, but the changing world forces us to constantly make adjustments to the educational agenda, responding to the challenges of modernity. In Russian universities, such stages of education as bachelor's degree, specialty (for monospecialties) master's degree are distinguished, and recently postgraduate studies have been allocated a separate level. Modern Russian universities are ranked as follows: first–level universities (TOP 5-100, federal and research universities), second-level universities (the so-called supporting universities - drivers of regional socio-economic development), third-level universities (branch and departmental universities). This classification allows us to identify the main tasks of universities.

In Western countries, universities solve similar tasks: research–type universities are responsible for science, educational universities are responsible for mass education, which in turn is accompanied by a certain selectivity in choosing not only educational programs, but also a specific university.

Each stage of training (bachelor, professional master's degree, PHD programs) corresponds to a diploma, and the specialization itself is quite flexible. It is also necessary to highlight the existence of various training formats, including free education, nuclear programs, and the like.

One of the important points in this case is the online-support of these courses, which makes it possible to listen to courses outside the university, prepare questions and then discuss them at the seminar, the so-called practice of mixed courses. It also facilitates the practice in absentia learning, opening up the opportunity for students to study independently.

This approach with mobile and rapidly developing educational institutions is focused on providing certain regions with specialists in the necessary industries (Bell, 2014, p. 103).

When building a learning trajectory, both for bachelor's degree programs, and for professional master's degree programs and integrated PHD programs, the disciplinary card is being seriously updated due to the implementation of external expertise of programs and scientific developments, exclusion of irrelevant and insignificant disciplines and departments for scientific and professional training, introduction of new ones.

If such an approach is adapted to Russian realities, taking into account successful traditional educational practices, it is possible to eliminate a significant number of difficulties in domestic

education and achieve the implementation of a completely new approach to education. This will make it possible to obtain postgraduate education at every level of education, to activate integration processes with secondary specialized educational institutions; to stimulate differentiation in the system of secondary special education; to integrate the national educational system into the world educational system.

In this sense, the American and European models of education with several levels of training is a promising direction for the development of the domestic education system. At the same time, it cannot be implemented "one to one", since its implementation requires a serious study of its specifics.

The basic principles of this system include the principle of the development of the intellectual environment. In modern concepts, this principle is reduced to the nonlinear interaction of a person and the intellectual environment, in which a person enriches his own inner world and thereby multiplies the potential of the environment, which occurs in the process of education (Orlova, 2008, pp. 183-189).

Such education is aimed at providing optimal conditions in which multi-faceted and flexible scientific thinking, various ways of perceiving information, as well as the inner need of a person for self-education and self-development on a permanent basis can be brought up.

Also, currently, the formation of educational formats is being carried out, which will be built on highly specialized and pragmatic knowledge aimed at perceiving the world around us through the prism of science, intellectual development of the individual and its adaptation in the modern dynamic world.

At the same time, it should be noted that such education makes it possible to realize the unity of two aspects of learning – ontological and epistemological. The first aspect involves cognition of the surrounding world, the second – the formation of new skills, methods and methodologies of cognition. Education thus acts as a tool by which scientific competence is achieved. Education is aimed at achieving the essential and deep foundations and interrelations between processes in the world around us (Vlasova, 2008, pp. 68-71).

We think that the successful implementation of the multi-level training system and the introduction of new training formats will allow Russia to integrate into the international educational space.

The role of modern education in the process of social reproduction has led to the intensification of contradictions that are inherent in the current state of society in Russia, which indicates significant social conflicts. In Russia, the education crisis was formed gradually. It all started with a reduction in allocations in the early 60s, which were supposed to be directed to education.

The financing of institutions that ensured the process of reproduction of the intellectual base of the country was carried out for a long period of time on a residual basis. If we compare the 70s and 90s of the twentieth century, the country has reduced the share of expenditures on education and science by almost three times. And in the USA in the years the costs of science and education were three times higher. After 1991, funding for education and science systems continued to decline. The bureaucratization of education has sharply increased, provoking crisis phenomena. The effectiveness of educational activities began to be assessed according to certain bureaucratic standards, and political and economic conflicts and borrowed reforms led to a decrease in the level of teaching, the development of bribery and protectionism, percentomania. As a result, the foundations of domestic education were undermined (Vozzhenikov, 2000, p. 23).

In secondary and higher education, there is a decrease in the level of remuneration, which also affects the quality of teaching and the level of competence of the teaching staff. Education is reduced to obtaining a diploma or certificate, which has become an end in itself for young people and which increases the incompetence of graduates of educational institutions.

The change of social relations, the disruption of their interaction, the stratification and lack of stability of the social structure, which is characteristic of post-Soviet Russia, had a serious impact on all social institutions. One of the most important and stable social processes of integration of society is the system of education and upbringing. Nevertheless, even it turned out to be unable in the new conditions to ensure the social and optimal orientation of many young people, to introduce ideas about legal norms in a liberal market society into the emerging consciousness and life activity of younger people.

Attempts to reform the domestic education system only cause social disagreements, which further polarize society. Therefore, there is a need to generalize certain challenges that are associated with the education system from the standpoint of the social philosophy of education.

The use of the concept of "modernization" in the light of modern social philosophy of education has its own contradictions. We are mainly talking about the ideology of modernization, since it mainly applies to the fields of education, culture and science, and modernity, as a phenomenon genetically related to the concept of modernization, has practically disappeared from public consciousness. In other words, there is a "disintegration of modernity", suggesting a fundamental shift in culture, a loss of confidence in the values that were the main and fundamental in the previous century.

We can also talk about the challenge of postmodernity, which is addressed to the educational system. Currently, society is undergoing a negative transformation of social behavior in the field of language, in practical life.

The important aspects of the existing crisis include the spiritual crisis, which is caused by the loss of domestic cultural traditions. The results of the study of the functioning and development of the education system in the new modern conditions indicate its susceptibility to social anomaly when there is value disorientation and loss of cultural identity.

We think that in modern Russian society there is a need to form a new system of socio-philosophical approaches to the development of the domestic educational space, the formation of a scientific and educational paradigm that can meet modern requirements. These approaches include: mobility, the ability to react quickly and adapt to changing conditions, sociability, tolerance when interacting with other cultures, a high level of readiness for political and social choices, a constant process of improving information culture, etc. (Pavlov, 2013, p. 210).

Given requirements are related to education in principle, and reflect new challenges, economic, political and social needs of society, the state and the individual. Nevertheless, the problem boils down to the fact that conceptual ideas that society approves of are often not implemented, and modernization is carried out spontaneously, and does not always correspond to new ideas and traditions, although it meets the essence. The process of modernization of education testifies to the existence of disagreements in society regarding the transition of the education system to a new basis, which will, in particular, meet the modern requirements of post-industrial production and the information revolution.

The education policy in Russia does not sufficiently take into account the process of society's entry into the new post-Soviet cultural environment. Attempts to copy foreign educational experience are often accompanied by a lack of consideration of their own domestic experience. Some important Russian traditions of education are gradually being lost (Emikh, 2012, pp. 86-93).

The world is changing radically. In this sense, in our opinion, it is important to study the essence and possibilities of the formats of American and European education, to take into account both the dynamics of constantly changing requirements for training personnel for the new Russian knowledge economy, and the requirements for the scientific and pedagogical community itself. The existing practices of "blind copying" or complete unconditional denial of the traditions and opportunities of European education have not yielded fruitful results, showing the bias and ineffectiveness of such approaches. Only a socio-philosophical analysis of the essence of changes from the point of view of domestic, traditional, and other world practices, taking into account the tasks of the new economy and socio-political realities, can develop an objective approach to educational policy in modern society.

Thus, the social effectiveness of this process is expressed not only in the final result, but also in its orientation from one stage of development to another. In this regard, in our opinion, it is important to clearly identify a certain socio-philosophical approach to the very content of the concept and the process of modernization. In the context under study, not any forms and ways of modernization should be adopted, but only those that ensure the safety of the domestic education system by preserving its socio-cultural identity. This approach can be described as "modernization on the way to education security", which ensures the most effective development of the

domestic education system.

At the same time, the extensive processes of reforming public life and the education system according to Western models, which were promoted as the best and highest, have largely led to the loss of cultural identity. This led to ideological and value disorientation of a significant part of the population, to a certain social anomie. And the system of domestic education, which was undergoing continuous reforms at that time, could not provide the appropriate ideological stability and ideological integrity of the consciousness of the population. As a result, the educational space in Russia is currently in a systemic crisis, which is a direct threat to national security. These dangerous social processes have led to the need for their deep understanding and the development of conceptual foundations for correcting the situation and preserving the national education system. This requires a clear understanding of education as a social reality, the concept of modern education, its restoration and development.

Conclusion

Thus, in the aggregate, the noted processes of suboptimal reform of domestic education have formed a number of such risks and threats to the self-identification of the public consciousness of Russian citizens, which have developed into real problems of Russia's national security. At the same time, the weakening of the intellectual and professional training of trainee created the danger of a sharp slowdown in the material, economic, scientific and technical development of the country. In other words, the dangers in the field of education have led to an increase in the problems of national security of the country. There is an urgent need to develop such a strategy of the Russian educational system that would ensure not only the preservation of the best traditions of education, but also the sustainable development of this sphere with its transformation into a determining factor in the revival of the country. This requires socio-philosophical research, with the help of which important general concepts of practically effective models of modern Russian education are developed in the context of ensuring its security in the conditions of growing international and global contradictions of modern civilization.

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THE PRESIDENTIAL ELECTORAL SYSTEM: A PHILOSOPHICAL ANALYSIS

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Abstract: The Republic of Indonesia's Law no. 7 of 2017 requires presidential and vice-presidential candidates to be proposed by political parties that meet the requirements, namely obtaining at least 20% of the total Legislative House seats or nationally obtaining 25% of valid votes in the previous Legislative House election. This is not recognized in Article 6A paragraph (2) of the 1945 Constitution, the constitutional basis for nominating a president. This paper aims to provide a philosophical analysis on the presidential and vice-presidential electoral threshold. Results show that from a philosophical perspective, this threshold provisions eliminate the constitutional rights of the people and minor political parties to nominate presidential and vice-presidential candidates. There can only be a maximum of three political parties and the oligarch and large political parties will make sure that the candidates will only come from their parties. This threshold undermines the logic of the presidential system. In conclusion, philosophically the threshold limits the freedom of alternative candidates to nominate themselves in the presidential election. It will only give an opportunity for candidates from major political parties. Thus, the government and various parties must reconsider this law to protect the rights of the people as mandated by the constitution.

Keywords: philosophy, threshold, candidacy, election, president.

Introduction

The direct presidential election is a rational choice to uphold democratization by cutting elite oligarchs. It is carried out through the people's direct participation in determining their leaders (Amalia et al., 2016, p. vii). According to Lijphart as Quoted by Amalia (Amalia et al., 2016, pp 242), there are only three essential elements of the presidential system, namely: (1) the president or head of government is elected for a fixed term of office; (2) the president is elected directly

by the people or through an electoral college as in the United States; and (3) the president is a single chief executive. Thus, the president's direct election by the people through general elections and the presidential term that is limited to only two terms open the opportunity for the institutionalization of the presidential democratic system. It is one of the important momentums for ending an authoritarian regime.

According to Mahfud MD (2007, pp. 133-135), the idea of the direct presidential elections in Indonesia is philosophically based on at least two reasons: (1) direct elections open more doors for the election of presidents and vice presidents who are in line with the will of the majority of the people, and (2) to maintain the stability of the government. The quasi-presidential system that previously prevailed in Indonesia through the indirect presidential election created a dilemma. During the New Order era (1966-1998), the president was too strong. It was difficult to overthrow him. Meanwhile, during the Reformation era (starting from 1998), the People's Consultative Assembly and the Legislative House were too strong. They easily removed presidents, such as what happened to Habibie (3rd Indonesian President) and Abdurrahman Wahid (4th Indonesian President) (Mahfud MD, 2007, pp. 133-135).

Mahfud explained the above situation in terms of philosophy, the public desired a change, namely the balance of power between the President and the People's Consultative Assembly and the Legislative House. This idea will philosophically create balance. Efforts to build this balance of power, according to philosophical theory, can be carried out by following the presidential election method according to a purer Presidential system, namely direct presidential election by the people (Mahfud MD, 2007, pp. 133-135). Therefore, in the third amendment in 2001, the presidential election system was directly included in the 1945 Constitution of the Republic of Indonesia by the People's Consultative Assembly.

The president and vice president electoral mechanism in Indonesia is stipulated in Article 6A paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia. These articles read: (1) the president and vice president are elected directly by the people as a pair and (2) pairs of presidential and vice-presidential candidates are proposed by political parties or coalitions of political parties that participated in the general election prior to the organization of the general election. According to the philosophy norm, this law is a doing work of political parties that aimed to preserve their hegemonies, that candidacy can only be carried out through political parties. This is a smart move.

The constitution does not stipulate the requirements for political parties in nominating pairs of presidential and vice-presidential candidates. But the Election Law (Law no. 7 of 2017) regulates the requirements for the presidential nomination in Article 222 which reads, "Candidate pairs are proposed by political parties or political parties that participate in the election contestation that meet the requirements, namely obtaining at least 20% (twenty percent) of the total Legislative House seats or nationally obtaining 25% (twenty-five percent) of valid votes in the previous election of the Legislative House members".

The stipulations on the presidential electoral threshold are often referred to as the Presidential Threshold Rule. The Presidential Threshold Rule was a decision of the Legislative House. It resulted from a voting process. There was a sharp difference between the two factions, namely the group of political parties that support the government and the group of opposition political parties. It was won by the group of political parties that supported the government (The General Secretary of the Republic of Indonesia's Legislative House, 2017a). In the philosophical paradigm, this stipulation has caused a prolonged polemic because it resulted in implications for the public and citizens' electoral rights.

The above said Threshold Rule limits the rights of political parties to nominate presidential and vice-presidential candidates. It even eliminates the rights of new political parties to run for President. This is because new political parties do not yet have Legislative House seats nor do they have votes from the previous election. From the philosophical point of view, the public can see and assess that this law is a method of the oligarch and political parties to amputate people's rights.

The regulation on the presidential threshold in Law No. 7 of 2017 on the General Election has truly resulted in discrimination and injustice. It also brings loss to political parties, especially opposition or new political parties. This law philo-

sophically violated the *nullus/nemo commundus capere potest de injuria sua propria* principle, which means that people cannot obtain benefits from violations or criminal actions that they committed and neither can they suffer from losses due to the violations or criminal actions committed by other people (Harun, 2016, p. 265). Political parties of the government and their supporters who dominate the parliament have systematically designed the presidential threshold regulation. This aims to bring advantages to major parties, while simultaneously pressuring small parties so that they cannot nominate presidential candidates as they are inhibited by the required threshold rate. In consequence, in nominating presidents, small parties are forced to make coalitions with major parties. This scheme surely brings benefit to major political parties, as they have strong political bargaining to regulate presidential nomination. On the contrary, small political parties must suffer the loses as they are in a very weak condition and they tend to follow the will of major parties. Because of that, this regulation is already flawed from the beginning. It does not accommodate all potentials of candidate presidents from every political party that participate in the general election.

The regulation on the presidential threshold is far from the values of justice. According to John Stuart Mill, justice is defined as the greatest benefit or the principle of happiness. It means that certain actions are deemed as correct if they tend to enlarge happiness. On the contrary, they tend to be wrong when they tend to decrease happiness (Lebacqz, 2008, p. 14). Then, Mill said that what is meant by happiness is contentment and the absence of pain (Lebacqz, 2008, p. 14). Mill's opinion followed his predecessor Jeremy Bentham, who was part of the utilitarian group. He defined justice into two assumptions: (1) the aim of life is happiness and (2) the correctness of an action is determined by its contribution to happiness (Lebacqz, 2008, pp. 14-15). But these two figures have different opinions on the meaning of happiness and the non-existence of pain. Mill developed further by explicitly sorting out the difference between types of happiness and pain. According to him, intellectual happiness is not only more useful than meat happiness, but it is intrinsically more superior (Lebacqz, 2008, p. 15). Due to such differences, the utilitarian group is separated into two. Some regard happiness as mere contentment and the absence of pain (hedonistic utilitarianism), while others included other end goals, such as truth and beauty (ideal utilitarianism) (Lebacqz, 2008, p. 15).

Apart from defining justice, Mill also formulated six general conditions that are deemed as unjust, namely: (1) separating people from various things to which they have the legal entitlement; (2) separating people from anything to which they have the moral rights; (3) people do not obtain the things that they deserve to receive: good for those who act correctly and badness for those who act wrongly; (4) faith-based conflicts between people; (5) acting half-heartedly, such as showing support only as a lip service; and (6) forcing or pressuring others who are not equitable with them (Lebacqz, 2008, p. 20).

Then, Mill suggests that justice highly depends on benefit, as conflicts concerning general regulations on justice can only be resolved by referring to the principle of benefit (Lebacqz, 2008, p. 22). Anything that brings the greatest goodness to all can be regarded as just (Lebacqz, 2008, p. 24). Thus, Mill argues that benefit should be felt by the most people/parties so that it can reach the life goal which is happiness. When comparing the presidential threshold with Mill's opinion on justice, it can be concluded that the presidential threshold does not provide benefits that can be felt by all parties, i.e., political parties that are participants of the general election, as well as presidential candidates from political parties.

Apart from Mill, there is also John Rawls' version of justice. Rawls state that justice is fairness or equality. The presidential threshold is unfair, as it does not provide an equal position to all political parties that have been determined as general election participants by the General Election Commission. According to Rawls, the concept of justice rests on two principles, namely: *First*, every individual has the same rights towards the most extensive total system for the basic freedom that is similar to the freedom system that is the same for all (Lebacqz, 2008, p. 53). *Second,* social and economic injustice are created as such so that they can: (a) bring the greatest profit to disadvantaged groups, according to the principle of just retrenchment, and (b) attached to the service and opened governmental position for all people based on the condition of just equality towards opportunities (Lebacqz,

2008, p. 57).

Rawls' two principles on justice are relevant when associated with the current issue on presidential threshold. When formulating the Law on the General Election, political parties that have long been in the parliament do not seem to consider the principle of justice for all political parties that are participants of the general election. With proper rationing, one can conclude that the presidential threshold regulation will bring disadvantages to political parties, especially small or new ones. The mechanism concept of presidential nomination should bring advantages to all political parties that are participants of the general election, including new, old, large or small political parties. Stipulations of the Law on the General Election should fulfill the interests and bring advantages to all political parties. Following the principle of differences, varieties in the political freedom is accepted. Varieties in political parties are acceptable as there are objective differences between members of society (political parties). Such differences are undeniable (Ujan, 2001, p. 53).

Meanwhile, in the aspect of democratic similarity that results in the principle of differences, it can be understood that the advantages of a group (old/big political parties) that are more fortunate should not cover the opportunity of less advantageous groups (new/small political parties) in obtaining equal access (Ujan, 2001, p. 104). Because of that, the presidential threshold should not cover the opportunity of small or new political parties that are less fortunate as they did not participate in the previous general election. These small/new political parties were neither involved in formulating the regulations of the general election that have restrictive stipulations to political parties in nominating presidential candidates, although they have the status as general election participants.

The regulation on the presidential threshold has implications on the limitation of the number of presidential candidates that are nominated by political parties. The nomination of presidential candidates is not based on the constitutional rights of political parties that are general election participants. But it is based on whether or not political parties fulfilled the presidential threshold. The coalition formed between political parties are not based on similar ideologies, platforms, visions, missions, and programs of the parties. On the contrary, it is based on pragmatic interests. Even, the coalition was in the form of a cartel coalition. The cartel coalition is a coalition that is aimed to maintain power by amassing as many supporting parties as possible. The main characteristic is office-seeking, i.e., seeking the greatest benefit to obtain power (Ujan, 2001, p. 104). Eva Kusuma Sundari explained the characteristics of political cartels as follows: (1) the dissolution of the parties' ideological role as the factor in determining inter-party coalition, (2) there is a permissive attitude in forming coalitions, (3) there is no opposition that truly criticizes the government, (4) the general election does not affect the determination of party behaviors, (5) the strong tendency of parties to act collectively as a group (Ujan, 2001, p. 237).

The phenomenon of the cartel coalition is similar to the birth of the holding industry in politics. Because of that, the presidential nomination can easily be controlled by a small group of people with capital (oligarchy). The oligarchic power monopolizes president candidates. It shifts the people's rights to obtain abundant alternatives of presidential candidates. A limited number of presidential candidates (for instance two candidates) will ease the oligarchic power in influencing and controlling presidential candidates by providing funding and supporting facilities that they provided in the general election. This is so that no matter which presidential candidate is elected, he/she will easily be controlled to follow their future political and economic missions and agenda.

Oligarchy has an interest in controlling the economy, politics, as well as natural resources through presidential policies and legal products created by the legislative house. With the cartel coalition of the majority parties, leaving little room for oppositions, it will be easy to manifest the oligarchy's desires. In the context of Indonesia, it has been proven that various legal formulations side groups that have capital, such as the Law on Mineral and Coal, the Law on Job Creation, the Law on the Capital City of the Archipelago, Revision of the Law on the Commission of Corruption Eradication, etc. The people are no longer involved in the formation of these various laws. Law makers no longer give attention to actions of petitions and demonstrations. The arrival of the oligarchy in the governmental power becomes a serious threat to democracy and peo-

ple's sovereignty. The condition of the people and civilians' organizations are weakened with various legal instruments that threaten freedom. Thus, they have no courage. Or, they are unable to control governmental policies in various sectors, including the highly destructive natural resource exploitation that results in climate change. The people no longer have the power to resist strategic national projects that endanger the living space, that create agrarian conflicts, as well as causing ecological disasters. The process of policy formulation in developmental politics is not carried out through the deliberative mechanism (dialogs and deliberation) with society. There is no room for public dialogs.

Thus, the existence of the presidential threshold is highly destructive. It limits the rights of opposition political parties as well as the rights of the people. It creates a "puppet" president under the hands of the oligarchy. The general election is only a mere formality and ceremony to strengthen the oligarchic power.

This paper aims to provide a philosophical analysis on the presidential and vice-presidential electoral threshold in the Indonesian electoral system. This article contributes to the philosophy of science by providing a philosophical analysis of the presidential and vice-presidential electoral threshold in the Indonesian context. It is crucial to view this case using the philosophical paradigm to profoundly see the real reason of certain parties in enacting this law. This can become an inspiration for future research both in Indonesia and in other countries to become critical by using the philosophical paradigm to analyze laws issued by the government.

Methods of Research

This research was normative legal research. This research used three methods of approach, namely conceptual, statutory, and philosophical approaches. The data was collected through literature research, especially papers, documents, and articles on law and philosophical law. Analysis of data or legal materials was carried out using the philosophical paradigm.

Results and Discussion

According to the philosophical paradigm, the decision on political parties is a legal policy that will be or has been nationally implemented by the Government of Indonesia. It includes: first, legal development whose core is making and updating legal materials so that they are in line with the needs of the political parties. Second, the implementation of the decision on political parties in terms of the affirmation of the institution's functions and the development of law enforcers (Mahfud MD, 2010, pp. 5-14). In line with Mahfud's opinion, Radhie (1973, p. 3) stated that the state's decision is not only about policies regarding laws that will be enforced or developed, but it also contains statements of the oligarch's and political parties' wills under the guise of people's benefit.

Wahyono (1986, p. 160) argued that according to the philosophical perspective that views the law and its aim of enactment, it can be seen that the political parties' desire to preserve their hegemony by overstepping the people is the basic policy that determines the direction, form, and content of the law. This explanation was later clarified by Wahyono. The state administrators' policy regarding what is used as a criterion for punishing certain actions as well as the establishment, application, and enforcement of the law was made by and for the benefit of the political parties and the oligarch (Mahfud MD, 2010, pp. 5-14).

Philosophically, the regulations and implementation of the presidential threshold (PT) in Indonesia function as a threshold/PT for candidacy, not a threshold/PT for electability. This concept is different from the PT concept practiced in various countries. J. Mark Payne, et al. in their book entitled "Democracies in Development: Politics and Reform in Latin America", quoted by Kartawidjaja (2016, p. 5), defined the Presidential Threshold as follows, "If people talk about elections related to the presidential threshold, then what is meant is the requirement of a presidential candidate to be elected as President". For example, in Brazil, it is 50 percent plus one; in Ecuador, it is 50 percent plus one or 45 percent, as long as there is a 10 percent difference from the strongest rival; and in Argentina, it is 45 percent or 40 percent, as long as there is a 10 percent difference from the strongest rival and so on (Kartawidjaja, 2016, p. 5).

In terms of political philosophy, this was created so that the people cannot freely choose.

With this electoral threshold, the people will only be offered choices that have been 'selected' by the political parties and the oligarchy. This is because, in this system, candidates that are not according to the political parties and the oligarchy will not be able to elect themselves as they do not fulfill the electoral threshold of the presidential candidacy. The electoral threshold of 20% is based on the vote obtainment of political parties or coalitions of political parties that elect the president.

The presidential threshold (PT) concept in the sense of electability is also adhered to in the 1945 Constitution of the Republic of Indonesia. Article 6A paragraph (3) of the 1945 Constitution states that presidential and vice-presidential candidates who obtain more than fifty percent of the votes in the general election with at least twenty percent in every province spread over more than half of the provinces in Indonesia were sworn in as president and vice president. Although it has been regulated that there is a PT for electability as stated in Article 6 paragraph (3) of the 1945 Constitution, the Election Law adds an electoral threshold requirement at the nomination stage.

According to Sulardi (2018), Indonesia implemented a double PT system. This is because there are two threshold settings, namely during the nomination stage, i.e., the electoral threshold and during the election, i.e., the PT. In the constitution, the PT is only acknowledged at the electability phase of the second round of the presidential elections. Meanwhile, the term for the presidential nomination threshold in Indonesia is called the presidential threshold (PT).

Further, Sulardi argued that in terms of how the PT is practiced in several countries, it can be emphasized that the PT is a requirement for a presidential candidate to be elected president. On the contrary, it is not a requirement for the nomination of presidents and vice presidents. Then, philosophically, the PT was a norm set by political parties to grab the people's sovereignty to elect the president. In this PT system, one can only become a presidential candidate if he has obtained support from political parties or the coalision of political parties that attained at least 20 percent of the seats in the Legislative House (Sulardi, 2018).

Several parties' setting of the PT in the election system is based on some arguments and considerations, including (The General Secretary of the Republic of Indonesia's Legislative House, 2017b): (1) the president needs to obtain strong support from the parliament (the Legislative House) so that the government can run effectively and stably. This is because several presidential policies require approval or consideration from the Legislative House; (2) there are concerns that a presidential system combined with a multi-party system will open up the possibility of electing a President from a minority political party in parliament (Legislative House). This condition is prone to a deadlock relationship between the president and the Legislative House; (3) Third, the presence of an PT is required to support the efforts to simplify political parties. This is to achieve a consolidation of democracy and facilitate the achievement of consensus (agreement) between political parties in parliament.

Therefore, it is necessary to build an understanding of the coalitions or cooperation between political parties from an early stage, starting from proposing pairs of presidential and vice-presidential candidates in the general election. With at least the three reasons above, the PT is maintained in the Election Law.

However, if profoundly analyzed from a philosophical perspective, the PT provisions are considered detrimental. What is desired to be achieved from the PT is actually different from the officially proposed reasons.

First, the PT policy has reduced or even eliminated the constitutional rights of the people and minor political parties to nominate pairs of presidential and vice-presidential candidates which are actually guaranteed by the constitution. Second, the PT restricts and even denies people's sovereignty, because it limits the number of presidential candidates that will appear. There can only be a maximum of three political parties and the oligarch and large political parties will make sure that the candidates will only come from their parties. This simultaneously limits the people's rights to obtain alternative presidential candidates. Third, the PT undermines the logic of the presidential system. In a presidential system of government, the president and the parliament are separate institutions, each of which has a basis of legitimacy from the people. Therefore, the PT threshold provisions stipulated in Law No.7/2017 have been repeatedly requested for

judicial review by the Constitutional Court. Only from the philosophical perspective can one see the real motive behind the application of the PT stipulations (Nugroho, 2022).

This shows that PT is still a huge issue in the democratic process in Indonesia. The judicial review applicants consider that Article 222 of Law 7/2017 contradicts the constitution, especially Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia which is the constitutional basis for the nomination of presidential and vice-presidential candidates. However, the Constitutional Court (CC) considered that the PT regulation was within the jurisdiction of the legislators. Thus, so the CC felt that it had no authority to cancel it and stated that the regulation was an open legal policy. This logic was fatal since the CC chairman was arrested by the Commission for Corruption Eradication (Komisi Pemberantasan Korupsi/KPK) for obtaining bribes in resolving general election disputes (Wardah, 2013). Apart from that, a CC judge was arrested by the Commission for Corruption Eradication in a different case (After Akil Mochtar, Patrialis Akbar Was the Constitutional Court Judge That Was Arrested by the Commission for Corruption Eradication, 2017). Then, some members of the General Election Commission were arrested for manipulating the general election results (Wahyu Setiawan, the Fifth Commissioner of the General Election Commission That Became Suspect of the Commission of Corruption Eradication, 2020).

According to Isra (2017), as the basic law, the 1945 Constitution has provided more than sufficient directions in managing the process for nominating presidential and vice-presidential candidates. Due to its position as the basic norm, it is still possible to explain it further with lower-level laws and regulations. However, to profoundly understand what is happening, one must not deviate from what has definitively been stated by the philosophical perspective (The General Secretary of the Republic of Indonesia's Legislative House, 2017b). In the 1945 Constitution, there are instructions for searching and finding the contents of the law.

Indrati (2007) explained three guidelines can be used to find the contents of the law, namely: 1) from the provisions in the body (Articles) of the 1945 Constitution; 2) based on the state's insights as stated in the law; 3) based on the government's insights in the constitutional system.

The law can be formed and it can be interpreted according to the direction of the law that will be enforced by the state. This is aimed at achieving the goals of the oligarch and the political parties. The oligarch can undergo collusion to form and interpret the law according to their desires by funding political parties and bribing legislative members and constitutional court judges. In this sense, legal politics is always argued upon based on the goals of the state and the legal system that is applicable in the country (Mahfud MD, 2010, pp. 5-14). When viewing from the philosophical perspective, one can always see what is behind the law and the authority, as neither was formed from an empty space. On the contrary, they originate from a space that is full of interests (Budiono, 2020). Only with the philosophical paradigm and understanding can one understand what is behind the law and the authority.

In changing the 1945 Constitution concerning the implementation of the direct presidential election system, some considerations that emerged during the discussion included the following (The General Secretary of the Constitutional Court, 2008).

1. The philosophical basis for implementing change is that it must be understood that a system of checks and balances must be created. If the People's Consultative Assembly consists of Legislative House and Regional Legislative House members who are directly elected by the people, then the logical consequence is that the President and Vice President must directly be elected by the people through the election.
2. Because the President and Vice President are directly elected by the people in a round system in accordance with Article 6A, the impact is that the division of powers between the executive and legislative branches will be created in an equilibrium. It means that there is a balance of power. Neither the executive nor the legislative has more power. Their powers are at an equilibrium.
3. In a presidential system, the duties of the President and Vice President will last for 5 years. They can be re-elected for just one more term. This is where it is essential and urgent for the president to be directly elected by the people. This is to maintain and increase

the people's trust in the President.

4. The bottom-up analysis is that if the people directly chose the President and Vice President, these leaders will be imprinted in the people's hearts. The people will have a deep sense of belonging. Thus, many possibly occurring issues can be avoided by profiteering on behalf of the people.
5. If the President and Vice President are directly elected by the people, then the credibility of the President will be stronger. The People's Consultative Assembly will not easily overthrow them.
6. In terms of accountability, if the President is directly elected by the people, it would be easier for the people to correct him through the House of Representatives because both are directly elected by the people. This will create transparency.

These considerations resulted in the formulation of an Article regarding the nomination of the President, namely Article 6A paragraph (2) of the 1945 Constitution which reads, "Presidential and Vice-Presidential candidate pairs are proposed by political parties or coalitions of political parties participating in the general election prior to the holding of the general election". This Article provides no additional requirements for political parties to nominate the President, as long as they have been registered as eligible participants. However, the Election Law stipulates additional requirements apart from being an eligible participant. It stipulates that a political party must already have 20% of the seats or votes in the previous legislative elections (Constitution of the Republic of Indonesia, 1945, Article 6, clause 2).

The setting of the threshold for the Presidential nomination in Article 222 UU 7/2017 (The Government of the Republic of Indonesia, 2017) contradicts Article 6A paragraph (2) of the 1945 Constitution of the Republic of Indonesia. It creates a conflict of norms. This is because the "threshold" for the presidential nomination referred to in Article 6A paragraph (2) of the Republic of Indonesia's 1945 Constitution is not an acquisition of 20% of the Legislative House seats, but it is according to the requirements of political parties as election contestants. This is the result of the PT application by the majority of political parties. This resulted in the amputation of the people's right to obtain the best president that is freely chosen by the people. It is clear that the people are "forced" to choose limited candidates that are supported and approved by political parties or coalitions of political parties that acquired 20% of the Legislative House seats.

Therefore, the "threshold" referred to in the Republic of Indonesia's 1945 Constitution is the threshold for political parties to become election contestants (election threshold of the legislative house). Meanwhile, the threshold stipulated in the Election Law is for political parties to propose presidential and vice-presidential candidates (presidential threshold). It means that from the philosophical point of view, political parties deliberately snatched people's rights to freely choose, as political parties are afraid that the elected president does not represent their desire for power.

According to legal philosophy, these two arrangements have different consequences. The "threshold limit" of political parties contesting in the election results in political parties that qualify as election contestants and political parties that do not qualify as election contestants. Meanwhile, the presidential threshold produces political parties contesting in the election that can nominate presidential candidate pairs. Thus, Article 6A paragraph (2) of the Republic of Indonesia's 1945 Constitution requires all political parties participating in the election to have the ability to nominate pairs of presidential and vice-presidential candidates. But Article 222 of Law no. 7 of 2017 stipulates that not all political parties contesting in the election can nomi-nate pairs of presidential and vice-presidential candidates. Therein lies the conflict of norms between the two laws.

Table 1.

Results of the 2014 and 2019 Legislative Elections
(The data from the General Election Commission on the 2014 and 2019 election results)

Political parties	2014 election		2019 election	
	Seat Acquisition	Vote Gain	Seat Acquisition	Vote Gain
PDIP	109 (19.4%)	23,681,471 (19%)	128 (22.3%)	27,053,961 (19.3%)
Golkar Party	91 (16.3%)	18,432,312 (14.8%)	85 (14.8%)	17,229,789 (12.3%)
Gerinda Party	73 (13.0%)	14,750,372 (11.8%)	78 (13.5%)	17,594,839 (12.6%)
Nasdem Party	35 (6.3%)	8,402,812 (6.7%)	59 (10.3%)	12,661,792 (9.1%)
PKB	47 (8.4%)	11,298,957 (9.0%)	58 (10.1%)	13,570,097 (9.7%
Democratic Party	61 (10.9%)	12,728,913 (10.2%)	54 (9.4%)	10,876,057 (7.8%)
PKS	40 (7.1%)	8,480,204 (6.7%)	50 (8.7%)	11,493,663 (8.2%)
PAN	49 (8.8%)	9,481,621 (7.6%)	44 (7.6%)	9,572,623 (6.8%)
PPP	39 (7%)	8,157,488 (6.5%)	19 (3.3%)	6,323,147 (4.5%)
Hanura Party	16 (2.9%)	6,579,498 (5.3%)	-	-

Based on the table above, in the 2014 election, not a single political party met the requirements for nominating pairs of presidential and vice-presidential candidates, as none of them achieved a minimum of 20% of the seats or 25% of the votes in the legislative election. Whereas in the 2019 elections, only one political party met the requirements for nominating pairs of presidential and vice-presidential candidates in the upcoming 2024 elections, namely PDIP. PDIP was the party that was most stubborn in issuing the PT in the Presidential Election Law with its coalition parties in the government. Its oppositions were PKS and Demokrat whose combined number of seats and votes cannot fulfill the PT of 20%.

This provision hinders political parties from independently nominating pairs of presidential and vice-presidential candidates. They are forced to form coalitions to meet the adequacy of the threshold. In this case, coalitions are not built based on the parties' ideologies, platforms, or programs, but rather, as mere instruments to meet the threshold number.

The setting and enforcement of the presidential and vice-presidential nomination threshold (Presidential Threshold) in the Indonesian general election system as stated in Law Number 7 of 2017 is not in accordance with the legal policy of the post-amendment 1945 Constitution.

Based on this data, the governmental coalition can nominate two pairs of presidential and vice-presidential candidates without giving any chance to the opposition candidates or other candidates. Thus, they can maintain their power. In this setting, any victorious pair will originate from the governmental coalition. Philosophically, this is what is behind the Law on the Presidential Election with the PT as a requirement. This stipulation is not aimed to create governmental stability nor is it to ease the running of the government. The enactment of the PT that is argued to strengthen democracy and affirm the principle of a stable government are mere excuses.

With philosophy, we can understand the true essence of the regulatory substance in the Election Law which prioritizes the creation of a stable and effective government. Political parties wishing to nominate pairs of presidential and vice-presidential candidates must have initial support. They must obtain a certain number of seats in the Legislative House or valid votes in the previous Legislative House election. This is to anticipate the election of a presidential and vice presidential candidate pair with minority support in the Legislative House. It is to prevent instability and ineffectiveness of the government, as some government policies require the Legislative House's consideration or approval. Such reasons are only lip service, as in essence, they are aimed to maintain the power of those in the government, even by cutting people's rights in electing presidents.

Unfortunately, political parties are supported by decisions of the Constitutional Court which rejected all requests for judicial review on the constitutionality of the threshold. The PT in the

context of strengthening the presidential government system and simplification of political parties are mere illusions that are used by the oligarchy and the political parties to maintain power.

Conclusion

Philosophically, the implications of the PT application are to cut the rights of the people to freely choose alternative candidates apart from those proposed by major political parties that are part of the governmental coalition. Philosophically, the PT limits the freedom of alternative candidates to nominate themselves in the presidential election. It will only give an opportunity for presidential and vice-presidential candidates from major political parties.

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PHILOSOPHICAL-LINGUISTIC ANALYSIS OF THE IDEA OF FREEDOM

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Abstract: In recent decades, ideal factors have become an independent force for the implementation of social transformations. At the same time, the question remains debatable, what caused the change in the original meanings and, as a result, the unequal implementation of social ideas in practice. The methodology of linguistic analysis is considered. The importance of considering contextual realities for a more valid understanding of the transformation of the content of social ideas is determined. Changes in the meanings of the idea of freedom are analyzed. It is revealed which maxims were the cornerstones of English, American, French and Russian theorists. It is shown how the aspirations of actors can limit the implementation of freedoms in practice, depending on general social needs.

Keywords: idea, freedom, meaning, change, interpretation, context.

Introduction

The appeal of philosophy to the ideal factors of social change, generated in the course of the activities of intellectuals and aimed at transforming the world through the use of activist attitudes by the subjects, is of particular importance these days. Earlier, we examined how ideas, in the process of their distribution from their first theoreticians, the classics, gradually reaching our time, cease to be clearly associated with only those meanings that were originally laid down in them, which occurs due to the creation of modifications and configurations by combining their content with other mental constructs (Ravochkin, 2021a).

Methodology of Linguistic Philosophy

Considering that ideas are clothed in a linguistic shell, we believe that for a more valid study of these foundations of social changes, it is very difficult to do without a linguistic analysis of their content. As you know, linguistic analysis is a methodology proposed by representatives of the analytical philosophical tradition and consisting of a set of techniques and tools for analyzing linguistic reality and, most importantly, ways to apply the results in practice.

The logical-semantic analysis of language proposed by analysts also involves the study of linguistic forms of thought expression, the distinction between natural and artificial languages,

indicating the resources of each of them. As N. N. Zhaldak (2008), "logical-semantic analysis involves the determination of the meanings of the linguistic expression of these forms, and the visual logical-semantic analysis includes the determination of their meanings by model schemes (mental models, semantic models), i.e. correlation of these forms with pictorial, figurative representations of the signified" (pp. 13-14). At the same time, the need to study logical tables is clearly seen here, which makes it possible to determine the truth and reliability of existing knowledge. So, we see that logical-semantic analysis makes it possible to achieve the truth of the expression of knowledge in semantic forms, while studying the correspondence of the linguistic logical form of expressing an idea to its content is significant. Figurative schemes are formalized and determine the content of the transmitted knowledge. That is why the study of formal schemes of linguistic reality becomes the basis for the accuracy of knowledge transfer. Understood in such logic, the meaning and significance of the correspondence of a formal element of linguistic reality to its substantive block confirm the expediency of using the entire set of methods - logical, semantic and even contextual analysis - to understand the transmitted social ideas.

Of course, one can agree with N. N. Zhaldak (2008) in the fact that when analyzing the formal-logical structure of a language, mathematicized schemes also acquire instrumental significance, especially when describing the entire set of conditions for the accuracy of recorded knowledge. Yes, such a result makes it possible to determine the degree of efficiency of information transfer and the achievement of its minimum costs, makes it possible to avoid "empty values" and use exclusively effective formal designations of ideas. The advantage of this method is the optimization of linguistic units, followed by the possibility of identifying the explicit function of characters as pictorial elements, as well as the possibility of reducing a large number of characters and reducing them to an optimal dimension for perception. At the same time, our rejection of this approach is justified by its overload with formalism and craving for logic. Moreover, this attitude does not correspond with modern social philosophy, where, on the contrary, when carrying out a linguistic analysis of ideas, it is necessary to take into account various historical and cultural features that affect the content of linguistic reality, ways and patterns of thinking, as well as ways of distributing intellectual constructs.

M. A. Fedorov (2013), based on the basic postulates and ideas of W. von Humboldt about the close connection between language and thinking, believes that language is a symbolic representation of all conceivable varieties of our experience. Earlier we also noted that language can be interpreted as a form of symbolic transmission of knowledge (Ravochkin, 2021b). On the one hand, such an understanding makes it possible to assert the existence of thought patterns that ensure the processes of distribution of ideas in a uniform form for many people, but on the other hand, it makes it possible to determine the influence of the sociocultural conditions of human existence on the ways of linguistic transmission of experience. In addition to this, the language is interpreted by the researcher as a "convention" – this is not only a certain significance for a particular speech group, but also a fixed beginning in the system of national models (Fedorov, 2013). As a consequence, taking into account the presented reasoning allows us to provide an expanded vision of the topic of interest to us. After all, it is precisely this approach to the study of language that introduces historical and cultural features into analytics, which makes it possible to observe a trend in the transformation of the content of the meaning of the terms used and their corresponding mental constructs both at the real-practical and at the ideal-theoretical levels.

