WISDOM

W I S D O M

1(25), 2023

CONTENTS

2

EDITORS' FOREWORD

The Editorial Team of *WISDOM* is delighted to present to the scientific community the 1st issue of the journal in 2023.

The present issue comprises valuable scholarly insights within the domain of philosophy of science and methodology, social philosophy, philosophy of education, philosophy of language and art, and philosophical issues of pedagogy, ethics, law, economics and psychology.

The geography of the authors is rather broad - Armenia, India, Indonesia, Kazakhstan, Russia, and Ukraine.

The scientific community's interest in our publications, together with positive feedbacks, not only contributes to the growth of quotations and references to this scholarly endeavour but also confirms the significance and value of the publications involved and motivates all our contributors.

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

Given the significance of the underlying principle of pluralism over scientific issues and freedom of speech, we should remind that the authors carry primary responsibility for the viewpoints introduced in their papers which may not necessarily coincide with those of the Editorial Board.

PHILOSOPHY OF SCIENCE, METHODOLOGY

AND EPISTEMOLOGY

AXIOMATIC EPISTEMOLOGY

Robert DJIDJIAN [1, *] | Hasmik HOVHANNISYAN [1]

1 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia

* Correspondence
Robert DJIDJIAN, 17, Tigran Mets ave. 0010, Yerevan, Armenia
E-mail: r.djidjian@gmail.com

Abstract: This article is the first complete axiomatic presentation of the theory of cognition (epistemology). It presents the axioms of the theory of cognition, the definitions of the concepts and categories used in the text of the theory, and also provides detailed proofs of the propositions (theorems) arising from them. Based on this axiomatic system, evidence-based solutions to the problems (*aporias*) of the theory of cognition are proposed. This system of axiomatic epistemology can serve as a step in building a rigorous scientific theory of human cognition. The axioms of the proposed system follow the Aristotelian general understanding of the essence of human cognition.

Keywords: theory of cognition, axiomatic system, definitions of concepts, proof of theorems.

Introduction

Aristotle was convinced that "all proving sciences equally use axioms" (Aristotle, *Metaphysics*, II 3, 997 a 10). A clear idea of axioms as the basis of proof is set out in the first book of the "Second analytics". Jan Lukasiewicz demonstrated that the Aristotelian syllogistic theory was the first axiomatic theory in the history of science (Lukasiewicz, 1957). Aristotle himself had not yet used the axiomatic method of presenting his syllogistic doctrine. He called the general syllogisms of the first figure "perfect syllogisms". These two general syllogisms of the first figure in medieval logic were designated as the modes *Barbara* and *Celarent* and received a brief formulation "dictum de omni et de nullo". Only much later, within the framework of traditional formal logic, the "dictum" principle began to be called the "axiom of the syllogism". Interest in the axiomatic method revived with the development of the first systems of non-Euclidean ge-

ometry of the early 19th century (Rav, 2008; Lobachevsky, 2010; Lavenda, 2012). This new trend of the axiomatization of 19th-century mathematical theories J. Hintikka (2011) has called "conceptualization".

The outstanding mathematician of the beginning of the 20th century, David Hilbert, believed that everything that is ripe for the formation of a scientific theory is subject to the axiomatic method and, at the same time, of mathematics. Today, it is widely accepted that for the possibility of an axiomatic construction of a theory, some initial provisions are necessary, namely, axioms that are epistemological in their nature. At the next stage of analysis, one can abstract from the meaningful nature of the axioms. At this "higher stage", one can consider the exclusively internal structure of the axiomatic system. Moreover, this structural analysis is devoid of knowledge, gleaned from experience. Hence the conclusion is drawn that thereby the theory becomes the object of "purely mathematical re-

search".

The general spirit of Hilbert's program of substantiation of mathematics (Hilbert, 1971/1899) is seen a serious basis for considering David Hilbert the founder of the concept of formalism in the study of the foundations of mathematics, although the brilliant mathematician himself practically did not use the term *formalism*, and put the problem of proving consistency by finite methods at the forefront of his program. In modern literature, the approach of abstraction from the cognitive content of the theory, in combination with its completely symbolic representation, is called *formalization*, and accordingly, purely mathematical research is adequately interpreted as metamathematical or metatheoretical research (Kleene, 1952).