For practice, the proposed N. V. Shatrovich's (2010) hypothesis of linguistic relativity, since "culture-specific words are conceptual tools that reflect the past experience of society regarding actions and thinking about various things in certain ways; and they contribute to the perpetuation of these ways" (p. 189). It becomes fair to assert that language, as a means of distributing ideas, is able to reflect the ethno-cultural situation of societal context, since it crystallizes the schemes and principles of thinking of representatives of a particular society and culture. The conceptual picture of the world is expressed in a linguistic form and depends on the cultural and physical experience of people and communities that are directly related to it. For clarity, let us turn to the work of Yu. V. Bukhantseva, who analyzes the transformation of natural language not in a society at

itself, but in various subcultures. She argues that depending on the type of cultural education, a specific type of linguistic communication is used with specific patterns and archetypes of speech turns. The grounds for the formation of the latter are developed in the aspirations of the subjects involved in a particular subculture to some kind of "psychological unity", which opens up the possibility for them to conform their own life strategies and also allows them to choose variant forms of implementing social processes (Bukhanceva, 2016).

When covering the methodology of linguistic analysis, it is also impossible to bypass such a significant element as the semantic study of linguistic structural elements, which allows the researcher to consider the unique correlations of historically conditioned reality and the language itself. At the same time, it is important to remember that the structuralist formalized study of the language did not lead to an understanding of its essence, therefore we dare to assert with full confidence that changing the structure (structures) of the language often entails the transformation of social reality. In particular, the relevance of our remark is confirmed by the position of M. V. Payunena (2014): "Language, being a determining factor in human development and an "instrument of thought", or cognition, completely determines the effectiveness of all forms of human life and human society" (p. 31). This gives rise to the idea that, in fact, the linguistic analysis of texts is vitally obliged to include the identification of the mutual influence of language and social and historical reality.

In our opinion, the pragmatics of these operations will be most justified in cases where language is relied upon as a "functional adaptive activity, the essence of which is to control information" (Kravchenko, 2001, p. 40). In fact, the linguistic behavior of people is subject to certain normative principles, thereby establishing the possibilities for the formation of certain cultural patterns of behavior and certain modes of activity and existence of a person as a whole. Summarizing, we can say that the methods of linguistic and logical analysis of texts allow us to study not only the content of linguistic reality, but also to understand the linguistic determinants and forms of language influence. In general, it should be said that the study of the resources of a language involves the analysis of both its formal structure in thinking forms and ways of expressing thoughts, and the mutual influence of language and culture. For us, borrowing the methods of linguistic and logical analysis in unity makes it possible to realize their socio-philosophical application, namely, to more accurately understand the content of ideas, to fix the ways of their practical application with the subsequent formation of significant results of human activity in institutional embodiment.

Analytics of Ideas Dialectic in Modern Society

Let's start with the fact that the study of the content of specific ideas can be achieved in the course of their linguistic analysis and in the process of following the procedures for determining identity in certain actual conditions of social life, including through the study of individual practices. It is noteworthy that they can not only be forms of implementation of certain ideas in the form of institutions, but also affect the subsequent processes of social construction. It is important to understand that the linguistic analysis of core meanings at the same time allows revealing the formal and implicit meaning of individual intellectual constructs of ideas and reflecting their historical transformation both in a particular society and constructing more complex trajectories from the original theoretical concept.

Freedom as Social Idea

To conduct our study, let us take the classical idea of freedom, which in the 17th century was formulated as a social value by the English founders of liberalism T. Hobbes and J. Locke, and later developed in the works and concepts of French, German and American thinkers of the 18th-19th centuries (Karimov, 2012). It was pointed out that it is the idea of freedom that includes the possibility of an uprising of citizens to defend their rights in the face of the oppressive machine of state administration. Recall that the state is a machine for ensuring security and the guarantor of freedom and equality of all citizens of society. For example, J. Locke believed that citizens could resist the state on the grounds that they perceived and evaluated tyranny as a variant of

government that violated their natural rights. In essence, "freedom" included the ability of people to assert natural rights formulated and enshrined in civil law (Kupriyanov, 2019).

Freedom Idea Content Metamorphosis

The idea of freedom in the socio-political dimension was also realized in the ability of a person to fully realize his personal abilities in all spheres of public life and avoid destructive influence from other participants in various social processes. It's well-known, that new emphasis on the classical idea was most clearly implemented in the United States - the state where the principle of freedom was enshrined at the legislative level and guaranteed many rights to its citizens. So, since the time of T. Jefferson, a whole ideology has been formed, which ensured the implementation of numerous fundamental provisions of natural law in practice. A. V. Karimov (2012) emphasizes the fact that "to ensure these rights, the people of the United States have the right and duty to be always armed, have the right to freedom of the individual, freedom of religion, freedom of property and freedom of the press. Jefferson emphasizes the achievement of religious freedom" (p. 242). However, the above provisions still contain some restrictions related to the national idea, which determines the observance and implementation of these rights and freedoms exclusively for American citizens. It is Jefferson who connects national characteristics and the specifics of the mentality with the inability of representatives of other nations (in particular, Europeans and Creoles) to ensure human rights and freedoms. By and large, in T. Jefferson's statement, there is some negative national discrimination, indicating that other nations do not form effective state institutions. Thus, the transformation of the original principles of the natural equality of all people, regardless of their origin, takes place. Hence, the widespread opinion that the natural abilities of a person determine the need for the implementation of social differentiation on the basis of pursued interests cannot be surprising. In practice, this means the need to search for new principles for the realization of the idea of freedom, the essence of which is already summed up in the realization of personal aspirations, desires and interests. At the same time, it is the axiological modes that are regulated not so much by natural and corresponding civil laws, but by the norms that determine the possibilities for coordinating the diverse interests of people.

In turn, when understanding freedom, R. Owen paid attention to the will. He noted that a person does not have free will, since he dissolves himself in social being. As a result, human happiness is seen by him as the result of social development, while the primacy of freedom is reduced to social being. It is characteristic that the norms of the coexistence of people in a certain way allow preserving between people not only the principle of equality, but also open up the ability for them to achieve happiness, while human freedom is often determined by social ties and relationships. In this case, the realization of the idea of freedom does not take place on the basis of the naturalness of human existence, but is founded precisely on the principles for the realization of one's own interests, which may contradict the natural inclinations of a person, but be fully realized in various aspects of public life.

Transformations of the meanings of the idea of freedom in Anglo-Saxon social thought are also observed in L. Acton, G. Spencer and J. St. Mill - for the last two, the recognition of the freedom of the individual in general becomes the goal of the existence of any state. Of course, in this reading one sees a connection between the original meaning of the idea of freedom. In particular, this concerns the fact that the state is a resource for limiting the natural aspirations and aggression of a person, and also acts as a guarantor of the realization of civil rights and freedoms of a person. However, in the future, J. St. Mill demonstrates that the question of human free will is simply deprived, since it cannot be unambiguously resolved by the available means, while the formal achievement of freedom can be carried out through such social institutions as "legal equality, the existence of a market and competition of producers, universal suffrage, ensuring freedom of thought and speech, religious freedom, respect for the rights of minorities, inviolability of private property" (Karimov, 2012, p. 244). It is noteworthy that the transformations of the original meanings of the idea under consideration allow us to draw some distinctions between "natural" and "civil" freedom. In turn, this dichotomy is a significant block of the whole direction of modernity - neo-institutionalism,

which recognizes the expediency of coordinating interests.

In addition, J. St. Mill (2003) argues that "the only freedom worthy of the name is that freedom in which we have the opportunity to seek our own good, following the path that we have chosen for ourselves, provided, however, that we do not deprive our close opportunities to achieve the same goal, or we do not prevent them in their striving to acquire the same benefits" (pp. 28-29). Once again, it is confirmed that the logic of coordinating the interests of neo-institutionalists is realized precisely through the principle of transition from one type of freedom to another. However, the decisive factor is the call for the formation and implementation of the idea of freedom at the highest state level. The main argument is associated with the fact that from now on freedom contains not the natural foundations of human existence, but the result of his creativity in the social and political-legal planes. In other words, it goes back to the transformative activity of man, which we have already noted, and, agreeing with I. Kant, it is a created necessity.

In many ways similar to the views of the Anglo-Saxon intellectuals are the ideas of freedom of the French thinkers of the XIX century. In the models they propose, human freedom is not reduced to the natural conditions of its existence, but is only based on them. In particular, a person receives such an idea at his disposal only when he dissolves his individuality in the social whole, becoming one with the social organism. For this reason, J.-J. Rousseau formed the concept of a social contract as a form of "collective subject" reflecting the general political will, and C. Fourier (1971) preached the rejection of capitalist moral norms that led to the enslavement of man.

Problematic is the interpretation of the idea of freedom put forward by representatives of classical liberalism. For them, freedom was determined by the natural conditions and principles of human existence. The idea of freedom as the preservation of natural human rights was somewhat transformed both during and immediately after the French Revolution, which ultimately became a powerful factor emphasizing the value of freedom as a result of the coordination of citizens' interests, which can be achieved in the course of uniting the intentions of power structures and citizens.

Modern Interpretations of Freedom

It is obvious that Russian intellectuals also could not stand aside from the consideration of freedom. N. A. Kasavina notes that many Russian thinkers of the 19th and early 20th centuries perceived the revolution as an illusion of freedom, since they first of all saw it as a reactionary force that entailed only a formal change in power structures, behind which there was no real embodiment of the idea of freedom. L. Shestov and P. Sorokin believed that the revolution is both a challenge to social reality and the desire to achieve the realization of the rights and freedoms of the least protected segments of the population, in its essence, turns out to be a simple change of powerful actors. For this reason, they believed that the most effective method for solving the problem of implementing the idea of freedom can be considered the achievement of a socio-political compromise that would guarantee the possibility of security for all citizens and the realization of their interests (Kasavina, 2019). Qualitatively different interpretations from the European reading of freedom led to the fact that in the Russian socio-philosophical thought of the XIX century there was an understanding of the ideas of classical liberalism as ineffective for solving the problem of a safe collective existence of a person. Such a modification of meanings contributed to the fact that representatives of the Russian liberal tradition considered the ideas of revolution a destructive means in the confrontation between social groups and the state.

The most effective and useful way to implement the idea of freedom in practice is the refusal of individual subjects and entire civil communities from opposing themselves to the state. As a result, Russian liberalism develops the concept of "public solidarity, that is, the idea of harmonious cooperation between society and the state in the name of the common good" (Kupriyanov, 2019, p. 268). The new meanings given by Russian thinkers of freedom led to the formation of the theory and practice of transforming the state into the main driving force of reforms: the supreme power relies on the solidarity efforts of citizens, which makes it possible to achieve social unity and individual realization of the idea of freedom for the population. Thus, it is in the process of creating for oneself the conditions of a

"correct", that is, mutually beneficial and safe, social existence that a person gets the opportunity to realize the idea of freedom.

In general, we clearly see a meaningful transformation of the idea of freedom, which is carried out through the transition from the natural existence of the subject of social relations to the political and legal sphere. Important consequences of such a transition are, on the one hand, the provision of a security machine for the personal existence of a person, on the other hand, the emergence of opportunities to change the sociocultural, political, legal, economic and other conditions of human society according to models approved by power actors. At the same time, it should be remembered that the new conditions inevitably remodel institutions that fundamentally affect the characteristics of intersubjective interactions, which in some cases, with certain actions, makes it possible to restrict a person's freedom and his right to perform certain actions. Without going into substantive analysis of specific prohibitions and regulations, we generally note that in the process of historical development, societies inevitably face new challenges that involve changes and restrictions on individual rights and freedoms of the population, thereby forcing the content of the central idea of freedom to be modified.

It should also be noted that the Convention on Human Rights gives in a concentrated form a modern understanding of the significance of the rights and freedoms of the individual, in particular, it is argued that "in exercising his rights and freedoms, each individual should be subject only to those restrictions that are established by law solely for the purpose of ensuring due recognition and respect for the rights and freedoms of others and the satisfaction of the just requirements of morality, public order and the general welfare in a democratic society" (Universal Declaration of Human Rights, 1948). It is the mutual recognition and respect of human rights and the coordination of interests that constitute the central principles of the modern understanding of the idea of natural freedom. However, in the current realities of the world, namely in the context of a pandemic, when the conditions of human existence change, the emergence of the abovementioned need for restrictions is inevitable, which contributes to the retreat of states from their obligations. This is stated in the European Convention for the Protection of Human Rights and Fundamental Freedoms. At the level of international and national law, a statement is formed that "restrictions that meet the requirements of fairness, adequacy, proportionality, symmetry and the need to protect constitutionally significant values are justified" (Vasilevich, Ostapovich, & Kalinina, 2021, p. 64). At the same time, the above measures should not bear any signs of discrimination, which would allow them to preserve the highest values of modern culture and society, among which the importance of individualism stands out: the individual is perceived as a value in itself, however, due to the threat to collective health and the life of the population, some restrictions imposed in the conditions pandemics in individual states on the basis of decisions of the international court, look justified (Vasilevich, Ostapovich, & Kalinina, 2021).

In fact, even the topical example of the COVID-19 pandemic allows us to conclude that the transformation of the meanings of the idea of freedom is inevitable, not only in the context of linguistic discrepancies, but also in view of contextual realities. A multidimensional and complex world in one way or another implies a clash of collective and individual interests and values. As practice shows, power actors give priority to collective values, which makes it possible to some restrictions on personal freedoms of a person in order to achieve general social security and allows opposition of individuals and separate groups.

The pandemic world throughout the regions contributed to new meanings given to the idea of freedom, repeatedly realized in formal and substantive aspects. The first of these is that in a number of normative documents, including at the level of the constitutional order of the state, the concept of self-limitations of constitutional human rights is introduced, which can be understood as "conscious voluntary refraining from exercising constitutional rights on the recommendation of public authorities in an emergency or others close to conditions (high alert, self-isolation) in order to ensure public and personal security" (Lungu, 2020, p. 71). Such a definition makes it possible to fix at the legislative level the principle of discreteness of social relations, allowing the possibility of preserving the idea of human freedom for self-realization, but at the same time it constitutes ways of influence of

power actors and political elites on models and patterns of human behavior. In turn, the content aspect of the idea of freedom, understood in a new way, is directly related to the interpretative capabilities of the power structures themselves regarding the interpretation of the content and the formulation of recommendations for practical actions of citizens of the state, which would subsequently reduce the impact of the negative factors diagnosed and ranked by them, emanating from certain calls. Finally, the realization of the content component of the idea of freedom can also be carried out through the human right to be informed about the actual conditions of one's being (Osipov, 2021).

Conclusion

As a result of the study, we can say that, supplemented by the study of the context, the linguistic analysis of the idea of freedom in various states forms ideas about the transformation of formal requirements for the activities of a person and citizen, and also allows you to see its informal, nationally marked, meaningful elements. A formal analysis of the presented idea indicates that the conceptual meaning of the idea of freedom, formed in a number of socio-philosophical concepts, is implemented in the normative dimension of social life in the form of legally fixed norms. International law and national norms of individual states regulate the activities of citizens and allow, on a practical level, to implement the principles of the idea of freedom quite close in meaning to each other, despite the existing discrepancies and transformational trajectories passed through to practical implementation. A meaningful analysis of the idea of freedom allows us to talk about the principles and ways of its implementation in the actual conditions of its existence. An analysis of contextual realities allows us to talk about a change in the significance of the idea of freedom for certain states, and the actions of powerful actors make it possible to judge possible modifications of its practical implementation up to the introduction of restrictions.

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THE ISSUE OF REGULATING HUMAN RIGHTS AND FREEDOMS IN MODERN TRANSFORMING SOCIETY

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Abstract: The development of the institute of human rights and civil freedoms in any state indicates the level of its own development, while the proper mechanism for implementing the norms that enshrine human rights and civil freedoms testifies to democracy, law and order, the legality and legal level of this state. The article aims at studying the legal mechanism for implementing and protecting human rights and freedoms in modern conditions. The authors of the article have revealed that the Russian society grows aware of human rights and freedoms, which can be regarded as the beginning of the spiritual revival of the Russian Federation. The ideology of rights is now generally recognized and required by both government and society. From the viewpoint of this ideology, the Soviet and post-Soviet views should be reassessed and projected onto the near and distant future. The authors have proved that the realization of individual rights is a complex and multifaceted phenomenon that includes not only the activities of law enforcement agencies but also the activities of individuals. They have also established that the individual's activity in such implementation depends on the level of legal consciousness, legal culture and legal awareness.

Keywords: regulation, limitations, society, institution, order, strategy.

Introduction

There is no doubt that the institution of human rights and freedoms is an indicator of the development of any state. The proper mechanism for implementing the norms that enshrine human rights and freedoms testifies to democracy, law and order, legality and the legal level of a given state.

Despite the consolidation of human rights in international acts and the legislation of certain states, such rights are not properly realized. It is obvious that the status of legal norms is not enough to establish some rights in society, there-

fore there should be a special mechanism for their implementation.

At the beginning of the 21st century, the realization and protection of human rights and freedoms acquired global significance and became crucial in the international system of criteria for assessing the development of democracy. This process has both objective and subjective foundations. It is conditioned, on the one hand, by the formation and development of the world civilization and its democratic institutions, and, on the other hand, by the will of global leaders aimed at creating a unified world order based on the generally accepted idea of protecting human rights and combating terrorism.

Such an attitude to the above-mentioned issue in the world is rather objective and often has a political aspect. The situation is unlikely to change in the foreseeable future.

The regulation of human rights and freedoms was studied by many scholars. According to Bart Custers (2021), the legal and social mechanism for implementing human rights and civil freedoms are external factors that transform rights and obligations into the behavior of a person, and the socio-psychological mechanism is an internal condition for this implementation. N. van Dijk emphasized that legal forms could not express numerous factors of social life that affected the effective implementation of human rights and civil freedoms. In his opinion, the legal form is designed to secure certain legal means in the form of liability for failure to perform or improper performance of official duties (van Dijk, 2021).

Rabiul Islam (2018) claimed that more efficient realization of people's subjective rights largely depended on the development of forms and methods for their implementation and the consolidation of subjective rights in the current legal system. Alessandro Mantelero, Maria Samantha Esposito (2021) and David Nersessian (2018) argued that the implementation of human rights required to develop stages of implementation for each type and determine the best ways of legal and organizational support for their implementation.

However, the study of their scientific works has revealed the basic contradictions between the necessity and expediency of regulating human rights and freedoms.

This article aims at studying the legal mechanism for implementing and protecting human rights and civil freedoms in modern conditions.

Methods

In the course of the study, we used general and special methods: the dialectical method (to study the theory and practice of the constitutional consolidation of human rights and civil freedoms); the comparative-legal method (to analyze the constitutional consolidation of human rights and civil freedoms in the Russian Federation and foreign countries); the historical method (to determine the formation and development of human rights and freedoms); the method of system-structural analysis (to reveal the institution of rights and freedoms); the formal-logical method (to define such legal categories as 'human rights', 'the institution of human rights and freedoms', 'the classification of constitutional human rights and freedoms').

To clarify the views of citizens on human rights and freedoms enshrined in the Constitution of the Russian Federation, a quantitative study was conducted using the sociological method. The empirical base is formed by the generalization of surveys among 80 respondents from most regions of the Russian Federation.

The regulatory base of the study comprises the Constitution of the Russian Federation, decisions (legal positions) of the Constitutional Court of the Russian Federation and European bodies that exercise constitutional jurisdiction, constitutions of the European countries, decisions and cases of the European Court of Human Rights, resolutions of the Plenum of the Supreme Court of the Russian Federation, laws of some foreign states, as well as other legal acts regulating constitutional human rights and civil freedoms.

The main research method is formalization used to substantiate the regulation of rights and freedoms (Abdullayev, 2020; Drobysheva et al., 2018; Kazanchian, 2020). Thus, the main provisions of human rights and freedoms were formalized, which allowed to formulate a clear plan and create a foundation for developing full-fledged measures to improve the regulation of human rights and freedoms.

At the first stage, the mechanism for implementing human rights and civil freedoms in the Russian Federation was substantiated. At the se-

cond stage, a system of guarantees of human rights and freedoms was formed, as well as conditions for their realization and protection means.

Results

The concept of 'realizing human rights' is closely related to their protection. The enforcement of human rights is defined as a system of providing such rights by state institutions operating in a legal regime. This system includes such components as competence, protection and creation of the necessary conditions for realizing human rights.

The implementation of human rights is a part of their protection since some conditions precede the corresponding implementation. In the Russian Federation, there are several burning issues, including the effective use of the Constitution of the Russian Federation for the state process, the implementation of its principles into real life and the definition of factors that negatively affect the implementation of constitutional norms (Fig. 1).

Figure 1. The Mechanism of Regulating Human Rights and Freedoms in the Russian Federation.

Constitutional norms are realized as principles and generalized norms. These are revealed in the current industry-specific legislation. It is possible to create an effective mechanism for implementing state functions, protecting the relevant human and civil rights. Therefore, human rights and civil freedoms have acquired the highest social value. In our opinion, they require a legal mechanism to ensure their implementation and protection.

Human rights and civil freedoms should not only be conditioned by social needs, be legally enshrined, recognized and protected by government bodies and public officials, but also correspond to the possibilities of their implementation. Hence, the effective provision of the priority of human rights and freedoms depends on economic, political and socio-cultural factors, the dominant legal culture and subcultures in society, which affects the person's ability to understand its legal possibilities, realize their freedoms as both common and individual values, learn how to use them.

In the Russian Federation, human rights have been and still are 'hostages' of complex state processes or objects of systemic political speculation on the part of practically all political forces, which reduces the value of human rights in public consciousness. Such an impersonal approach forms the social alienation of an individual and a citizen, makes it impossible to introduce an effective state policy, hinders its implementation, creates unfavorable conditions for the development of individuals and society as a

whole.

In this case, a person acts as a means rather than a goal of the state's activity. In the Russian Federation, practically all rights are violated. The number of human rights violations and crimes committed is growing from year to year. Unfortunately, the Russian citizens do not usually protect their rights and freedoms in courts and do not use this measure to the full extent.

This is conditioned by the following factors: firstly, the term for considering cases is not established by law and, therefore, citizens cannot protect their rights for years, which gives rise to distrust and disrespect towards judges and the judicial system as a whole; secondly, the inability of most citizens to use the services of a lawyer; thirdly, a significant number of conflicts in the Russian legislation, instability and frequent legal changes.

The judicial system is influenced by an overload and underfunding, which gives rise to corruption. In this case, the following issues can be identified in the implementation of human rights and civil freedoms: the low level of legal culture and legal consciousness of most citizens; an unsatisfactory level of external educational impact on each person by society and self-education despite a real sense of honor and dignity; non-observance of the rule of law (legality) in the life of society and state, and the unconditional responsibility of each person to themselves and the environment for the process and results of their activities; the inequality of branches and bodies of state power and the improper functioning of local self-government bodies; unprofessionalism in the field of political and state management and its dependence on personal and group (clan) interests; no clear structure of civil society and civil control over the activities of all government bodies; a high level of corruption at all levels and stages of state and public life and the lack of political will to reduce it; the absence of direct mutual dependence between a person and a citizen and state and society without the responsibility of officials and citizens.

Problems connected with the realization of human rights also include the inaction of government bodies (law enforcement agencies); the disunity of various socio-cultural groups; the lack of effective interaction between government agencies and human rights defenders; no proper expertise of lawmaking and rulemaking regarding the observance of human rights and freedoms; the poverty of the Russians which exposes them to manipulation by capital owners.

The issue of ensuring political rights is challenging. An important condition for citizens to exercise their rights and freedoms is the existence of effective laws in this area. In the Russian Federation, many legislative acts have been adopted and are in force that determine the implementation of political rights and freedoms. However, there is no legislation in the sphere of exercising the right of peaceful assembly and legal positions.

It is still relevant to dwell on the implementation and protection of social rights and freedoms. The corresponding studies show that 37% of respondents believe that social rights are among those basic rights that are most often violated in the Russian Federation. 20% of respondents say that the right to a fair trial as a right is often violated and not implemented at a sufficient level.

The research demonstrates that the Russian Federation is very far from the conditions under which each citizen can exercise their social rights in full. In particular, the system of guarantees of human rights and civil freedoms in the Russian Federation includes socio-economic, legal and political tools (Fig. 2).

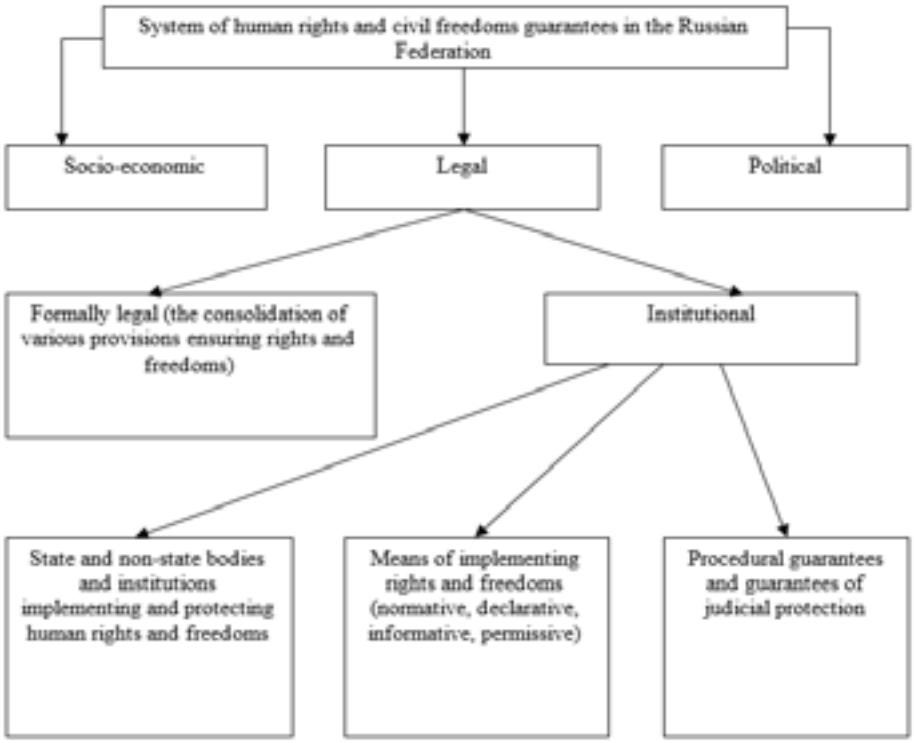

Figure 2. The System of Human Rights and Civil Freedoms Guarantees in the Russian Federation.

The frequent change of statistical indicators reflects the difficulties that the State faces in guaran-teeing basic social standards and improving the standard of living of the population. The social secu-rity system in the Russian Federation is ineffective due to the lack of sufficient budget funding. Thus, the basic social standards unfortunately often remain declarative.

The Russian government tries to experiment with the issues of social security. This is quite natural for countries with unstable economies. It will be extremely difficult not only to rebuild the economic and legal components of the social protection system but also to change the stereotypical thinking of citizens (Vinogradova et al., 2019).

The observance of cultural rights shows that many problems in this area are insoluble. For example, negative trends of the past years have not been overcome in the educational sphere. In particular, the network of preschool educational institutions decreases, rural schools experience a crisis, the role of education is leveled, the situation in the training of workers remains unsatisfactory, high-quality educational services and higher education is inaccessible to many citizens from socially unprotected categories.

As a result, not all Russian citizens have the opportunity to fully realize their constitutional right to education and their educational potential. Citizens have the right to receive free higher education in state and municipal educational institutions on a constitutional basis. However, it is very difficult for a particular citizen to get an academic degree free of charge.

The development of education and its reforming is a matter of national importance. This applies to every citizen of the Russian Federation, therefore strategic directions and actions for the real protection of human rights at all educational levels should be laid as the basis for the further changes. In addition, it is necessary to increase the quality of education, which is not only a guarantee of personal well-being but also the basis for the economic development of state and intellectual enrichment.

Ensuring constitutional human rights and civil freedoms in full is a rather difficult process. In particular, there is a significant discrepancy between modern legal regulators, legal means and

the current implementation of human cultural rights and freedoms in the Russian Federation.

According to the Constitution of the Russian Federation, a person, their life, health, honor and dignity, inviolability and security are recognized as the highest social value. This constitutional provision defines one of the most important areas of state activity in modern conditions. Under these conditions, the Russian Federation, being a member of the UN and other international organizations, fulfills its obligations under international treaties, including those that are directly related to human rights and civil freedoms.

The country is improving the current legislation to adjust it to international standards, thereby creating the necessary legal system for democratic society (Vinogradova et al., 2020). In addition, it plans to create a mechanism for organizational support of administrative reforms, which would cover their main components. Such a mechanism is crucial because all civilized countries have gone through economic, social and legal reforms. Their effective implementation was ensured by special state structures.

The legal basis for administrative reforms is the Constitution of the Russian Federation and other laws that determine the status of federal and local executive authorities, the system of administrative-territorial structure and organization of local self-government bodies. At the same time, the processes taking place in the Russian Federation are complex and ambiguous, therefore they need to be reformed in all branches and institutions of the legal system in order to achieve the main goal, i.e. to protect human rights and civil freedoms.

Under these conditions, any injustice committed against one person threatens everyone. Therefore, the significance of protecting human rights and freedoms is also conditioned by the need to increase the legal culture of the population, as well as changes in the legal consciousness and legal thinking of employees of law-making and law-enforcement bodies in the Russian Federation, the formation of priority positions for ensuring human rights and freedoms by administrative law.

The social, political and legal changes that have taken place in the Russian Federation stipulate the need for new views on ways to protect human rights and freedoms in accordance with the standards, principles and norms that have been developed by the world community. Currently, international legal norms, principles and standards have a greater impact on the formation, improvement and development of the national system of law, including administrative law.

The fundamental rights and freedoms established by the Constitution of the Russian Federation aim at creating and maintaining conditions for the normal life of a person. This document also establishes guarantees for their implementation. However, these rights and freedoms in a regulatory legal act of higher legal force are not indicators of their realization. The reforms conducted in the country should form a democratic, social and legal state, where the dignity of a person, their rights, freedoms and legitimate interests, as well as justice are the main values.

The formation of the legal Constitution of human rights and freedoms, as well as their development are associated, first of all, with the rule of law and determined by the system of economic, political and legal measures. The recognition of protecting human rights and freedoms in state is expressed by forming conditions for their implementation and *protection* (Fig. 3).

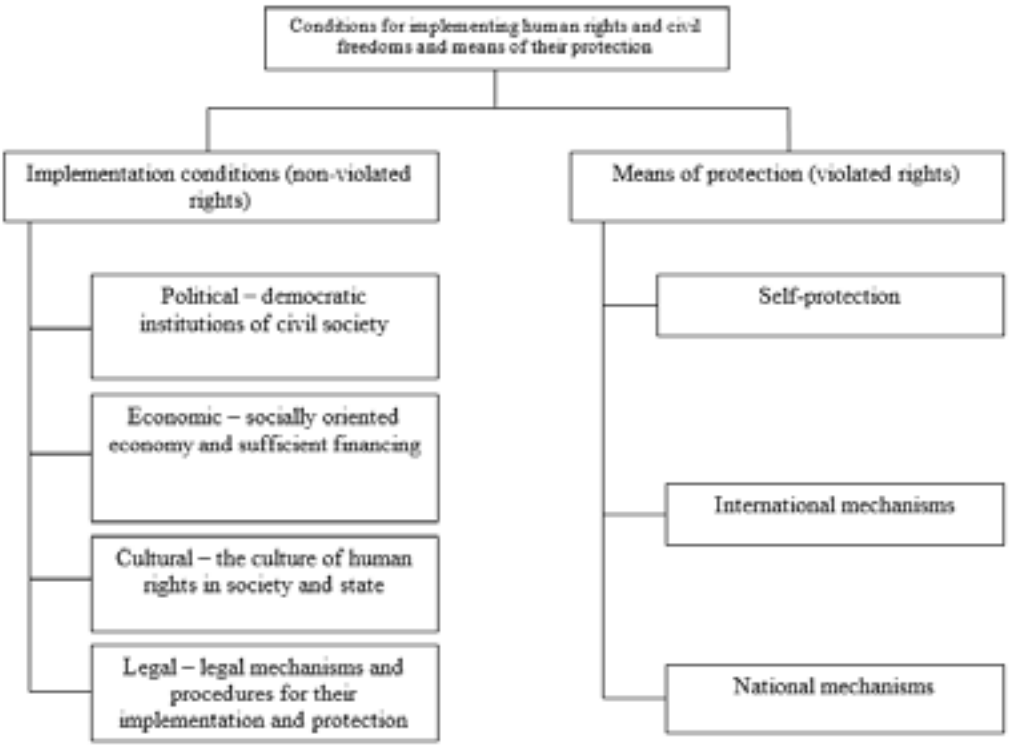

Figure 3. Conditions for Implementing Human Rights and Civil Freedoms and Means of their Protection.

Each type of historical rights development provides its own legal definition of a person as a subject of law. Legislation also formulates the idea of rights, freedoms and duties. Under these conditions, the history of law is the development of ideas about human rights from primitive and imperfect to modern ones. The analysis of legal documents (the Magna Carta (1215), the Petition on the Right (1789-1791) and the Universal Declaration of Human Rights (1948) demonstrates the ways and logic of forming legal structures in the sphere of the rights and freedoms of citizens, the initial approval of norms in the social limited version and their consistent development, content enrichment, gradual spread to other groups of legal norms and recognition of the achievements of civilized countries.

The process of democratic transformations led to the recognition of universal human values, the proclamation of the rule of law and its principles. These include: the priority and inviolability of human freedoms, rights and interests, honor and dignity, their protection and guarantee, a fair distribution of rights and obligations, as well as mutual responsibility between an individual and state, effective forms of control and supervision over the implementation of laws.

The main measures that ensure these principles are as follows: the sovereignty of people, the widespread development of public self-government, the accountability, efficiency, subordination of actions of state and its officials to society, no excessive concentration of power in one of the branches of government, a real opportunity for citizens and other subjects of law to protect personal rights and legitimate interests in court, the responsibility of all officials for their actions in relation to each citizen.

The constitutional list of human rights and civil freedoms reflects the needs of society, stimulates the development of state-legal relations, the legal culture of citizens. Human rights and civil freedoms should create legal and actual conditions for the life of an individual. Their main functions are as follows: democratic (the participation of individuals in the management of society); protective (prohibited interference in personal life); integration (the creation of conditions for the integration of society, mutual understanding of all its members); social (the determi-

nation of the rights of state bodies in relation to the rights of citizens); axiological (proclaiming a system of values that are important for a person in society).

While analyzing the functions of human rights, freedoms and duties, we have concluded that they are optimal for providing a balance of interests of an individual in society and resolving possible conflicts of such interests. If human rights and freedoms, as well as possibilities for ensuring them, actively interact with social development and do not differ from the ideas dominant in society, they act as objective conditions for realizing the interests of an individual.

Only in this case, a citizen, using the rights and freedoms granted, might not feel their boundaries established for public interests and perceive the assigned duties as not separating a person from society. Under these conditions, duties become a natural addition to individual rights.

Studies show that a constitutional obligation is a kind of legal obligation that determines the measure of necessary human behavior provided for by law. In this regard, a legal obligation is an important element of the legal status of a person and an essential part of legal relations. The rights of a person without obligations remain unprotected.

Under these conditions, constitutional obligations are legal obligations that determine the mandatory behavior for all members of society in the territory of state. The acceptance of law as equality, an equal measure of people's freedom, includes an understanding of justice, which reveals the relationship between the concepts of 'right' and 'law'. The understanding of law and right comprises the concept of justice, which is an internal feature of law, i.e. law is the bearer of justice in the social environment.

The rights and freedoms established by state are designed to ensure, first of all, the participation of individuals in public life by providing them with legal opportunities. The classification of these rights and freedoms according to their application reveals the relationship between society and state, as well as the nature of a political regime in a given country. Rights and freedoms also determine the content of state activity. If the Constitution defines the rights and freedoms of citizens as the most important benefits, these are features of a right-wing state.

In this case, the principle of separation of powers guarantees the stable functioning of public authorities. Legal culture is the highest spiritual indicator of the rule of law. The legal culture of society is a method of human existence in the legal sphere: ways of the legal regulation of public relations, forms of interaction between subjects of public relations, their attitude to the rule of law.

The lack of a developed legal culture does not allow society to effectively solve socio-economic issues to ensure decent living conditions for a person, their rights and freedoms (Kellman, 2021; Novikova, 2020). Being a social phenomenon, legal culture includes numerous elements of legal life. These include: legal relations; legality; law and order; legal behavior; legal awareness. One of the most important componentss of human culture is law that arises at the appropriate stage in the development of the social system.

At the same time, the formation of law is a mandatory stage in the development of culture. An integral component of legal culture is the rights and freedoms of citizens enshrined in the norms of law. These are patterns and models of behavior in accordance with which a person evaluates their actions. If the legal culture of society reflects the way people act, then human rights and freedoms act as a regulatory reflection of the way people interact with each other and with society.

One of the main elements of legal culture is subjective-psychological attitude to legal rights and obligations, their practical implementation in legal activities. The attitude of citizens to rights and obligations is the main point in assessing their legal life.

Respect for law is the main component of the legal culture of a person. The elements of this category are as follows: the legal awareness of an individual, a group of individuals or the whole society; the assessment of laws and legal regulations; the combination of personal interests with universal ones; the attitude of citizens to the activities of legal institutions, law and order in the territory of a city, district or state; the prestige of the legal profession.

The essential quality of human rights and freedoms is their reality. This means that a person should have real access to the values defined by constitutional norms, if so desired. The reality of human rights and civil freedoms is connected with their borders, i.e. the freedom of one person

should not mean affect the freedom of the other. It can be considered fair that the restriction of rights and freedoms is possible only within absolutely necessary limits. It is also important to ensure that those who are subject to restrictions know and understand their reasons.

Based on the nature of social relations, human rights and freedoms can be classified into the following groups: a) civil rights and freedoms; b) political rights and freedoms; c) social rights and freedoms; d) economic rights and freedoms; e) cultural rights and freedoms. These groups cover all aspects of economic, political, social and cultural life, and corresponds to their generally recognized list in international laws, which reveals their democratic orientation and traces the dynamics of their development.

In this case, the administrative-legal status of human rights and freedoms plays an important role, which is an independent set of elements enshrined in administrative law. Such elements are administrative legal capacity as the ability determined by state to have the rights provided for by administrative and legal norms, and administrative legal capacity as the ability of citizens to exercise constitutional rights and obligations through their actions.

The administrative-legal status of citizens is based on the principles inherent in it, i.e. the fundamental ideas and governing principles that lay the basis of the administrative-legal regulation of social relations. These include: the comprehensiveness and completeness of human rights and civil freedoms; the priority of rights and freedoms; the combination of individual interests with state and public ones; publicity and awareness; the dynamism of rights and freedoms; the equality of citizens before the law; the right to protection and legal assistance; the impossibility of abolishing and narrowing the rights and freedoms of citizens. Therefore, the administrative-legal status of human rights and freedoms can be divided into general, special and individual, which are connected with the constitutional status.

Practice has shown that the provision and protection of human rights and freedoms is the basis of the rule of law. The administrative and legal methods of protecting human rights and freedoms in terms of content and object cover social relations in various spheres of state. Their specifics are that they arise in the process of executive and administrative activities conducted by state bodies. In our opinion, these include: 1) the constitutional right to appeal; 2) judicial control and supervision for the protection of human rights and civil freedoms; 3) general supervision of the prosecutor's office, representation by the prosecutor of the interests of citizens in administrative proceedings.

Citizens are mandatory parties to administrative-legal relations aimed at the implementation of their constitutional rights to appeal in the process of judicial control and supervision for the protection of human rights and civil freedoms, as well as the representation of the interests of citizens by the prosecutor in administrative proceedings (Vinogradova et al., 2021). We believe that the role of constitutional rights to appeal, as subjective rights, lies precisely in the fact that they provide every citizen with social benefits and allow to satisfy the relevant interests.

It seems that the constitutional right to appeal, as an administrative and legal way to protect human rights and civil freedoms, includes social and legal elements. Its social component expresses a possible behavior of citizens in order to satisfy their subjective and social interests. This combination of interests is guaranteed by various democratic processes taking place in state.

The legal component of the constitutional right to appeal is determined by its objectivity. The Constitution indicates the general scope of such a right. This universal approach implies stability and creates rules for a long-time use. The constitutional possibility of appeal is specified in the current legislation but it does not affect the right of citizens of the Russian Federation to appeal. This specification proves its significance and value for citizens.

The right of citizens to appeal cannot remain the same and is constantly changing. To characterize its content, it is necessary to consider the directions of its development. If the right to appeal is regarded as a constitutional right, then we need to emphasize that there is plenty of behavioral patterns. In the process of developing public relations in the Russian Federation, new opportunities will arise for citizens to exercise their right to appeal against the actions and decisions of government bodies, institutions and their officials. High hopes are placed on the introduction and development of the institution of administrative justice.

The study allows to conclude that the constitutional right to appeal fulfills the following functions: law enforcement; social control, participation of citizens in the management of state activities. In our opinion, the presence and actual implementation of these functions help to understand the role and imprortance of the constitutional right to appeal.

The law enforcement function means that, guided by the current legislation, a citizen files a complaint and notifies public authorities or their officials of a violation of the law establishing human rights and civil freedoms, as well as the conditions and circumstances of these violations. The function of social control shows how citizens influence the improvement of enterprises, institutions and organizations to which they apply. While implementing this function, citizens also realize one more function, closely related to the previous one. They freely express their opinions and communicate their needs and interests.

If the right of citizens to appeal acts as a means of social control, regardless of a type of the citizen's complaint (justified or unjustified), this right also serves as a means of eliminating shortcomings in the work of government bodies and their officials in relation to justified complaints. Therefore, the citizen's participation in the management of state processes is manifested through an opportunity and with the help of a complaint to eliminate shortcomings in the activities of enterprises, institutions and organizations.

If this right is considered political, there is a public interest in its content combined with the personal interest of a citizen to participate in managing the affairs of state and society. A democratic rule of law should be interested in the participation of citizens in such management since this is an incentive in the development of democratic social relations and a way to protect human rights and freedoms.

While ensuring the personal interest of an individual in protecting a violated right or legitimate interest, the constitutional right of citizens to appeal allows them to participate in management. Each realized complaint does not only protect a violated right and legitimate interest but also eliminates shortcomings, prevents violations of law, considers different viewpoints of individuals, and ensures the citizen's participation in the management of enterprises, institutions and organizations.

Discussion

The reliability of the above-mentioned approaches is confirmed by the fact that in the process of exercising the right to appeal, the citizen's interest in protecting this right can be satisfied only if the citizen's complaint is justified. In other words, if it indicates real and not fictional facts of the violation of rights and legitimate interests. If the citizen's complaint is not substantiated, then the interest in its protection cannot be objectively satisfied. In such a situation, the citizen's interest in management participation also cannot be satisfied.

Under these conditions, it is not enough to indicate only interests in the process of implementation. It is also important to answer the question of how this right is exercised. Based on the nature and content of people's right to appeal enshrined legislation, this right is exercised directly through general constitutional legal relations and certain criminal proceedings, civil procedural and administrative procedural norms.

The possibility of direct implementation of the human right to appeal as a constitutional right is conditioned by the fact that the Constitution of the Russian Federation is, to a certain extent, an independent legal regulator of social relations. In this regard, many opportunities of appeal, which are the content of the constitutional right to appeal, suggests that a person can file a complaint in order to exercise this right not to one subject but to a wide range of enterprises, institutions, organizations and officials. Consequently, it is necessary to consider the number of specific legal relations in which a person participates.

Being an actor in the process of exercising the constitutional right to appeal, a person is opposed not by one body but by state as a system of government bodies, i.e., this right is realized in general legal relations. The specification of the constitutional right to appeal in administrative law is the definition of its status through legal relations with legal entities and individuals, starting with filing a complaint and satisfying the claims submitted by a person.

In addition, administrative justice can be regarded as a form of judicial control and supervision or as an administrative-legal means of protecting human rights and freedoms (Vinogradova et al., 2022). The objective condition for its existence is the verticality of substantive adminis-

trative relations, which are based on the method of power-subordination.

Therefore, administrative-legal relations arise in a special sphere of public life in connection with the implementation of executive and administrative activities by government bodies and officials. Under these conditions, the main features of administrative-legal relations that distinguish them from other public relations are as follows: firstly, the administrative powers of administrative bodies and administrative officials; secondly, an imperative method that assumes the inequality of participants in social relations.

Considering these circumstances, the content and form of the court's activities in cases arising from administrative-legal relations should be administrative justice, and its legal regulation is determined by administrative-legal norms. The scope of administrative justice is a public law dispute in the field of public administration regarding the legality of any action (inaction) or legal act of managerial activity. Its purpose is to stop illegal actions within a legal act.

This research is consistent with the studies conducted by Kyle Puetz, Andrew Davis and Alexander Kinney (2021) who identified the principles of organizing administrative law: German, Anglo-Saxon and French. Based on their viewpoints, it can be concluded that models of the organization of administrative justice are rather conditional and represent an attempt to classify various forms of administrative justice.

The common thing to various models is that a public law dispute on the protection and restoration of violated human rights and freedoms is based on the principle of equality of parties before the court, openness and publicity of the trial, competitiveness of the parties and the impartiality of the court, a body independent of state structures specifically appointed to consider this dispute (Rodrigues, 2020; Wong et al., 2020).

Due to historical and legal reasons, there are different models of administrative justice since each country has its own system of control over the legality of administrative activities, which corresponds to its legal criteria and state structure. In parallel with courts of general jurisdiction or administrative courts, public law disputes can be considered by quasi-judicial bodies (Jafarov, 2021).

They can also be regarded as real judicial bodies because they can consider not only questions of law but also questions of fact, i.e. violations of a simple interest not defined by law. They are created by a special act under the governing bodies to resolve certain types of disputes within specific departments. The procedure for resolving disputes often coincides with general legal proceedings and, as a rule, is established by an act of the governing body rather than by law. The procedural form of resolving public law disputes depends on the national specifics of the state mechanism and its legal system.

We agree with Polina Vinogradova and Andrey Tulaev (2021), who referred to the main differences between administrative proceedings and civil (action) proceedings: cases on applications for actions of administrative bodies consider the issues of administrative law arising from administrative-legal relations; the consequences of resolving administrative-legal issues affect the rights and obligations of parties to managerial relations; the court does not resolve disputes about law but checks the legality and validity of actions and acts of the governing bodies on the observance of rights and freedoms granted to citizens by the Constitution of the Russian Federation.

Conclusion

As a result, we can assert that the Russian society grows aware of human rights and freedoms, which can be regarded as the beginning of the spiritual revival of the Russian Federation. The ideology of rights is now generally recognized and required by both government and society. From the viewpoint of this ideology, the Soviet and post-Soviet views should be reassessed and projected onto the near and distant future.

Unfortunately, the Russian Federation has no special achievements in the field of human rights. The realization of individual rights is a complex and multifaceted phenomenon that includes not only the activities of law enforcement agencies but also the activities of individuals. While defining the model for implementing a legal norm that enshrines human rights, the legislator focuses on the possibility of their direct use by an individual.

The individual's activity in such implementation depends on the level of legal consciousness, legal culture and legal awareness. It is necessary

to improve the procedural regulation of rights.

To ensure the observance of human rights and civil freedoms in any state, every citizen should understand the importance of this process. It is important that the draft legal acts submitted to the State Duma of the Russian Federation, as well as the changes proposed to the current legislation, should not narrow the content and scope of the existing rights and freedoms.

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REVISITING THE ORIGINALITY OF INDONESIAN PHILOSOPHY (Indonesian Humankind and Philosophical Identity)

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Abstract: In the Indonesian context, philosophy is described as human philosophy, which attempts to reflect and bring together basic and complicated concepts about humans and the surrounding life. Indonesian Philosophy is articulated by at least three meanings. To begin, Indonesian are evaluated via Western interpretations, notably colonialization, for the advantage of the West. The second perspective, views Indonesians through the lens of indigenous knowledge who develop a fighting spirit to escape oppression, this perspective has objective resistance and freedom from colonialism.

The third perspective integrates Western and indigenous Indonesian philosophy, notably by integrating what is deemed beneficial in the West with indigenous Indonesian concepts. Indonesian people are viewed through their traditional lens and progress during the globalization and digitization era. Indonesian are described as imaginative individuals who possess cognitive, emotional and spiritual intelligence.

The discussion of Indonesian philosophy as a separate identity involves three fundamental interconnected topics: Indonesian human conceptions, Indonesian culture, and Indonesian thoughts or souls. The description of Indonesian is the most difficult to explain because this description is not only about physical structures, the brain and intelligence, but also about how personality, life, oneness with nature, and merging chages of Indonesians can be distinguished from those of other.

Keywords: Indonesian philosophy, identity problems, authenticity in digital age, Indonesian mankind.

Introduction

According to PA van der Weij (1991), human beings always have a question mark associated with them, signifying the complexity of human beings and the surrounding circumstances. The complexity of human beings has always been an intriguing subject for philosophers, due to a sig-

nificant shift in school of thought, of natural and human philosophy. Humans' life, death, soul, spirit, rationality, physical structures, psychological circumstances, cultural frameworks, reason, and social existence, are the subjects of philosophy. When the study of hermeneutics (text) evolves from a conventional to a critical method, it has strengthened people to become not only objects of philosophy the philosophical interpretation but also the owner of it.

The word philosophy is derived from two Greeks words, *Philos* (love) and *Sophia* (wisdom), which means the love of wisdom. Wisdom refers to knowledge, inventiveness in resolving practical problems and "the first truth" (Gie, 2007; Rapar, 1996; Zaprulkhan, 2016). Meanwhile, Ali Harb (2001) defines philosophy as humans' essential commitment that continuously seeks or pursues truth, wisdom, or happiness although they will never be able to achieve these aspects because they are not the owner of the truth. Philosophers essentially refer to humans or people who yearn, love the truth and always approach the truth, but they never achieve it.

Philosophy is concerned with humans in their entirety, and Indonesian philosophy cannot avoid discussing Indonesians in their wholeness. Karlina Supeli (2019) states that understanding Indonesian questions Indonesians' life and their struggles to perceive reality. Meanwhile Toeti Heraty (Roosseno, 2015) discusses a succession of Indonesians' views by presenting their works on philosophical subjects. In the Indonesian context, philosophy is considered an attempt to reflect and bring together simple and complex thoughts about humans and the surrounding life Jules Evans (2012) describes philosophy is the capability to encourage humans to survive when facing uncertain and dangerous situations, so that they can remain meaningful (Botton, 2003; Hawton, 2003).

Numerous Indonesian scholars have written Indonesian philosophy; this paper will present three of them. To begin, Indonesians and their matters are generally analyzed using Western lenses or interpretations. According to this perspective, Indonesians (social society) are examined using schools of thought and prevalent paradigms in Western civilization. The philosophical research is conducted by observing the social life of Indonesians using Western standards to serve Western goals; as a result, Indonesians are potrayed as people with backward, archaic, and feudal culture. During the colonial era, the West commonly utilized this worldview to further establish colonialism.

The second perspective analyzes native Indonesians' philosophy by presenting distinctive characteristics of Indonesians (social and cultural) aspects and comparing these aspects with others' aspects. This portrayal instills a fresh sense of Indonesians and convinces us of people's distinctiveness. Indonesians; ways of life are reflected in local values and traditional knowledge that pervades Indonesian culture. The life of Indonesians is rooted in distinct and vibrant tradition and characterized by a sense of belonging to the location and environments or by a natural affinity with their environment. Reading is an attempt to instill a combative attitude to free from oppression; the objective of reading is resistance and colonial liberation.

The third perspective integrates or synthesizes Western philosophy and indigenous Indonesian philosophy by integrating the benefits of both concepts. This is generally accomplished by persons who get an education overseas. When they return to their country, they read again to identify the potential of the integration analysis. Indonesians are viewed through their traditional and progressive lens during the globalization and digitization era. Indonesians are described as imaginative individuals who possess cognitive, emotional, and spiritual intelligence.

In today's fast-paced world, everything is ruled by artificial intelligence; thus, the ideas of reaffirming the importance of reality-based philosophy (to the present) and adapting to modernity are undeniable. Moreover, philosophy is a learning process in education and the primary key to discuss various historical issues, such as ancient Greek, Islamic, and Eastern civilizations, and contemporary issues, such as Indochina. Hanafi and Al-Jabiri (2015) demonstrate that reading Islamic culture should engage a discourse with Eastern and Western philosophy to reconstruct Islamic culture more progressively and equitably.

Western, Islamic, modern, or contemporary philosophy can be written by revealing the characters' views and considering the required chronological or conceptual skills. Moreover, these concepts can be written by revealing the curriculum and people's perceptions of the grand

and sublime conceptualizations offered and shaped to make the society more critically form their identity and adapt the identity to the global modern situation. Unique interaction, diverse thoughts, and multiple understandings are always discussed to create new understandings. Indonesian philosophy refers to humans and the environment where they live and implies a field of study with a distinct identity connecting to the development of philosophy in general. Such a condition can create unique, reconstructive, or deconstructive relationships with nature.

The concept of identity is constantly disputed although it is still extensively and consistently utilized by many groups. Identity is always unique or peculiar because it distinguishes traits. For instance, the term Western philosophy refers to Western thinking from a certain era, such as modern or contemporary eras. Meanwhile, Islamic philosophy refers to the evolution of the beliefs and ideas of prominent Islamic individuals throughout time. This article will offer Indonesian philosophy by investigating an idea, broad concept, human conditions humanity, and cultural features to define specific qualities.

Many contemporary thinkers believe that the discourse on identity has come to an end as a result of globalization and digitalization, such as the death of a single identity and the occurrence of plural identities; the identity is still alive (Fukuyama, 2020). Such a condition triggers a question of what relevance the identification has for humans. Identity frequently brings and causes problems, such as violence among ethnic groups, races, life, politics, and policies (Thung, 2010). However, a sense of identity can significantly strengthen a group's relationships with other groups, such as neighbors, members of the same community, fellow citizens, or adherents of the same religion (Sen, 2016). Moreover, identity can establish bonds and transcend a self-centered existence.

Problems

In the technological advancement era and paradoxes in various facets of life, reality begins to lose its authenticity as it is overtaken by artificial reality. This fake reality contains absurd aspects, such as the rise of pseudo-truths and pseudo-identity issues. Based on the aforementioned explanation, this study proposes three questions. (1) Does the uniqueness problem become significant in these circumstances? (2) Is Indonesian philosophy distinctive? (3) Is there any unique phenomenon in Indonesian philosophy?

Result & Discussions

The word Indonesia refers to multiple things, including the human race, the archipelago, and a country that forms a political unit (Elson, 2008). When young Dutch East Indies were studying in the Netherlands, they battled valiantly to establish a country with clear political unity and respect for the Indonesian ideology (Elson, 2008). It is clear that the concept of Indonesia is evolving and not static.

Indonesia is a country that has a sovereign territory, distinct sea and land borders, huge populations, political and economic zones recognized by all nations, as well as continuously evolving principles and concepts. Indonesian concepts, ideas, and values can be constructed by science and national philosophy. The process will continuously be performed through a constant process of meaning. Karim (2020) emphasizes the need for Indonesia's renegotiation.

Numerous philosophical writings have been composed by Indonesians. However, these writings are not frequently referred to as Indonesian philosophy. This current study has systematically searched for Indonesian philosophy articles published from 1951 to 2021. This current study has discovered 368 articles and books (Pratama, 2021).

Some of the works are composed in more general aspects, such as introductory writings. These works include Pengantar Filsafat (Introduction to Philosophy) (Maksum, 2011), Arus Filsafat (Philosophy Schools) (Soegiri, 2008), Dasar Dasar Filsafat (Fundamentals of Philosophy) (Shidarta, 1999), and ABC Filsafat (ABC Philosophy) (Davanka, 2021). The philosophy of science, which refers to the fundamental aspects of science, can be found in several books by Muhadjir (2001, 2015), Lubis (2014), Gie (2007), Latif (2015), Zaprulkhan (2016), and Susanto (2019). Each work has a distinctive additional title or minor title.

Sumarsono (2004), Kaelan (2013), and Alwasilah (2008) write the philosophy of language,

moral philosophy, philosophy of values, and philosophy of ethics. More practical terms are used by Indonesian writers, such as Filsafat Anti Korupsi (Anti-Corruption Philosophy) (Wattimena, 2016), entitled, Filosofi Teras (Terrace Philosophy) (Manampiring, 2019), and Filsafat untuk Para Professionals" (Philosophy for professionals) (Hardiman, 2016).

Some Indonesian scholars' works discuss the historical period of thought based on time or civilization. For example, Sholeh (2016), Zaprulkhan (2019), Supriadi (2009), Abdullah (2009, 2020), as well as Kuntowijoyo and Priyono (1991) conduct an introductory or an in-depth study to explain the essence of Islamic philosophy using Islamic paradigms. Meanwhile, Zaprulkhan (2016). Hardiman (2004), Zubaedi (2010), and Munir (2008) employ Western philosophy (modern or contemporary) to describe the history of thoughts developed in the West.

After collecting some works, this study has revealed that the most intriguing publication to unveil is a book entitled Pertjikan Filsafat (Spark of Philosophy) (Drijarkara, 1964). This book contains several topics from Western to Indonesian philosophy Drijarkara's thought demonstrates a singular dynamic nationalism, religion, and humanity. Other intriguing works are a book entitled Local Wisdom of Pancasila, Key Concepts in Indonesian Philosophy (Riyanto et al., 2015) and an article entitled Philosophy in Indonesia, Indonesian People and Culture (Wibowo et al., 2019). Although the authors' works are brief, the content of these works is quite vast and extensive.

Riyanto (2019) presents the topic of Indonesian philosophy as wayang narratives without texts, such as the narratives of Bima Suci and Kentut Semar that have become a synonymous tradition with Indonesian philosophy. Meanwhile, Nugroho and Cahayani (2012) portray the regular folks of Jakarta people who live in a capitalist environment of stock speculation. Mulyanto (2021) appoints Suryomentaram's philosophy about the anxiety of looking for the meaning of happiness through the senses. He argues that individuals are diverse and have a common sense of life.

Another point necessarily addressed is the universal or particular philosophy of Indonesians. Awuy (1993, 1995) defines Indoensians' characters using a syncretic pluralist philosophy, and argues that Indonesian philosophy is pure and always synthesizes many concepts; thus, people should not be worried. Meanwhile, the comparative method proposes the importance of convincing people of unique phenomena or pure perspectives of Indonesian philosophy. Moreover, the comparative method enables self-identification and is non-confrontational (Tjahyadi & Lidinillah, 1996; Tjahyadi, 2015). Benchmarks enable people to identify differences without judging which one is right or wrong. Another view shows that Indonesian philosophy is connected to a variety of indigenous traits that unite to generate integrated knowledge. Ali (2010) deploys that this integral character integrates previously existing truths to create a universal truth.

The philosophy defined as a style of thinking raises the question of whether Indonesians can be described as spiritual, traditional, or rational entities. Indonesians can be defined in terms of, at least, five primary qualities and, particularly, tradition. For example, Mansyur (2008) discusses hospitality and the knowledge developed to connect to humans' daily lives. Religion and syncretism are the primary pillars of the existence of Indonesians and function as a part of human interactions with their beliefs.

Generalizing people from diverse areas and circumstances is not feasible; for example, Balinese is different from Javanese or Sumatranese. Another example is that the Irian people are considered frantic and quick-tempered, and the Makassar people are considered sturdy, powerful, and capable of withstanding exhaustion. The images of Indonesians throughout colonialism, independence, and today's eras are also different. For example, individuals who practice farming following their indigenous wisdom now develop into hardworking beings defined as modernity. In this regard, Indonesians are fundamentally similar to other humankind. the philosophy of Indonesians fundamentally expresses the core essence of distinct images of the origin, traits, culture, spirit, and mind. Karlina (2019) states that "an Indonesian philosophers who experts in a human and cultural standpoint explains how Indonesians reflect their identity to perceive and confront reality" (p. 54).

To understand the struggles and lives of Indonesians, Kresna (2013) states that Indonesian philosophy, particularly Javanese philosophy, is

pre-established in, cosmic, integral, and transcendent harmony of human consciousness. The finest wisdom exists on a cosmic scale (a macro cosmos) made by a sense, not ratio. Additionally, cosmic harmony recognizes the interconnectedness of the past, present, and future. Wibowo (2019) argues that religion and philosophy are never considered mutually exclusive. Nature (the environment), humanity, and the divine are inextricably linked. To conclude, Indonesian philosophy is metaphysical. The ultimate science does not recognize rational truth but an ability to access pre-established cosmic metaphysical harmony. This article overviews the state of philosophy in Indonesia.

Wibowo (2019) raises a little concern about this pre-established harmony. Greek thinking, such as the Stoics' logos notion or Spinoza's Deus Sive Naturalis, should be investigated further. However, the cosmic harmony that constitutes life raises a question of how to achieve it. Cosmic awareness deals with a global phenomenon. Bhinneka Tunggal Ika symbolizes how Indonesians convey their mixed and integrated understanding of universality. Wibowo (2019) explains that this is the primary universal feature of Indonesian philosophy.

Unlike other cultures, Indonesians and Pancasila form a unified entity that exhibits distinct traits. The association between Pancasila and Indonesian values elevates Pancasila to a more sacred and extremely religious status. Indonesia's diversity demonstrates several ways to perceive the country through an ideal way of Indonesia, Pancasila, and other broader perspectives. Such a phenomenon also raises the question of whether we believe that Pancasila is an essential order or whether Pancasila is merely a component of Indonesia's essence. Measuring Indonesia through Pancasila from a philosophical perspective creates a reductionist issue since Indonesia cannot be represented entirely. Nonetheless, Pancasila through Bhinneka Tunggal Ika expresses the nature of differences in unity. Historically, the background of implementing Pancasila is generated by intellectuals from many groups to unite state ideology that is distinct from the purpose of the establishment of Indonesia.

Amidst the world's unprecedented developments and national media industries, Heryanto (2015) asserts that the ideological fight waged across multiple global media networks fills the void generated by the cultural arena of the hegemonic position of power. Popularity in various forms is intended for a variety of demographics. Society has entered a culture of satisfaction and deep affection for digitalization, digital ecosystems, and digital spirituality. Skinner (2019) explains that society has entered the fourth developmental era, known as the "network era". This era consists of time and space referred to as "global connectivity" because people are all connected via a single platform using the Internet.

Indonesia has been colonized by computing and the web which is now entering a new phase, namely universal internet access (Susanto, 2019). Everyone intentionally or unintentionally is encouraged to create a smart world in which all people and things are always connected and communicate. However, such a condition creates perplexing questions. (1) Are we sincere? (2) Is Indonesia still a country?

Artificial intelligence has gradually gained power, and such a condition occurs in Indonesia. All life functions become reproducible machines; awareness, thinking, and interpretation transform; this network effect refers to as post-humanism (Pepperell, 2009).

The emergence of the digital revolution is inextricably linked to society's paradoxical circumstances. Society is befuddled about who they truly are. They also question whether conventional conceptions continue to exist and whether their culture still commits to the principles brought down through oral tradition. Speeding and digitalization have resulted in disintegration. This condition emerges critical questions of whether an Indonesian identity is still necessary, whether a significant shift in people's lives exists, and whether philosophy can adequately explain the emergence of new phenomena. Pearson (2019) explains the emergence of virtual humans and existing rights.

Indonesians have transformed in various aspects of their lives. This transformation is not limited to humans as an entirety but begins with intelligence and awareness of pre-established principles, namely Pancasila and values of spirituality, humanity, and justice. Moreover, this transformation proceeds to digital intelligence and awareness. Transformation does not occur solely, but it is a result of complementing one another and uniting traditional with digital expertise. Such a condition creates Indonesians with

hybrid identities. In this circumstance, technology enables life to evolve in never-seen-before ways. Nevertheless, if we do not survive, we are on the verge of self-destruction.

Kurzweil reviews Tegmark's book (2021) and says that "cleverness suggests the most critical conversation of our time and strategies to construct a wise future society by combining humans' biological thinking with larger creative intellect" (p. 199).

Indonesian philosophy discusses wisdom and knowledge about Indonesia in a broad sense and more specifically reflects developing realities. This definition indicates that Indonesia reflects the atmosphere of the condition referred to as Indonesianness. Riyanto (2019) argues that Indonesian philosophy is carried out by Indonesianness and its wisdom which belongs to the Indonesians. Indonesianness considers the history of Indonesia's development to reach philosophical ideals, form unity, and achieve an ideal reality. Meanwhile, local wisdom is an ethical and religious treasure and shows the relationship between the cosmos and its human beings. Therefore, Indonesian philosophy must start from human experience and return to human life.

Indonesian philosophy generally discusses intelligence, wisdom, and knowledge about Indonesia. Moreover, Indonesian philosophy more precisely represents the Indonesian setting with its evolving reality. This indicates that Indonesia embodies the mood associated with the state known as Indonesianness. Riyanto (2019) explains that Indonesian philosophy originates from the concept of Indonesianness and the knowledge inherited in Indonesians. Indonesianness examines Indonesia's growth to accomplish philosophical ideals of oneness to attain an ideal reality. Meanwhile, indigenous knowledge refers to ethical and theological concepts of the interaction between the universe and human beings. As a result, Indonesian philosophy must begin with human experience and work its way back to the allure of human existence.

Conclusion

This paper focuses on Indonesianness, which still requires attention. Several works have explored philosophy with an Indonesian identity, but they do not explicitly mention this identity in the title and marginalize philosophical development in Indonesia.

The discussion of Indonesian philosophy as a separate identity fundamentally involves three interconnected topics: Indonesian human conceptions, Indonesian culture, and Indonesian thoughts or souls. Aristotle postulates that a human being is a subject of philosophical inquiry. Before the emergence of Aristotle's theory, philosophy was preoccupied with two significant topics: the cosmos and mystical worry. The description of Indonesians is the most difficult to explain because this description is not only about physical structures, the brain, and intelligence but also about strategies to distinguish personality, life, natural unity, and occurring changes of Indonesians from those of others.

Is Indonesia a real country, or does it exist solely in people's minds? The term Indonesia does not refer to a race of people living in a particular archipelago but to human behavior, culture, and concept (idea) of Indonesianness. Moreover, this concept includes Indonesians who live in the digital intelligence era.

Thus, Indonesian philosophy primarily examines the uniqueness of Indonesia as a country in various ways, including the tenacity, diversity, and power of a single developing notion that encompasses mankind in all manifestations. This paper describes that Indonesians constantly redefine their identity when confronted with a future that continuously promises. Besides the pessimism, there is an uproar filled with optimism. As an identity, Indonesian philosophy meets the challenges of the digital revolution and spiritual progress, enabling Indonesians in this era. Is 5.0 a digital spiritual being?

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THE PHILOSOPHY OF ASSETS FAIR VALUE PRESENTATION IN FINANCIAL STATEMENTS

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Abstract: Publication of companies' financial statements is carried out in accordance with the requirements of International Accounting Standards, pursuit the aim of providing the reporting users with reliable decision-making information. The subject of research is scope of assets fair value philosophy, based on generally accepted principles in International Financial Reporting Standards (IFRS), in particular, on prudence approach. The purpose of article is to give suggestions for improvement of assets in financial statements of organizations, taking into account the interests of the users of the report, avoiding as much as possible the overestimation of the disposed assets or the underestimation of the assumed liabilities. In addition, financial reporting standards also require the presentation of assets at fair value, which is somewhat contrary to the principle of prudence. Philosophical issues of asset valuation are discussed in the article, analyzing the range of valuation approaches of assets at fair value in the financial statements published by organizations. The results of the research are proposals for new philosophical approaches to the fair value assessment of the organization's assets, according to which the current assets should be presented by market value, and the philosophy of valuation of non-current assets is to be based on the prudence concept.

Keywords: philisosphy of assets revaluation, IFRS, fair value, financial statements, prudence principle.

Introduction

The role of financial institutions in public life increased, especially sharply in the era of capitalism, when the public felt a need to be informed about the results of economic activities of organizations. Nowadays, this requirement has acquired new qualitative characteristics, and the process of published accounting reports has entered a new institutional phase, forming international accounting standards for the publication of financial statements, which still cause issues of

philosophical interpretation.

International Financial Reporting Standards, which have been in place since the 1990s, were originally intended to provide users with realistic information that would enable them to make sound decisions. The principle of prudence considered one of the cornerstones of building standards (Siahaan et al., 2018). When applying it, overvalued assets or undervalued liabilities are not allowed. Prudence is the exercise of sufficient caution, so that assets income is not overstated and liabilities and expenses are underestimated, while not allowing intentional underestimation of assets, income and liabilities and intentional overstatement of liabilities (Sharma, 2017).

Consequently, when maintaining prudence consept, organizations present in their financial statements information that is not in "their best interest", as it presumably reduces the fair value of the assets. Reports, on the other hand, do not artificially present to users the portion of the fair value of the asset that is "hidden" in the reporting requirement.

The preparation and publication of financial statements is carried out in accordance with the requirements of International Accounting Standards, in order to provide users of the statements with reliable information for making decisions. International Financial Reporting Standards are based on universally recognized principles, one of which is conservatism (Capkun et al., 2016). It is important to take into account the interests of the users of the report, avoiding as much as possible the overestimation of the assets used or the underestimation of the assumed liabilities. In addition, financial reporting standards also require the presentation of assets at fair value, which is somewhat contrary to the principle of conservatism (Cheng & Kung, 2016).

The article discusses the range of issues of assessing assets at fair value in financial statements, published by organizations. In particular, it identifies methodological discrepancies between the valuation of long-term assets and the assessment of their utility, required by international accounting standards. Based on the research of methodological approaches to the valuation of assets, recommendations were made to limit the use of the principle of the market approach for assessing the fair value of long-term assets.

The Philosopy of Assets Measurement Prudence Concept

According to the professional literature, when preparing financial statements on an prudence basis, there is often a time gap between the "losses" of the recorded benefits. It is from this principle that the resulting loss should be directly recorded in the financial results of the organizations, even if the related transaction has not yet taken place, and in the case of a profit, there should be no urgency; it is necessary to wait until the transaction takes place (Kiabel & Nwanyanwu, 2014). A good example of this is the formulation of the results of revaluation of fixed assets, according to which the impairment loss should be immediately attributed to the financial results of the reporting period, and the increase from the revaluation to the equity of the entity (Beuren & Klann, 2015).

The authors argue that these temporal differences in financial results from the principle of accountability may have some bearing on the decisions made by users of the information (Bui et al., 2020). After all, fixed assets are non-current assets, at least for a long time, they will not be alienated or traded at the time of reporting. The question then arises as to why the impairment losses incurred at the time of their devaluation results should be attributable directly to the financial performance of the entity's the reporting period and not to equity, which is attributable to the increase in revaluation gains. In our opinion, in such a case, the report provides users with information with double standards, which causes a possible "information confusion" in their management decisions.

Moreover, in the case of inventories, when the International Accounting Standard requires a presentation of fair value less the actual cost of the residual net realizable value, the short useful life of the inventories is not taken into account. And even if circumstances are created that contribute to the increase in the value of inventories, the previous devaluation results of inventories are clarified, and reversals of formulations are made. It follows that year-on-year inventory balances can be re-evaluated multiple times, giving rise to significantly different information in the decision-making process of users of the published financial statements.

According to International Financial Reporting Standards (IFRS), the fair value is the amount that would be received from the sale of an asset in a normal transaction or would be paid for the transfer of a liability in a normal transaction at the measurement date (Christensen et al, 2013). Therefore, the accounting principle is somewhat at odds with this requirement of the standard, as the fair value of the asset is often presented without taking into account the time of the usual transaction or the "out of reach" approach in the market.

Chartered financial analysis (CFA) want clearer results which isn't biased. Where there are uncertainties they would like management's best estimate with the appropriate disclosures of the basis on which this has been made. The inclusion of prudence is not necessary as it contradicts other accounting assumptions. As discussed earlier, the debate came about due to the conflict with neutrality. Prudence conflicts with neutrality. As Hoogervorst (2012) said, "When the IASB revised the first chapters of the Conceptual Framework in September 2010, it replaced the concept of Prudence by Neutrality. Ever since, IFRSs have been periodically criticized for actually being imprudent, allegedly leading to overstated profits and/or understated liabilities. For example, critics blame the incurred loss model for understating losses on bad loans and the use of fair value accounting for inappropriately recognizing unrealised profits" (p. 2). Thus keeping both prudence and neutrality in the framework will only lead to confusion and misrepresentation of the truth in the accounts. Furthermore, other areas of the framework such as faithful representation also clash with the concept of prudence, as the information decisions which are made under the prudence concept do not always represent transactions faithfully, leading to information not being fully reliable. Therefore, as long as financial statements are as accurate as possible and represent the reality of the accounts as much as possible following the other frameworks, prudence is not needed (Sebrina & Sari, 2016).

Only the publication of financial statements of organizations with a philosophical foundation of conservatism leads to the emergence of disagreements between external and internal users of this accounting information. In particular, internal stakeholders find that the prudence concept unnecessarily reduces the book value of current assets in practice. In this regard, the article also suggests not to show an unambiguous approach in the valuation of assets at fair value and to review the philosophy of measuring current and non-current assets at fair value.

Limitations of the Philosophical Interpretation of Fair Value Assets Measurement

The philosophical interpretation of fair value is staying on the price, that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. However, such a philosophical interpretation often creates a mismatch between the information expectations of organizations presenting financial statements and their users. Consequently, the philosophy of measurement inventories again is conducted with prudence approach principle, which is requiring, that the inventories shall be stated at the lower of cost and net realizable value. Net realizable value (NRV) - the estimated selling price less the estimated costs of completion and the estimated costs necessary to make the sale IAS 2 Inventories (2017). Cost of inventories – all costs incurred in bringing the inventories to their present location and condition, including the costs of purchase and conversion.

In this situation, the management of the organization shows reluctance in presenting the stocks with net realizable value, because in many cases there is an artificial reduction of the value of these assets in the financial statements. As a result, indicators of financial stability of organizations is declining. Hence, the philosophy of the approach of valuation of inventory at fair value by accounting standards does not always become acceptable for the management of organizations (Ramanna, 2020).

The same problem arises in case of philosophical interpretations of the results of revaluation of fixed assets at fair value. In the current international accounting standards philosophical approach is applied, that the result of revaluations should not be directly attributed to the profit of the reporting period of the organizations, but would capitalized and amortized in the following years. Of course, such a philosophy of revaluation of the increase in the value of fixed assets is

not considered acceptable for the management of organizations in most cases, because in this circumstance it is not possible to adequately represent the increase in profit. And all this has a negative impact on the investment environment formed in organizations (Hu et al., 2014).

Therefore, in practice, the philosophy of valuing assets at fair value in organizations often does not satisfy all internal and external stakeholders using the information and thus presents itself with certain limitations.

Research Methodology

The research methodology is based on the principles and approaches of accounting reporting. In particular, due to the need to present assets at fair value, the requirement to measure assets at market value changes has been taken into account, according to market price fluctuations. At the same time, the assets were assessed on the basis of the potential economic potential of their long-term use. In this case, the assessment is based on the risk of asset impairment, which is formed by comparing the discounted cash flows and the carrying amount of the asset with the expected future use of the property, plant and equipment (Paulo, 2017). In all cases, when presenting an asset at fair value through profit or loss, the valuation results were re-recorded and attributed to the entity's financial results for the reporting period (Fig. 1).

Simultaneously applying the asset revaluation methodology, both in terms of prudence and "arm's length" principles, it has been possible to detect disproportion in recording financial results as a result of asset revaluation. It turns out that the center of gravity of the financial results of the revaluation of assets is more than transferred to the area of recording losses, and the recording of benefits from the revaluation increase is delayed until the moment of sale of the asset (Fig. 1).

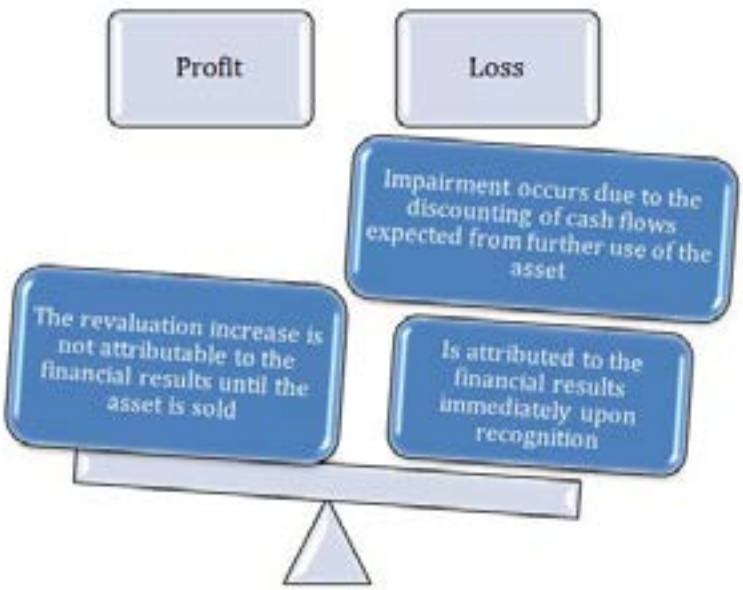

Figure 1. Profits and Losses Recognition Philosopy, Bases an Asset Fair Value Prudence Concept Aproach. (Composed by the authors)

Therefore, the research methodology was developed on a systematic basis, using not only the duplication of revaluation results, but also a combination of their different directions in the accounts to find the formula for realistic valuation of assets in the financial statements.

Fair value financial statements mainly cause problems with long-term non-current assets. In accordance with the requirement of IAS 36 Impairment of Assets (2017), whether or not an asset is impaired, an entity shall examine each year the impairment of an intangible asset with an indefinite useful life or an intangible asset not yet available for use by comparing its carrying

amount. with the reimbursable amount. Moreover, according to the requirement of the standard, when assessing whether there is any indication that the asset may be impaired, the entity shall consider at least the following indications:

a) there are indications that the value of the asset has decreased significantly over a period of time as expected over a period of time or normal use;
b) significant changes in the technological, market, economic, or legal environment in which the entity operates or in the market for which the asset is intended have occurred or will occur in the near future;
c) market interest rates or other market investment rates have increased over the period; the increase is likely to affect the discount rates used to calculate the value in use of the asset;
d) the carrying amount of the entity's net assets exceeds its market capitalization (IFRS 13 Fair Value Measurment, 2011).

Depending on the usefulness of the property, plant and equipment, the carrying amount of the asset should be reduced to its recoverable amount only if the recoverable amount of the asset is less than its carrying amount. At the same time, this decrease is a loss from depreciation.

In accordance with International Financial Reporting Standards, the fair value is the amount, that would have been received from the sale of an asset in a common transaction or would have been paid for the transfer of a liability in a ordinary transaction at the measurement date Shkulipa (2021). Therefore, the principle of accountability is somewhat at odds with this requirement of the standard, as the fair value of the asset is often presented without taking into account the time of the usual transaction or the "at arm's length" approach in the market.

Thus, the organization in January 2019 bought $ 20 million a conveyer line with a 10-year operation period, the alienation costs of which will make 3 million at the end of the operation. In December 2021, it turned out, that the real value of the conveyer line in the market has risen by 5%. At the same time, another circumstance emerged. A solid competitor has appeared in the market, which produces the same product, as a result of the organization's conveyer line capacity has decreased from $4 million per year to $2.6 million outcome. The bank deposit rate is projected at 10% for the next seven years.

If we are going to follow the international accounting standards, in 2021 we have to formulate two contradictory correspondents on assets. On the one hand, in accordance with IAS 16 Property, plant and equipment (2017), the revaluation of the asset will increase, and the result will be the increase in the capital of the organization during the reporting period. On the other hand, IAS 36 Impairment of Assets (2017) will impair the asset as there is an indication that the carrying amount of the asset exceeds its recoverable amount. In this case, for the same asset, the impairment result for the same reporting period will be recorded in the entity's financial results as required by IAS 36 Impairment of Assets (2017).

Naturally, such an ambiguous assessment of the fair value of a flow line can confuse users of financial statements and negatively affect their decisions.

However, it should be noted, that at the end of the reporting year (December 31, 2021), two conflicting financial results were issued to adjust the fair value of the asset at the same time. The first related to the benefits of increasing the market value of the asset, and the second related to the impairment losses from a decrease in the asset's ability to generate further economic benefits.

Naturally, the recording of the simultaneous benefits and losses of adjusting for real assets and the loss of an entity's financial performance information may cause disagreement among users and affect their decision-making. Therefore, we consider it expedient to take into account only the degree of their usefulness when estimating the fair value of long-term assets, and at the same time not to take into account the current market price. In other words, when assessing the fair value of long-lived assets, do not be guided by the principle of "at arm's length" in the market. And to provide information users with the results of valuation of long-lived assets at market prices simply by disclosing financial statements. In this case, adjustments to the fair value of the non-current tangible assets will no longer be made available to users of the information with ambiguous financial implications. In addition, the fair value of an asset in IFRS that would have been received from the sale of an

asset in an ordinary transaction between market participants at the measurement date would be presented as additional information in the disclosures in the published financial statements.

When challenged over the desirability of restraint in profit recognition it is often pointed out that while prudence may hold back profits in one year such restraint may simply lead to their release in a subsequent period, which as a result will show exaggerated results. Daimler Benz's restatement of its profits record from (prudent) German accounting to US GAAP for its New York listing illustrated this 'smoothing' effect of prudence very well. The Spanish banks and the dynamic provisioning during the crisis are cited as a further case in point – prudent reserves temporarily masked their underlying weakness as conditions changed, and delayed remedial action (Sharma, 2017).

Conclusions and Recommendations

The philosophy of creating information on the reporting entity's financial resources, the nature of the claims and the amount helps users to identify the financial strengths and weaknesses of the reporting entity. This information is used to assess the reporting entity's liquidity solvency, need for additional funding and how well the entity will be able to obtain that funding. The presentation of assets at fair value helps users to predict how future cash flows will be distributed among entities with a claim on the reporting entity, including the degree of economic autonomy and liquidity of the entity.

However, studies have shown, that on the one hand, financial statements published by organizations require accounting standards to present assets at fair value that would be available in the current market conditions for sale in the ordinary course of business. Measuring the fair value of an asset, on the other hand, also takes into account its ability to generate further economic benefits.

Therefore, in order to avoid such conflicting estimates, we propose to apply only one valuation approach to long-term non-financial assets based on the requirements of IAS 36 Impairment of Assets (2017). That is, to estimate the fair value of the assets at the amount of the consideration, which is the maximum amount of the fair value of the asset or cash-generating unit the difference between the cost of disposal and the cost of use received. Simultaneously, according to requirement of IFRS 13 Fair Value Measurment (2011), include the long-term non-financial assets in the disclosures in the financial statements, showing the fair value of these assets at market price.

Taking these considerations into account, we make a number of improvements to the philosophical approaches to the recognition of companies assets fair value mesurment.

First of all, current assets, which are constantly changing in the financial statements of organizations and, as a rule, registrating with their accounting balance sheets for less than a year, it is appropriate to present them not at the minimum of the actual cost and net realizable value, but at the market sales value. In this case, the inventory will be reflected in the balance sheet at fair value and will not be subject to the philosophy of the principle of conservatism.

As for the evaluation of non-current assets, in this case we suggest, on the contrary, to maintain the philosophical approach of evaluation with conservatism, because the above-mentioned assets are recorded in the financial reports of organizations for a long period of time, which requires approaching their valuation more cautiously, ensuring the philosophy of prudence concept.