The concept of meta-mathematics soon gave rise to the idea of meta-theory, to which representatives of many non-mathematical sciences gradually responded (Munafò, 2017; Fortunato, 2018). Hasmik Hovhannisyan studied the perspectives of the metatheoretical approach in the field of argumentation and philosophy (Hovhannisyan, 2008, 2014, 2015). She concluded that regarding non-mathematical sciences metatheoretical research requires certain self-reflection concerning the logical buildup of theories in the given field of scientific knowledge (Hovhannisyan & Djidjian, 2017).

Aristotle interpreted philosophy as the science of principles (ἀρχή) and called this science wisdom. One of the most important purposes of wisdom is the understanding of the "difficult and not easily comprehensible". The founder of theoretical philosophy believed that philosophical science should be built by explicitly indicating the principles or "axioms" of the doctrine. He assessed the law of contradiction as the "most reliable" of all axioms (Aristotle, *Metaphysics*, 1005 b 10 and 1005 b 20). Aristotle considered the law of contradiction as the law of the real world, from which, according to the definition of truth, the formulation of the law of contradiction as the law of thinking already followed (Djidjian & Hovhannisyan, 2020).

In subsequent centuries, the development of scientific knowledge proceeded in such a way that, until the end of the 19th century, the axiomatic formulation of theories found application only within the framework of mathematical knowledge (Hintikka, 2011; Lavenda, 2012).

The magnificent building of axiomatic geometry was so perfect that some philosophers dreamed with envy of building a palace of wisdom "by the geometric method". Each solution to any question within the framework of an axiomatically constructed theory is strictly proved on the basis of the axioms and definitions of this theory. Therefore, the opponent of an axiomatic theory must point out which axiom is wrong or which definition is unsatisfactory.

A characteristic feature of philosophical knowledge is the "eternal" nature of philosophical problems. Due to the extreme abstractness of philosophical categories and principles, it is difficult even to imagine the criteria for verifying their truth. Hence, we get a notable number of trends and philosophical schools, not only in historical terms but also in modern philosophy. Secondly, since the philosophical teachings about morality, and in general, about social relations, are directly related to the life and activities of a person, it often turns out that personal interests can be weightier than the opposed positions of the truth of wisdom.

The fundamental advantage of the axiomatic method manifests itself precisely in the field of an objective assessment of the truth of philosophical teachings. An axiomatically constructed theory is based on clearly and unambiguously expressed axioms and definitions. All other assertions of the axiomatic theory are derived from these explicitly formulated principles and rigorous definitions. If an opponent questions the truth of a particular proposition of an axiomatic theory, then he must object to a specific axiom or definition of the theory under discussion. It is very difficult to do this since the author of the theory always chooses as axioms the most reliable, unshakable, generally accepted statements. So, if it were possible to realize the axiomatic representation of philosophy (or its certain branch), then thanks to this, the old dream of rational philosophy could become a reality, and philosophy could be included in the category of rigorous sciences based on logical proofs.

However, we must admit that apart from two books – "Axiomatik Alles Moglichen Philosophierens" (1950) by the German philosopher Eberhard Rogge and "Axiomatic Philosophy" by the modern Indian physicist and philosopher Pritam Sen (1996) - we could not find not a single publication concerning the axiomatization of

philosophical doctrines or theories. Although the book of Eberhard Rogge did not present his readers with any axiomatized philosophical doctrine, nevertheless, he received a result that deserves serious attention. E. Rogge managed to identify the universal foundations of positivism, rationalism, and hermeneutics. According to E. Rogge, each of these directions considers meaningless the problems of other philosophical teachings. The positivists consider only the epistemological problems of natural science and mathematics worthy of attention; modern rationalism is interested in questions of the critical analysis of language; hermeneutics studies the interpretation of life and the world as a text, in the same way as theologians interpret the texts of the Bible.

It is very instructive to consider the method of revealing the axioms of philosophical doctrines. E. Rogge recommends, firstly, starting with a relatively independent section of philosophical doctrines, for example, with the theory of cognition. The second step is the analysis of "immanent" discussions within each philosophical direction on the problems of each section. The third step is to identify the "prejudices" of the opponents, to reveal their underlying prerequisites and foundations.