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PHILOSOPHY OF RELIGION

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RELIGION AND LAW IN THE POST-SECULAR WORLD: COOPERATION BETWEEN THE STATE AND RELIGIONS IN LEGISLATIVE ACTIVITIES

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Abstract: Because the post-secularity gradually becomes customary and shared by everyone, the authors conclude that it is necessary to recognize the important role of different religions in the lawmaking. The article attempts to analyze the influence of religious views and ideas on the modern law, including the impact of different religions on the modern legislative process. An important conclusion that the authors come to is that existing religions remain one of the most effective and active subjects of the civil society. Their role in the humanization of law remains traditionally significant, and the exclusion of religions from lawmaking during the period of theomachy in the USSR had a negative impact on the national legal culture and legal mentality of the Russian people.

Keywords: state-religion relations, law and religion, legal policy, lawmaking, legal doctrine, legal values.

Introduction

Modern Russian society, despite the secularization of the mass consciousness, retains respect for the religious traditions of the Russians. The recognizable crucial role belongs to the Russian Orthodox faith for performing the culture-forming and state-forming functions for many centuries. The influence and authority of the Russian Orthodox Church today is also associated with the powerful influence of the Russian Orthodoxy on the formation of the Russian ethnic culture, on the emergence and development of the Russian statehood.

Sociological surveys also testify to the preservation of the authority and important role of the Russian Orthodox Church in the public life. According to these surveys, the percentage of those who identify themselves as members of the Russian Orthodox Church far exceeds the half of the population. It is interesting to note that this applies not only to the advanced in years population, but also to young people. For example, the Institute of Sociology of the Russian Academy of Sciences conducted a survey regarding the Russian Orthodox identity among the high school students in Russian schools. It turned out that 89.7% of students identified themselves with the Russian Orthodox Church. Based on this survey, some researchers concluded that our state does not fully meet the criteria of a multi-religious society, being rather a mono-religious one (Pei-

kova, 2000). The same study indicated that less than 1% of the interviewed did not identify themselves with any religion. About 5.3% of high school students in the Russian Federation considered themselves the Muslims. The remaining religious preferences were even smaller: only 1% of the population adhered to the Catholic faith, and only 0.4% professed the Buddhism. The Judaism, like the Protestantism, was the religion for about 0.2%. About 2.5% of the respondents were into religions not represented in the survey.

Another example: there are even fewer atheists among university students. About 95.7% of the respondents identify themselves with a particular religion. At the same time, the vast majority consider themselves the representatives of traditional religions, the Russian Orthodoxy and Islam (Kublitskaya, 2014, pp. 171-175; Lagunov, 2012, p. 126; Tikhomirov, 2017, pp. 177-191). However, this study also shows that the level of immersion in spiritual life is not very significant, since only 8-9% subordinate their way of life to the requirements of religious dogma (Kashchaeva & Pirogova, 2019, p. 112). All believers recognize the state-forming nature of the Russian Orthodox faith and its contribution to the history and culture of the Russian state (Kashchaeva & Pirogova, 2019, p. 112).

The following question arises: how strong is the influence of traditional religions on the law in general, and on the legislative process in particular, today? To what extent is the religiosity of the Russian citizens considered nowadays? What are the channels of influence of religion on the modern law and the state? Moreover, the opposite question is about the influence of the state on the life of religions. Is it possible to say that the state support for traditional religions allows them to develop their mission? Should new biomedical and digital technologies be limited in the face of their rejection by traditional religions? These and other questions related to the nature of theocratic legal understanding, theocratic statehood, legal culture, became the basis for the formation and subject of analysis in a new interdisciplinary field of knowledge – the legal theology. This year, a monograph by a team of authors focusing on the legal theology was published at the *Prospekt* Publishing House (Ovchinnikov, 2022).

"The Faith in God" in Domestic Legislation

The above-indicated issues do not always become the subject of consideration by jurists who have devoted their work to the law-making process. However, it should be borne in mind that federal laws and doctrinal legal documents of the Russian state comprehensively support the influence of religious values on the modern state and legal development of Russia (Collection of legislation of the Russian Federation, 1997, Federal Law No. 125-FL), educational policy (Collection of legislation of the Russian Federation, 2012, Federal Law No. 273-FL), state policy towards compatriots (Collection of legislation of the Russian Federation, 1999, Federal Law No. 99-FL), the property relations in the sphere of state and municipal properties (Collection of legislation of the Russian Federation, Federal Law No. 327-FL), the national politics, countering extremism (All details of the law – number, art. Must be added in the in-text citation. The reference must be given generally, 2020, Decree 29.05.2020 N 344), and on the national security (Decree 02.07.2021 N 400).

However, the most explicit and unambiguous position of the state regarding religious values was during the period of the amendment to the Constitution of the Russian Federation in 2020. At the same time, the role of the Patriarch, who proposed including the value of "the faith in God" in the text of the Basic Law, should be recognized as the key in the issue of its formulation. It is worth recognizing the role of the President of the Russian Federation, who supported such an amendment.

Of course, one should not exaggerate its influence on the legislative process and the development of the state-religions relations. However, the introduction of an amendment to the Basic Law on the faith in God may affect the strengthening of various channels of influence of religions on legislation. Part 2 of new Article 67 says: "2. The Russian Federation, united by a thousand-year history, preserving the memory of the ancestors who passed on to us the ideals and faith in God, as well as continuity in the development of the Russian state, recognizes the historically established state unity".

Regarding this amendment, the Constitutional Court of the Russian Federation stated: "The in

clusion in the text of the Constitution of the Russian Federation of an indication of the faith in God, passed on to the people of Russia by their ancestors" (Article 67[1], Part 2), does not mean a rejection of the secular nature of the Russian state, proclaimed in its Article 14, and of the freedom of conscience, guaranteed by its Article 28, since, in its wording, it is not associated with religion belonging or affiliation, does not declare the presence of certain religious beliefs mandatory in the Russian Federation, does not put, contrary to Article 19 (Part 2) of the Constitution of the Russian Federation, citizens of Russia in an unequal position depending on the presence of such a faith and its specific orientation, and is intended only to emphasize the need to take into account, when implementing the state policy, historically significant socio-cultural role that the religious component played in the formation and development of the Russian statehood (Conclusion of the Constitutional Court of the Russian Federation).

Representatives of jurisprudence in Russia for the most part recognize the positive role of traditional religions in the development of the modern state and law. They emphasize the spiritual and moral significance of the Russian Orthodox Church in the upbringing of children and youth, the prevention of aggression and violence in the society. For example, V. V. Pushchansky (2006) writes: "A moral and religious foundation is needed for the further development of the Russian state and society. The Russian Orthodox Church is that very social institution that can help bridge the gap between the rich and the poor, the people and rulers, and alleviate envy and malice in the hearts of people who have become impoverished in spirit" (p. 8).

Attention is also drawn to the inseparability of religion and legal consciousness, the separation of which is not appropriate in a state with a thousand-year tradition of a symphony of authorities. It is important to take into account traditional religious values in law-making activities. It is rightly noted that "in the process of law-making it is important to take into account the legal consciousness of the people, and it has the biblical roots" (Kupriyanov, 1998, p. 83).

At the same time, such a positive attitude towards traditional religions cannot be recognized as universal. O. A. Dvornikova cites as an example the decision of the Supreme Court of the Russian Federation related to the resolution of the issue of by-elections in a situation when their date fell on the Orthodox holiday (the Holy Trinity Day). The transfer was denied on the grounds no religion could be established as the state religion in Russia. The Supreme Court of the Russian Federation recognized that the canonical rules cannot have an impact on the activities of public authorities. In the Court's opinion, the state should maintain a distance in relation to all religions: "Respecting the Russian Orthodoxy as the religion of the vast majority of the country's population and recognizing its special historical role in the formation and development of the Russian statehood, it should not be considered a legal priority in relation to other religions" (Dvornikova, 2009, p. 49). Such a "restrained" attitude towards the Russian Orthodoxy also occurs in the works of the well-known researcher of the state-religion relations, A. V. Pchelintsev (2007): "awareness of spiritual, cultural, and religious diversity is the basis for the national unity of the entire multi-ethnic and multi-religious country" (p. 11).

However, the vast majority of authors support cooperation or collaboration between the state and religions, recognizing the positive influence of the Russian Orthodox Church on the society, but at the same time believe that the principle of secularism should be preserved, avoiding the clericalization of the state apparatus. It is worth paying attention to the proposal to modernize the principle of secularism: "At the level of the Basic Law of the country, such an interpretation of the idea of a secular state should be justified, which allows both a "special" attitude of the state towards certain religions and denominations (as is done in a number of foreign secular states), and additional guarantees of the religious and moral component in the matter of both the patriotic education of the younger generation and the formation of a basic set of moral values and priorities that go far beyond the boundaries of exclusively civic consciousness and serve exclusively the interests of the state" (Baranov, 2022, pp. 57-63). He also suggests: "At the level of the preamble to the Constitution of the Russian Federation, the priority of religious values over the state ones should be designated. It is necessary to clearly define a system of priorities - not religious and moral values for the benefit and in the interests of the state (as follows from the relevant

constitutional novels), but the state and its institutions for the good and in the name of religious and moral values" (Baranov, 2022, pp. 57-63). It is worth saying a few words about the state-religion relations in the constituent entities of the Russian Federation, where the history of people is closely connected with the traditional Islam.

Experience of State-Religion Cooperation in the Islamic Regions of the Russian Federation

Researchers of political and legal life in the republics of the North Caucasus note that the issues of religious and legal interaction between the state and religious associations and denominations in the creation of legal acts are becoming increasingly important. These issues are gaining political importance. "Increasingly, one can hear from the mouth of young people that they would like Sharia law to be established in Ingushetia" (Evloeva, 2016, pp. 80-83). This request from young people is not accidental: in 1999, the Muftiate of Ingushetia initiated the introduction of the discipline "Fundamentals of Islam" in schools from grades 5 to 11. On this subject, students study not only the sociocultural significance of Islam, but also the practice of spiritual life: supplications, the Koran, prayer, the life of the prophets, etc. In other words, religious life is actively carried out in general education schools. Assessing positively the development of traditional Islam in the regions of Russia, we nevertheless note that the practical spiritual life in secular educational institutions is hardly appropriate when studying educational disciplines.

Residents of Ingushetia who profess Islam have various channels of influence on the legislative and executive authorities. There is a special mechanism set up for the use of Islamic democracy – "vaad" ("vaad" - the Ingush law is binding on everyone), which is a general decision of the assembly of Muslims of the region on a certain socially significant issue. This decision is made by eminent theologians, authoritative scholars, theologians, authoritative elders together. This mechanism is used to bring together various Muslims to develop a common line of conduct.

The government of the republic supports Islamic customs. One of these customs is the Hajj to Mecca. The state provides material assistance to low-income segments of the population necessary for its commission. Religious holidays are also supported by the state, a shortened working day on Friday, when a conciliar prayer is performed. About half of the respondents applied to the Sharia court.

It seems hardly appropriate to fully implement Sharia norms. This means a major change in the legal system of the Russian Federation, where legal pluralism is prohibited. However, it is Islam that can become an obstacle to the revival of a number of barbaric customs - adats, since the Koran is against violence against a person. Therefore, it is not entirely clear how crimes against a person are justified with the help of the Koran. For example, when talking about such offenses as domestic violence and violence against women, some researchers note that officials and representatives of law enforcement agencies "refer to culture, customs, religion and traditions as an excuse for not fulfilling their duties" (Evloeva, 2016, pp. 80-83). It seems that this situation is caused by a distorted interpretation of the commandments of Islam. Farrukh Khairulloev, a specialist in the field of preventing domestic violence and a researcher of Islamic law, notes that one of the main postulates declared in Islam for believers is the principle of security in all spheres: in personal, public, state. In addition, the Prophet Muhammad asked such a question, addressing his companions: "Do you want to know what is of more importance in value than prayers, fasting and Hajj?". And he answered quite unequivocally that the most important thing of all of the above is the settlement of conflicts, that is, peacefulness (Khairulloev, 2018). Apparently, therefore, Sharia in some matters secretly influenced justice. Soviet courts, even in the period of the eighties and seventies, already made up of ethnic cadres, tacitly took into account the norms of adat and Sharia (Babich, 2003, p. 15).

Modern jurists, recognizing the role of Islam in the formation of culture and morality of the peoples of the Caucasus, believe that the issue of integrating Sharia into the legal system of Russia should not be in a hurry. "It is not necessary to revive or transform into modern legal regulation customs that are not applicable in modern reality and do not reflect the best aspects of the historical past of the peoples of the North Caucasus" (Vasiliev & Mikhailenko, 2015, pp. 7-11).

For example, a well-known lawyer in Dagestan A. M. Khalilov noted back in 1999 that one should "build the legislation of Dagestan taking into account the norms and traditions of Sharia, observing, however, gradualism and caution in building a renewed society in our country, taking into account the degree of preparedness of modern Dagestanis for the Muslim way of life". Far from all Sharia norms can be integrated: subject to certain conditions, certain principles of Sharia justice - such as, for example, conciliation procedures, the ethics of judges - can be applied only in its Muslim regions (Syukiyainen, 2001, p. 15). According to Z. Kh. Misrokov (2002), the reasons for the demand for Muslim law in the North Caucasus are "the establishment of a new social order, the introduction of a new uniform law that has large gaps and ignores the cultural and legal traditions of the peoples of Russia" (p. 36).

It is known that earlier there were already tendencies to build statehood on the basis of Sharia in the Wahhabi version in Chechnya and Dagestan. In the Republic of Dagestan the People's Assembly of the Republic of Dagestan adopted the Law "On the prohibition of Wahhabi and other extremist activities on the territory of the Republic of Dagestan", which prohibits propaganda and activities of extremist groups on the territory of the republic (The Law of the Republic of Dagestan, 1999). According to Art. 2 of this legal act, education of residents of the Republic of Dagestan in religious educational institutions outside the republic and the Russian Federation is allowed only on the direction of the governing body of the republican religious organization, agreed with the state body for religious affairs.

Today, in traditional Islamic communities, Sharia plays a big role. Deputy Chairman of the Spiritual Board of Muslims of Dagestan A. Tagaev noted that "without taking into account the Islamic factor in Dagestan, it is impossible to adopt any laws. They won't work. They will work to the extent that those who adopt these laws would like, Sharia is inherent in universality and stability, which, of course, is so lacking today. If there is both universality and stability in Shariah, is it reasonable for us today not to take advantage of these universality and stability?" (Magomedov, 2001, p. 234).

The issue of Shariah may be especially acute in traditional Russian subjects, where a large number of migrants from Central Asia arrived: Moscow, Kaluga, Leningrad regions. As a result of the legalization of Sharia norms in the Islamic regions of the Russian Federation, a "chain reaction" may occur in these regions as well, which will lead to political conflicts with the indigenous inhabitants of these regions.

Foreign Legislative Experience

In the states of Western Europe, which did not "know" atheism and theomachism, religious values have long been enshrined in legislation. For example, the Norwegian Constitution establishes the status of the Evangelical Lutheran religion as an official religion, and parents who profess it must raise their children in the faith (§ 2). The Greek Basic Law explicitly states that its adoption is carried out "In the name of the Holy, Consubstantial and Indivisible Trinity". In the same place, Article 3 fixes the "dominant" role in the public and state life of Orthodoxy. The Greek constitution grants a special status to the peninsula of Athos - the Holy Mountain (art. 105). The Irish Constitution enshrines the religious origin of state power. It says that the Holy Trinity is the source of all powers. It is the Trinity that is recognized as the highest goal of the existence of the state and man: "the last hope should be directed to all the actions of man and the State".

It should be borne in mind that such manifestations of religiosity are a sign not only of the old constitutions, but also of quite modern ones, adopted in the last few decades. For example, the Basic Law of Hungary, adopted after the entry of this country into the European Union in 2011, at the very beginning says: "God bless the Hungarians! (Basic Law of Hungary)". In another Eastern European state, the 1991 Constitution of Bulgaria states that "the traditional religion in the Republic of Bulgaria is the Eastern Orthodox faith" (Article 13). The Catholic Church plays an important role in the Republic of Poland. The preamble of the Basic Law of this state contains a warning about responsibility "before God and one's own conscience".

The legal consolidation of traditional confessions is also recognized in Israel. In this state, which is secular in nature and laws, practically the state religion is Judaism. At the same time, the majority of jurists, political scientists and so-

ciologists actively support their traditional religion, believing that it is Judaism that preserves the ethno-cultural identity of the Jewish people (Marchenko, 2001, p. 66).

As a rule, the mention of God, responsibility before God, the importance of faith in God is mentioned in the preambles of the Basic Laws, which is evidence of the significant influence of religion on the emergence and legitimization of constitutional law in these countries (the current Constitutions of Germany, Poland, Switzerland, etc.).

Review of Foreign Literature

If we talk about European legal literature, then here we are dealing with a clear orientation towards a secular understanding of state-confessional relations. The most common is the point of view expressed in the article by David VanDrunen (2020): if in the theocracy of Ancient Israel, the unity of the legislation of Moses and the principles of legal understanding was undeniable, then after the coming of Jesus Christ, legal understanding cannot be built on the Christian value system, since this contradicted the value of the freedom of the human person, the value of which is elevated to the Absolute by the Son of God himself. However, in Catholic countries, in particular, in Spain, there are other positions that indicate that the principle of neutrality of the state in relation to confessions does not at all mean the absence of a positive attitude towards religion in society. Moreover, Professor Rafael Palomino (2011) proposes to consider positive neutrality as a concept that reflects the true state of state-confessional relations in a country with mono-confessionalism, such as Spain. In his opinion, "neutrality is in some sense a myth because it turns out to be impossible at various levels (there is no true neutral state) or because it is greatly nuanced to adapt it to the complexities of reality" (Palomino, 2011, p. 658). Professor of the University of California Erwin Chemerinsky holds a similar position: despite the fact that the United States were created by Christians and there are a lot of legal facts that testify to the great importance of religious holidays, Holy Scripture - the Bible, religious concepts and ideas in legal life and state activities, this state is not a Christian country by virtue of religious neutrality: it is not a Christian nation on the principle of secular government and constitution, the American nation was not and should not be a Christian nation, despite the fact that the US Supreme Court increasingly makes decisions based on Christian arguments (Chemerinsky, 2021). This is quite dangerous for the author, who shares the Christian faith. The question arises: why? Not at all because the rights of other confessions are thereby violated. But because the peculiarity of Christianity is that it is a religion of individual choice, a matter of personal conscience, and its nationalization leads to bureaucratic and forced Christianization, which has a devastating effect on the spiritual and moral state of society. Meanwhile, legal practice in the United States testifies to the great role of the legislation of Moses in the development of legal doctrine and the analysis of legal processes in this country by various scholars (Skeel & Longman, 2011). And this is quite natural, since even among positivist-minded jurists, whose leader is, as you know, John Austin, the need for the correspondence of positive law to divine law is rarely denied. John Austin emphasized the close connection between the law of God and positive law, but did not combine these concepts, but said that the law should be made in accordance with the law of God. The law of God, he said, can be known in one of two ways, namely: either through the Revelation of God, or through the application of the criterion of benefit to human society, since the Creator desires the well-being of all his creatures (Stumpf, 1960). In other words, what is useful is what God wants. One can determine the admissibility or correctness of a law simply by applying a utility test: Does the law increase the happiness or good of society? Thus, the ends of law must be derived from the nature of man, understood in the theological sense.

If we talk about conflicts between law and religion, then here the positions of foreign jurists are completely on the side of the secular-atheistic understanding of secularism. An example is an article by Lorenzo Lucca, a professor of law at King's College London, who, in his analysis of the conflicts between law in its modern European-liberal understanding and religion, clearly takes the side of law, interpreting the conflicts in favor of the primacy of pluralism over religious duties (Zucca & Ungureanu, 2012, pp. 137-159). For example, his article expresses a negative atti-

tude in connection with the ban on insulting the feelings of believers, which is present in a number of decisions of the European Court of Human Rights. His argument is: how are religious beliefs so different from others that they deserve special protection.

The Catholic Church actively uses secular, rather than theological, discourse in order to defend compliance with the precepts of the law. For example, abortions violate "the human right to life", and sexual education of children – the right of parents to independently choose their upbringing, enshrined in a number of international legal acts (Bardon et al., 2015).

Confessions as Subjects of the Law-Making Process

An important role in the law-making process is played by the recognition of religious associations as institutions of civil society. It is often forgotten that the ROC, like other confessions, are not only the largest institutions of civil society, but also real ones, in contrast to artificial formations such as the Public Chambers or political parties. The legal literature rightly notes the fact that the ROC is an institution of civil society and has every right to influence the state. Among the signs of this status: citizenship, activity, solidarity, trust, self-realization, etc (Osipov & Averyanova, 2019, pp. 15-29). One cannot but agree with Professor Pavel Petrovich Baranov (2012): "In conditions in which the vast majority of citizens have lost or continue to lose faith in exclusively liberal legal institutions and values, the permanent emergence of hotbeds of increased social tension, in an environment of rapid devaluation of the true idea of good and evil, and all greater exclusion from the population of the political and economic elite, the Russian Orthodox Church, as one of the most important institutions of civil society, could act as a reliable social and legal guideline and vector for the further development of the Russian state" (p. 57). This researcher also owns the idea of giving the Patriarch, as the head of the Council of Bishops of the Russian Orthodox Church and the leader of the largest segment of civil society in Russia and beyond its borders, the right of legislative initiative. The Patriarch constantly draws the attention of state authorities to the problems of family and demography, social justice and the moral adaptation of children and youth to the challenges of the modern world. For example, the patriarch proposed specific priorities for the state's socio-demographic policy: "We need to get a family expecting a new child out of the threat of falling beyond the poverty line. At least the mothers of four or more children should be paid some kind of allowance, and the work of raising children should count towards job seniority"(His Holiness Patriarch Kirill's speech at the first meeting of the Patriarchal Commission on Family and Maternity Protection, 2012). He also owns a number of initiatives in the field of information support for family values: "there should be special programs on central television that promote family values, an attractive image of a large family" (His Holiness Patriarch Kirill's speech at the first meeting of the Patriarchal Commission on Family and Maternity Protection, 2012).

Believers themselves can, through public organizations created to promote the activities of a religious public association, carry out various religious projects. For example, in December 2009 Moscow hosted the 1st Orthodox Women's Forum on the theme "Women's Mission in the Spiritual and Moral Development of Russia". A welcoming speech was sent to the organizers and participants of the forum of Orthodox women by S. V. Medvedeva. In the greeting, it was noted that: "...today, the solution of such priority tasks as demographic problems, strengthening the institution of the family, raising the younger generation in the spirit of patriotism unites the efforts of the state, the Church and the citizens themselves. And here Orthodox women's organizations should play an important role" (The women of Russia have found out their mission, 2009).

The state positively assesses the activity of the ROC in supporting social programs. For example, the Church actively promotes the integration of migrants into public life. Thus, the Russian Orthodox Church organized a Mother's House in Moscow. The Chairman of the Government also asked the Patriarch to involve church structures to help in the socio-cultural adaptation of citizens coming to us from other states.

However, the basis for influencing the legislative process in the Russian Federation, as a republic with strong presidential power, is the Council for Interaction with Religious Associations under the President of the Russian Federa-

tion (Dontsev, 2019, pp. 216-239). An important example is the development of legislative provisions necessary for the gratuitous transfer of church property to religious associations, which was done thanks to the close cooperation of the Russian Orthodox Church and the President of the Russian Federation. For example, in October 2004, V. V. Putin, at a meeting with participants in the Council of Bishops of the Russian Orthodox Church, personally announced changes in land legislation and the signing of relevant laws necessary for a special regime of ownership of religious organizations under the new Land Code of the Russian Federation of 2003 (Speech at a meeting with participants of the Bishops' Council of the Russian Orthodox Church, 2004). Similarly, the situation was resolved with the Tax Code of 2002, when a single rate of income tax was introduced and the previously existing benefits were canceled - after the meeting of the Patriarch and the President, the benefits were restored. Similarly, the issue of state accreditation of religious educational institutions was resolved.

The Council for Interaction with Religious Associations under the President of the Russian Federation plays an important role in broadcasting the initiatives of traditional confessions, publicizing their legitimate interests and ideas in the sphere of state-confessional relations. Currently, in the history of the agendas of the council meetings there are issues of countering extremism and terrorism, spiritual and moral education and social support for the poor, adaptation of migrants and interethnic conflicts. It includes Christians in the amount of 11 members, i.e. they have an absolute majority in the Council (Collection of legislation of the Russian Federation, 1995, Decree No. 357-rp, 02.08.1995). There is experience of joint meetings of the Council for Interaction with Religious Associations under the President of the Russian Federation with the State Council (Joint meeting of the State Council and the Council for Cooperation with Religious Associations under the President of Russia, 2004).

Modern criticism of the church is based on the accusation of threats to clericalize the state. "The attempts of religious communities to put forward and promote their initiatives testify to the clericalization of the political regime and social relations" (Denisova & Morozov, 2021, pp. 55-60). The participation of clergy in various types of service is negatively assessed: in the army, in the penitentiary system, in education and healthcare. So, for example, V. S. Krzhevov (2007) considers it a violation of the secular nature of the state that the clergy "penetrates the army and law enforcement agencies". He also does not like the desire of the church authorities to introduce a course of study of the foundations of Orthodox culture and the foundations of Orthodoxy (pp. 27-55). The author believes that such an increase in the influence of the ROC will sooner or later lead to ideocracy and totalitarianism. It seems that in this position there are more emotions than scientific argumentation: the author generally denies the concept of "Orthodox culture", suggesting that instead of the "Fundamentals of Orthodox Culture" school children should introduce exclusively humanistic and secular-atheistic scientific ideals.

The author of this passage himself forgets that Constitutions and humanistic ideals, values of dignity and human rights are born thanks to religion, namely Christianity. Some authors are correct in speaking about the necessity of constitutional theology (Shustrov, 2017, pp. 71-90). D. G. Shustrov rightly notes: "The Constitution of the Russian Federation, like any other, built on the Western constitutional ideal, is based on the ethics of Christian values and can be analyzed with the help of constitutional theology. For example, the almighty God from theology became the sovereign in the Russian Constitution - the all-powerful people (Article 3); the division of powers into three branches (Article 10) finds an analogy with the Holy Trinity (three hypostases of the one God) in theology; the prohibition of abuse of the right (part 3, Article 17) and the possibility of restricting the rights and freedoms of the individual (part 3, Article 55) go back to the gospel "love your neighbor as yourself" (Mark 12: 31); the creation of man "in the image" and "likeness" of God (Genesis 1:26) was embodied in the constitutional recognition of the dignity of the individual (Article 21); the state of emergency (Article 56) has a meaning for jurisprudence similar to the meaning of a miracle for theology, when "what is impossible with men is possible with God" (Luke 18:27), etc." (pp. 71-90).

In conclusion, we note that today, during the global crisis and a special military operation, religion plays an important humanistic role. An example is the Armed Forces, where faith in God

becomes the basis of "military spirit", courage and heroism. It is thanks to faith in God that many military personnel remain steadfast in ensuring national security, peace and harmony on Russian soil.

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THE ROLE OF INTELLECTUAL ISLAMIC HERITAGE IN THE DISCOURSE OF MODERN ISLAMIC PHILOSOPHY

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Abstract: The article deals with the role of classical falsafa heritage in the modern Islamic philosophical discourse. Based on interpretations of texts of modern Islamic philosophers, the authors come to the conclusion about the relevance of the philosophical heritage of the past for the development of directions and methodologies of modern humanitarian knowledge. Conducting a comparative analysis of the doctrines of the Islamic Middle Ages and modern philosophers, the authors substantiate the commonality of approaches to the conceptualization of subjectivity, obligation, and existence. Modern Islamic philosophy is an experience of interaction between philosophy and theology. In Islamic philosophy, ethical questions were posed in connection with the discovery of moral consciousness in man. Human being, defined by moral sense, is understood by Islamic philosophers as a moral sensible being, in which a moral man and a moral society are formed. Exploring this issue, the authors have come to understand the integrity of modern Islamic philosophy, its interpretation as a philosophy of morality and moral philosophy.

Keywords: Islam, falsafa, Islamic philosophy, intellectual Islamic heritage, Arab mind, Iranian philosophical discourse, Islamic tolerance.

Introduction

Many studies of Islamic philosophy are based on the question of its origins, and as this origin is taken from the ancient philosophical heritage, but in this case, we do not get an authentic Islamic philosophy, but an interpretive, fragmentary one that has lost its identity and uniqueness. Antique philosophy was undoubtedly the basis for the disclosure of philosophical problems in the Islamic World, but to a greater extent, it was an external factor, professionalizing, as if we were talking about the narrow specialization of this or that direction in science. The depth and essence of Islamic philosophy "lies" in Islam as a tradition of spiritual thought that has allowed it to unfold its content and preserve its uniqueness.

The Islamic conception of knowledge, which incorporated and absorbed the experience of ancient philosophy, became an independent new

culture of thought, thanks to the formulation and solution of the problems of Islamic society and Islamic thinking. Developed in falsafa - classical Islamic philosophy - methods: Islamic rationalism, Islamic hermeneutics, Islamic comparativism have allowed to unfold a meaningful discourse of Islamic philosophy in the 20th and 21st centuries.

The basic ideas of classical Islamic philosophy on the unity of reason and faith, philosophy and religion, intellectual illumination (as-Suhrawardī), organic methodology of aporetic and exegetical to solve transcendental problems in modern philosophy represent new possibilities of falsafa and foresight studies today.

Islamic philosophy is a multidimensional concept and a multifaceted phenomenon. How to consider it in a holistic and systematic way? Usually, options related to periodization, problematization, personalization, and geographicalization are offered.

All of these options are quite relevant. We can divide the content of Islamic philosophy into specific time segments, including well-known personalities, revealing the chronotope of time and the personal context of philosophical explorations. We can go the way of problematizing philosophical discourse, revealing the most complex but solved problems of Islamic philosophy. Finally, in Islamic philosophy, we can single out lines of thought of the entire Islamic World, linking them with the regions, which will avoid, by the way, excessive universalization of problems, focusing on the specifics of the regional context, such as Arab philosophy discourse, Iranian philosophy discourse, Turkish philosophy discourse, Islamic philosophy discourse in European countries, and so on. It would be productive to look at Islamic philosophy in all its variants, the main thing being to avoid fragmentation and to present it in the most comprehensive form. It is impossible to do without the historical and philosophical heritage of Islamic intellectual thought, because the history of Islamic philosophy is not just an interpretative resource for modern scholars, it is the quintessential source of all lines of thought today. The representatives of Islamic modern humanities themselves point to the need to refer to the heritage of al-Farabi, Ibn Sina, al-Kindi, al-Razi and others.

Problematization of Modern Islamic Philosophical Discourse

Many themes of modernity are related to their setting in classical Islamic philosophy: gender equality, Islamic feminism, freedom, responsibility, solidarity, Islamic identity, ecology of culture and ecology of knowledge, synthesis of science and religion.

Thus, in the works of a modern intellectual, Seyyed Hossein Nasr, the theme of synthesis of science and religion is considered in the ecological philosophical direction, asserting the necessity of correlation of the values of science and the values of religion. As we know, Abu Nasr al-Farabi in his works devoted to the question of correlation of religion and philosophy, claiming the priority of philosophy only in case of its moral content, substantiated the idea of publicity of religion in virtuous society. Islamic philosophers reveal the need for a dialogical construction of the relationship between philosophy and religion. The concept of "Islamic identity", deployed in the philosophical systems of the non-classical and post-non-classical periods of development of Islamic philosophy is based on the universality of understanding of Islamic identity, on the one hand, but on the other, on the need to include an ethnic component, which in the classical philosophy of al-Kindi, al-Farabi, Ibn Rushd and others, was not even a subject of consideration. The discourse of identity in modern Islamic studies includes many aspects and is considered through the prism of religious and secular, religious and liberal values, the correlation of science and religion, faith and knowledge, ideological and political component of religious (Islamic) tradition. For example, the problem of Islamic tolerance, which emerged as early as the Middle Ages, is again relevant at the present time in connection with the philosophical Islamic discourse that projected the tolerance of knowledge and faith, "ilm" and "iman". Understanding the role of the philosopher as fulfilling the sign "tasks" of God – discovering ideas, creating theories, and confirming them in the name of the great design, Islamic scholars did not and do not seek a confrontation between science and religion. Tolerance in the Islamic philosophical discourse of the Middle Ages was a value of society and the hu-

man, and, of course, it later became the basis for religious tolerance and freedom of religion, just as it was in the Christian world.

Understanding freedom as a value for the formation of a culture of thought, Islamic philosophers believed that it is freedom that forms a tolerant consciousness in which morality takes precedence, and it is this that allows modern Islamic philosophy to stand as a moral philosophy. Recently, the topic of tolerance has been criticized for its inability to become the real ideology of modern societies. Tolerance is still a preventive measure in communication, but its point is to become a natural model of communication. Islamic tolerance, which emerged in the process of and for the process of communicative practices with Christian and Jewish societies in the space of the medieval Islamic world, became the practice of everyday life and the practice of mutual enrichment of cultural, philosophical and religious traditions. In the Islamic philosophical heritage, the theme of tolerance is treated by al-Kindi, for example, as the theme of the religio-philosophical dialogue, the dialogue of the Self and the Other. The interpretation of ancient philosophy and science by Islamic scholars represents the philosophy of tolerance: objectivity, historicism. Modern Islamic philosophers pay attention to this, considering that the philosophy of modernity is based in its research on the ideas of tolerance in the treatises of al-Kindi, al-Farabi, Ibn Sina, Ibn Massara, Ibn Khaldun and many others. The topic of Islamic tolerance in the works of modern researchers is considered as historical, having a tradition and as modern, having a problem of contexts.

A lively academic interest in the concept of religious tolerance is dictated by the aggravating political realities of the modern world, both Western and Islamic. The upward trend in mutual claims is particularly clear in Great Britain, where, on the one hand, a long historical tradition of political regulation of inter-religious (and social) relations provides a stable background for the expression of political orientations (and desires); on the other hand, the political culture of this country is characterized by the axiology of democratization. In this regard, understanding the situation of interfaith interaction in Britain is facilitated by the presence of a transparent dialogue in the media and political sphere.

According to statistical data, the issue of Islamophobia and anti-Islamic discrimination (or, as it is defined by Sayeeda Warsi, one of the pro-Muslim politicians, "anti-Muslim racism") is acute in Great Britain today. This trend is reinforced by the repeated statements of the Muslim Council of Great Britain to the Commission on Equality and Human Rights about the acts of Islamophobia on the part of the current government of the country (Zaheer, 2021).

Despite the broad numerical and long-term historical representation of the Muslim population in the country – 3.4 million people (or 5% of the population) with different ethnic backgrounds, living here since the 16th century, the discourse of tolerance shows the perception of Muslims as a cultural "Other". Tolerance towards this Other is constantly being tested and transformed. Moreover, we can observe the development of this discourse in the key of intersperse ethno-confessional categories (and practical synonymization) of "Arab" and "Muslim" (Zaheer, 2021).

This is especially frequent because of the political history of the Islamic Middle Ages, characterized by the rapid emergence and growth of Islamic statehood within the Arab Caliphates. The special character of the Islamic model of tolerance, the tradition of which was formed during the Islamic Middle Ages, is noted. As researchers state, a special feature of the Arab-Islamic world is the religious and demographic policy, which is very different from that of Christian Europe. For example, while the model of religious tolerance in medieval Europe was formed under conditions of numerical domination of the Christian population, Muslim leaders of the classical Middle Ages united peoples of different ethnic and religious backgrounds. It was not until several centuries later that the population professing Islam became the majority in the lands of the Caliphate. Without touching the reasons for the subsequent large-scale conversion to Islam, which were, for the most part (a large per capita tax on people of a different faith), we should state that communities of non-Muslims were given the status of "zimmis" (Dhimmis) – people under the patronage of Muslims. Despite the general thrust of this practice, which consisted in granting freedom of religion and guaranteeing security of life and business to non-Muslims provided that they comply with Islamic law, the per capita tax and the frequency

of incidents of persecution varied depending on the city. Discrimination against the non-Muslim population, we might say, occurred because of a social status in which religious affiliation did not play a key role, at least formally. Christian, Jewish, and other religious communities were given the right to apply their legal traditions in family and community matters.

As the comparative analysis shows, the conditions of ethno-religious interaction in the European territories were different from those in the lands of the medieval Muslim state. The relatively homogeneous confessional composition of the European population predetermined a different character and orientation of religious tolerance. The "object" of tolerance here was the Protestant minority; in other words, heretical discourse within the Christian community was of greater concern in Europe than interaction with the population professing Islam, whose doctrine was familiar to Europeans because of the historical period of Muslim domination of Andalusia.

Understanding the concept of religious tolerance presupposes two points. First, it is a vertical model of the relationship between the "tolerable to someone" and the "tolerating someone", where the former has the power not to tolerate the lifestyle and thoughts of the latter, while freely and consciously choosing a tolerant line of behavior for himself. Second, the "tolerable to someone", despite his disagreement with the views of the "tolerating someone", nevertheless acknowledges their right to exist.

As scholars have noted, there is a difference between the intensions of religious tolerance in Islamic and Western consciousness: while Arab-Islamic doctrine proceeds from a "collective approach" and tolerance, Christian-European doctrine recognizes the priority of the individual search for God. The latter is reinforced by the granting of religious self-determination to individuals by a state separate from the church. We can note the continuity between this European approach to religious tolerance and the axiologicalization of individual rights and freedoms that has become the hallmark of Western liberalism. Meanwhile, the collective approach to religious tolerance, which became widespread in the socio-political practice of the Islamic world (for example, the abolished groups of non-Christians "zimmis" in the Ottoman Empire in the mid-19th century), suggests equal responsibility of all citizens before the law, regardless of religion (Berger, 2007, p. 4). Meanwhile, the tradition of the "zimmi", which involves the structural autonomy of the Christian and Jewish religious communities, persists in one form or another in some countries of the Islamic world. In addition, a collective approach to the practice of religious tolerance entails granting the right to religious self-determination with a focus on communities rather than on the individual. Moreover, the state may not interfere in matters (mainly family matters) regulated by aspects of other religious traditions, sometimes even when these aspects conflict with state law (Berger, 2001, pp. 88-136.) This approach promotes the coexistence of several different religious traditions - both among themselves and with dominant Islamic doctrine – and it reflects the practical realization of a multi-religious society in the realities of the Islamic world. It is, in other words, about the legal boundaries of sufficiently autonomous religious communities, which have been recognized as having the right to "otherness".

The question of religious tolerance is interspersed with the question of religious identity, which is approached differently in the Western and Islamic worlds. In this case religion refers to the right of personal choice of religious identity: unlike the Western model, the Islamic model assumes that the individual belongs to a religious tradition and that his social role is predetermined in this regard. Meanwhile, the discourse of tolerance does not focus on the restriction of individual freedom in this way, but on the right of the individual to belong to a certain community and to act under its patronage.

In this context, the situation is different in Europe, where governments tend to deal with Muslims as a religious community, which they are not. The lack of an ethnic and cultural monolithic identity among European Muslims makes the vertical (top-down) model of interactions between governments and Muslim groups more complex. Despite the importance of their shared Islamic identity, these groups have ethno-linguistic, historical, national and cultural differences that do not allow them to be considered homogeneous (Berger, 2007, p. 4). This is about the lack of monolithic self-image of European Muslims, which prevents them from being seen as a community. Certainly, such an approach by European governments is conditioned by their

desire to regulate the behavior of migrants from Islamic countries, who are perceived ambiguously by the host country.

Despite the existence of groups of European Muslims characterized as a community, overestimating the role of religious identity as a structuring feature of migrants causes difficulties in conceptualizing and categorizing aspects of religious tolerance. Simplification and reduction of the variety of problems of migrants - socio-economic and cultural-political - to religious identity, despite its obvious scale, is fraught with the formation and marginalization of Muslim minorities in Europe and is characterized by the complexity of its conceptualization due to substitution of concepts and overestimation of the role of religious affiliation in problems of purely social nature. This, as the researchers note, is unique in European politics (Berger, 2007, p. 5).

Talking about tolerance implies talking about differences. The differentiation of religious groups and the singling out of their differences leads to a fault line between the "Self" and the "Other" and their polarization.

As recommendations for overcoming this state of affairs, a shift in the discourse of religious tolerance in Europe toward civil rights and freedoms would contribute to "highlighting" the social problems of migrants rather than their religious affiliation. In fact, the latter is fraught with the spread of Islamophobic sentiments in the host society. Shifting the focus from religious tolerance to civil liberties allows us to shift the focus from differences to equality regardless of gender, color and, in particular, religion (Berger 2007, p. 7). In one way or another, the discourse on Islamic tolerance has its roots in the medieval Islamic experience, as represented in the works of philosophers.

The Continuity of Falsafa and Modern Discourse

This article examines contemporary Islamic philosophy in the context of its continuity with the Islamic philosophical experience, linked to the work of one of the most famous intellectuals of the 21st century, the Iranian-American scholar Seyyed Hossein Nasr, a man who affirms, despite all realities, transformations, and challenges of time, the idea of the transformative power of Islamic philosophy, which awakens the human in man, creating good, humanism and the highest form of communication - dialogue.

His famous works: "Ideals and Reality of Islam" (Seyyed Hossein Nasr, 2000), "An Introduction to Islamic Cosmological Doctrines" (Seyyed Hossein Nasr, 1978), "Science and Civilization in Islam" (Seyyed Hossein Nasr, 2001), "Man and Nature: The Spiritual Crisis of Modern Man" (Seyyed Hossein Nasr, 1968), "Islamic Art and Spirituality" (Seyyed Hossein Nasr, 1987) opened a range of metaphysical problems in the postmodern era.

In all of his works he turns to the philosophical heritage of the past, updating discourses of Iranian and Arab philosophy.

Thus, in "Sadr al-Din Shirazi and His Transcendent Theosophy: Background, Life and Works" (Seyyed Hossein Nasr, 2013), "Three Muslim Sages: Avicenna, Suhrawardi, Ibn Arabi" (Seyyed Hossein Nasr, 2014) he, conducting a comparativist analysis of the philosophical systems of the named scholars, notes the differences and parallels in their interpretation of the human problem, in their projection of Islamic anthropology on modern problems.

The discussion of ancient discourse, however, is an ongoing one, and one or the other viewpoints are produced in connection with the consideration of the philosophical systems of the Islamic Logos.

The rediscovery of the classical philosophical heritage of the Islamic World, which is being actualized in contemporary Islamic philosophy, is associated with a number of problems that have emerged as global problems of humanity: environmental, crisis of values, the loss of traditions of cultural identity, the technocratization of science.

In his works, S. H. Nasr criticizes the Western way of philosophizing. His critique is not so much a critique of Western, European philosophy as a critique of a mode of thinking that is not personal. This way of thinking is not the way of thinking of a free man, but of a man dependent on prejudices, conventions, and total authoritarianism. In other words, Nasr problematizes the theme of the personality in Islamic philosophy. S. H. Nasr, insisting on the independence of the discourse of Islamic philosophy, believes that the theme of the philosophy of personality was put by her. Based on the recognition of the eternity

of the world and finitude of man, he believes that man is revealed as the purpose of God, whose task is not to fund his finitude, but to join the unity, integrity through his life, his way of thinking. The discovery of the self (the finite individual) in the eternity of the world becomes a condition for the unfolding of personality and personal being. Personality is free in cognition, thinking, decomposition of the divine plan, understanding oneself in participation in the divine plan. The theme of the rational and free individual unfolds in Nasr's teaching as a theory of the moral individual, responsible for his own actions and the actions of others. Further, he speaks of the ecological dimension of the individual, whose meaning is to find harmony with the world.

The problematization of personal meaning in the philosophical systems of Islamic scholars is related to the search for the self as a free individual. S. H. Nasr writes that people interpret the meanings of things in different ways, but they acquire this possibility from the integrity, the unity of philosophy. Is he referring in this case to the substantiveism of philosophy or to the tawhidness of the world? But in his reasoning Nasr leads the individual to the realization of understanding philosophy and creating it personally, and immersion in such philosophizing is possible only in the co-creation of philosophy and religion, in the union of faith and reason. This type of philosophy becomes a cultural model of thinking, in which human communicative practice is carried out.

There is no doubt that S.H. Nasr builds his personal philosophy on the foundation of the Iranian discourse of falsafa, which begins with Ibn Sina, Naser Khosrow, Abu Bakr al-Razi and is embodied in the teachings of Kutbeddin Tahtani, Davani, Mulla Sadra, Hadi Sabzavari, Mohammad Hossein Tabataba'i and others.

The progression of the Iranian logos begins with Abu Bakr al-Razi, Naser Khosrow, Ibn Sina, Suhrawardī, and al-Tusi.

Tusi attempted a synthesis of Ismailism with Avicenna's version of Aristotelianism. The famous ideological enlightenment movement known as Isfahan Renaissance gives new philosophical names: Mir Damad, Mulla Sadra, Mohsen Kashani, Abd al-Razzaq Lahijiand others who played a role in reviving Ishraqism and post-Aristotelianism. They also reconstruct the philosophical legacy of Ibn Sina in the new realities of the 16th-17th centuries. And in Western Europe at this time great philosophical events are also taking place, with F. Bacon and R. Descartes coming to the forefront of philosophy. Bacon proclaims the famous "Knowledge is power" and René Descartes proclaims "Cogito ergo sum! - I think, therefore I exist!", striking a blow to Baader's - Cogitor, ergo sum - 'I am thought - by God (a deo), therefore I exist.

Many of the philosophers polemicized on common themes. One such topic is the interpretation of the ayat of the Throne (Ayat al-Kursi). Jalal al-Din Davani, Sadr Al-Din Dashtaki and many other philosophers who combined the ideas of Ishraqism, Platonism, Peripateticism created unique in content philosophical systems, which today play a significant role in the development of Iranian discourse of Islamic philosophy (Seytahmetova, 2016).

The line of continuity between contemporary Islamic philosophy and the heritage of the philosophical experience of Iran is related to the fact that the ontologization of contemporary problems cannot take place outside the comprehension of the ideas of Islamic intellectuals. For example, contemporary Iranian philosophers, interpreting the legacy of Mulla Sadra, consider his ideas as contextual to those of Martin Heidegger. Let us turn to some of Mulla Sadra's ideas in order to understand the origins of modern Islamic thought.

Sadr al-Din Muhammad Shirazi, known as Mulla Sadra, is a thinker making an ontological turn in Islamic philosophy. The creative period of his life falls in the 16th and 17th centuries, a time already known in the space of philosophical ideas as the New Age. At this time begins the era of science and the Enlightenment of reason.

Mulla Sadra's views influenced the intellectual atmosphere of Iran. It is known that he studied under Mir Damad. The main works of Mulla Sadra are: "Transcendental wisdom in four spiritual journeys" known as "Asfar", "al-Mabda' wa'l-ma'ad" ("The beginning and the end"), "Al-Shawadhid al-rububiyyah" ("Proof (evidence) of divine care"), etc.

The intellectual background for the scholar is presented as his historical inheritance of the entire philosophical corpus of the Islamic World. His philosophical views were influenced by al-Farabi, Ibn Sina, as-Suhrawardi, Ibn Arabi and Mir Damad.

As we can see, falsafa and Sufism were the starting point of his philosophizing, especially the ideas of unity and multiplicity. Iranian modern researchers believe that Mulla Sadra in his philosophy anticipates the ideas of the most famous philosopher of the 20th century, Martin Heidegger, about being and time. Mulla Sadra's theme of being is related to the problem of cognition.

Noting that man can comprehend the being of the world through practical knowledge and through intellectual intuition (a Western philosophy term used by Plato, Descartes, Spinoza, etc.). Intellectual intuition is the link between theoretical and practical knowledge. Mulla Sadra raises the question of the origin, clarification of the essence of concepts and things as the main task of philosophy. He begins his doctrine of being by clarifying the question of what "being" is. The most used concept of his teaching is "transcendent wisdom", and the method is "transcendental wisdom". The main concept defining being, according to Sadra, is tawhid, representing the principle of the integrity of the universe, in which man is included as the "trustee" of God, this man must not merely govern in the world according to the laws of God, but show concern for the world. The task of man - too make sense of the world through knowledge and worship of God (Seytahmetova, 2016).

In comprehending the being one must base himself on an ethical worldview system in which all components are related to the attributive names of God. Being and its gradation in the teachings of Mulla Sadra is a new interpretation of the ontology of al-Farabi and Ibn Sina. He introduces such concepts as connecting being, being-there (Dasein), being obligatory, being authentic. The multiplicity of these definitions is proof of the unity of God.

Mulla Sadra's method is the unity of logical proof and mystical experience.

Since his philosophy is a synthesis of rational and irrational knowledge of the world, he calls it transcendental philosophy. We first hear of such a method of cognition in the teachings of Sufi Ibn Arabi. Mulla Sadra takes this method to "logical proof" (El-Rouayheb & Schmidtke, 2016).

The parallel circulation in the Islamic World of different intellectual currents: Falsafa, Ishraqism, Ismailism, Kalam, Mu'tazilism, etc., conditioned the mutual influence and possibility of plural hermeneutics of many philosophical, theological and Sufi positions.

There were complementarities and there were mutual accusations. Suffice it to recall al-Ghazali's "Refutation of Philosophy" and Ibn Rushd's "Refutation of Refutation". Al-Hallaj, as-Suhrawardi, and many other intellectuals were executed for trying to bring a new culture of thought to society.

The intellectual world influenced Sadra's worldview philosophy. He could not accept absolute rationalism as his main method because he considered it insufficient for comprehending the deeper nature of things.

In a work briefly called "Asfar", "Journeys", Sadra gives the idea of knowing existence by a "journey" of thought toward the transcendent, pure synthesis of Being that is possible at the throne of God.

A man of remarkable spirituality and modesty, Mulla Sadra believed that all his knowledge was the effort of the human spirit embodied in the philosophical systems of the past. Gathered in a philosophical necklace of thought, they are a source of extracting and understanding wisdom.

Wisdom consists in surrendering oneself to God and reflecting on the meaning of one's own being in the context of One Being. Asfar, which must be done according to Sadr, is a continuous thought process that is peculiar to man, for the discovery of reason was the greatest discovery of all. His ideas about the mind, the abilities and capabilities of the mind, as well as those of his predecessors-al-Farabi, Ibn Sina and Ibn Rushd - became basic to the discourse of al-Jabri Arabic mind (2007) and Mohammed Arkoun (1991).

The theological (Shiite) discourse in his philosophy is refracted in comparativism with Sunni doctrines.

His detailed reference to the works of Ibn Arabi, who had a notable influence on him, should be noted. His brilliant knowledge of Greco-Latin antiquity should also be noted.

The philosophical ideas of Plato and Aristotle, Pythagoras were interesting for the philosopher in constructing a picture of the universe. Undoubtedly, he, as well as many Islamic philosophers, was influenced by the famous "Theology" – "Usulujiyah", attributed to Aristotle, the compilation of "Enneads" of Plotinus (Seytahmetova, 2016).

The scholar admires the work of al-Farabi,

Ibn Sina. It is necessary to note his idea about the reactualization of Ibn Sina's heritage. It is in this vein that he considers the philosophy of Nasir al-Din al-Tusi, the philosopher and scholar. In the space of Islamic philosophy, Iranian discourse played an enormous role in the intellectual rediscovery of the world. Tusi, Shirazi, Dashtaki, Mir Damad - were the continuators of Ibn Sina's ideas about the unity of being, which in the teachings of Mulla Sadra reaches perfection and transcendental understanding. An excellent work has been written on Sadra's work by the Islamic intellectual Seyyed Hossein Nasr.

For the Western world, the discovery of Shiite philosophical discourse was a startling phenomenon. With Henry Corbin (2009) began a rethinking of the teachings of Suhrawardi, Mir Damad and Mulla Sadra. The history of Islamic philosophy was also dedicated to the work of this unordinary thinker (Seytahmetova, 2016).

S. H. Nasr says that the hermeneutics of the philosophical heritage of the past must be very deep, otherwise its philosophical reconstruction is impossible. His famous statement that "To write about the teachings of Mulla Sadra in English is to invent a new vessel into which one can pour the contents of another vessel" is well known. How to interpret, avoiding subjectivism? - This is the question S. H. Nasr raises as the most important in the study of Islamic philosophical heritage.

Like Gadamer (1988), Nasr believes that understanding does not mean revealing the context, but revealing the meaning which the author has put into the text. That is why we observe in all representatives of Islamic philosophy such a careful attitude to the texts of classical falsafa.

The analysis of the philosophical texts of al-Kindi, al-Farabi, Ibn Sina, Ibn Rushd and other representatives of the classical humanistic Islamic heritage is related not to reproducing their philosophical experience and philosophical culture of thought, but in revealing the meaning of things and objects on which the authors of the philosophical texts worked.

Islamic modern philosophers consider past philosophical experience as an essential part of the intellectual discourse of the present, since it is impossible to solve problems important to man and society without reference to it in order to understand the place and significance of Islam, the Islamic tradition, and Islamic culture in the realities of today.

The beginning of the 21st century raised a number of questions for Islamic studies: the sounding of Islam in the new post-modernist framework, and the integration of Muslims into the European community.

The first of these problems became a field of research for a number of Muslim intellectuals. For example, Asghar Ali Engineer has been working on the relationship between modernism and tradition in Islam.

Engineer justifies the relevance of Islamic doctrines to the requirements and conditions of modernity. His point of view is supported by the fact that Islam appeals to all spheres of society - from personal aspects to the legal organization of society, adapting to both changing over time social needs and cultural differences of Muslims. Engineer notes in his writings that medieval scholars ('ulama) understood the need to match religious doctrine with changing social needs over time. While modern 'ulama seek to conserve Islamic tradition and sacralize the past. The author criticizes this approach by understanding religion as a dynamic system whose vitality depends on its relevance to transforming realities. In this regard, as Engineer notes, the interpretation of sacred Scripture is relevant, because Allah gave people to understand His postulates (and not only to reproduce the works of scholars of the 10th-12th centuries). In the question of the methodology of interpretation of Islamic postulates, the author proposes to rely directly on the Qur'an, dividing the text into normatively and conceptually understandable lines (normative and contextual verses).

In other words, not everything in the Qur'an can be understood in a literal sense; there are lines/concepts in the text which can be interpreted in a figurative sense, depending on the context.

From his position on the primacy of the Qur'an (as opposed to the Hadith corpus), Engineer suggests that the Prophet Muhammad should be seen as a religious figure, a guide to the pillars of Islam. He notes that Muhammad's mode of action in secular life is conditioned by the socio-historical context, and thus patterns of behavior and decision-making in modern times may differ from the injunctions of the hadith. Of course, variation is inadmissible in the religious (not social) injunctions of the Prophet, issues of

worship and religious practice ('ibadat).

In addition to the issues mentioned above, the author considers the compatibility (relevance) of Islam with such aspects of social reality as democracy, rights, cultural and in particular religious tolerance. Having considered the compatibility of Islam with the above criteria as demonstrated by the author, we cannot help but ponder their exhaustive nature. Traditionally, the West is taken as an example of a democratic form of government and the primacy of rights, whereas in history and modern times we can observe numerous departures from the high standards proclaimed.

In his writings, another Muslim intellectual, Abdolkarim Soroush (2000), offers a critical reflection on the criteria of "modernity" into which Islam must fit. The main doubt about the appropriateness of this problem for the author is the very understanding of modernity in the study of the relation of Islam to it. Thus, the rational way of studying the Islamic worldview (religious in nature) is perceived critically by Soroush.

In addition, Soroush wonders whether a mystical experience such as that experienced by the Prophet can take place in the context of rationalized modernity. The author explains the current practice of studying the axiological guidelines of Islam in connection with the problem field of civil society (democratic system, human rights, freedom) by the fact that modern history entered the Islamic World precisely through politics, and, therefore, it was politics that paved the way for "modernity" to Islam. Actually, this was the reason for the lack of philosophical understanding of Islam in the modern world, while it is precisely the philosophical issues of Islam that Soroush understands as critically important. In this regard, according to Soroush, the category of Islam, as well as the category of modernity (modernism) is interpreted through the prism of history and culture. This cultural-historical view of phenomena requiring philosophical understanding by Muslim intellectuals caused a division (opposition between the concepts of modernity and religion). The thinker notes that Muslim intellectuals should reconsider the hermeneutic approach to the text of Holy Scripture, which in the absence of critical reflection in a historical context, causes conservative thinking. Another line of disconnect between the modern and (Islamic) religious worldview is the tension between pluralism (which permits doubt and skepticism) and absolutism (which recognizes the oneness of truth). Hence the third point that divides the bridge between the modern and the religious-the relationship between rights and duties. The perception of God as obligatory in contemporary discourse must be reconsidered in favor of God as giver, permissive, permissive. Such a shift in intellectual thought is responsible for rethinking the philosophical concept of freedom, and, in turn, its legal sounding (Hoebnic, 2020).

Soroush's position, called "religious intellectualism", which encompasses the views of philosophy, science, and modern hermeneutics, has supporters among Muslim intellectuals who are familiar (like Soroush) with the basics of Western philosophy and Islamic philosophy (Sayeh, 2013).

In the studies of such intellectuals, the idea of reconciling immutable religious norms with the dynamic transformations of the contemporary world runs through red lines, as does an understanding of the fluid nature (and limitations) of human knowledge and beliefs about religious truths. The latter is particularly well-founded in the works of Ziauddin Sardar, Abdolkarim Soroush, and Asghar Ali Engineer.

While Z. Sardar talks about the impossibility of closing the gates of ijtihad, referring to the non-finality of the process of knowledge of the divine, A. Soroush focuses on the idea that the ideologization of Islam is harmful to the latter, turning religion into a political tool. Soroush warns against religious totalitarianism, dictated by the 'ulama community, which promotes the solidification of religious knowledge and seeks to privilege the position of religious clergy in matters that require contemporary rethinking, both social and political. An axiological rethinking of religion, according to Soroush, can overcome the narrow identity problem associated with Islam.

In addition to this sphere, Soroush problematizes the tendency to reduce Islam to the legal sphere of shari'a and fiqh, which, moreover, are perceived as a given that cannot be revised or reformed. The intellectual warns against the stagnation of religious thought due to the ritualization of religious experience, associated for the most part with external practices-'amal. This simplification of Islam is fraught with the depreciation of its intellectual and spiritual compo-

nents in favor of political ends. A. Soroush stresses the need for ijtihad, both intellectual and legal (Jahanbakhsh & Soroush, 2001).

In unison with the last of these ideas of A. Soroush, Ziauddin Sardar calls for a critical understanding of the events and phenomena of the world around us that inspire the transformation of the modern understanding of Islam (Sardar, 1997). Z. Sardar insists on critical and self-critical Muslims to effectively interact with a diverse and pluralistic world and understand their past from which to construct a future. For the intellectual, it is unacceptable to reduce the meaning of human life to religion, which itself is then simplified: the intellectual spheres of the realization of human potential - literature, music, the fine arts, philosophy, science - are just as important to us. Religion alone cannot act as a human-forming factor, nor can it satisfy the diversity of spiritual and intellectual needs. In other words, Islam, in order to remain viable, must be relevant to modernity and meet the spiritual needs of Muslim societies.

Speaking of the redefinition of Islam, Sardar cites the example of Turkey and Indonesia, where being a Muslim means being an active and conscious member of civil society, free to express his views on the basis of Islamic moral and ethical constants. In other words, the integration of Islam with politics has as its goal not the reduction of the Islamic state (as in the past), but an active civic position that gives priority to Islamic moral principles. Sardar also mentions the experience of Morocco, where shari'a was reinterpreted in the direction of human rights (the Mudawana Code), and thus actualized in modern times.

Sardar, like Soroush, warns against the excessive politicization and ideologization of Islam, which in the hands of politicians becomes merely a tool for achieving power; against the deification of the shari'a complex, which is a product of human intellectual and legal activity; and, consequently, against the hardening and conservation of religion through its dogmatization. Islam, as a living system sent down by Allah, is capable of adjusting itself to the existing spiritual demand of man, who is created to reason, to think, and to develop. Any ideological extremes come from people and should not be canonized, but subjected to critical reflection.

Methods

The methodological approaches to the study of modern Islamic philosophy remain steadily historical-reconstructive and hermeneutic, since the continuity in it of classical falsafa is permanent. The article uses the named methods, because revealing the role of Islamic intellectual heritage is possible with an objective historical position, the logical connectivity of time and existence of Islamic thought, which generated knowledge, relevant even today.

The appeal of Islamic modern thinkers to the classical heritage is necessary as a support and retention of that source of spiritual thought in which the intellectual tradition of the unity of faith and knowledge was concentrated. Outside this tradition, the metaphysical meaning of philosophy was lost.

Moreover, it is possible to understand modern questions of philosophy, its tasks and problems only in a holistic consideration of the unified philosophical process of the Islamic world. It is impossible to understand the development of modern philosophical thought outside Islamic philosophy, because in this case the integrity would be lost.

Islamic philosophy is unique because the problem of the relationship between faith and reason, which it solved in the Middle Ages, turned out to be relevant in the post-non-classical discourse of modernity.

The methodology of its study, of course, must be interdisciplinary, because the construction of the phenomenon of "modern Islamic philosophy" is possible only as a deployment of philosophical reflection in all forms of Islamic cultural being.

Conclusion

The study of the role of Islamic intellectual heritage shows the relevance and applicability of both the methodological approaches developed in intellectual Islamic schools and the way of Islamic reflection. Philosophical experience of the past is necessary for modern researchers in search and assertion of cultural and religious identity, identifying the origins of philosophizing to determine their own way of understanding objects and phe-

nomena. As early as the 20th century, Islamic scholars raised questions about whether we are heirs of Islamic civilization, deconstructionists, or debtors. Hassan Hanafi said that we should finally pay tribute to the Islamic tradition in order to understand the problem of being and obligation, which al-Farabi and Ibn Sina had solved back in the Islamic Middle Ages. The continuity of ideas and philosophical traditions in the discourse of modernity is necessary not only for the foundation of identity and religious and cultural sovereignty, but also for the transfer of cultural and civilizational traditions for the purpose of co-creative communication.

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PHILOSOPHY OF LAW

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PHILOSOPHICAL FOUNDATIONS OF THE LEGAL LANGUAGE

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Abstract: This paper analyzes the essence of the philosophical foundations of the legal language as it is used in certain theories in the legal philosophy. The purpose of the paper is to provide a full study of the legal language theory to determine its place in modern philosophical legal thought.

The paper used methods of the history of philosophy, especially the method of rational reconstruction, and is based on the interpretation of the classical philosophical and legal texts (W. Waismann, J. L. Austin, H. Kelsen, H. Hart).

The main result of the paper is the justification that the unity of logic and epistemology became the ground of application of the analytical method in the field of legal knowledge from the legal language point of view.

The main conclusion of this paper is that the linguistic analysis of legal concepts for the justification of the legal decisions and their consequences expands the horizons of analytical legal philosophy and allows us to reveal the essence of legal reality in a new way.

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Keywords: legal reality, legal philosophy, epistemology, legal language, meaning, legal concepts, speech acts.

Introduction

Features of the legal language and its philosophical understanding are determined by the specific functions of law as a social regulator of social relations. There are several theories in the philosophy of law, that focus on how legal phenomena are displayed using legal statements. In particular, in the normativism of Hans Kelsen the law is a hierarchy of logically interconnected legal norms that have a general and individual character. Such legal norms, of course, contain a model for the proper development of social relations and ways to regulate them, however, traditional ideas about cause-and-effect relationships do not apply to such relations, since empirically observed actions can acquire legal meaning and significance only if there is an act of an authorized subject (Kelsen, 1941). In other words, the legal reality is reflected in the legal language differently than other objects in the world. Similarly, Herbert Hart notes the ascriptive nature of

legal statements, since the use of grammatical constructions in law, unlike other areas of knowledge, involves the simultaneous performance of a legally significant action, the qualification and evaluation of ongoing events and actions, and in some cases, prosecution (Hart, 1949; Ogleznev, 2018). It is no coincidence that epistemological questions arise precisely when analyzing the interaction between the content of legal norms, legal relations, and actions, as well as from the point of view of the completeness of reflection in legal norms of existing relations and the diversity of human actions.

The Nature of the Language of Law

The analytical tradition in the philosophy of law is characterized by a set of the most well-known problems, discussions about which determine the features of the legal language and the reflection of the phenomena of legal reality in it. One of the main problems for a long time is the problem of legal understanding, the search for a logically correct general definition of law as a social phenomenon and a regulator of human behavior, which would take into account the diversity of specific legal situations and the boundaries of the spheres of legal regulation. The British philosopher of law Herbert Hart (1994) noted that such aspirations inevitably led to the absolutization of certain aspects of law and ambiguity, the groundlessness of the original theoretical and methodological ideas in the philosophy of law (p. 277). However, a general idea of law also has practical consequences, since it can be used in law enforcement, when, in the process of making a legal decision, empirical facts can be brought under a legal norm and be described using general legal terms. The degree of validity of a legal statement in this case, and its verification, is determined by how fully the legal norm containing normative prescriptions regulates or describes the sphere of social relations of legal significance. However, the essence of verification in the legal sphere does not come down to empirical confirmation of legal prescriptions, but only to repeated comparison with the norms of the current legislation, which, in terms of content, can significantly distort legal reality (Ogleznev, 2022). Thus, the distinction between natural and artificial languages in the philosophy of law is as important and relevant as in epistemology and the philosophy of science, since the specificity of legal terms reflects the same nature of posing and solving epistemological issues in the legal sphere. This largely determines the popularity of the philosophical ideas and arguments of the late L. Wittgenstein in the analytical philosophy of law in the second half of the 20th century, in particular, the problem of following the rule and the concept of "language games" (Didikin, 2018). The need to study everyday "natural" language and the perception of legal prescriptions in practice actualizes the problem of the objectivity of legal phenomena, in particular the mechanism for applying legal norms (Hart, 1994, pp. 279-280).

Speech Acts in the Language of Law

Initially, the origins of the method of logical-semantic analysis of natural language can be found in the works of early analytical philosophers - George Edward Moore with his concept of "philosophy of common sense", and Bertrand Russell with the idea of "knowledge-acquaintance" and description theory (Russell, 1911). The question of the relationship between language and reality in analytical philosophy is based on the division of the process of an intuitive comprehension of the concepts and objects of the external world, the existence of which is postulated in scientific knowledge. For analytical jurisprudence, the study of the legal language as a link between the legal reality and the actions of subjects of law avoids the problem of the lack of an adequate empirical substantiation of legal theories. If legal phenomena are not reduced exclusively to the world of empirical facts and are subject to rational interpretation, linguistic analysis in such a situation is necessary. However, as follows from the reasoning of L. Wittgenstein (2001) in the late period of his work, the search for the meanings of the terms of ordinary language involves the knowledge of the essence of the "language game" as a combination of a speech act and actions (p. 88).

In analytical philosophy the formation of the theory of speech acts known to modern linguistics as a branch of linguistic pragmatics, is associated with the ideas of J. L. Austin originally voiced at meetings of the Aristotelian Society

and then presented in his book *How to Do Things With Words* ("How to produce actions with the help of words" in more detailed) (Austin, 1962). As an example of special linguistic expressions not related to the description or statement of the state of affairs, Austin cites the symbolic procedure for naming a ship ("I call this ship Queen Elizabeth"). In this procedure the solemn pronunciation of a phrase is not only an expression of intention but also the performance of an action.

J. L. Austin (1962) calls such linguistic expressions performative sentences, performative usage, or *performatives*: "it indicates that the issuing of the utterance is the performing of an action – it is not normally thought of as just saying something" (pp. 6-7). The use of certain words is an important and integral part of the implementation of a certain type of action, but one cannot ignore the communicative situation: "it is always necessary that the circumstances in which the words are uttered should be in some way, or ways, appropriate, and it is very commonly necessary that either the speaker himself or other persons should also perform certain other actions, whether "physical" or "mental" actions or even acts of uttering further words" (Austin, 1962, p. 20).

However the criteria of truth and falsity do not apply to performative expressions, since "and that we do speak of a false promise need commit us no more than the fact that we speak of a false move. "False" is not necessarily used of statements only" (Austin, 1962, p. 11). Instead he talks about the rules that determine the success or failure of performative expressions. Violation of the rules leads to the failure of performative use but the degree of failure may be different. For example if the ship's naming ceremony is performed not by the captain, but by someone else, then this procedure becomes doubtful. But if you make an insincere promise that is without the intention of keeping it the promise will still be given and the action will be performed.

J. L. Austin emphasizes the difficulty of distinguishing between a statement constituting a subsequent action and a statement that completes a single action (for example, "I give" and the transfer of ownership, "I sell" and the completion of the transaction). As a prerequisite for the success of the performative, the truth of certain statements, as well as the semantic structure of the sentence, can be distinguished. In this case, understanding the context of the use of expressions is of key importance for the conceptual analysis of performative statements. At the same time, Austin departs from the idea of a rigid distinction between constative expressions (which may be true or false) and performative expressions (successful and unsuccessful): "consideration of types of success and failure may affect statements, and consideration of types of truth and falsity may affect performatives (or some performatives)" (Austin, 1962, p. 55).

Thus among the types of speech acts Austin uses *commissives*, implying obligations with declared intentions. The essence of a commissive consist of giving the person who pronounces it (what is said is also fixed in the contract) the obligation to act in one way or another (Masaki, 2004). An element of a promise as a commission in the legal sense, for example, is an obligation and the possibility of demanding the fulfillment of this obligation. Austin referred to the words "I promise", "I agree", "I intend", "I plan", "I provide", "I allow", "I swear", etc. to commissions. Such speech acts may be particularly relevant in English contract law, as they express the intentions and intentions of the parties in the implementation of the terms of the contract. And as J. Searle, a follower of the theory of speech acts, notes, the performative correlates with the situation that he creates and therefore is directly related to the statements of the legal language (Searle, 1989). Those it is directly related to law. Performatives can be the basis of legal norms, acts issued by the legislator, declarations, and other sources of law.

Among the grammatical and semantic conditions for the use of performatives, Austin emphasizes the impossibility of defining an absolute criterion or even a list of precise possible criteria. From the point of view of linguistic pragmatics he highlights only an approximate criterion - a verb in the form of the first-person singular of the present tense of the indicative mood of the really (active) voice (for example, the expression "I promise that I will be there", and as Austin notes, "all performative uses that differ from our preferred form - starting with "I x that", "I x that" plus an infinitive" or "I x" - can be "reduced" to this form" (Austin, 1962, p. 64)). At the same time the meaning inherent in the speech act is determined by several types of actions:

- *locutionary action* that generates an utterance;
- *illocutionary action*, expressing the intention of the speaker;
- *perlocutionary action* as an impact on the addressee to achieve the result of the utterance.

It should be noted that the legal language uses speech acts for execution, prohibition and coercion to maintain social order, so the legal discourse has a performative character. Performative expressions in legal language are characterized by speech stereotypes due to repetitive procedures (for example, legal proceedings in a criminal process or court hearings). If we are talking about acts of application of the law, then from the point of view of their performative form, they are declarative, that is, they contain instructions and obligations of a legal nature. The illocutionary function of these sentences is to form a respectful attitude towards established norms, and the perlocutionary force is to impose compliance with these norms.

Normativity and the Search for the Meaning of Legal Concepts

For the modern theory of the legal language one of the important problems is the problem of normativity. On the one hand debates on the normativity of the legal rules and the legal system inevitably arise as the specifics and boundaries of legal reality are discussed. In this aspect the classical arguments of Hans Kelsen's normativism that normativity is an alternative basis for the perception of legal reality, rather than the principle of causality, are of great importance. Kelsen formulates this argument not only in the context of his new Kantian methodological program on which several primary sources and scientific papers have been published in recent years, but also because causal relationships cannot directly determine the legal assessment or interpretation of empirically observed actions committed (Kelsen, 1941). Thus even if a specific conclusion should follow from the empirical facts there may not be one in the legal justification even in areas that are affected by strict rules of regulation (in particular, in criminal law).

On the other hand, the problem of normativity is determined by the specifics of the legal language in which the facts are displayed. In this case, even if it is impossible to apply the correspondence theory of truth to legal relations and legal decisions, a simple transition to coherent or pragmatic theories of truth can change little. Legal concepts in the legal language are formed especially and the standard application of general scientific methods of cognition does not allow for avoiding the contradictions inherent in the normative nature of the language of the law. The well-known example of formulating a special type of ascriptive legal statements as a specific type of speech acts in the theory of H. Hart and its development in modern philosophical and legal studies does not exclude some debatable questions about the prospect of empirical verification of such statements (Hart, 1949). In addition it is necessary to search for a different way of substantiating legal judgments, both in terms of logical correctness and empirical verifiability. That is why such a search has already led to the emergence of some interesting conceptual solutions that update the perception of the normativity of law through the prism of the method of conceptual analysis.

The reason for the discussion about the ways of expressing the semantics of legal concepts in the language of the law was Dworkin's non-standard arguments, set out in one of the papers to the collection "Philosophy of Law" in 1977, called the theory of "natural types". The essence of Dworkin's arguments is that legal concepts, like any other social and political concepts have a "hidden essence" that explains their functional purpose, since "the dispute about the nature of law is a dispute that is within the boundaries of the philosophy of language and metaphysics" (Patterson, 2006, p. 545). Thus the legal concept can be divided into metaphysical and semantic components in the case of applying the analogy with the terms of "natural types". That is a lawyer can reveal the essence of rights and freedoms in the same way as a physicist can reveal the essence of the phenomena of the physical world. Establishing semantic links between legal concepts, rather than substantiating the criteria for their application, becomes possible when such an analogy is made. If we recognize the identity of "natural species" and their universality for any linguistic context, then after the discovery of the microstructure of a social phenomenon and the direct reference to it of the term "natural species", the semantic side of the legal concept will also be revealed.

D. Patterson (2006) formulates several interrelated arguments demonstrating the inconsistency of such an analogy and, in general, the possibility of implementing the concept of the term "natural species" in the legal sphere as incompatible, for example, with the function of administering justice. In this part, his counterargument continues Kelsen's well-known thesis that only an authorized subject (in this case, a judge) in a procedural context gives a legal assessment of empirical facts. Dworkin deliberately ignores this context, arguing in favor of the analogy with "natural species". Patterson (2006) believes that such a relationship is not obvious, and in many cases methodologically erroneous (pp. 546-547).

He gives a detailed example from the field of epistemology, referring to the concept of H. Putnam, who proposed to reveal the content of terms of natural species through the selection of the following properties: syntactic marker (number, gender), semantic marker (natural appearance, state), stereotype (color, taste, etc.), extension (for example, the molecular structure of a substance). Patterson does not give a concrete justification for whether natural species are objects of the physical world, or objects of a wider order (in particular, unobservable idealized objects in the structure of scientific theory). He only makes some reservations about Putnam's conception, which turn out to be important from the point of view of criticism of Dworkin's arguments:

1. despite the complete coincidence of the first three components, the value of some compared substances may not be identical (for example, water on the planet Earth with the chemical formula H2O, and water on the planet "Twin Earth" with the formula XYZ, which have the same characteristics but are different substances);
2. in public opinion, a specific term can be used without its specific meaning, and therefore, without comparing the compared objects, the use of the principle of analogy is premature;
3. a substance that does not meet certain stereotypes of a real entity, however, may have the properties of such a real entity;
4. scientific discoveries do not lead to a change in the meaning of the term, but to a change in the understanding of what objects this term means.

Ultimately, Patterson concludes that the existence of objects in the external world does not depend on the mind, and this does not require believing solely in the hidden essence of natural species. In the absence of an understanding of what the term a natural species is, the extension of the patterns of functioning of some phenomena to others is unreasonable. Patterson notes that he opposes "a reductionist approach to the theory of natural species and against those who solve the problems of legal theory through the use of natural species semantics arguments" (Patterson, 2006, pp. 551-552). Similarly B. Bix (1995) believes that "the difference lies in the fact that the categories related to human artifacts and social institutions do not form explanations in the form of a law, that is, we do not expect and do not find evidence of relationships that necessarily form a connection between these categories, between these categories and other phenomena" (p. 470).

Despite the unusual nature of the debate between Dworkin and Patterson, what remains outside of it is the perception of normativity, originally formulated by Dworkin as an argument in favor of an analogy with natural species. The content of an object can be revealed through the study of its DNA structure. Therefore, only by studying and establishing the structure of DNA, for example, a tiger as an animal, can we determine that a living being is a "tiger" and not another animal. In the social sphere, it is legitimate to speak not about the physical (biological) structure of DNA, but about the normative nature of legal concepts, which makes it possible to reveal their "deep connections". However, Dworkin does not go beyond the limits of such an analogy, mentioning only the analogy of the "deep connections" between biological and chemical objects and social phenomena.

In his publications of recent years, a detailed analysis of the normative nature of legal concepts is offered by the German legal philosopher L. Kähler. So, concerning the nature of legal concepts, he notes that "at a first approximation, it is difficult to understand whether they have a legal nature or a semantic one, or both" (Kähler, 2009, p. 81). For the philosophy of law, the position is quite common that the source of the formation of legal concepts is the surrounding social reality, within which groups of regulated social relations are distinguished. Meanwhile, the concept of "normative reasons" (normative reasons), to which most of L. Kahler's (2009) rea-

soning is devoted, turns out to be ambiguous and indefinite, given the evaluative nature of the interpretation of legal terms and the broad meaning of understanding normative reasons as grounds for legally significant actions (pp. 82-83). The reason for this is the complex relationship between empirical facts and the degree to which they are reflected in normative prescriptions. The methodological inadmissibility of reducing the "proper" (normative) to the "existing" (empirical) inevitably leads to the fact that the choice and justification of the legal concepts used, in contrast to the concepts in the natural sciences, will depend on the characteristics of normativity in law and the normative legal order in general.

When characterizing legal concepts, L. Kähler (2009) seeks to find an adequate criterion for separating morally neutral concepts and concepts with an indefinite assessment. In his reasoning he notes that certain legal concepts, in particular "property" or "possession", cannot be unambiguously assessed, since the obligations of the owner, even if he has an absolute right in rem, can follow from certain regulatory prescriptions (requiring the provision of property for use by another face) (Kähler, 2009, p. 83). Therefore the application of such concepts may not depend on the "normative merits of the situation to which they apply" (Kähler, 2009, p. 83). It would seem that in this part the author needed to determine the nature of the relationship and ways of displaying the actual circumstances in legal norms, but he avoids this issue in the direction of exclusively normative grounds for the emergence and choice of legal concepts.

Later L. Kähler's position on this issue becomes somewhat clearer. He argues that a concept can be legal, even if it is established in law that it must have the same meaning as in ordinary language. For even in this case, the reason why a concept in law has the same meaning as in ordinary language is not that there is some definition of this concept in ordinary language, but because its meaning is contained in the law itself (Kähler, 2009, pp. 91-92). It would seem that in this case we can recall that it is the normative nature of linguistic expressions in legal language that allows them to be distinguished from normative linguistic expressions in the language of ethics or other discourses. It is the combination of the formal and everyday aspects of speech practices in the legal language that often leads to contradictions in the interpretation of legal phenomena. But if for interpretation it is important to simply choose an adequate normative basis, what is the specificity of the content of legal concepts?

L. Kähler (2009) seeks to separate the understanding of the normativity of law from the practice of implementing legal norms (pp. 94-95). From the point of view of epistemology, the substantiation of the normative content of legal prescriptions from the facts of their application is obvious. However if the normative grounds for establishing the meaning of legal concepts are not logical, they can be formulated just from the requests of existing social practice outside the legal field. Therefore, a greater emphasis on the normativity of legal concepts "frees" them from errors and contradictions in law enforcement.

Normativity and Institutional Facts

There are several methodological approaches in the analytical legal philosophy to characterizing the relationship between empirical facts and normative prescriptions. Among the most well-known approaches we can mention the institutional theory of N. MacCormick, in which the nature of legal reality is considered in the context of institutional facts. Since legal norms contain hypothetical content with the possibility of legal consequences depending on the actual circumstances, N. MacCormick uses the term "operational facts". The very process of making decisions by these norms is a form of deductive thinking, which involves, firstly, the postulation of a general hypothetical rule, then the establishment and analysis of the facts that fall under this rule, and finally the receipt of a logical conclusion for a particular case which ultimately it constitutes a legal decision in a particular case. It is this logic of constructing a legal requirement or a legal decision, according to N. MacCormick (1992), that makes it possible to speak of its admissibility and legality (p. 183). At the same time such an approach to the correlation of facts and norms is only methodological, since a decision, like any statement, is an act of will, and acts of will never are determined logically. Ultimately decisions are made by an authorized subject but are not derived only in a rational way from a system of legal concepts. Of course, we can take into account all previous logical reasoning, but the final

decision itself will not be a direct logical conclusion, but an impression, an opinion based on a consideration of a set of legal norms and specific life circumstances. A similar conclusion can be found in Hans Kelsen's normativism that no decision is logically derived either from a norm, from a combination of norms and facts, or from specific facts, the decision is primarily an act of will, "the external course of human behavior", and then acquires legal significance due to the application of legal concepts (Kelsen, 1967, pp. 4-10). From the arguments of N. MacCormick, a well-known representative of modern legal positivism and legal institutionalism, it follows that it is not enough to find the normative grounds for choosing a concept or fixing it in a normative legal act. The logical analysis leaves out the important epistemological question of what is the source of the normativity of the decision and the establishment of the meaning of legal concepts.

Conclusion

The study of the specifics of the legal language by applying the traditional approach in the spirit of classical empiricism leads to several contradictions.

Firstly, linguistic methods and grammatical constructions are not fully applicable to legal terms. Thus when considering the social context (but not the social nature) of the application of legal norms, the question arises whether legal rules can be considered a kind of linguistic rule. Will adherence to the rules of grammar determine the effectiveness of legal discourse?

Secondly, the law as a specific regulator of the behavior of subjects of law cannot be fully reduced to other ways of regulating behavior in society. Hence, only an analysis of the grounds for the implementation of legally significant actions allows us to understand the context of the application of legal norms. Such grounds are largely a product of interpretation, even if there is a system of consistent and fairly certain sources of law. Each legal term depends on the context of use and those word usage conventions that exist at the moment. It follows that the interpretation of the rules cannot be based only on the principles of logic and be neutral.

Thirdly, from the point of view of methodological reflection, actions are the object of legal regulation. From an empirical point of view, every action, like the physical movement of objects in space, or the handling of things by people, can be "inscribed" in a legal context. But how do actions acquire legal significance? Is it enough for this simple selection of the necessary legal concepts or their interpretation?

From this question, it becomes clear that the behavior of the subject constitutes the content of legal relations that do not have an empirical analog in the outside world since the consequences of the actions of the subject of law are determined by their interpretation in the context of display in terms of the legal language.

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DEVELOPING ISLAMIC LEGAL PHILOSOPHY-BASED ASSURANCE OF JUSTICE

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Abstract: Justice is the essence of law enforcement. Justice is importan in the legal system at various countries, The absensce of justice was problem because if legal system lack of justice there would be made public believe ruined and legal system would collapse. In the Islamic legal thought, justice was the essence. However, it cannot be denied that the development of Islamic legal thought cannot be separated from the conception of justice. Justice in the explanation is included in the category of substantive law. Justice is defined from a theological point of view, God's relationship with humans is vertical. Allah as the Most Just and Most Right knows the truth and ultimate justice. Humans must always find justice and truth given by God through the process of ijtihad. The principle of justice requires the use of ratios to make comparisons between one case that is not explained by the Word of God or the words of the Prophet with another case that has legal legitimacy. In that way, Islamic law develops and reaches a wider range of legal cases based on the principle of equality

Keywords: justice, law, principle, Islamic, philosophy.

Introduction

Justice is the essence of law enforcement. While the meaning of justice itself varies depending on the perspective. The problem of upholding justice is an important issue that arises throughout the world, especially in the realm of law. The concept of justice that has been established in one country is not necessarily suitable when applied to other countries. However, the possibility of mutual influence and integration between thoughts related to the meaning of justice, especially those that have a universal nature, has led to the discourse of the emergence of new theories about the meaning of justice.

At the philosophical level, of course, each country has its own roots of thought depending on the basic norms of the country and the sociocultural life of its nation. The problem of inequality of justice occurs everywhere. In Indonesia, this is a very complicated problem to solve. This creates anxiety for scientists and universities.

Discussions and studies related to this issue of justice are often held, even though they involve various disciplines, but they have not produced a

solution that is reassuring. After a thorough investigation from a global perspective, this problem has spread to almost all countries, even in developed countries such as the United States, experiencing multidimensional problems. This is in line with what Fritjof Capra stated, namely that at the beginning of the twentieth century there will be a serious global crisis, as a complex and multidimensional case whose aspects touch every aspect of life. This crisis is a crisis in intellectual, moral and spiritual dimensions; a situation unprecedented in recorded human history.