At the end of the last century, the Indian physicist Pritam Sen published the monograph "Axiomatic Philosophy". Independently of his predecessor Eberhard Rogge, whose book remained little known outside of Germany, P. Sen also explores the axioms of the philosophical systems of the most famous thinkers of the past. P. Sen devoted separate sections of his book to

the goal of identifying the foundations of the philosophy of Plato, Aristotle, Kant, and Russell, the two main systems of Indian religious philosophy Bhagavad Gita and Samkara, as well as the teachings of Confucius and Lao Tzu.

Unfortunately, either Eberhard Rogge or Pritam San, apparently, had no intention of using the axioms they had identified to construct a corresponding philosophical theory on their basis. They did not even try to show, at least by separate examples, how these axioms are used in strict logical proofs of philosophical statements, and in logical conclusions of solutions to specific philosophical problems from the axioms they identified.

It is the achievement of an axiomatic proof of the provisions and conclusions of the theory of cognition that is the main goal of our study. There a question may arise: of the many possible axiomatic representations of the theory, which one deserves preference? The answer is pragmatic: that one axiomatic representation is preferable, which is capable of offering axiomatic proofs for all true statements of the theory under consideration. It must be admitted that the axiomatization of a developed theory means only its refinement. On the other hand, only a successful axiomatization can give the theory an unshakable foundation. Anyone who tries to question the validity of an axiomatic theory must either point out the flimsiness, disputability of a particular axiom, or point out the flaws in the group of axioms used. To express reasonable doubt about the truth of an axiom is the most difficult task since axioms are the most verified and confirmed statements in this area of scientific and philosophical knowledge.

Based on the foregoing, we build an axiomatic system of the theory of cognition in the following successive steps. We, first, compile a list of the most important and widely discussed issues in the theory of cognition in the literature (*aporias* in the terminology of Aristotle). Secondly, we explicitly formulate the axioms and definitions of our system, based on personal experience of philosophical discussions. Thirdly, we carry out rigorous proofs of the statements (theorems) of interest to us within the framework of the constructed axiomatic system of the theory of cognition, and finally, we show that each of the *aporias* formulated above receives its demonstrative answer on the basis of the constructed axiomatic system of the theory of cognition.

According to the outlined steps, here is a list of fundamental questions (*aporias*) of the theory of cognition:

Aporia 1.

Do sensations and sensual perceptions arise under the influence of the external world? Or rather, sensations and sensual perceptions are the elements of human consciousness independent of the external world.

Aporia 2.

Do sense-concepts imply some form of generalization of the accumulated experience of perceiving an object? Or rather, generalization is an operation inherent only in abstract verbal thinking.

Aporia 3.

Is it right to trust the data of the senses? Or rather, our sensations and sensual perceptions distort the true picture of the world.

Aporia 4.

Does the truth consist in accordance with reality? Or rather, it is the intuitive clarity of thought, its success, or even a temporary agreement between scientists.

Aporia 5.

Is there an objective criterion of truth? Or rather, it all comes down to temporary, conditional agreements about the truth of certain general statements.

Aporia 6.

Does the empirical material contain the whole truth? Or rather, the prerogative of putting forward general ideas and laws belongs to the ability of rational thinking.

Aporia 7.

Is there absolutely true scientific knowledge? Or rather, one can doubt even the most obvious truths of mathematics.

Aporia 8.

Are the mind and reason the highest form of cognition? Or rather, mind and reason are the two main and inalienable sides of a single process of human cognition.

Aporia 9.

Are thought and consciousness a kind of independent substance (*substantia*)? Or thinking is a function of a certain way structured and organized material system - the brain.

As a basis for a demonstrative answer to these fundamental questions, we adopted the presented below well-known fundamental statements and definitions as the axiomatic basis of the theory of cognition.

Axioms

Axiom 1.

Objects of the external world, acting on the sense organs, cause sensations and sensory perceptions (images) in the human brain (see Aristotle, *Metaphysics*, 1010b33; Aristotle, *On the Soul,* 417b19-25 and Note 1).

Axiom 1a.

The evolution of living nature has developed the ability of the brain to organize sensory data and form visual images of the external world ob

jects (see Note 1a).

Axiom 2.