Legal crisis and the public lost confidence to law and its apparatus, according to the legal science, this is because there is a system that is wrong, The biggest problem of the existing legal system, was none of the values of justice applied in the court and the whole legal system. For example, the crisis in the United States, one of which is related to the consequences of not implementing the values of justice and morality in solving problems in the Middle East and several African countries (government funds are spent only for war, even the concept of war is far from the principles of equity, humanity and ethics).

From here the author feels the need to examine, re-examine, and reconstruct how to build certainty of justice based on Islamic legal philosophy (*ushul fiqh*) from values of *al-maqasid ash-shariah* as an epistemological basis.

The problems of this research are: (1) What is the meaning of prophetic justice and ethical justice? (2) What are the values of *Maqasid As-Shariah*? (3) What is the concept of *Usul fiqh* in building justice based on these values?

Methods

The data in this paper were obtained using library research methods. This method is done by examining library materials or secondary data, which consists of (Ridwan, 2021):

a. Primary materials, consisting of books, journals, etc.
b. Secondary materials, namely materials that provide an explanation of primary materials in the form of articles on research results, or the opinions of other legal experts.

To obtain data that is relevant to the problems in this paper, the collection of reference materials is carried out in order to obtain secondary data. The first step is to take an inventory of the sources as a reference, then write them down systematically.

In this paper, the analysis is done descriptively-qualitatively, while the data processing is done by systematizing the materials or books. Systematization means classifying existing materials to facilitate analysis and formulate constructs or concepts.

Results and Discussion Understanding of Justice and Prophetic Ethical Justice

One of the problems that have become the discourse of many legal observers is the issue of justice in relation to the law itself. This is due to the emergence of different views on the principle of justice in the form of laws and regulations that have been applied and accepted. A view that considers the law to be fair and another view that considers the law to be unfair.

In the Big Indonesian Dictionary, fair means an attitude that favors the right. Justice is a demand for a balanced attitude and nature between rights and obligations. One of the principles in law that reflects justice is the principle of equality before the law, namely the principle which states that all people are equal under the law.

The word justice has in common with the word equity, namely justice, which can be interpreted as follows (Fuady, 2010):

a. Justice (justice), impartial (impartial), giving everyone their rights (his due).
b. Everything is fair (fair), or fair (equitable).
c. General principles of fairness and justice in terms of applicable law.

Seeing the meaning above, justice can be understood as a value that is used to create a balanced relationship between humans by giving what one's rights are with procedures and if there is a violation related to justice, one needs to be punished. Justice is the fulfillment of individual desires in a certain level. The greatest justice is the fulfillment of the wishes of as many people as possible. Fulfillment of justice so that a situation deserves to be called fair is something that is difficult. It cannot be answered based on rational knowledge. The answer to that question is a value justification (Asshiddiqie, 2006).

Justice can only be understood if it is positi-

oned as a condition to be realized by law. Efforts to realize justice in the law is a dynamic process that takes a lot of time. This effort is often also dominated by forces that fight within the general framework of the political order to actualize it (Friedrich, 2004).

People can think of justice as an instinctive desire that is expected to be useful for him. The reality of absolute justice is assumed as a universal problem that applies to all humans, nature, and the environment, there should be no monopoly carried out by a handful of people or a group of people. Or people perceive justice as the view of individuals who uphold the maximum benefit for themselves.

Justice can only arise based on positive legal provisions in the form of laws that are determined objectively. This rule of law is positive law. This is what can be the object of science, not a metaphysical law. This is called the pure of law which presents the law as it is without defending it by calling it fair, or rejecting it by calling it unfair. This seeks real and real laws, not true laws (Asshiddiqie, 2006).

Aristotle's Philosophy of Justice

Aristotle argued that justice cannot be separated from virtue. He also divided the philosophy of justice into 3 (three), namely:

a. General and Special Justice

General justice is justice that appears in human relations. Special justice is part of general justice which specializes in establishing relationships with fellow human beings to avoid harming each other.

b. Distributive and corrective justice

Distributive justice is justice determined by legislators, the distribution of which includes services, money, rights, and goodness for community members according to the principle of proportional equality.

Corrective justice is justice that guarantees, monitors and maintains this distribution against illegal attacks (Panggabean, 2014).

The corrective function of justice is, in principle, regulated by the judge and stabilizes the status quo by returning the property of the victim concerned or by compensating for his lost property.

c. Political Justice

Political Justice focuses more on the constitution and the rule of justice. The concept of political justice is formulated as "government under just law". The way to achieve government under just law is through constitutional arrangements that separate the legislative function from the executive function.

John Rawls's Philosophy of Justice

Several concepts of justice were put forward by the American philosopher at the end of the 20th century, John Rawls, such as A philosophy of justice, Political Liberalism, and The Law of Peoples, which gave a considerable influence on the discourse of justice values (Faiz, 2009).

John Rawls who is seen as a "liberal-egalitarian of social justice" perspective, argues that justice is the main virtue of the presence of social institutions. However, virtue for the whole community cannot override or challenge the sense of justice of everyone who has obtained a sense of justice. Especially the weak people seeking justice (Faiz, 2009).

Specifically, John Rawls developed the idea of the principles of justice by fully using the concepts of his creation known as the "original position" and "veil of ignorance".

Rawls's view positions the existence of an equal and equal situation between each individual in society. There is no distinction of status, position or having a higher position between one another, so that one party with another can make a balanced agreement, that is Rawls's view as an "original position" which rests on the notion of reflective equilibrium based on the characteristics of rationality.

While the concept of "veil of ignorance" is translated by John Rawls that everyone is faced with the closure of all facts and circumstances about himself, including certain social positions and doctrines, thus blinding the concept or knowledge of developing justice. With this concept, Rawls (1973) leads the community to obtain the principle of fair equality with his philosophy referred to as "Justice as fairness".

In John Rawls's view of the concept of "original position" there are the main principles of justice, including the principle of equality, namely that everyone is equal to freedom that is universal, essential and compatible and the inequa-

lity of social and economic needs in each individual.

The first principle is stated as the equal liberty principle, such as freedom of religion, political liberty, freedom of opinion and expression, while the second principle is stated as the difference principle, which hypothesizes on the equal opportunity principle.

Furthermore, John Rawls emphasized his view on justice that the program of justice enforcement with a populist dimension must pay attention to two principles of justice, namely, first, to provide equal rights and opportunities for the broadest basic freedom as broad as equal freedom for everyone. Second, being able to reorganize the socio-economic gaps that occur so that they can provide reciprocal benefits.

Thus, the principle of difference demands that the basic structure of society be arranged in such a way that the gap in prospects of obtaining the main things of welfare, income, authority is for the benefit of the most disadvantaged people. This means that social justice must be fought for two things: First, to correct and improve the conditions of inequality experienced by the weak by presenting empowering social, economic and political institutions. Second, every rule must position itself as a guide to develop policies to correct unjust treatments experienced by the weak.

Hans Kelsen

Hans Kelsen (2011) stated that law as a social order can be declared fair if it can regulate human actions in a satisfactory way so that they can find happiness in it.

Hans Kelsen's view is a positivist view, the values of individual justice can be known by legal rules that accommodate general values, but still fulfill a sense of justice and happiness for each individual.

Furthermore, Hans Kelsen argues that justice is a subjective value consideration. Although a just order which assumes that an order is not the happiness of every individual, but the greatest happiness for as many individuals as possible in the sense of a group, namely the fulfillment of certain needs, which are considered by rulers or lawmakers as needs that must be met, such as the need for clothing, food and shelter. But which human needs should be prioritized? This can be answered by using rational knowledge, which is a value judgment, determined by emotional factors and therefore subjective.

As a positivist school, Hans Kelsen also admits that absolute justice comes from nature, that is, it is born from the nature of an object or human nature, from human reasoning or God's will. The thought is essenced as a doctrine called natural law.

The doctrine of natural law assumes that there is an order of human relations that is different from positive law, which is higher and completely valid and just, because it comes from nature, from human reasoning or God's will.

Thinking about the concept of justice, Hans Kelsen who adheres to the flow of positivism, also recognizes the truth of natural law. So that his thinking on the concept of justice creates a dualism between positive law and natural law.

According to Hans Kelsen (2011): "The dualism between positive law and natural law makes the characteristics of natural law similar to the metaphysical dualism of the world of reality and the world of Plato's ideas. At the heart of Plato's philosophy is his doctrine of the world of ideas. Which contains profound characteristics. The world is divided into two distinct areas: the first is the visible world that can be perceived through the senses called reality; the second is the invisible world of ideas" (p. 326).

There are two more concepts of justice proposed by Hans Kelsen: the first is about justice and peace. Justice that comes from irrational ideals. Justice is rationalized through knowledge that can take the form of interests which ultimately lead to a conflict of interest. Resolution of the conflict of interest can be achieved through an arrangement that satisfies one interest at the expense of the other's interests or by trying to reach a compromise towards a peace for all interests.

Second, the concept of justice and legality. To uphold on a solid basis of a certain social order, according to Hans Kelsen the notion of "justice" means legality. A general rule is "fair" if it is actually applied, while a general rule is "unfair" if it is applied to one case and is not applied to other similar cases. This concept of justice and legality is applied in the national law of the Indonesian nation, which means that national legal regulations can be used as a legal protection for

other national legal regulations according to their level and degree and these legal regulations have binding power to the materials covered. Contained in the legal regulations.

Meanwhile, justice that comes from law is justice that is abstract and impersonal created by the law itself, and the goal of achieving it does not lead to a certain thing such as the distribution of wealth. For example, criminal law regulates actions that are against the law, such as murder, stealing, and others that cause harm to people as victims and property.

a. Legal Justice

Justice in the legal perspective is justice according to the law. This legal justice has (two) branches, namely:

1. Substantive justice

It is a command that must be obeyed by the individual and is obligatory for him. Substantive justice is related to civil law, criminal law, and the rights granted by law. Substantive justice is divided into two branches:

a. The individual's obligation to comply with all applicable regulations or laws and

b. The obligation of courts and other law enforcers to implement applicable regulations.

2. Procedural Justice

Procedural justice is divided into two branches, namely procedural in court (procedural law) and material procedural (substantive). Procedural justice in court is more focused on resolving disputes in court.

b. Measures of Justice

1. The measure of natural law or positivism (Kelsen, 2011).

Measures of justice in natural law and positive law are different, even contradictory. The measure of justice in natural law is that justice is seen as higher by the human mind, but still views justice based on common sense. Meanwhile, the measure of justice in positive law is fairness based on applicable regulations.

2. Absolute or relative size

An absolute measure of justice must apply everywhere and at any time. Meanwhile, justice in a relative measure means that justice always varies according to place and time.

3. Common or concrete size

Justice in a general measure is the same as justice in an absolute measure, in contrast to justice in a concrete measure, it depends on the legal case.

4. Metaphysical or empirical measures

A justice in a metaphysical measure is the exercise of rights and obligations based on a deductively developed human ratio. Meanwhile, justice in an empirical measure is based on social facts in reality.

5. Internal or external size

Justice in an external measure is justice as a high ideal and from which justice originates or is formed, or justice in social facts. Meanwhile, justice in internal measure is justice within the limits of the space for justice itself.

What is meant by the perspective of prophetic ethics is the norm of life coveted by everyone in the order of their social life that relies on justice to the values taught by the prophet.

There are two sources of justice, namely positive justice which is a human product concept, and reveal justice that comes from God which is also called divine justice, as the mission carried out by the prophets. Many Quranic verses talk about justice, this shows that Allah (God) is the source of justice and commands His messengers and all humans to enforce it in this world. Therefore, believers who uphold justice can be categorized as people who have tried to improve the quality of their piety. Justice in Islam means equality, balance, giving rights to the owner and divine justice. (Rosyadi and Rizka, 2021)

The word *prophethood* implies "all matters relating to someone who has obtained prophetic potential". The Prophet is a servant of Allah who has given him wisdom, books, the ability to communicate and integrate with Him and His Angels and the ability to implement the book and wisdom both to himself and to mankind and the environment (Adz-Dzakley, 2007).

In the Qur'an chapter al-An'am: 89 Allah says:

وَمَا عَلَى الَّذِينَ يَتَّقُونَ مِنْ حِسَابِهِمْ مِنْ شَيْءٍ وَلَكِنْ ذِكْرَى لَعَلَّهُمْ يَتَّقُونَ

And there is no accountability whatsoever for those who fear their sins; but (their obligation is) to remind them to be pious.

Muqowim argues that the verse above explains that the prophet has 3 characteristics:

1. Receive revelations which are then compiled in a book.
2. Bringing the law or the Sharia as a way of life, therefore the example of the prophets and apostles is a source of law.
3. Ability to predict things in the future.

According to Mutahhari there are two main missions for a prophet:

1. Inviting people towards acknowledging God and drawing closer to Him as in the Qur'an chapter al-Ahzab verses 45-46:

O Prophet, indeed We have sent you to be a witness, and a bearer of glad tidings and a warner, and to be a caller to Allah's Religion by His permission and to be a shining light.

2. Upholding justice and equality in human society. As in the Qur'an Surah al-Hadid verse 25:

Indeed, We have sent Our messengers with clear evidences and We have sent down with them the Book and the balance (justice) so that people may do justice.

According to al-Tabattaba'i in Surah al-Hadid verse 25, it is stated that the purpose of Allah sending an apostle and sending down the Book and Mizan is to uphold justice for fellow human beings or to establish a just society. The sending of an apostle is accompanied by evidence in the form of a book and *mizan* (balance) by which they can establish justice among mankind. This means that the apostles came to convey the teachings of monotheism. Thus, the mission of an apostle has two dimensions, namely the horizontal dimension and the vertical dimension (Muqowim, 2001).

Justice is an ideal value that is always inherent in the making and implementation of law, justice is often presented in an abstract concept so that it is often understood without clear boundaries. However, it cannot be denied that the development of Islamic legal thought cannot be separated from the conception of justice.

Discourse on justice can be traced to sources of Islamic law, such as the Qur'an and hadith. The Qur'an in several parts instructs Muslims to do justice. Surah an-Nisa verse 58 states that in judging two disputants, it must be done fairly. Surah al-Maidah verse 6 commands believers to do justice because justice is closer to piety.

From the quote above, it can be understood that justice is a value that is highly upheld in Islamic teachings. Even though it is not denied in the level of understanding of Islamic thinkers, the meaning of justice is a separate issue. Some of them define justice within the framework of Aristotelian philosophy where justice is often seen as the highest manifestation of virtue. Justice is a virtue that exists in the human soul after other main qualities, namely wisdom, self-purity, honor, and courage are fulfilled (Maskawaih, 1911).

The formulation of justice in the legal framework is urgent because justice in law is often understood as terms with interests. People who lose in court will think that the judge's decision is wrong, doubtful, or biased. while the winning party will view that the judge's decision is very fair. The trap of interest often obscures the meaning of justice. Like a person who is in trouble he will think that God is unfair to him, but when he gets new help, he thinks that God is really just. Therefore, the meaning of justice is very vulnerable from personal interests. It is natural that some legal experts argue that it is the law that is just, and not justice itself that should be taken into account because the conception of justice can only be defined in a legal framework. Such an opinion is quite realistic, despite the fact that many rules are seen as unfair, so that a sense of justice actually corrects the law.

Knowing the Legal Theory of Ushul Fiqh as a Methodology of Law Determination

Allah sent a prophet or messenger and sent down the book is to establish justice for all humans or to establish a just society. As for carrying out or continuing prophetic tasks, humans must have the ability to be able to read and capture divine messages, in the form of His verses both contained in the holy book and those that lie in the universe as well as words and deeds, as well as the provisions of the prophet (hadith).

This ability as described in the Qur'an can only be done by people who have reason (*ulul al baab*), namely people who can combine dhikr (*qalb*) and thought (ratio/brain). This gives an understanding that to be able to read and catch divine messages properly cannot be based on human abilities as mere humans. So that it can be shrouded in interests and passions but can bring the reader to the essence of truth and belief.

In Islam, law is understood as a decree of Allah with regard to the deeds of *mukallaf*, either in the form of an order to perform an act or to leave it, or to choose between doing and not doing it. so that according to some experts in the science of *ushul fiqh*, the word of God in the above definition is the eternal word of *nafsi*, which is a

word or word of God itself which is eternal in nature. The word of Allah has two clues which are called *dalalah*. The first is *dalalah lafdziyyah*, namely instructions in the form of verses in the form of the Koran; The second is *dalalah ma'nawiyyah*, namely instructions in the form of meanings that take the form of sunnah, *al-ijma* (the agreement of Islamic jurists regarding the legal position of a legal event at a certain time), qiyas or analogies and all that are considered or used as arguments or indications (*qarinah*) (Praja, 2015).

The codified basics and guidelines in the realm of *istinbath al-ahkam* are called science of *ushul fiqh*. The science of *ushul fiqh* cannot be separated from the ijtihad (independent rationing) process that has been going on since the beginning of Islam until the companions of the Prophet Muhammad. *Ushul fiqh* consists of two words: *Ushl*, which means the main points and *Al-fiqh* etymologically means knowledge or understanding. Thus, according to Praja, *al-fiqh* is terminologically the science of sharia laws. The science of Fiqh is a set of knowledge to determine the legal position of the actions of every *mukallaf*. Based on these two terms, *ushul fiqh* means rules and legislation as a guide for anyone who will perform Islamic law *istinbath* from the arguments in detail. The science of *ushul fiqh* is knowledge of the rules of *ushul* that can help mujtahids (people who do ijtihad) in performing valid legal *istinbat* from sources and legal arguments (Praja, 2015).

Abdul Malik Ibn Abdillah Ibn Yusuf Al-Juwayni in his book, al-Burhan fi Ushul al-Fiqh, gives the key words for *al-fiqh as al-ilm bi ahkam al-taklif*, a set of knowledge about the laws of imposition (*taklif*). While criticizing some opinions which state that the biggest content of sharia problems are assumptions (*dhanûn*), al-Juwayni states that assumptions (*dhann*) are not based on understanding (*fiqh*). Thus, *al-fiqh* is *al-ilm bi wujûb al-'amal 'inda qiyâm al-dhannûn* (fiqh or understanding is a set of knowledge in the realm of praxis when assumptions arise). Thus, *ushul fiqh* is the arguments *fiqh* argument itself (Al-Juwayni, 1997).

Abu Zahrah stated that what is etymologically called *fiqh* is a deep understanding by which the intent and purpose of the words and actions can be known. Meanwhile, in terms of terminology, *fiqh* is a set of knowledge about the laws of the Sharia with the arguments in detail. Thus, *Usul fiqh* in this sense is anything that is built on it about *fiqh (mâ yubnâ 'alayhi al-fiqh*). Strictly speaking, it is knowledge of the rules that describe the manhajs or various methodologies in legal *istinbat*.

A more operational affirmation of the notion of *ushul al-fiqh* was put forward by Dr. Wahbah Zuhayli in al-Wajiz fi Usul al-Fiqh. For this professor of Islamic Jurisprudence and *Madzhab* of Damascus University, he stated that *Usul fiqh* means just *al-Fiqh*i. Strictly speaking, it is the rules that lead a mujtahid to the practical interpretation of the sharia laws from their detailed arguments (Al-Zuhayli, 1999). The key word from the notion of *ushul fiqh al-Zuhayli* is *al-Qawaid* or rules. Thus, based on this understanding, *ushul fiqh* must contain the arguments or rules for a mujtahid in order to decide a legal case.

History shows that the process of forming *fiqh* and sharia stems from two things:

1. *Usul fiqh* which is based on legal principles (*qawaid al-ahkam*) which is formulated based on Arabic lafaz and what may arise from it in the form of: *al-naskh* (abolition of law by other laws), and *al-tarjih* (taking laws with stronger arguments).
2. The universal principles of *fiqh (qawaid kulliyyah fiqhiyyah*) in a very large number of rules are summarized, for example in the book of al-Asybah wa al-Nadhair by Imam al-Suyuthi.

Based on these two things, the Sharia laws are formulated which are commonly called *al-ahkam al-khomsah* (five laws) which include: obligatory (*al-ijab*), sunnat (*al-nadb*), haram (*al-tahrim*), makruh (*al-karahah*), mubah (*al-Ibahah*).

Values of *Al-Maqasid As-Syari'ah*

Maqashid is the plural form of *maqshad* which means goal. While *Maqasid As-Shari'ah* is defined by *ushul fiqh* scholars as the goals that Islamic law wants to realize as the reason it was revealed for the benefit of mankind.

Etymologically, *mashlahah* can be interpreted as benefit, while the plural form is *mashalih*. While in the terminology of scholars, it is interpreted as taking advantage and rejecting harm

(danger/damage). Meanwhile, Imam Ghazali explained that *mashlahal* is maintaining the purpose (objective) of the sharia.

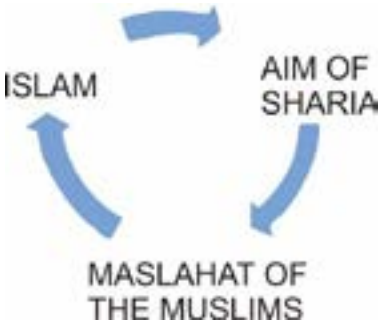

Figure 1. Categorization of *Mashlahat* Based on Its Universally Beneficial Values.

Islamic Scholar divide *maslahah* into three groups, namely *Mashlahah Mu'tabarah, Mashlahah Mulghah*, and *Mashlahah Mursalah*. Each of which is described below.

1. Maslahah Mu'tabarah

That is the benefit that is recognized by the sharia by establishing legal details that clearly aim to make it happen. For example:

Table 1
EXAMPLES OF LEGAL DETAILS IN SHARIA

RULE	Practice in Islam	Value
Keeping Religion	Prohibition of apostasy, sharia jihad, practicing the pillars of Islam and the pillars of faith.	Prohibition of cursing other people's religion, the obligation to be fair to anyone, there is no compulsion in religion.
Nurturing the Soul	The prohibition of killing without cause, prohibition of doing wrongdoing, prohibition of excessive religion.	Guaranteeing the rights of human life in its entirety, the prohibition of doing damage, equality before the law, the right to a healthy life, the prohibition of terrorism.
Keeping the mind	The obligation to seek knowledge, the prohibition of all intoxicants.	Equal rights to education.
Caring for offspring	Prohibition of adultery, children are a mandate	Prohibition of acts of prostitution, trafficking, prohibition of deviant sexual behavior
Keeping property	The rohibition of stealing, consuming usury, the prohibition of piling up wealth, obligation of zakat, recommendation of alms, transaction laws	Prohibition of theft, money laundering, corruption prevention, market and economic regulation.

2. Maslahah Mulgha

That is something that is considered beneficial by some humans but the sharia firmly rejects it through the establishment of laws that do not consider it a benefit. For example: Making fake hadith for any reason, exaggeration in religion, determination of fasting for 2 consecutive months for rich people who do sexual intercourse during Ramadan, usury transactions, equalization of inheritance between sons & daughters, telling lies or showing nakedness with the excuse of entertaining.

3. *Maslahah Mursalah*

That is the benefit that is not denied by the sharia nor is it explicitly recognized (silenced). For example: the collection of verses of the Qur'an in the manuscripts of the time of Abu Bakr, the appointment of Umar by Abu Bakr as his successor, prisons during Umar's time, the unification of the Muslims with one manuscript

by Uthman.

Types of Benefits Based on Priorities

If viewed based on the priority, the benefit is divided into three types, namely *Dharuriyat, Hajiyat*, and *Tahsiniyat*.

1. *Dharuriyat*

That is the benefit that really determines the continuity of religion and human life in the world and in the hereafter, which if this benefit is lost, it will result in the misery of the world, and the loss of favors and the coming of punishment in the hereafter. According to the scholars, there are 5 *dharuriyat* benefits: Preserving the reliion, soul, mind, lineage, and property.

2. *Hajiyat*

That is the benefit that humans need to eliminate their difficulties or narrowness. If this benefit is not realized, it will not result in the destruction of life, but humans fall into difficulties. For example, allowing greetings.

3. *Tahsiniyat*

That is the benefit that makes humans in noble manners and straight morals, and if it does not materialize, human life will be contrary to the values of decency, morality, and healthy nature. For example, dressing well in prayer, prohibition of excessive spending on wealth, prohibition of buying goods that are being offered by others, etiquette of eating & drinking, prohibition of mutilating corpses out of revenge or in war, etc.

Some Rules:

1. *Maslahat Dharuriyat* is the foundation for *Hajiyat* and *Tahsiniyat*
2. The loss of *Dharuriyat* automatically results in the loss of others
3. The loss of *Hajiyat* and *Tahsiniyat* does not always result in the loss of *Dharuriyat*
4. The loss of *Hajiyat* and *Tahsiniyat* can disturb *Dharuriyat* in certain aspects
5. Efforts must be made to protect the *Hajiyat* and *Tahsiniyat* for the benefit of the *Dharuriyat*.

Construction of Islamic Reason about Law and Justice

The construction of Islamic reasoning about law and justice can be found in the Qur'an and hadith. The Qur'an contains several terms that are close to the term justice, namely *al-qisth*, *al-adl*, and *mizan*. The word *adl* refers to justice in the sense of equal retribution or retribution. For example, if someone does not fast, then he must make up for it on another day. Meanwhile, the word *qist* refers to equality in the sense of applying the rules to people who are not citizens. The definition of justice in the word *qist* contains a conflict of interest, while *adl* contains a balance between interests between groups. Regarding the word *mizan* in the Koran refers to the notion of balance (balance) (Shihab, 1996).

Azary describes the notion of justice in the Koran in the political realm. His explanation of the verses of justice in the Qur'an is based on the framework that justice is the third principle in nomocracy. Justice in Islam according to Azhary is identical with truth. Truth in the context of Islamic teachings is associated with Allah as the source of truth, which in the Qur'an is called *al-haqq*. According to Azhary, the word *adl* in the Koran means the same language. The word *adl* denotes balance or middle position (Shihab, 1996).

Quraish Shihab mapped out the notion of justice understood by scholars with four meanings. First, justice which means the same which is based on the letter an-Nisa verse 4. The word fair in justice in the first sense relates to the attitude of the judge in the decision-making process. Second, justice means balance, which is identical to proportional in all respects. Third, fair also means paying attention to individual rights and giving rights to their owners. Justice in the third sense is related to the social context. Justice in the fourth sense is attributed to God. Justice in the fourth sense means maintaining fairness and continuity of existence (Shihab, 1996).

Justice in Islamic law is always associated with the divine aspect, namely in the relationship between humans and God and between humans and humans in the perspective of revelation. Islamic jurisprudence produces a large concept of law that provides an umbrella and provides an understanding of the working pattern of Islamic law. The concept is Al-Maslahah. The term *maslahah* in the study of Islamic law is used in two senses, namely *maslahah mursalah* and *maslahah as maqasid shari'ah. Maslahah* according to the first understanding (*maslahah mursalah*) is an effort to explore the law based on

considerations of the general good. *Maslahah mursalah* as a method of extracting law was initially associated with the Maliki school, but in its development the *maslahah* method was widely used to solve problems for which there were no explicit instructions from the Qur'an and hadith.

The definition of *maslahah* as *maqasid shari'ah* was developed by al-Juwayni (Masud, 1997). Which was then elaborated further by al-Ghazali and reached its peak in the thought of as-Syathibi. *Maslahah* in the sense of *maqasid shari'ah* emphasizes the essential goals to be achieved by Islamic law. The essential objectives of sharia are classified into three, namely maintaining human interests which are primary (*dharury*), secondary (*hajjy*) and supplementary (*tahsiny*) (Masud, 1997).

The relationship between *maslahah* and justice is indeed not easy to understand if it is not linked through the theological aspects that build the paradigm of Islamic law. The general good is the core teaching of Islamic law, which contained the values of justice and *maslahah* at the same time. However, even though it is recognized as something contained in Islamic law, justice as a legal discussion will be difficult to find in *ushul fiqh* books. *Usul fiqh* (Islamic jurisprudence) provides guidance on God's relationship with humans, God's position as lawgiver and various methods that describe how God's will in the Qur'an and the Prophet's explanations are understood.

Justice in the explanation is included in the category of substantive law. Justice is defined from a theological point of view, God's relationship with humans is vertical. Allah as the Most Just and Most Right knows the truth and ultimate justice. Humans must always find justice and truth given by God through the process of ijtihad. The principle of justice requires the use of ratios to make comparisons between one case that is not explained by the Word of God or the words of the Prophet with another case that has legal legitimacy. In that way, Islamic law develops and reaches a wider range of legal cases based on the principle of equality.

Islamic legal theories do not clearly distinguish between positive law and morality (Ahmad, 1986). The construction of Islamic reasoning about law and justice represents a view that links justice with truth. To act justly is to act rightly. Seeking justice is the same as seeking truth. Truth is a representation of God"s will to humans which is described through *al-ahkam al-khamsah*, namely obligatory, sunnah, permissible, *makruh*, and haram. Substantive justice in Islamic law is always associated with the will of the maker of sharia (Allah) towards humans, whether that will be understood through logical deduction (*kaedah lughawiyyah*), analogical deduction (*qiyas*), or deduction from general sharia principles (*maqasid shari'ah*) (Khallaf, 1978).

In the end, justice refers to the judge's efforts to find the truth and give the law if there is a violation for which there is no formally stated rule. This is a form of procedural justice. Procedural justice is an external aspect of law, where substantive justice is realized. Without procedural justice, substantive justice will only become theories that do not touch the reality of society. However, in addition to justice, the value of legal certainty and usefulness is also important to consider in law enforcement (Huijbers, 1993).

Conclusion

Justice is an abstract concept that has great power in shaping perspectives. Justice has a wide range of meanings and enters various fields: economics, politics, law, and theology. Islam is also very concerned with the issue of justice. The concept of justice will continue to develop in line with social developments. The meaning of justice becomes part of the current of culture and social dynamics, so that the meaning will always be new without leaving the achievements that have been produced by previous generations. The construction of law and justice in Islam cannot be separated from morality and transcendental belief, because these aspects are interrelated. Justice in the explanation is included in the category of substantive law. Justice is defined from a theological point of view, God's relationship with humans is vertical. Allah as the Most Just and Most Right knows the truth and ultimate justice. Justice is an ideal value that is always inherent in the making and implementation of law, justice is often presented in an abstract concept so that it is often understood without clear boundaries. However, it cannot be denied that the development of Islamic legal thought cannot be separated from the conception of justice.

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THE ISSUE OF PUBLIC OFFICIALS' PROMISES IN THE LIGHT OF PHILOSOPHY OF STATE

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Abstract: The legal nature of promises of state bodies has not become a subject of discussion in the theory and philosophy of Soviet and Post-Soviet Law. Issues related to the promise/assurance of an administrative act and its legal consequences are studied in more detail in the doctrine of German administrative law. Moreover, positive legal provisions on the promise of an administrative act exist in Germany.

The results of studying the promise in this article will be presented in a deductive methodology (from general to specific). The article will present:

First, within the framework of the types of law enforcement, theoretical approaches about the legal nature of the promises made by officials, their place in the system of sources of law (philosophical and legal plane);

Second, the essence of the promise made by an official as a performative act, types of promises and connection with the doctrine of legal expectation (theoretical and legal plane);

Third, judicial practice of consideration and resolution of disputes related to the promise made by administrative bodies.

The authors conclude that the fulfillment of public promises of high-ranking officials is not only a moral duty, but also causes political and legal consequences.

Keywords: promise, state body, legal understanding, psychological theory of law, theory of natural law, administrative body, administrative act.

Introduction

General provisions. The state itself is a complex social phenomenon that ensures the integrity of the society. The concept of the state has passed a long historical path, various stages of development, ranging from the primary and undeveloped state to the formed integral system of developed social life. In each era of mankind, views on the state have changed due to the concretization of fundamental values and ideals.

As is known, the problems concerning political rights and their implementation were in the focus of thinkers of the ancient world. The polit-

ical life of the states (polises) of Ancient Greece entered the history of mankind as the first example of democratic government. The ideas and principles of democracy developed by the civilization of Ancient Greek had a great influence on the history and practice of state building in subsequent eras. It was on the land of Ancient Greece that the fundamental concepts of democracy - equality, the rule of law, the election of state bodies and officials, and the active participation of citizens in solving state problems were originated (Harutyunyan, 2021, p. 104).

One of the most famous teachings regarding the ideal state belongs to the Ancient Greek philosopher Plato. According to the philosopher Plato (1998), there are the following types of states:

- state as an idea,
- perfect ideal state,
- existing in the world of ideas,
- actually existing states.

According to the Ancient Greek philosopher, actually existing states need to be transformed and improved so that they become consistent with the ideal state, namely the state as an idea.

One of the fundamental principles of the ideal Platonic state is the principle of justice. This principle assumes that the interests of the entire state are more important than the interests of individuals, and each element in the state must perform its own functions. Taking into account the principle of justice, according to the philosopher, the population of an ideal state should be divided into three main classes, which, respectively, are representatives of the three main components/ principles of the state:

- philosophers-rulers - representatives of the reasonableness (wisdom),
- warriors - representatives of the furious (courage),
- artisans and farmers (this class includes all people, in one way or another connected with production) - representatives of desirable (Plato, 1998).

The Ancient Greek philosopher Plato demands *truthfulness and honesty* from citizens, because the state dies without these qualities. Is it worth believing these requirements and are they not a trick that misleads citizens temporarily in order to preserve the existing state order? Unfortunately, the philosopher left these questions to us for consideration.

Aristotle is another great philosopher who classified the forms of government in the state. Aristotle opposes his project of an ideal state to all other theories of state structure that are not accepted, condemned and rejected. Aristotle, having his own idea of the better, distinguishes between the correct and incorrect forms of the state The philosopher considered politia (a mixture of moderate oligarchy and moderate democracy) the most correct form of government for the state, in his words: "Politia as the best form of state, combines in itself the best features of oligarchy and democracy, but is free from their shortcomings and extremes. Politia is the "average" form of the state and the "middle" element in it dominates everything: in morals - moderation prevails, in property - average prosperity, in ruling - the middle class. A state consisting of average people will also have the best state form" (Aristotle, 2004, p. 608).

However, it should be noted that when the question concerns truthfulness and honesty, Aristotle acts as an opponent of unconditional truthfulness, since this "averageness" is not self-sufficient, it must be subordinated to the "moral beauty" and "usefulness" of an act, i.e., to the requirements that develop in society and have a common meaning in the form of traditional norms, rules, and habits. According to Aristotle (1893), "A truthful person, like a good friend, "...will behave in the same way with strangers and intimates, relatives and strangers, although, of course, as it should in each individual case...", in his words he admits "owning to what he has, and neither more nor less" (p. 126). This is morally good and commendable, while "deceit in itself is bad and deserving condemnation" (Aristotle, 1893, p. 128). At the same time, a forced deceit (under the pressure of circumstances beyond human strength) is forgivable, "evokes sympathy," and therefore is not punishable.

The problem of the truthfulness of a person's honesty in statements and promises did not play much importance for Aristotle and Plato, as it was at Cicero as well, who lived in the era of the decline of the morals of Roman society and the beginning of tyranny of emperors (Utchenko, 1972). It is far from accidental that in almost all of his works, Cicero, in some way citing historical examples of the ability of people to follow an honest and virtuous lifestyle, tries to carve out the image of an "honest person".

Being a lawyer, Cicero, however, did not divide duties as moral and legal, because everything is aimed at achieving a common goal, namely, to streamline a person's life. In his scientific essay "On Duties", Cicero (1887) exalts justice as the highest of the virtues, the basis for which is "fidelity, namely, truthfulness and, of course, steadfastness in words and obligations assumed" (p. 14).

It should be noted that Cicero adheres to the opinion of Aristotle and believes that duties depend on circumstances, since when circumstances change, obligations cannot remain the same. According to the philosopher, a person's duty must correspond to his natural capabilities. If we compare fraud with force, then "fraud", in his words, "seems to belong, as it were, to the fox, and force to the lion". "And neither to be congenial with man. Yet of the two, fraud is the most detestable" (Cicero, 1887).

The Roman philosopher Cicero postulates the most important principle of moral philosophy - the unity of moral duty ("morally beautiful") and useful. According to his postulate, the immorality cannot be useful, it always goes harm. Cicero (1887) says: "...nothing that is not worthwhile is beneficial, even if you could achieve it, uncovered by anyone" (p. 216). The philosopher deduces a very clear and strict rule "either what seems useful should not be shameful; or, if it is shameful, it should not seem useful". Useful, advantageous should not contradict the moral. But is the morally beautiful immutable and permanent? No. (Cicero, 1887). The Roman philosopher enhances the conditioning of moral norms with the following words: "Thus many things which seem to be right by nature become wrong by circumstances. *To keep promises*, to abide by agreements, to restore trusts, to return what has been accepted for safekeeping, by a change of expediency becomes morally wrong" (Cicero, 1887, p. 228).

As we can see, the topic of "promise" has always aroused interest both from an ethical point of view and from a moral philosophy. First of all, by "promising" we assume responsibility and obligation, that is, it can be said that a promise in itself creates an obligation.

In Roman law, unilateral promises given to an indefinite circle of persons or directed to a certain person who has not yet received this promise, as a rule, were not sources of obligations. As an exception, unilateral promises could be sources of obligations (obliges the person making a promise immediately, i.e. without accepting it by another person) only in the following cases: if unilateral promises were made in favor of a temple (Votum) or in favor of the state (policitatio[1] (Bernstein, 1871, p. 19)). Unilateral promises made by a private person, i.e. promises that an unspecified person, if he/she finds a thing or performs something else, will receive a reward, were also protected by law (Pukhan & Polenak-Akimovskaya, 2000, p. 294).[2]

In Roman law, a promise made to the state was considered a legally binding and legally enforceable act if there were special reasons for this (instacansa), for example, a person who has made a promise is given or will be given an office/position; the community was damaged by fire or earthquake, but the fact is that the promise made to the state was legally protected (Baron, 1910, pp. 16-17).

The concept of "social state" was first introduced into scientific circulation in 1850 by the German statesman and economist Lorenz von Stein (1815 - 1890). However, E. P. Hennock (2007), a professor of history at the University of Liverpool, in his work "The Origin of the Welfare State in England and Germany, 1850-1914: Social Policies Compared" proved that the concept of the social state, almost simultaneously, began to develop from the middle of the 19th century in England and Germany. In any case, it should be perceived that, in one form or another, social policy was carried out by states throughout the history of their existence. If we look back at history, we will see that already in ancient Greek Sparta there was an institute of guardianship over orphans. It should be noted that social policy was carried out in later historical periods - in medie-

[1] The word "pollicitatio" has two meanings: in the narrow sense it means a unilateral unaccepted promise, in the broad sense it means both an accepted and an unaccepted promise. Grammatically, the word "pollicitatio" means only one side of the contract - the statement of the obliging party; but also in Russian, French and German, the word "promise", corresponding to the word "pollicitatio".

[2] In modern states, too, a public promise to pay a reward (including a promise given by the state) is the basis (as a unilateral action) for the emergence of a private legal obligation (Article 1041 of the Civil Code of the Republic of Armenia).

val Europe and in the states of the New Age as well.

One of the main stages in the development of the ideas of the social state was the period of economic development after the Second World War, which is known for the formation of clearer classifications of theoretical models of the social state and the beginning of their construction in European countries.

Starting from the second half of the 20th century, in jurisprudence, and in particular in constitutional law, the idea of a modern state as a social state appeared. In many constitutions of foreign states, the concept of "social state" is currently enshrined: in the RA Constitution it is enshrined in Article 1 (Constitution of the Republic of Armenia, 2015).

The concept of social state (welfare state) is quite complex and comprehensive and can be considered from different points of view. Thus, economic, political and ideological approaches to the consideration of this concept may be distinguished in the scientific literature. However, within the framework of all these approaches, the existence of some basic elements is assumed, without taking into account the interaction of which it is impossible to obtain a basic idea of the social state. These elements include the state itself (its public authorities), the market and the society (Tavip, 2014).

Today, most constitutions include a wide range of socio-economic rights, either as directly enforceable provisions or as desirable statements or directive principles. One of the modern indicators of a social state is social justice, which essentially means creating, ideally, equal starting opportunities for all members of society through the system of upbringing, education and social support, etc. (Dawood & Bulmer, 2017).

In a philosophical sense, the Constitution is a promise, an oath that the state gives to its citizens. Frequent changes/amendments in the constitution are tantamount to inability and unwillingness to keep the given word. If we want to secure the blessings of freedom for ourselves and our descendants – and to make sure that its promises of protection are worthy of our respect – then we must always respect the principles of our nation's fundamental law and the public servants who will fulfil those promises. Of course, not all constitutions are formed as an antidote to the state of nature. People who are dissatisfied with their current political system demand promises from their superiors to rule according to a more just or orderly set of criteria. When citizens participate in constitution-making processes, the desire to improve their economic situation and social circumstances is often at the foreground of their minds. Many people would like to see a firm (and preferably enforceable) promise in a constitution that their needs and priorities will be resolved by the state.

Because the constitution of the country is its supreme law, the recognition of the right to social security in the constitution of the country usually means that this right enjoys a higher level of protection than if it were simply included in ordinary law. However, ensuring socio-economic rights requires public resources and the potential of the state (in terms of technical knowledge and efficient administrative structures) (United Nations, 2018). If the state fails to bring them together, then rights will exist only as unfulfilled promises. It is said that this can have a harmful effect on other rights and on the constitutional system as a whole, as it can lead to a political culture in which the promised rights exist only on paper and are not regarded by the public or the government as credible or binding to execution (Dawood & Bulmer, 2017).

We conclude from the foregoing, that the constitution must be realistic. All states, even the poorest ones, have a direct duty to "take the fastest and most effective steps possible" to realize social and economic rights to the maximum extent possible.

In the history of political and legal doctrines, however, the need to keep the promises of the monarch (other officials) or the possibility of their failure has been discussed. For example, in the Middle Ages there were politicians, philosophers who not only justified the fact that the sovereign did not keep his word or promise given to them, but also viewed it as a necessity.

However, it is assumed that a person living in the 21st century must trust the clearly formulated (given) promise of the power he has elected. Modern man, expecting that the promise made by the highest body of state power will be fulfilled, can build his further behavior in accordance with this promise. However, expectations and reality diverge on this issue.

If in the Middle Ages the monarch, considered a "cunning fox", due to his absolute power,

could avoid to fulfill a publicly made promise, in the 21st century, on the contrary, a populist leader, thanks to his "natural" abilities to resort to manipulation, is able to easily avoid fulfilling promises and successfully get rid of the political and legal consequences of failure to fulfill them. A vivid example of this is the public promise of the Prime Minister of the Republic of Armenia and the Minister of Justice of the Republic of Armenia dated 11 May, 2020, to gradually increase the salaries of judges (Pashinyan & Badasyan, 2020). This promise was specific and definite, as it indicated a clear timeframe and amount of salary increases, which served as the basis for a number of judges to take loans to purchase housing, but the promise was not kept, and these judges faced the difficult task of meeting their financial obligations in a timely manner.

Failure to fulfill promises made by leaders or officials of the state can always be justified by various pretexts; however, the political and legal threats of failure to fulfill the promises of officials should not be underestimated. Thus, the failure of the center-right government in France to fulfill its promises to combat unemployment, the encroachment on the social gains of the masses, became the main reason for the defeat of the parties of the government coalition in the early parliamentary elections of 1997 (Baglay et al., 2004, pp. 279-280). It is no exaggeration when Russian constitutionalists point out that the ultimate reason that regimes in the countries of the former Soviet Union and Eastern Europe fell was their prolonged failure to fulfill their promises (Mishin, 2013, pp. 208-209).

The third President of the Republic of Armenia, whose term of office expired in 2018, initiated constitutional reforms in 2014, which provided for the transition to a parliamentary form of government. On 10.04.2014, the President of the RA at a meeting with members of the Specialized Commission on Constitutional Reforms, stated: "I officially declare that I, Serzh Sargsyan, will never nominate my candidacy for the post of the President of Armenia again. If, as a result of the final discussions, a path is chosen that does not correspond to my desire - I mean the parliamentary model of government - then I will not apply for the post of the Prime Minister either. I am even sure that the same person should not more than twice in his life claim to be at the helm of the state in Armenia again" (Sargsyan, 2014).

On 06.12.2015 a referendum was organized in Armenia, as a result of which amendments were made to the RA Constitution and a transition was made from a semi-presidential form of government to a parliamentary form of government. Changes to the Constitution entered into force in full in 2018, after which the President of the Republic of Armenia (whose term of office had already expired), contrary to his public promise, was nominated as a candidate for the Prime Minister, and on 17.04.2018 was elected Prime Minister of the RA by the National Assembly of the Republic of Armenia. Following it, mass protests began in Armenia, during which the accusation that the President of the Republic of Armenia openly violated the clear promise made in 2014 that he would not aspire to lead the country for the third time and would not run for prime minister, was heard most often.

A few days after the election on 04/23/2018, the RA Prime Minister resigned, noting: "Street movement opposes my tenure in this position" (Sargsyan, 2018). The organizers of the street movement called the occurrence a revolution, after which a series of tragic events took place in Armenia, the threats of which have not yet been fully disclosed.

Thus, non-fulfilment of promises by persons holding high public positions can have devastating consequences for the state; there fore the science of constitutional law should try to find legal guarantees that will protect society from the negative consequences of unfulfilled promises, especially if these promises objectively served as the basis (reason) for organizing the legal behavior of members of society. Failure to fulfill such promises and their consequences should be the subject of not only political, but also constitutional and legal assessment. The aforesaid is especially relevant in such state systems where populism prevails. However, such issues require a separate study. Whereas the subject of this article is more specific: the promise of an official (administrative body) to adopt an administrative act and its consequences.

Promise of an Administrative Act as a Subject of Scientific Research

The promise of administrative bodies to adopt an administrative act and its legal consequences have not been the subject of comprehensive scientific discussion in the Post-Soviet states. There are also no studies on the legal consequences of the promise of an administrative act in Russian and Armenian jurisprudence. There are no positive legal regulations regarding the promise of an administrative act in Russia and Armenia as well. Even if disputes related to the promise of an administrative body arose in Armenian practice, these disputes either did not become the subject of court consideration, or, in order to resolve the dispute in court, the parties accepted the doctrine of legitimate expectations as a basis.

Issues related to the promise of an administrative act and its legal consequences are studied in more detail in the doctrine of German administrative law. In some works on German administrative law, recently translated into Russian, analyzes about the promise of an administrative act can be found (Pudelka, 2021, pp.71-72; Broker, 2021, pp. 84-93). Moreover, there are positive legal provisions on the promise of an administrative act in Germany.

The results of studying the promise of an administrative act in this article will be presented in a deductive methodology (from general to specific). The article will present:

First, within the framework of the types of law enforcement, theoretical approaches about the legal nature of the promises made by officials, their place in the system of sources of law (philosophical and legal plane);

Second, the essence of the promise made by an official as a performative act, types of promises and connection with the doctrine of legal expectation (theoretical and legal plane);

Third, judicial practice of consideration and resolution of disputes related to the promise made by administrative bodies.

The Legal Nature of the Unilateral Promise of an Official by Types of Legal Understanding

General provisions.From the point of view of legal positivism, the obligation to fulfill the promise made by an official can be considered part of objective law if the rule on this obligation is fixed in a regulatory legal act, otherwise the judgment about the obligation to fulfill the promise is not in itself a legal norm and, therefore, cannot entail legal consequences and cannot be considered a normative basis for resolving a legal dispute. From this point of view, the substance of the legal obligation to fulfill the promise made by an official is absent if there is no positive legal norm in the given legal system on the obligation to fulfill the promise.

The Normativists consider it a duty to keep a promise as a moral obligation (part of a static normative system). Thus, Hans Kelsen in his work "Pure Theory of Law", as an example of the norms of a static normative (moral) system, indicated the norms "do not lie", "do not cheat", "do not give false testimony", "do fulfill the promise" - and he derived these norms from a more general norm, namely from the norm that prescribes to be truthful (Kelsen, 2015, p. 242).

Can the norm on the obligation of an official to fulfill the promise made be considered part of a dynamic normative system (legal order)? The answer to the question is positive: it is important that the norm providing for such an obligation is valid and effective. The content of this norm does not matter for belonging to a dynamic normative system (law and order).

The second question that may arise is whether H. Kelsen wants the obligation of an official to fulfill a promise to be provided in a dynamic regulatory system? After all, the state limits itself with this self-binding. The answer to this question is also positive. The state, having introduced into the legal order the norm on the obligation to fulfill the promise made by an official, limits its power, however, the self-binding of the state was not alien to the theory of H.Kelsen. The state, having introduced into the legal order the norm on the obligation to fulfill the promise made by an official, limits its power, however, the self-binding of the state was not alien to the theory of H.Kelsen. Although he thought that the state exists independent of law and even precedes the law, at the same time he noted that the state fulfills its historic mission by creating the law, "its" law, the legal order, and "submits itself to it afterwards", "a state not subject to law is inconceivable" (Kelsen, 2015, pp. 349-380). From the foregoing, we can conclude that from the point

of view of normative legal understanding, a valid and effective norm on the fulfillment of a promise made by an official can be considered part of the legal order.

Outside of positive law, the legal obligation to fulfill a promise given by an official can only be discussed within the framework of a broad legal understanding, the supporters of which, however, rarely speak explicitly about the legal nature of promises made by officials, their place and role in the system of sources of law. In such cases, judgments about the public and legal nature of the promise should be derived from the general judgments of the supporter of the given legal understanding.

In this article, we will consider those types (directions) of legal understanding, where issues related to the legal nature of the promise made by officials are discussed explicitly: Let us turn to the doctrine of natural law (on the example of international law) and the psychological theory of law of L. I. Petrażycki.

The Legal Nature of the Promise of the State According to the Theory of Natural Law (On the Example of International Law)

Specialists of international law consider promises of the state to be a source of law in a material sense (Anzilotti,1961, p. 78), or as a unilateral act of a state that gives rise to international legal consequences, or a source of international obligations (Kalamkaryan, 1984), or a source of international obligation (Konnova, 2014, p. 9.).These qualifications, given by modern specialists in international law, were influenced by the teachings of the founder of the theory of international law H. Grotius.

The doctrine of H. Grotius on the obligation to keep promise. Experts in the history of legal and political doctrines note that, according to the teachings of H.Grotius, the source of natural law is the human mind, which contains the desire for a calm communication of a person with other people. In accordance with this reasonable public sociability, a person has the ability to know and act according to general rules. Such observance of the general rules of coexistence is the source of the so-called law in the proper sense. This includes the "obligation to fulfil promises" (Nersesyants, 2004, p. 300). Regardless of the presence of written laws and ascertainment, a person by his very nature is inherent in the desire for justice, the desire for such an order in which the coexistence would not be violated. For this purpose, a human develops special norms that regulate relations between people in the society. These rules prescribe ... the fulfillment by people of the promises they have made. Whatever is contrary to these principles is also contrary to human nature (Bihdriker, 1938, p. 112).

It is clear from the quotations that H.Grotius considered the obligation to keep (fulfill) the promise a requirement of natural law, intended to ensure justice and coexistence. If any rule or behavior is contrary to the requirement to fulfill a promise, this means that this rule or behavior is contrary to the natural rights of a person.

H.Grotius in his well-known work devoted a separate chapter (XI) to promises, where he discusses in detail the nature of a unilateral promise, the conditions for the legitimacy of a promise, and other issues. H.Grotius distinguished three stages of expressing the will about future actions, and accordingly singled out three modes of promise: 1) a bare assertion not binding; 2) a mere promise gives rise to a natural obligation, but no right arises for another; 3) promise from which rights arise for another person.

1) A non-binding bare assertion is an expressionof the will existing in the present about the future intentions.

This regimen of promises is vague, since H. Grotius does not point to an example of an expression of will about future actions that does not bind a person. Under such conditions, it is difficult to imagine a bare assertion about future actions that does not legally or naturally bind the person who made the promise. It can be assumed that a bare assertion did not entail a natural or legal obligation to fulfill (preserve) it, since the statement (assertion) about future actions was a simple description of goals, and future actions. The person who made the assertion does not express a direct and clear will to do something in the future. In other words, a bare assertion about future actions was considered a description of future actions (intentions), and not a performative act[3] (Arutyunova, 1990).

2) In the case of a promise that gives rise to a

[3] Performative (from Medevial Latin performo - I act) - a statement equivalent to an action, an act.

natural obligation, "the will itself determines itself for the future with a sufficiently clear expression, indicating a readiness to persist in its intention" (Grotius, 1956, p. 330). This type of promise, although it obliges a person, but this obligation has a natural character and not legal. Promises that give rise to a natural obligation, but no legal right arise for the other party, are related to mercy, gratitude, and etc. For example, if a person promised out of mercy to provide material assistance to another person, then he is bound by a moral (natural) obligation to fulfill the promise; however, the other party, on the basis of this promise, cannot by legal procedures demand the fulfillment of the promise or the imposition of a penalty for non-performance of the promise. Grotius noted that "the promiser cannot be compelled by natural law to keep the promise" (Grotius, 1956, p. 330).

3) In the case of a promise that gives rise to the right to demand, the expression of readiness to concede own rights to another is added to the indicated self-determination of the will. This is a perfect promise that entails an action similar to the alienation of property. It is either a way of alienating a thing (for example, a promise to give up something), or it is an alienation of some part of our freedom (for example, a promise to fulfill something) (Grotius, 1956, p. 330).

The second and third types of promises, if they are expressed by the wording "I promise..." and express a clear will for future actions, then in modern terminology they can be called performatives, that is, speech acts equivalent to action. The second type of promise limits the person making the promise, not legally, but morally. A promise of the third type entails legal consequences: the addressee of the promise acquires the right to claim.

General Theoretical Problems of the Official's Unilateral Promise

General Provisions.A unilateral promise made by an official may form certain expectations in his addressee, and the latter can organize his behavior on the basis of this promise, with the expectation that the promise will be fulfilled.If an official, without any reasonable legal justification, does not fulfill his promise, as a result of which the person suffers certain damage, then he should be able to take advantage of legal protection. The legal basis for such protection can be the doctrine (principle) of protecting legal (legitimate) expectations.[4] The principle of protection of legal expectations arises mainly for two reasons.[5]

1. The expectation arises on the basis of the termination of a subjective right at the stage of its implementation as a result of a change (termination) of the law (legitimate expectation).
2. Expectation arises on the basis of a unilateral promise of public authorities (lawful expectation). The Venice Commission, in opinion CDL-AD(2016)007 (Rule of Law Checklist) in the 5th paragraph of section "B" (Legal Certainty), reveals the essence of the principle of legitimate expectations as follows: *"…public authorities should not only abide by the law but also by their promises and raised expectations. According to the legitimate expectation doctrine, those who act in good faith on the basis of law as it is, should not be frustrated in their legitimate expectations"*.

First, the Venice Commission derives the protection of legitimate expectations from the principle of legal certainty.

Second, the Venice Commission also uses the concept of "legitimate expectations" when describing the expectations arising from the promise of the public authorities. The use of the term "legitimate" does not have a clear justification, therefore, first of all, it should be taken as a conventional term. In addition, the use of the concept "legitimate" can be explained in terms of a broad type of legal understanding. The fact is that the unilateral promises of public authorities that are outside the legislative text, from the point of view of the positivist (legist) type of legal understanding, do not bind the body that made the promise, however, from the point of view of the theory of natural law (H. Grotius) or

[4] As a rule, the concept of "legal expectation" is not used in doctrinal sources and judicial acts. In view of this, referring to such sources, we will apply the concept used by this author.

[5] There is no need to separate legitimate and lawful expectations if, in a given legal system, the obligation to fulfill a promise is provided for by the laws of the state. For example, in Germany, the legal issues related to the promise to adopt an administrative act, including the legal consequences of failure to fulfill the promise, are regulated by law.

the psychological theory of law (L. I. Petrażycki) are binding and subject to legal protection.

In order for a unilateral promise made by an official to be considered a basis for the formation of a legal (legitimate) expectation, and for the state to protect this expectation, among other conditions, the promisemust be predominantly a reformative act, and the will of the official about future behavior must be specific and substantive.

The Promise of Administrative Bodies and Its Legal Consequences in the Administrative Law of the Post-Soviet States

General provisions.The legal nature of the promise made by administrative bodies to accept or not to accept an administrative act (hereinafter referred to as the assurance of an administrative act) and its consequences were not the subject of a comprehensive study of the Soviet science of administrative law. The Soviet positive administrative law also did not provide for the regulation of the legal nature of the assurance and its consequences.

After the collapse of the USSR, the legislation of individual states provided for rules governing certain provisions on the assurance of an administrative act (for example, Georgia, Turkmenistan, and Azerbaijan).

Legislative Regulation of Promise of an Administrative Act

There is a separate article on the assurance of an administrative act in Georgia and Turkmenistan called "Assurance of an administrative body". At the same time, both countries provide for a legislative definition of the assurance of an administrative body. Thus, in Paragraph 1 of Article 9 of the "General Administrative Code" of Georgia (2021), the assurance (promise) of an administrative body is defined as follows: "*The assurance of an administrative body shall be a written document confirming that the current act shall be performed. This document may become grounds for legal reliance of an interested party*".

Paragraph 1 of Article 29 of the Law of Turkmenistan "On Administrative Procedures" (2017) gives a similar definition, but does not indicate that a written document containing an assurance can become the basis for the legitimate trust of the person concerned.

"An administrative body may assure to issue an administrative act only after the interested parties submit personal opinions and the administrative body gives its written consent. The consent shall be required under legislation for issuing the promised administrative act," (General Administrative Code of Georgia, 2021, Paragraph 3 of Article 9). A similar definition is given in the Law of Turkmenistan "On Administrative Procedures".

The legislation of both states also provides grounds for recognizing the assurance of an administrative body as invalid or for the nonexistence of legitimate trust in relation to the assurance. Thus, legal trust in respect of the assurance of an administrative body cannot exist (Georgia), or the assurance of an administrative act is invalid (Turkmenistan) if:

1. it is based on an illegal assurance of an administrative body;
2. it is based on the unlawful act of the interested party;
3. if due to a change in the relevant regulatory act, the person cannot meet the established requirements (Georgia);
4. it contains signs used to invalidate an administrative act (Turkmenistan).

Unlike Georgia and Turkmenistan, in the Law on Administrative Proceed of Azerbaijan, the norms on assurance are enshrined in an article on the principle of protecting the right to trust. According to Paragraph 3 of Article 13 of the law, the trust of individuals or legal entities in assurance or statements of administrative bodies related to the subsequent adoption or non-adoption of an administrative act is protected by law. Assurance or statement of administrative authorities are recognized as an effective guarantee and form the basis of the right of confidence only if they are made in written form. The trust of individuals or legal entities in administrative practice cannot be based on illegal actions.

The Promise of an Administrative Body in the Judicial Practice of the Republic of Armenia

The RA Law "On the Fundamentals of Admin-

istration and Administrative Proceedings" does not provide for a provision on the promise/assurance of an administrative act. This law does not expressly (explicitly) provide for the principles of protecting legitimate expectations or the right to legitimate trust. However, the RA judicial authorities often refer to the doctrine of the protection of legitimate expectations. Thus, the Constitutional Court of the Republic of Armenia in its decisions DCC-723, DCC-741, and DCC-881 stated the possibility of protecting the right of ownership on the basis of legitimate expectations.

On 18 March, 2008, the Constitutional Court of the Republic of Armenia noted in Paragraph 8 of the decision DCC-741:*"The protection of property rights guaranteed by Article 31 of the RA Constitution is granted to those persons whose property rights have already been recognized in accordance with the procedure established by law or who, by virtue of the law, have a legitimate expectation of acquiring property rights"*.

The principle of protecting legitimate expectations is also applied by the RA Administrative Court. The Administrative Court of the Republic of Armenia in certain cases considered the promises/assurances made by state bodies as grounds for the formation of a legitimate expectation.

Thus, on 18 December, 2001, the Government of the Republic of Armenia entered into a concession agreement with "Armenia International Airport" Closed Joint Stock Company (hereinafter referred to as the Company). According to the mentioned agreement, the Government of the Republic of Armenia guaranteed (assured) that the use of the rights, opportunities and powers of the Company will not under any circumstances be considered an abuse of a dominant position in the market or a restriction of competition.

Contrary to the promise/assurance of the Government of the Republic of Armenia, the State Commission for Protection of Economic Competition of the Republic of Armenia by decision 288-A of 20.07.2022, qualified the actions of the Company, in particular, unreasonable increase in the price of goods, the establishment or application of discriminatory prices, the establishment or application of discriminatory conditions (including prices) in relation to other business entities or consumers under otherwise equal conditions, as abuse of a monopoly position, that is, it stated a violation of the RA Law "On Protection of Economic Competition".

The Company challenged the mentioned act in the Administrative Court of the RA. The Administrative Court of the Republic of Armenia in the administrative case No. AC/0962/05/21 satisfied the claim and stated that the guarantees (assurances) issued by the State aroused a legitimate expectation in the interested person.

The promise made by Government of the RA was essentially not valid. The Government of the Republic of Armenia was not entitled to assure that in a particular case it would not react to the offense committed by the Company, that is, would not hold the Company liable. The promise of an administrative body not to respond to an offense committed by a particular person is unlawful in itself. In order to avoid such situations, it is necessary to provide legal provisions regarding the promise of the administrative body.

Conclusion

Failure to fulfill promises/assurances by persons holding high public positions can have devastating consequences for the state, therefore the science of constitutional law should try to find legal guarantees that will protect the society from the negative consequences of unfulfilled promises, especially if these promises objectively served as the basis (reason) for organizing the legal behavior of members of the society.

Unilateral promise of public authorities that are outside the legislative text, from the point of view of the positivist (legist) type of legal understanding, do not bind the body that made the promise, however, from the point of view of the theory of natural law (H.Grotius) or the psychological theory of law (L. I. Petrażycki) are binding and subject to legal protection.

The RA Law "On the Fundamentals of Administration and Administrative Proceedings" should provide for a legislative definition of the promise/assurance of an administrative act, the basis for the invalidity of a promise/assurance.

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PHILOSOPHY OF ART

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ART AS INNER KNOWLEDGE: DINO VALLS

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La forza di un quadro è quella di restituirci un'assenza.
Manlio Sgalambro

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Abstract: The marriage between painting and psychology is certainly propaedeutic to inner research as well as to artistic expression tout court. The contemporary Spanish painter Dino Valls falls within this perspective as his art is utterly bipolar and focused on the two sides mentioned above: on the one hand the expressiveness supported by an outstanding technique, a broad cultural background and a downright innovative style, on the other hand, the search for oneself through the Jungian tool of active imagination. Through the latter, the painter investigates his inner world, testing himself in an extremely original and fascinating "psychoanalysis through art".

The intent of this paper is twofold: firstly it intends to highlight the prominence of Dino Valls in the contemporary world art scene highlighting both his relationship with the Surrealist heritage, and his Jungian matrix, real foundation of his inspiration; secondly the paper aims to cast light on the concept of inner investigation, which turns to be the aim and the motor of his whole artistic commitment, giving art an utterly philosophical purpose.

Keywords: Dino Valls, Carl Gustav Jung, active imagination, psychology of art, surrealism, figurative painting, avant-gardes, esotericism, syncretism, unconscious.

Introduction

A surgeon who eventually ended up working as an artist, carving himself out a prominent role in the world's art scene, is certainly a great character as well as quite a peculiar figure. Deemed one of the best figurative living painters, Dino Valls grapples with the mysteries of the unconscious calling them into question through representations ostensibly eerie, which certainly intrude upon usual figurative art.

Pondering on what lies behind the conscious, Valls posits a world of wonders typified by constant and steady attempts to any conscious' reliance, letting us glimpse the recesses of inner chasms unraveled by the psychological short circuit he sets off with his output.

What we are assessing here, challenges art ordinarily understood. What he ushers in conceptually, is way beyond it, let alone his expertise in painting, we are speechless in front of his technique and what's more, we can't even believe ourselves when we find out he's a self-taught painter. As Fabrizio Carli asserts: "Valls is an artist who in no way leaves indifferent: fascinates and even rejects; restless and maybe hurt. But it is impossible for his paintings to arouse a feeling of habituation" (Gomez, n.d.).

Born in Saragoza, Spain, in 1959, he graduated in Medicine and Surgery in 1982, however he never worked as a doctor, in fact he immediately embarked on his artistic journey. Valls started painting in oil in 1975 then, under the influence of the great masters of the past, especially the Italian and the Flemish ones, he opted for a combination of oil and egg tempera.

"Over a period of twenty years, he has applied himself to study in detail the techniques, iconography and iconology of 600 years of Western art; … Valls is not at all a realistic painter, in any case, quite the opposite. An art of his own, imaginative and mental, metamorphic, often visionary, always separated from direct comparison with nature, and nourished by the history of art" (Gomez, n.d.).

His mission as an artist, blatantly exposed in his conceptual works – mainly representing uncanny, bewildering, creepy faces belonging to tormented bodies – deal with exploring the human psyche; the latter is repeatedly displayed, charged with his profound symbolism. Valls, in virtue of a solid cultural background, succeeds in his undertaking, presenting us a highbrow, sophisticated gallery of dazzling, thought-provoking pictures which, as a psychological blast, throws the mystery of the id right in front of our wonder. "And just as all paintings are self- portraits, mirrors are hung on the walls, which extends the relation of participation and incidence between the work of art, the author and the spectator" (Dino Valls, modern symbolist painter, 1993), a sort of chemistry immediately raises between us and those *vultus*.

Even though, visually literate people are now inured to the most shocking artistic outputs, what Dino Valls does, strikes us and floors us to a fault. On top of that, Valls' art qualifies as being pedagogical too as it teaches us something, it points out a way, it sets a path – following it, it's up to us.

In the picture *Mutus liber* (Mute book), we see a lady[1] in front of a bookshelf, full of ancient books, all of them with the same title: indeed *Mutus liber*.

She is sat on a carpet in which a maze is drawn. On her back some mysterious, tiny and indecipherable writing, is tattooed. The symbolism is quite clear: she could remind us of our inner self which is pointing out the path to follow, she warns us though: the track is dark and hard to follow, it is a real labyrinth. However, we could manage to find our way in virtue of the knowledge, symbolized by the bookshelf next to her, the books are ancient, therefore filled with perennial philosophies and universal truths. Moreover they share an identical title, they hammer those truths, their aim is well-nigh straightforward and inclusive.

The *puella* embodied that knowledge, its formulas are tattooed on her flesh, they are always with her then, she can't fail – we can't fail: that occult, precious wisdom is the key to find a way out from the labyrinth of our psyche.

The whole work of Valls, fraught with enigmatic inscriptions and inscrutable codes, is a detailed system meant to let you extricate in the dark, treacherous labyrinth of the unconscious, where inmost meanings of our life path lay – this is what Valls seems to convey through his paintings, at times whispering, at other times "screaming" it to us. Nevertheless, hitting the mark.

The main character of this gripping journey is a little girl, differently portrayed in any picture, at first we actually see different girls, usually one for each picture but then, analysing his work we could figure out she is the same one depicted in different ways, as many as the sides of our unconscious. One of the first question one can inquire about in front of Valls' works is, indeed, who are *those* girls? Who is *that* girl? We know Valls doesn't use real models, so who is she? Where did he see her?

[1] She is the main recurring character depicted in different ways in Valls' works.

In the meanders of his unconscious, obviously. However, first things first.

Main Subject Matters

Valls' art is extremely rich in content; therefore it is necessary to go through them meticulously. First of all, sickness: both of the soul and of the body. We know he is a doctor, so obviously patients, sick people, doctors and any kind of inspections are widely shown in his pictures. What mostly strikes him, however, is mental sickness. The latter is carefully displayed in numerous pictures, let us mention *Insania, Limbus, Ad inferus, Aurum.*

Weird diseases are shown too, we see girls with two heads, *Anfisbena*, or even three sisters embedded in one body, *Aracne*, two sisters in one body, *Vortice* and *La cuerda de plata*. Here's what Michael Pearce thinks about it:

> Valls shows the girl as the subject of examination by an outside force: she's poked and pierced by pins, measured with dividers, dismantled from herself and compartmented into display cases as if a half-buried mannequin gazing directly out at us.
>
> The paintings imply that someone is very focused on taking apart this poor girl, making a reductive examination of every part of her. She's presented as a wonder of the cabinet. She is carefully and sadistically labeled, categorized and displayed. But the intensity of the examination has had its effect on her, leaving piercings on her face, the Latin word *vultus* cut into her skin, her red eyes emptied of her tears, a metal bar piercing her head.
>
> The sophistication of the paintings makes it perfectly obvious that Valls is a profoundly intelligent, well-read fellow (Pearce, n.d.).

Valls' art "is the conjunction of the conscious with the unconscious, of the subjective with the objective, of the easy with the difficult, of the circumstantial with the eternal. There enters the view of the spectator who projects on the canvas all their joys and restlessness, arriving at a symbiosis so perfect that you no longer know who is who, what is what…" (Brevìsima historia de la belleza, 2010). All this to say that, another main topic in Valls is dualisms, he constantly plays with them: oldness-youngness, sacred-profane, male-female, torture-ecstasy, sane-insane, patient-doctor, good-evil, beautiful-ugly. He's inquiring about them, whether he possesses the answer or not, is a mystery to us, we only see how he posits the questions: is *she* old or young? Sane or insane? Male or female? She's got white hair but she's an adolescent (*Quinto dolor*), so why? She represents the unconscious, the latter is not affected by time, at least in the way the conscious is. In a dream we could have an experience that lasts a day or a week or even a year while probably in reality only one minute has passed[2].

What about the boundaries between what is sacred and what is profane? Who is in charge for that decision? Art could - should - shuffle cards, it's one of its main aims in the end, in order to make us think of course. As Gabriel Villalba states: "There is anguish where there is love, there is eroticism where death is. Where the obvious is dismissed there is life. You will meet a painter where there is thought" (Dino Valls, 2017).

Conceptual art is always dazzling and we are supposed - even compelled at times - to participate in the artist's journey, in his mission. We're not meant to be passive, in front of such an artist we are asked to be involved, a process is going on, those little girls are staring at us penetrating forcefully into our conscience through their "unconscious" gaze. Their specific situation, always different depending on the picture, is a blast of perennial quests, about our inner world, about who we really are.

[2] Pavel Florenskij (1977) reflects on it in his work *Iconostasis*: "In an interval that is very short according to the external measure, the time of the dream can last hours, months, even years, and in certain special cases, centuries and millennia. In this sense no one doubts that the sleeper, isolated from the external visible world and shifting through his consciousness in the second system, also acquires a new measure of time by which his time, with respect to the time of the system he abandoned, passes with incredible speed" (p. 21). Authors' translation.

By looking at those puzzling *puellae* we simultaneously look at ourselves: we are old and young at the same *time*, just because the riddle of the id is beyond time itself, we are patients and doctors of ourselves as we constantly recover and improve through inner investigation, we are sane and insane, depending on which perspective we look at the world we live in, which in turn can be considered sane or insane too[3]. Observing Valls' uncanny pictures, we are requested to ask ourselves those kind of questions we can't get away with: we must inquire, by all means. It's an overpowering need for knowledge.

As Fernando Castro Flórez states:

> We could understand the whole aesthetic of Valls as a kind of speculation about the condition of the contemporary subject. His paintings are mirrors where anxiety and the painful process of unfolding of the personality is settled. The darkest monster is actually inside us. The most beautiful and even "angelic" bodies are wounded and, from the space of representation, we are challenged. …We can not escape the dismayed or disturbed look of the figures painted by Dino Valls, those eyes are on the edge of something we do not understand, as if they were expecting something that we can not do. Their symbols allegorize the unconscious, tangentially naming the drives, alluding to processes of transformation, retaking a thought that goes beyond the reticulation exerted by the rational? (Gomez, n.d.).

Duality is a concept which is thoroughly entwined in the next topic we are going to analyse: esotericism. As Nadia Choucha (1991) puts it in her essay *Surrealism and the occult*: "The concept of the magical polarity between the ugly and the beautiful, life and death, etc., is also to be found in alchemy and the Cabalah" (p. 62)[4]. Jung (1977) was very concerned about it too and his *Mysterium Coniunctionis* is certainly the coryphaeus of this certainty, the latter, as a core point of conjunction, is unquestionably main in Valls too.

Hence, esotericism, syncretism and the thought of Carl Gustav Jung – whose echo is deafening in Valls - is another massive topic in his descriptions, whereas a great part of his whole work is marked with them.

Numerous are the canvases where these themes are illustrated, let us think of *Nigredo*, the title itself is a remind of Alchemy and in the picture we see the little girl wearing a dress made of many different fabrics, each of them ascribable to a different fashion, a different style, a different country, a different culture: syncretism, indeed. Some works already speak with their titles: *Ars Magna*, *Labor intus*, *Initiatio, Ad inferos, Aura, Opus nigrum, Mutus liber, Solve et coagula, Liturgia abisal, Sefirot.* A real joy for the lover of esotericism.

We definitely face a very well educated painter who is leading us into a marvelous philosophical journey, "philosophical" in its primordial connotation, i.e. who we are, where we come from, where are we going – three main perennial questions which are still yet to be answered. However, people who dare to cope with them are in high demand as the answers – this is what Valls seem to whisper - are the key to our "salvation" as human beings. An earthly salvation though. Even if

[3] "The average man is generally considered "normal ", as long as he play by the social norms of the environment in which he lives, in other words he is a "conformist "; however, normality understood in this way is an unsatisfactory concept; it is rather static and exclusive. This normality is a "mediocrity" that does not admit or condemn all that is outside the norm, and therefore is considered "abnormal", without taking into account the fact that many of the so-called "abnormalities" are actually beginnings or attempts to overcome the mediocrity" (Assagioli, 1988, p. 74). (Authors' translation).

[4] This symbolism permeates Breton's second Manifesto too: "Everything tends to make us believe that there exists a certain point of the mind at which life and death, the real and the imaginary, the past and the future, the communicable and the incommunicable, the high and the low are not perceived as contradictions. Now, search as one may, one will never find another motivating force in the activities of the surrealist and the hope of findings and fixing this point" (Breton, 1972, pp. 123-124). Choucha claims that "this "point" can be compared with Kether, the pint of origin in the Cabalistic tree. It can also be related to alchemy, which attempted to reconcile opposites, particularly spirit and matter" (Breton, 1972, pp. 123-124).

Christian religion[5] is widely present in Valls' work, along with its elements of sufferance and martyrdom and their relative opposites of mystical ecstasy and beatitude. Works where this topic is evident are: *Martyr*, *Pange lingua, hiatus.*

Also religion is a perspective the painter uses for reflecting on dualisms, in this case those connected to it, i. e. sin and redemption, immanence and transcendence, flesh and psyche**,** sex and virginity, truths and lies, esotericism and exotericism.

Even though all Valls' subjects are strongly connected and all important, the one that stands out is certainly the unconscious. The way he gets into it is the active imagination, a technique created by Jung. Valls uses it to visualize – meet – his unconscious, then he paints it. Therefore, what Valls paints is in the end the mirror of his (our) unconscious, the little girl is the mask of it.

Now let us try to figure out how exactly the active imagination works.

The Active Imagination

Jung describes active imagination as his "analytical method for psychotherapy" and in his final great work *Mysterium conjunctionis*, he shows how active imagination is the way to self-knowledge ("Know thyself"), and the process of individuation. From his mature perspective, he is describing much more than a specific meditative procedure or expressive technique. In the deepest sense active imagination is the essential, inner-directed symbolic attitude that is at the core of psychological development" (Chodorow, 1997, p. 17).

Active imagination is divided into two main parts, the first consists of letting the unconscious emerge, the second is about coming to terms with it. It can happen that the two parts interweave back and forth. In order to do so, the practitioner, with closed eyes in a kind of meditative state, tries to relax and suppress all his thoughts, focusing on breathing. It is noteworthy to mention it's not a passive state, rather a state of waiting, it's all about being conscious of what is going on, being conscious of the unconscious imminent coming up.

> Jung speaks of the need for systematic exercises to eliminate critical attention and produce a vacuum in consciousness. This part of the exercises is familiar to many psychological approaches and forms of meditation. It involves a suspension of our rational critical faculties in order to give free rein to fantasy.
>
> The special way of looking that brings things alive (*betracheten*) would be related to this phase of active imagination. In his Commentary on *The Secret of the Golden Flower* (1929) Jung speaks of the first step in terms of *wu wei* that is, the Taoist idea of letting things happen (Chodorow, 1997, p. 10).

It is all about being awake when the unconscious arises and let it express its content. Jung (2009), on several occasions, stated that the unconscious manifests itself by images and this is why painters can relate to it in quite a cool way, as they are familiar with processes of visualization. It is a matter of visualizing the unconscious, visualizing it while staying conscious and, of course trying to remember everything is shown in order to paint it afterwards.

> There are many ways to approach active imagination. At first the unconscious takes the lead while the conscious ego serves as a kind of attentive inner witness and perhaps scribe or recorder. The task is to gain access to the contents of the unconscious.
>
> In the second part of active imagination, consciousness takes the lead. As the affects and images of the unconscious now into awareness, the ego enters actively into the experience. This part might begin with a spontaneous string of insights; the larger task of evaluation and integration remains. Insight must be converted into an ethical obligation - to live it in life. For Jung, the second stage is the

[5] Both in its orthodox and catholic variant.

> more important part because it involves questions of meaning and moral demands. In the German language, this is the *auseinandersetzung*, an almost untranslatable word that has to do with a differentiating process, a real dialectic. All the parts of an issue are laid out so that differences can be seen and resolved. In Jung's writings *auseinandersetzung* is usually translated as "coming to terms" with the unconscious (Chodorow, 1997, p. 10).

In conclusion, by dint of the active imagination Valls succeeds in generating a very detailed investigation of himself, exposed by his numerous pictures – each of them a side of his unconscious. What he really achieves then, doesn't merely deal with art, rather with an initiatic path of inner knowledge.

Beyond Surrealism

As Edward Lucie-Smith (2001) puts it, Valls, far from being easily framed, "is the Spanish representative of a new and intriguing type of art that is beginning to challenge many of the respected presumptions of 20th Century Modern Art and the notions about what is and is not vanguard". This is because "his figures now challenge us in their own identity. What they represent is something that does not have to struggle to be modern or contemporary as these terms are understood today" (Lucie-Smith, 2001). What Valls stands for, is beyond time.

> In the context of postmodernism and the broader scope that this movement has founded for the current figurative reality, Dino Valls presents a proposal that stands out for its intellectual power and its plastic mastery. It reinvents realism by completely destroying the very concept of reality and revealing the subjectivity of its pieces. Time is no longer linear and the narrative becomes internal and codified (Sotiropoulou, 2011).

Now, let us define the boundaries with Surrealism itself. Investigating the unconscious through artistic-psychological commitment surely could let us consider a kinship with Surrealism, however that is not the case. It is well known how surrealists tried to get inspired only by using the unconscious, and then all those distinctive surrealist techniques such as automatic writing, frottage, trance, hypnosis and of course dreaming. Their foremost aim consisted of avoiding the use of the conscious – let us think of the famous Breton's statement: "the vigil is a state of interference".

As a matter of fact, what Valls is into, is totally beyond the early Surrealism methods as by virtue of the active imagination he manages to set in motion a fruitful collaboration between conscious and unconscious. The latter excludes *a priori* any surrealist approach which instead should be centered only on the unconscious.

Therefore, all this, works in favor of the artist himself, in terms of innovation and uniqueness and in terms of artistic excellence. As far as contemporary art is concerned, Dino Valls is a remarkable and outstanding example of entanglement between Jungian psychology and the surrealist heritage.

From Surrealism he only inherited the attraction to the unconscious, the way to encounter it, was provided by Jung. Easy to spot how the second is much more significant in terms of knowledge and consequent self-transformation. Jung as a rigorous scientist, set an advanced method of inner investigation, grounded on syncretism and a super human thirst for knowledge. Valls took advantage of it, his art shows it extensively. "Not only does precision make these works memorable, but the intellectual sophistication that conceives them makes the message communicate more strongly and sharply" (Lucie-Smith, 2001).

Let Valls himself clarify:

> There are many artists that were intended to represent only beauty, the celebration of life. I was instead given to represent the existential vertigo.
>
> The figures I paint are incarnations of the subconscious-projection of my soul.
>
> Just like a psycho-analyst-easel. There, psychoanalysis walls and mirrors of the collective unconsci-

> ous are exposed. Sciences and religions claim to explain the eternal question of the meaning of existence, the profound dichotomy between the material and the spiritual. Art must unite this duality; its realm is the space between one and the other (Trabacchini, n.d.).[6]

How far away he is from Surrealism is not even questionable. He actually bridges the gap with it: bringing into play Jung, Valls yields a mighty breakthrough and leads Surrealism itself to unexpected and unsettling horizons.

Conclusion

Up to this point, everything suggests that the girl who is repeatedly depicted, is the image of some archetypes of Valls' unconscious. However, considering Jung's influence we could infer that what he sees belongs to the collective unconscious as well. This is why we find something familiar in his paintings, this is why we sense those characters are gazing at us.

In conclusion, Valls' work is not merely paintings rather "a pleasant way to go deeply into the dark basements of the mind, to explore the collective unconscious. It's a lonely mystic work of self-knowledge" (An interview with Dino Valls, 2013). In the same interview Valls was asked what he likes to do when he's not working, here's his reply: "I don't believe in these moments. You are always working, even when you aren't in front of a painting" (An interview with Dino Valls, 2013). His answer is very incisive and eloquent, art is not a pastime, neither a job, it is a state of mind, a way to live.

Here is what follows after that answer: "Any little known things about yourself you'd not mind sharing with our readers? - I already do: look at my paintings" (An interview with Dino Valls, 2013).

Art for him is the incarnation of a living *inneres Auge* which brings about a new perspective towards life and at the same time an invitation to do likewise; when he is asked: "Anything you'd like to say before you go?" (An interview with Dino Valls, 2013), he replies: "Gaze at my paintings with your nape, with the eyes closed…" (An interview with Dino Valls, 2013).

Eyes, look, *that* look, here's the backbone of Valls' visual power. Let us consider the words of Christina Sotiropoulou (2011):

> The viewer who is facing for the first time a work of Dino Valls will live a unique experience that is not limited to an aesthetic pleasure, something predictable in a work of art, but also manages to completely surpass what until then was perceived as a reality.
>
> In essence, the painting of Dino Valls is an alternative way of visualizing, a different interpretation of objects and situations that are usually implicit or taken for granted. The viewer has the impression that the pictorial surface before him develops in a parallel universe that absorbs and integrates immediately, upsetting the dimension of space and time that until then considered familiar. However, nothing is what it seems in the world of Dino Valls, and our senses go from being an instrument of perception and comprehensive understanding of the world that surrounds us, to a tool that reinvents and reinterprets it.

As stated in the first paragraph, what is going on between a Valls' painting and a spectator is a sort of alchemical process based on a mirrors game and we do recognize ourselves in front of those mirrors, even though what we see throws us completely or even scares us. It does so, as we look into a window opened for the first time, a widely opened window on the most obscure and puzzling sides of the inner world, unsolved conflicts or psychological wounds. As Fernando Castro Flórez states (2011): "We are unable to escape from the disturbed or upset sight of the figures that Dino Valls paints, these eyes are focused to something that we are yet to understand, as if they expect something from us that we are unable to provide. Their symbolisms constitute allegories of the subconscious, define pulses superficially, allude to the process of transfor-

[6] Authors' translation.

mation, and recapture the meaning of a thought that exceeds the reticulation of the rational".

This is because: "The relation between the person who looks and what is being contemplated causes archetypes to appear and ends up by establishing an active communication between the work and the receiver, as it is based on the power of projection which the unconscious causes to arise in the person looking. The gaze discovers the painting and this reveals what we only know intuitively: the irrational. It is during our attempt to rationalize it that the conflicts arises, originating in our collective cultural unconsciousness, which scientific research continues to try to unmask" (Guixa, 1993).

In a nutshell, what Valls has established is an unfathomable living museum of the unconscious, and what's more, he has settled there - "What do you like to do when you aren't working? - I don't believe in these moments". In this gallery, not only he paints pictures, he also *takes* pictures, with his *camera oscura* he brings into focus the pictures of the unconscious, then as an alchemist he, through them, transmutes his unconscious itself, whose pictures are a loyal (magical) mirror.

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HISTORY OF PHILOSOPHY

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THE "YIN" AND "YANG" ANCIENT CHINESE PHILOSOPHY AND ITS PRACTICAL APPLICATION TO BODY TREATMENT

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Abstract: The birth of the theory of yin and yang is the result of a long process of reflecting and generalizing the practice of the Chinese people in ancient times. The original meaning of the theory of yin and yang was only an expression of the contrast between light and darkness. Its development has become a theory to explain the laws of nature, society and thought. In this article we will focus on clarifying the relationship of yin and yang theory on the human body through the relationships of the above, below, left and right, inside and outside, diagonal in the body position. To have a solid basis for this determination, we have conducted an evaluation at a health clinic from June 2005 to September 2022 with 2,402 people. The determination of the yin-yang relationship on the human body is conducted and recorded in a scientific and objective manner.

Keywords: dialectical relationship, yin and yang theory, human body.

Introduction

The origin of the theory of yin and yang has many different explanations (Chen, 2002, 2008; Lee, 2000). In order to understand the theory of yin and yang, we must first return to the historical conditions in which it was born. Yin was originally used to refer to darkness and yang was used to refer to light, later yin and yang were considered two principles used to indicate the relationship of all things in the universe. "*The yang represents masculinity, activity, heat, brightness, dryness, hardness, etc., and the yin femininity, passivity, cold, darkness, wetness, tenderness, etc.*" (Fung, 1948, p. 138). The Chinese in ancient times explained all things and phenomena from the natural world, society and thought by the theory of yin and yang. They believe that in the universe, there are two sides, yin and yang, which transform each other to create the world. Yin and yang exist in all things and phenomena, so it must be balanced. Because "*When the Sun has reached the meridian height, it begins to decline; when the Moon has become full, it begins to want*" (Xinyan, 2013). "*According to the remaining documents, the theory of yin and yang appeared the earliest in the scriptures*" (Vo, 2020). The theory of yin and yang was mentioned in an earthquake in 780 BC. "*When the Yang is concealed and cannot come forth, and when the Yin is repressed and cannot issue forth, then there are earthquakes*" (Xu, 2002, p. 26). The I Ching was originally a book on divination based on a philosophical point of view.

They took two overlapping yin and yang strokes, changed their positions to become four statues, then into eight trigrams, giving birth to sixty hexagrams. There are no things in that heaven that do not include two elements yin and yang, these two factors coexist in each thing and phenomenon, it fights with each other, covers each other. "*The duality (dialectical) thinking in the ancient Chinese philosophy of Yin Yang that every universal phenomenon is a dynamic unity consisting of paradoxes*" (Fang, 2012) The operation of the four seasons of the year is also due to the rise and fall of yin and yang. There is, and everything must obey its order. "*Opening and closing are the way of heaven and earth. Opening and closing change and move yinyang, just as the four seasons open and close to transform the myriad things*" (Wang, 2013). Yin Yang is an ancient Chinese philosophy and a holistic, dynamic, and dialectical world view (Li, 2008). The change of positions of the stars, the alternating illumination of the sun and the moon is due to the change of yin and yang (Chen, 2002). Phenomenon of; cold is yin, hot is yang: moist is yin, dry is yang: night is yin, day is yang (Lee et al., 2008, p. 88). The four seasons change, things and phenomena also change, so people must rely on that law to operate society (Lawrence & Lorsch, 1967; Chen, 2008; Fang, 2003; Fletcher & Fang, 2006; Li, 2011).

The theory of yin and yang is considered the worldview of ancient Chinese philosophers (Chen, 2002; Li, 1998, 2008; Peng & Nisbett, 1999; Cooper, 1990). The theory of yin and yang is also used by traditional oriental medicine to explain the relationship between the parts of the human body. They argue that "*a human is a miniature of universe*" (Bhadra, 2019) in that there is a close relationship between them. The parts of the human body develop and change because of the transformation of the law of yin and yang. The process of absorption and the process of elimination are not separate, this helps people develop. When there is the development, there will be changes in quantity. Only when people develop can they master themselves and master society. Although each part of the body has a relationship with each other, but between them, they have their own characteristics. Humans exist in constant motion. The movement that develops when it reaches its climax will return to its original state. All things in the universe exist in a circle of a certain cycle, the long or short cycle of things is determined by the yin and yang balance of things. However, there is not a single thing that lasts forever without returning to its original state because "*things in the universe change and become renew, and these changes all follow a cionstant order*" (Fung, 1952). The human body, when reaching the peak of development, begins to weaken, the body is hot and cold depending on the season. There is nothing in every part of the body that has prosperity without failure, born without loss. Each human being evolves, transforms, develops and after it reaches the climax, it will return to the original.

Since its inception until now, the theory of yin and yang is one of the important theories that have a great influence on Chinese society. Not long after its birth, the theory has affirmed its position in society, which proves that it is a complete and logical theory that not only explains the origin and formation of the universe but also contributes to the explanation of the phenomena in social life. As a theory that has had a great influence in the East and has transcended all time, the theory of yin and yang has transcended the scope of philosophy and made its mark on many different fields, including the field of medicine. In this article, we will clarify the reflection on the human body using the yin and yang theory in ancient Chinese philosophy to answer questions such as: What is the relationship on the human body; What does the explanation of the relationship on the human body by the theory of yin and yang mean to society?

Research Methods

The article studies the history of Chinese thought of a theory, so we choose the approach according to the basic methodological principles of the science of history of philosophy.

In order to perform well the research objectives and tasks, the article must implement the rigor of history, that is, the research is comprehensive, multidimensional, historical - specifically, considering the dialectical thought in the research. The theory of yin and yang shows the yin-yang relationship on the human body. Born initially as serving religious rituals it gradually penetrated into many different fields including medicine. The theory of yin and yang has not

only proved vital, but also influenced many countries around the world to this day.

When studying the theory of yin and yang, we approach research issues from a philosophical perspective, putting philosophy in relationship with medicine to analyze and explain its dialectical content.

In order to achieve the above objectives and content, the article is based on the worldview and methodology of philosophy, and uses specific methods as follows:

Historical - logical method: The article uses historical method to understand the conditions for forming the theory of yin and yang as well as to consider and evaluate the theory in each specific field. Based on the historical method to study the events and scientific issues that the article has achieved. On the basis of historical data, from which to draw the regularity of the movement and development of the theory.

Method of literature study: We will be faithful to the text of the works to learn and research scientific issues. At the same time, learn the text's origin, compare the text to analyze and clarify the content of dialectical thought in the theory of yin and yang.

Methods of collecting information and documents: We collect documents such as books, newspapers, magazines in Vietnam and other countries about dialectical thought in the theory of yin and yang.

Methods of analysis and synthesis: The article uses this method to analyze the dialectic of the theory and explain it on the human body in order to open up its application in disease diagnosis and treatment.

Content of the Article The Relationship of Yin and Yang Theory

The theory of yin and yang holds that all things have life and all go through the process of birth, development and transformation. The existence of things must obey the unchanging law of "birth and death". Human is a small universe , so its operation also complies with the laws of the macrocosm. In order to survive, people must always move, and metabolize air, food, and water and depending on the four seasons to live. Therefore, the origin of life and the process of movement and change is yin and yang, so yin and yang is considered the first form of matter to form other types of matter. The process of transformation and interaction of yin and yang has created the four seasons, this change has affected human life. The changing process of the four seasons forces the human body to adapt according to the law, if it goes against the law, it will be hurt. Like the universe, the human body is also affected by the law of yin and yang. Thanks to the transformation of yin and yang, there is movement, change and development. Thinkers in ancient China explained that, when the universe was first formed, everything was still chaotic, yin and yang were very mixed and in constant motion. Over time, the negative qi gradually settles below, and the yang gradually rises to the top. When yin and yang are stable, the seasons of the year begin to appear and new life is formed. Chinese thinkers also emphasize that yin and yang is the nucleus of life, and people and living things have life because those two qi harmonize and complement each other. The human body is strong or weak, has long or short existence is determined by the harmony between yin and yang. The changes of yin and yang, as far as they occur in man, if one puts them in numbers, they can be quantified too (Unschuld, P. & Tessenow, H. 2011. p. 129).

The theory of yin and yang is expressed in human life, yang is responsible for transforming the essence in the body, biochemically into invisible gases of active function. Yin is the combination of matter in nature to synthesize it into a form. These two processes have a dialectical relationship with each other, if yin is too strong, it will lead to yang's decline and vice versa. In order for the body to develop, it is necessary to balance these two states, which are the basic characteristics of any living organism. The human body is influenced by many natural and social factors. Each effect on the body has a different response such as response to weather, pupil response to light, vomiting response, excretion response, etc. And any body follows a yin and yang law, that is, when life appears, there must be a metabolic process, this development to the peak will lead to decline and finally return to its original state. And heredity is a condition that helps people maintain their own characteristics. This is a condition for successive generations to exist, if parents are physically and mentally impaired, their children will grow up. This genera-

tion is born and gradually grows up, the other generation will decrease and gradually disappear. This is the inevitable law of mankind.

From the point of view of the ancient Chinese, the "god" of yang has an important position. God is born from the quintessence of heaven and earth, due to the process of human formation, "*god*" is also the first formed. God is understood in a broad sense including thinking, consciousness, emotion, perception, etc., if god is lacking, then life will end. Blood is an extremely important material to maintain life for the body. For the supply of nutrients to the body, nothing is as important as blood. Blood, along with semen, is considered the three treasures of the body because semen is the beginning. New fluid is the common name for all types of fluids in the body. Any substance that is clear but less is called Tan. Any substance that is cloudy and abundant is called fluid. Outer center of fluid can relax muscles and flesh, inside it refreshes the viscera, outflow of organs makes it easier for eyes, ears, mouth, and nose to function smoothly, penetrates into the bone marrow to nourish the brain and generate medulla. These three factors will help people develop sex, if they fail, they will weaken their health and endanger their lives. The ancient Chinese thinkers believed that qi belongs to the yang, and Chuang Tzu (2008) once said that People are born because of the accumulation of qi. When the qi gathers, it gives birth, when the qi disperses, it dies. So everything is one, what people think is good is called miracle, what is not good is called rotten. In fact, rotten things can turn into miracles, and miracles can also turn into rotten things. Qi is the element that forms the universe and humans are no exception. In "Huangdi Neijing" (The Su Wen of the Huangdi Neijing (Inner classic of the yellow emperor), n.d.) (in Vietnamese Hoàng đến nội kinh), it is said that qi is the basic material that makes up the body and uses the movement and changes of qi to explain all kinds of living phenomena of the body. Because of qi, the pulse is healthy, because of qi, they are sick. Thus, the change of qi is directly related to the prosperity and decline and short life of each person. The meridians have the effect of operating qi and blood, nourishing yin and yang, softening tendons and bones, and smoothing joints. The meridians were discovered as a result of the long struggle with disease and the accumulation of knowledge over many generations. In the course of illness, the human body is always in pain, to minimize that pain, people have shared the pain by massaging the body, heating the patient's body on fire in winter to relieve the cold, and taking ice under the springs or rivers to put on patients to reduce heat, to make them cool in the summer. Thus, the original purpose of massaging, heating, and cooling is to reduce the patient's pain. In that process, people discovered that every time they squeeze, heat, and bend in some places on the body, the disease gradually decreases and completely heals. Those experiences were tested many times and drawn through many locations on the body for many diseases from which the theory of meridians was formed. The meridian is a system that runs throughout the body, it is the system that communicates all organs in the body with each other. In which the straight (main) lines are called meridians, the horizontal (secondary) lines are called coherence, and the intersections are called acupoints.

Ancient Chinese thinkers used *meridian theory* to study physiological functions, pathological processes, and the yin-yang relationship between human organs. The ancient Chinese thinkers discovered that the meridian consists of 12 main meridians, 8 meridians, and 12 distinct meridians, and the coherent meridians include 15 distinct, colossal, and ecstatic. When qi and blood operate continuously and circulate non-stop, the parts of the body have enough nutrients to develop. Since the meridian is the transport and distribution organ of nutrients for the whole body, it is the key to human health and longevity. However, the transport of meridians depends on the points on the body. The acupuncture point is where the chi and qi of the viscera come and exit, the location to apply acupuncture and medical procedures. The effect of the acupoint is to transform energy (qi) and is also the place of entry of disease. Therefore, acupoints are the place to diagnose and treat diseases. Ancient Chinese thinkers divided acupoints into three categories: meridians, non-meridians, and pain points. On the basis of research, analysis and classification of the features, uses and characteristics of acupressure points, ancient Chinese physicians discovered many acupoints with similar therapeutic effects. Acupressure points are distributed in certain locations and have effects on specific organs. Like acupressure points in the Thu Thai Yin Pho me-

ridian, they all have the effect of treating diseases in the lungs, bronchi and pharynx. At the same time, when acupuncture at these points will appear a feeling of numbness, gradually running along a certain path. Ancient Chinese thinkers observed acupoints and discovered that there was a linear relationship between them, so they called it the meridian system. Thus ancient Chinese thinkers put forth "the view that heaven is yang, earth is yin; the sun is yang, the moon is yin; day is yang, night is yin; All that is dynamic, shapeless, outward, upward, warm, bright, strong, is yang. The things that are still, shaped, inward, downward, cool, dim, and degraded are all yin" (Vo, 2020). Ancient Chinese thinkers relied on to the phenomena in nature to explain the phenomena in the body and at the same time explain the causes leading to human diseases.

The Relationship of Yin and Yang Theory on the Human Body

The relationship "up" and "down" of yin and yang. This is the relationship "up" (yang), and "down" (yin), in the process of applying the theory of yin and yang to the body, on this relationship the human body is divided into two parts, the first part consists of parts from "the waist up" is called (yang) and the second "from bottom from the waist down" is called (yin). Based on this rule, we proceeded to list the corresponding body parts in the form of top and bottom as follows: On the tips of the fingers, under the tips of the toes; On the back of the hand, under the instep; on the palms, under the soles of the feet; On the back of the hand, under the back of the foot; On the heel of the hand, under the heel of the foot; Above the joints of the hands, below the joints of the feet; On the wrist, under the ankle; On the forearm, under the shin; On the arm, under the thigh; Above the shoulders, under the buttocks; On the armpit, under the hip….So each part at the top always has a corresponding part at the bottom;

The relationship of left and right of yin and yang. Based on this relationship, the human body is divided into two, taking the bridge of the nose and navel as the boundary and placing the left side as (yang) and the right side as (yin). On that basis, we list a number of corresponding parts between the left (positive) and the right (negative) as follows: Left first half, right first half; Left ear, right ear; Neck left, neck right; Left shoulder, right shoulder; Left shoulder blade, right shoulder blade; Chest on the left, chest on the right; Left arm, right arm; Elbow left, elbow right; Left wrist, right wrist; Left hand ankle, right hand ankle; Left palm, right palm; The back of the left hand, the back of the right hand; Fingers on the left, fingers on the right; Fingers on the left, fingertips on the right; Left rib, right rib; Back left side, back right side; Belt on the left side, belt on the right side; Left thigh, right thigh; Left knee joint, right knee joint; Left shin, right shin; Left ankle, right ankle; Back of left foot, back of right foot; Left foot sole, right foot sole; Left toe joints, right toe joints; Left toes, right toes. ..;

The relationship of "before" and "after" of yin and yang. Based on this relationship, the human body becomes the front (yin), the back (yang), the center of the ear and the ankle to divide the boundary, the person standing upright, the arms straight, the palms directed at each other. On this division, the parts before and after are reflective and equal;

The relationship of "inside" and "outside" of yin and yang. Based on this relationship, the internal parts of the body are called (yin), and those expressed on the outside are called (yang). According to the concept of yin and yang theory, in each human hand and foot, in each of its positions, there is usually a point corresponding to the five organs in the body. When the five viscera are in pain, there will be pain points in the palms of the hands or feet, so we can detect the acupoints in those locations to cure the disease.

"Cross-negative" relationship of yin and yang. According to this relationship, the human body has a cross-relationship if the right hand is yang, the left foot is yin, the left hand is yang, then the right foot is yin. This cross-relation includes cross-relation before, cross-relation after, and cross-relation before-after.

Relationships in yin there is yang, in yang there is yin. According to this relationship, each division of the body contains both yin and yang, in yin contains yang and in yang contains yin. When the physical appearance moves and emerges, this is yang. Because the yang exists in the yin, this is called yang in the yin (Unschuld & Tessenow, 2011, p. 128).

How to Determine the Yin and Yang Relationships on the Human Body

To determine the yin-yang relationship on the human body, we conducted a test on a total of 2,402 people from 2005 to September 2022, including 41 people from countries such as Russia, Italy, France and Australia, the rest are Vietnamese. The determination of the yin-yang relationship on the human body is done with 60% being correct the first time, 35% the second time and 0.5% the third time. This method was tested at house number 08 Co Bac street, Phuoc Tien ward, Nha Trang city, Vietnam. Asking is a method with people who are in pain to determine yin and yang. This is a measure when determining yin and yang in the form of a person going to identify and asking the identified person about symptoms. This method requires the respondents to know the eating situation and living environment of the respondents. "Setting up" is a form of dividing the human body into three parts including head, arms and legs, each part divided into three queens: heaven, earth, and human. Based on acupuncture points, odd numbers represent yang, even numbers are negative, and people are in the middle of heaven and earth.

The determination of yin and yang on the human body must depend on the time, depend on each person. If East and South belong to yang, when yang qi is abundant, it goes from top to bottom. People live in different high and low areas, so the determination of the yin and yang relationship is also different. In order to properly determine the law of yin and yang on the human body, we must first master the above relationships and implement it in the form of "use cold to determine cold points, use hot to determine hot spots". If you have a cold, you must use fire to warm it, if you have a sprain, use ice to hold it. When treating, you should use heat to determine if the point is hotter than normal, then it is acupoint or use ice to determine the relationship. The correct identification of the yin-yang relationship allows the oriental medicine to prescribe the right treatment.

Conclusion

The theory of yin and yang was formed in ancient times in China, it was first mentioned in Zhou Yi and later developed by thinkers in famous works of philosophical schools. This is considered one of the theories that were formed with the original purpose of explaining the world. Thinkers in China during this period viewed yin and yang as two opposites of all things. The opposition and unity of yin and yang is the source of all development and transformation. The theory of yin and yang is considered the foundation for all theories in China and is applied in medicine, especially oriental medicine, including traditional Vietnamese medicine. Thinkers have said that everything, including the human body, is composed of two parts, yin and yang, in yin there is yin, in yang there is yang, in yin is yang, in yang is in yin. When yang qi has biochemistry, then yin qi will constantly grow, which is the arising aspect of things. Yin and yang always rely on each other, both rely on each other to coexist, yang must have yin to have a source of nourishment. For the human body, "yang qi" represents the source of motivation, life energy, it is necessary to rely on the basis of matter for "yin" to be expressed. Yin and yang not only support the root but also eliminate it. These are two opposites that control each other to maintain balance in an object or phenomenon. These two sides exist parallel to each other, relying on each other, but if one side is too prosperous, the other side will decline and vice versa. This relationship is used to explain the evolution of disease, yin wins yang disease, yang damage affects yin, but if yin and yang harmonize, the body will be healthy.

The theory of yin and yang is widely applied in medicine, especially in oriental medicine. The first medical work that was successfully applied was the work "Emperor Noi Kinh". This is the first work to be recorded into a book in the treasure of Chinese Medicine and is also the evidence of famous physicians applying the theory of yin and yang to explain the origin of diseases, the methods of cure and the way to cure diseases to prevent disease. Thus, the theory of yin and yang was not only applied in medicine in ancient China, but also deeply influenced later famous physicians. With the inheritance of famous medical doctors in the past in the interpretation and treatment of diseases based on the theory of yin and yang.

On the basis of systematically studying the theory of yin and yang, we have drawn and ap-

plied this theory on the human body and made the following division: on "yang" under "yin", after "yang" before "yin", left "yang" right "yin", in addition to "yang" in "yin", in yang there is "yang" and in yin there is "yin". This division is the basis for oriental medicine practitioners to conduct treatment according to the law.

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IN MEMORIAM

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LINOS G. BENAKIS
1928-2022

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The Historian of Byzantine Philosophy Dr. Phil. Dr. h. c. Linos G. Benakis

The Historian of Byzantine Philosophy and Scientific Fellow of the Academy of Athens, Dr. Phil. Dr. h. c. Linos G. Benakis, passed away on October 12th, 2022, in Athens, Greece. He was married to Academician Professor of law and politician Anna Psarouda-Benaki. Linos G. Benakis served as Director of the Centre for the Research of Greek Philosophy of the Academy of Athens and editor of its periodical Philosophia. As Research Fellow of the Academy of Athens, Benakis was in charge of the Philosophical Library "Elli Lambridi" that belongs to the Academy of Athens. Further, he was the Director of the two series of critical editions "Philosophi Byzantini" and "Commentaria in Aristotelem Byzantina" published by the Academy of Athens under the auspices of the International Union of Academies.

Benakis was Dr. Phil. of the University of Cologne, Germany, and Honorary Dr. Phil. of the University of Ioannina, Greece. He was a Visiting Professor of the University of Crete in Rethymnon and was invited and taught on Byzantine philosophy in USA universities Princeton, Austin (Texas) and Tampa (Florida), as well as in European universities. Further, Benakis served as Vice-President of the Ionion University (Corfu, Greece), he was a long-term Member of the Board of Directors of "Société Internationale pour l' Étude de la Philosophie Médiévale" (SIEPM) and chairman of the "Byzantine Philosophy Committee" of this Society.

Linos G. Benakis served as the General Secretary of the Greek Philosophical Society as well as of the International Democritus' Foundation. He was Vice President of the Society "The Friends of Gennadeion Library", President and Honorary President of the Society of "The Friends of Panagiotis Kanellopoulos", Vice-President and President of the Society "The Friends of Benaki Museum", President of the Greek Group for the Promotion of the Study of Byzantine Philosophy. Besides, he was a long-term Member of the Board of Directors and Honorary Member of the Hellenic Society for Aesthetics, as well as a Member of the Editorial

Committee of its periodical Annals for Aesthetics, edited by the Panayotis and Effie Michelis Foundation in collaboration with the Hellenic Society for Aesthetics. Further, he was a long-term Member of the Board of Directors of the Society of the Greek Fellows of Alexander von Humboldt Foundation.

Benakis was a Member of the Editorial Board of significant periodicals, such as Philosophia, Annals for Aesthetics, Wisdom, Philosophical Inquiry, Bochumer Philosophisches Jahrbuch für Antike und Mittelalter (BPJAM), Medieval Philosophy and Theology, and European Journal of Science and Theology. In 2006, Professor Benakis co-founded with Assoc. Professor John A. Demetracopoulos (University of Patras) the international "Thomas de Aquino Byzantinus" research and editorial project (https://thab.upatras.gr/); thanks to him, the project was hosted by the National Hellenic Research Foundation (Athens) during his tenure as a member of the Foundation's Board of Trustees (2006-2009).

Benakis was a Foreign Member of the Philosophical Academy of Armenia. He was a good friend of the leading Armenian philosopher Georg Brutian (†2015) and had a special interest in the philosophy of David the Armenian (the Invincible). Thus, he was invited and participated in the "Scientific Conference dedicated to the 1500th Anniversary of David the Invincible" (Yerevan 1980) with the communication "David der Armenier in den Werken der byzantinischen Kommentatoren des Aristoteles". This communication was published in Armenian translation with Russian summary (1983). The completed text entitled "David the Armenian and his Presence in the Works of the Byzantine Commentators of Aristotle" was published in Greek (1983). Further, Benakis was a member of the Editorial Board of the periodical Wisdom and contributed two articles to this periodical: "Aristotelian Ethics in Byzantium" (2017) and "Byzantine Musical Theory (Harmonics)" (2018).

Linos G. Benakis was born on January 31st, 1928, in Corfu, Greece. He studied classical philology and philosophy at the University of Thessaloniki and went on to the University of Cologne, Germany, to study philosophy with a scholarship of the Greek Foundation of State Scholarships. At the University of Cologne, Benakis completed his dissertation on the unedited commentary of Michael Psellos on Aristotle's Physics under the supervision of Professor Paul Wilpert and obtained the Dr. phil. diploma. The aforementioned Foundation had entrusted Professor Basileios Tatakis as the supervisor of Benakis' studies. Wilpert was Professor of Medieval Philosophy, Director of the Thomas-Institute at the University of Cologne and a well-known researcher of ancient Greek philosophy, especially of Aristotle's philosophy. Tatakis was Professor of Philosophy at the University of Thessaloniki and had already published his pioneering work "La philosophie byzantine" (Paris 1949, 2nd edition 1959). Benakis' initial research and encounter with these distinguished professors determined his future research path that was ignited by his interest in the traditions of Aristotle's philosophy and in Byzantine philosophy, as well. However, his interests extended to topics of ancient Greek, Post-Byzantine Hellenic, and Neo-Hellenic philosophy of the twentieth century.

After his studies in Cologne, Benakis returned to Greece and worked at high schools in Preveza and Athens. Benakis was appointed as Associate at the "Centre for the Research of Greek Philosophy at the Academy of Athens" in 1966, and he served as its Director from 1971 to 1983. From these years and onward, Benakis developed a wide program of scientific activities that included -among others- participation in the work of philosophical and cultural associations, organization of many philosophical congresses, the presentation of papers in congresses in Greece and abroad, publication of studies, edition of proceedings and other books, translations, critical edition of philosophical works. Benakis was Executive Secretary and Treasurer of the "World Congress on the 2300th Anniversary of Aristotle's Death" (Thessaloniki, 1978). He organized –among other congresses- the following ones: The "Pan-Hellenic Congress on Benjamin from Lesbos" (Mytilini, 1982; Proceedings 1985), the "First International Congress on Democritus" (Xanthi, 1983; Proceedings 1984), "Néoplatonisme et Philosophie Médiévale" (Corfu, 1995; Proceedings 1997), the "International Congress on Plethon and his Times" (Mystras, 2002; Proceedings 2003 eds. L. G. Benakis / Ch. P. Baloglou), the Conference "In Memoriam Basileios Tatakis (1896-1986). First Symposium" (Andros 2001; Proceedings 2002 in the periodical Andriaka Chronika), the Conference "In

Memoriam Basileios Tatakis (1896-1986). Second Symposium: Tatakis and Ancient Greek Philosophy" (Andros 2003; Proceedings 2004 in the periodical Andriaka Chronika), the Conference "In Memoriam Basileios Tatakis (1896-1986). Third Symposium: Tatakis and Byzantine Philosophy" (Andros 2008), the "Scientific Congress on Panagiotis Kanellopoulos" (Athens 2012; Proceedings 2013).

Benakis' publications are in Greek, English, German, French, and in other languages. They refer to problems of Ancient Greek, Byzantine, Post-Byzantine Hellenic, and Neo-Hellenic Philosophy. They are innovative contributions on significant problems, such as "Democritus Studies Today", or "The General Concepts in Neoplatonism and Byzantine Thought", or "The Presence of David the Armenian in the Works of the Byzantine Commentators of Aristotle", or "An Unedited Greek-Arabic Vocabulary of Terminology of Aristotelian Logic by Bessarion Makris", to mention only a few cases. Further, he published a book entitled "Iamblichus. The Exhortation to Philosophy" (in Greek, Athens 2012). Benakis has written many entries on Byzantine, Post-Byzantine Hellenic, Neo-Hellenic, and European philosophers in the "Universal Biographical Lexicon" (in Greek, 1983ff.). Further, he published the article "Phantasia. II Byzanz", in Historisches Wörterbuch der Philosophie (1989), as well as the article "Byzantine Philosophy" in the Routledge Encyclopedia of Philosophy (1998). Besides, he contributed bibliography or introduction to the translations of Tatakis' work La philosophie byzantine.

It should be mentioned that Benakis considered Byzantine philosophy part and mediator of the continuity of Hellenic philosophy from antiquity up to nowadays. He avoided the conceptions of "revival" or "renaissance" of Hellenic philosophy in the modern epoch. In his view, the continuous life of Greek language preserved a direct approach to the texts of ancient Greek philosophy through the centuries, while Byzantine philosophy as a special kind of theorizing posed the philosophical problems in the horizon of Christianity. Therefore, he argued, this kind of theorizing is the main characteristic of Post-Byzantine Hellenic philosophy up to the end of nineteenth century. Thus, the continuity of Hellenic philosophy was never broken. Benakis' consideration is obvious also in the titles of his books: Ancient Greek Philosophy. Historiography and Research Publications (2004), Text and Studies on Byzantine Philosophy (2002), Byzantine Philosophy. B. (20013), Post-Byzantine Philosophy of the 17th-19th Centuries. Research in the Sources (2001).

As regards Byzantine philosophy, Benakis suggested that a novel synthetic exposition of Byzantine philosophy will be possible after the critical edition of unedited philosophical texts, when the systematic problems posed by them will be explained and considered in the broader horizon of the history of philosophy. Through his publications, he enriched relevant research as a research in progress. Especially the two series of the critical editions "Philosophi Byzantini" and "Commentaria in Aristotelem Byzantina" (both included in "Corpus philosophorum medii aevi") directed by Benakis, enlarged the research field of Byzantine philosophy and contributed to reconsidering the position of Byzantine philosophy in the broader horizon of the history of philosophy. Benakis edited two volumes: 1) Michael Psellos, Kommentar zu Physik des Aristoteles, editio princeps. Einleitung, Text, Indices von Linos G. Benakis (Athens, 2008, 2015). 2) Theodoros of Smyrna, Epitome of Nature and Natural Principles according to the Ancients, editio princeps. Introduction, Text, Indices by Linos G. Benakis (Athens, 2013).

Benakis' book Byzantine Philosophy. An Introductory Approach (Saarbrücken, 2017) has been translated in Spanish (Granada, 2020). As regards Neo-Hellenic philosophy, Benakis has published - among other studies - the book Memory of Five Philosophers: I.N. Theodorakopoulos, P.K.Kanellopoulos, K.D.Tsatsos, E.P.Papanoutsos, B.N.Tatakis (in Greek, Athens, 2006).

Benakis is a pioneer in the research of Byzantine philosophy, since he has contributed to establishing it as an autonomous field in scientific research. He has opened novel paths through his whole work on the history of Hellenic philosophy and enlarged the philosophical dialogue on the vivid traditions of our culture. Benakis encouraged younger researchers, invited them to participate in the two series of critical editions mentioned above, and collaborated with other researchers in significant projects of edition and elucidation of philosophical texts. Benakis' work remains a source of admiration and inspiration for society, research, and education.

NOTES TO CONTRIBUTORS

MANUSCRIPT MUST:

- correspond to the topics of the journal,
- not include information about the author(s),
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ABSTRACT:

- should not exceed 200 words,
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- should provide a good perspective on the final message of the article.

KEYWORDS:

- should be up to ten,
- should be separated by a comma and end by a full stop.

INTRODUCTION:

- should reflect the article's contribution to the scopes of philosophy and methodology of science,
- should reflect the current concerns in the area,
- should specify the research objectives.

CONCLUSION:

It should be unambiguously formulated and presented.

REFERENCES & IN-TEXT CITATIONS

APA citation system must be used for the in-text citations and references.

IN-TEXT CITATIONS

When the author is mentioned in the running text, place the year of publication in parentheses.

> Wainwright (2012) found that the more time students spent on Facebook, the less happy they felt over time.

When the author is not mentioned in the running text, include the author's name in the parenthetical citation - along with the year. Separate author and year by a comma.

> The more time students spent on Facebook, the less happy they felt over time (Wainwright, 2012).

One or two authors

> (Davison, 2003)
> (Fallon & van der Linden, 2014)
> In a recent study by Fallon and van der Linden (2014), 161 adults diagnosed with ADHD were compared…

Three, four or five authors

> Grier, Johnson, Green, Smith, and Hyde (2013) analyzed 65 studies of mindfulness-based therapy (MBT). …
> An analysis of 65 studies of mindfulness-based therapy (Grier, Johnson, Green, Smith, & Hyde, 2013).

In second and subsequent citations, give only the first author's name followed by 'et al.'

> (Grier et al., 2013).

Six or more authors

Cite only the first author for the first and subsequent citations, followed by 'et al.'

> (Huizinga et al., 2014).

Two or more works with different authors

> (Bradfield & Lewis, 2014; Pearson, 2010; Smeets, 2011)

Two or more researches, papers and/or sources by the same author

> (McDaniel, 2012, 2014)

Citations with the same author(s) and with the same publication year

Identify citations with the same author(s) and with the same publication year by the suffixes a, b, c, and so forth. Assign the suffixes alphabetically by title (consistent with the order in the reference list).

> Stress can adversely affect our health (James & Singh, 2012a, 2012b, 2012c).

Authors with the same surname

If a reference list contains works by two leading authors with the same surname, provide the initials of both authors in all text citations.

Among studies, we review M. A. Smith (2010) and J. Smith (2007).

Works with an unknown publication year

When the publication year of a work is unknown, use the abbreviation 'n.d.' (no date).

(Walker, n.d.).

Specific parts of a source

(Spencer & Buchanan, 2011, p. 332)
(Nguyen, 2009, pp. 13-14)
(Atkinson, 2007, Chapter 8)
(Jones& van der Meijden, 2013, Appendix)
(Gallo, Chen, Wiseman, Schacter, & Budson, 2007, Figure 1, p. 560)
(Dexter & Attenborough, 2013, Table 3, row 5, p. 34)

Secondary sources

However, results from another study suggested that significant differences… (Smith, as cited in Jones, 2012).

Direct quotations

Lindgren (2001) defines stereotypes as "generalized and usually value-laden impressions that one's social group uses in characterizing members of another group" (p. 1617).
(Mitchell & de Groot, 2013, p. 51).

REFERENCES

References must be arranged in alphabetical order by the last name of the (first) author, followed by the initials. (Hanging - 1.5).

The Latin transliteration of all non-Latin references should be included together with the English translation. There is no need to transliterate the author(s) surname(s).

Брутян, Г. А. (1992). *Очерк теории аргументации.* Ереван: Изд-во АН Армении.
Brutian, G. A. (1992). *Ocherk teorii argumentatsii* (Outline of Argumentation Theory, in Russian). Yerevan: NAS RA Publication.

Абрамова, М. А., Балганова, Е. В. (2018). Качество высшего образования как детерминанта общественного развития. *Философия образования, 4*(77), 3-12.
Abramova, M. A., & Balganova, E. V. (2018). *Kachestvo vysshego obrazovaniya kak determinant obshchestvennogo razvitiya* (Quality of higher education as a determinant of social development, in Russian). *Filosofiya obrazovaniya* (Philosophy of Education), *4*(77), 3-12.

*Works by the same author (or by the same two or more authors in the same order) with the same publication date are arranged alphabetically by title (excluding **A** and **The**). Add lowercase letters - a, b, c, etc. - immediately after the year.*

Hayward, K. H., & Green (2012a). …
Hayward, K. H., & Green (2012b). …

Print book

Brown, S. D., & Stenner, P. (2009). *Psychology without foundations: History, philosophy and psychosocial theory.* London, England: Sage.

Digital version of a print book

Aquilar, F., & Galluccio, M. (2008). *Psychological processes in international negotiations: Theoretical and practical perspectives*. doi:10.1007/978-0-387-71380-9

Sugden, R. (2004). *Economics of rights, cooperation and welfare*. Retrieved from http://site.ebrary.com/

Book, second/subsequent or revised edition

Jenkins, R., & Cohen, G. M. (2002). *Emotional intelligence* (Rev. ed.). London, England: Routledge.

Sutton, K. (2013). *Social science research* (3rd ed.). doi:10.1017/S1474746402103051

Edited book

Fineman, S. (Ed.). (2007). *The emotional organization: Passions and power*. Malden, MA: Blackwell.

Selig, N., & Sandberg, R. (Eds.). (2001). *Economic sociology*. Retrieved from http://press.princeton.edu/

Chapter in an edited book

Becker-Schmidt, R. (1999). Critical theory as a critique of society. In M. O'Neill (Ed.), *Adorno, culture and feminism* (pp. 104-117). London, England: Sage.

Journal article

Kieruj, N. D., & Moors, G. B. (2010). Variations in response style behavior by response scale format in attitude research. *International Journal of Public Opinion Research, 22,* 320-342. doi:10.1093/ijpor/edq001

Djidjian, R. Z. (2016). Paradoxes of human cognition. *Wisdom, 2*(7), 49-58.

Magazine article

Chamberlin, J., Novotney, A., Packard, E., & Price, M. (2008, May). Enhancing worker well-being: Occupational health psychologists convene to share their research on work, stress and health. *Monitor on Psychology, 39*(5), 26-29.

Weir, K. (2014, June). The lasting effect of neglect. *Monitor on Psychology, 45*(6). Retrieved from http://www.apa.org/monitor/

Newspaper article

Hilts, P. J. (1999, February 16). In forecasting their emotions, most people flunk out. *The New York Times*. Retrieved from http://www.nytimes.com

Entry in an online reference work (including Wikipedia)

Encyclopedia, author and editor known

Steup, M. (2005). Epistemology. In E. N. Zalta (Ed.), *The Stanford encyclopedia of philosophy* (Fall 2007 ed.). Retrieved from http://plato.stanford.edu/archives/fall2007/entries-/epistemology/

Wikipedia

Prisoner's dilemma. (n.d.). In *Wikipedia*. Retrieved October 24, 2013, from http://en.wikipedia.org/wiki/Prisoners_dilemma

Dictionary

Paradox. (n.d.). In *Merriam-Webster's online dictionary* (11th ed.). Retrieved from http://www.merriam-webster.com/dictionary/paradox

Proceedings, published in book form

Hughes, H. (2002). Information literacy with an international focus. In K. Appleton, C. R.

Macpherson, & D. Orr. (Eds.), *International Lifelong Learning Conference: Refereed papers from the 2nd International Lifelong Learning Conference* (pp. 208-213). Rockhampton, Australia: Central Queensland University Press.

van der Linden, C. (2007). Gilles de la Tourette's syndrome: A movement disorder. In B. van Hilten, & B. Nuttin (Eds.), *Proceedings of the Medtronic Forum for Neuroscience and Neuro-Technology 2005* (pp. 70-74). doi:10.1007/978-3-540-32746-2_18

Proceedings, published regularly online

Tattersall, I. (2009). Human origins: Out of Africa. *Proceedings of the National Academy of Sciences of the United States of America, 106,* 16018-16021. doi:10.1073/pnas.-0903207106

Conference paper, from the web

Wentworth, D. (2012, November). E-learning at a glance. Paper presented at the *Distance Education Conference.* Retrieved from http://www.umuc.au/conference/distance_-education.html

Doctoral dissertation / Master's thesis

Bartel, T. M. C. (2005). *Factors associated with attachment in international adoption* (Doctoral dissertation). Retrieved from http://hdl.handle.net/2097/131

Patterson, G. W. (2003). *A comparison of multi-year instructional programs (looping) and regular education program utilizing scale scores in reading* (Master's thesis, University of Florida). Retrieved from http://www.uf.edu~asb/theses/2003/

For degrees from institutions outside of the U.S., add the name of the country:

(Master's thesis, Humboldt University, Berlin, Germany).

GRAPHS AND DIAGRAMS

If the manuscript contains non-alphabetic characters (e.g. logical formulae, diagrams), then:

- the PDF version of the text should be attached for the demanded verification,
- photo images should be of high quality.

VARIOUS KINDS OF MANUSCRIPT FORMATTING PECULIARITIES

Publication of Archive Materials and Translation Sources

- A complete description of archive or publication material, according to which the translation has been done, should be comprised in the manuscript.
- A brief prologue under the title *Publication Prologue may* precede the publication (1-3 pages long, approximately 4000 characters). Long prologues are regarded articles and should be written under separate titles.
- If the publishing source contains references, they are presented as a part of a body text and are each numbered sequentially and precede the body text source.
- The publisher or translator may present references about the publishing source at the end of the body text.
- Via the references, one may present foreign word translations, explanations of abbreviations etc., contained in the text may be presented in the source text in square brackets.
- It is advisable to choose an up-to-40.000-character source for the materials published in the periodical. In the case of an extensive source, it is necessary to shorten (select) for preparing material for the periodical.
- Translations and archive sources should have enough comments and complete introductions, otherwise they could not be considered scientific publications and could not be submitted for publication.

Essays of various symposiums and scientific events.

- Information about the symposium organizers, place and time should be included in the essay.
- The symposium members' name, surname, workplace and city (in brackets) should be mentioned, and in the case of international symposiums, the name of the city is also included.
- Essays should not coincide with the symposium projects or their final documents.

Reviews and bibliographical essays.

- The length of a review should be from 5-10 pages (10.000-20.000 characters).
- Final information, name of a publication and number of pages of a studied book should be presented before the body text.
- References are not included in the review.

Argumentative notes, essays, records.

Materials that are written in a free style and are free of demands placed on scientific articles are accepted for publication. Such kinds of works cannot be submitted in the reports about scientific works as scientific publications.

ՎԻՍԴՈՄ

4(24), 2022

Լրատվական գործունեություն իրականացնող՝ «Խաչատուր Աբովյանի անվան հայկական պետական մանկավարժական համալսարան» հիմնադրամ
Վկայական՝ № 03Ա1056715, տրված՝ 19.04.2016 թ.
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Տպաքանակը՝ 200
Ծավալը՝ 244 էջ

4(24), 2022 DECEMBER ISSUE OF WISDOM CONCLUDES THE JUBILEE YEAR OF ASPU

Khachatur Abovyan Armenian State Pedagogical University was founded in 1922 in Yerevan. Since 1948, the University has been named after the famous Armenian writer and pedagogue Khachatur Abovyan. During the 100 years of its activity, ASPU has produced thousands of graduates who have played an irreplaceable role and continue their important activities in the fields of education and science, in various areas of public and state government.

Currently, the University has 10 faculties, more than 60 chairs, research institutes, laboratories, and research groups. More than 10,000 students study in 52 professions at ASPU. The University prepares specialists for the Republics of Armenia, the Republics of Artsakh, and the educational centers of the Armenian Diaspora.

The jubilee concert dedicated to the 100th anniversary of the ASPU after Khachatur Abovyan was held at the Armenian National Academic Theatre of Opera and Ballet after Alexander Spendiaryan on November 7, 2022.






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