Sensations and sensory perceptions correspond to the properties of the sensed objects that cause them (see Aristotle, *On the Soul*, 424 a16-20, 427b12, 428a12 and Note 2).

Axiom 2a.

A sense-concept is formed by generalizing separate sensory perceptions of a particular object (see Note 2a).

Axiom 3.

The *reliability* of sensations and sensory perceptions is established by practice and the success of human activity (see Note 3).

Axiom 4.

Human cognition has two levels - the level of sensory cognition and the level of verbal (abstract, rational) thinking based on it (see Note 4).

Axiom 5.

Elementary (initial) verbal concepts are formed by naming sense-concepts (see Note 5).

Axiom 5a.

A new (not elementary) verbal concept is formed by generalizing an already-formed concept.

Axiom 6.

Verbal thinking, with the help of generalizations and abstractions, reveals the essential ("internal") properties of objects and phenomena in the surrounding world (see Note 6).

Axiom 7.

The truth of thoughts is established by their confirmation through life experience, practice, and scientific experiments (see Note 7).

Axiom 8.

Correspondence of general statements and reality is never complete (see Note 8).

Axiom 9.

A new truth is born as a hypothesis (see Note 12).

Definitions

Definition 1.

Scientific knowledge is a true generalization (see Note 13).

Definition 2.

Practice is the life experience of mankind, including production activities and scientific experiments.

Definition 3.

Reliable sense data are sense data confirmed

by life experience.

Definition 4.

Words denoting (naming) specific sense-concept are concepts of the lowest level of abstraction.

Definition 4a.

A *thought* is a statement that some object has a certain property.

Definition 5.

True *thought* is a thought corresponding (adequate) to reality.

Definition 5a.

Correspondence and *adequacy* are synonyms.

Definition 6.

The adequacy of thought to reality is characterized as the *objectivity* of truth.

Definition 7. T

he incomplete adequacy of thought to reality is characterized as the *relativity* of truth.

Definition 7a.

Absolute truth is unshakable (timeless) knowledge.

Definition 8.

Scientific knowledge is a set (system) of general truths. (Aristotle, *Metaphysics*, 982a20-25)

Definition 9.

Reliable knowledge is knowledge confirmed by practice and experiments.

Definition 9a.

The historical process of the incessant replacement of less reliable knowledge by more reliable one is called scientific progress.

Definition 10.

Intelligence is the set of cognitive abilities of a person.

Definition 11.

Cognition is the process of acquiring knowledge.

Definition 12.

(Scientific) thinking is the process of finding an answer (solution) to a certain question or problem.

Definition 13.

Reasoning is the process of logical consideration of the problem under consideration.

Definition 14.

The totality of the principles and laws of the fundamental sciences of a given era forms its *scientific picture* of the world.

Definition 15.

To be a sensual image of a particular object means to be its reflection (see Aristotle, *On the*

Soul, 424 a16-20).

Definition 16.

The terms abstraction and generalization are synonymous.

Definition 17.

Consciousness is an active state of all mental and psychic abilities of the brain that provide the life activity of the individual.

Definition 18.

Understanding is the result of reasoning (see Note 10).

Definition 19.

Language (speech) is a means and ability of verbal communication and cognition.

Definition 20.

Imagination is an innate ability to form an internal visual image at will based on the available set of sensory perceptions and sense-concepts.

Definition 21.

Confirmation of thought means a positive result of its testing.

Theorems of the Theory of Cognition

The above axioms and definitions make it possible to prove the following general statements (theorems) that provide strictly substantiated solutions to the main problems of the theory of cognition.

Theorem 1.

The principle of philosophical solipsism "The world is my sensations (my consciousness)" is erroneous.

Proof. Solipsism is denied directly by Axiom 1 "Objects of the external world, acting on the sense organs, cause sensations and sensory perceptions (images) in the human brain".

Theorem 2.

All variations of philosophical idealism based on the postulate of the independent existence of sensory perceptions, abstractions, and ideas are erroneous.

Proof. Axioms 1-3, which offer an explicit scheme for the formation of a picture of the world based on sensory perceptions arising under the influence of the external world, refute all those models of idealism that proceed from the postulate of the independent existence of sensory sensations and sensory perceptions. The said postulate of idealism hinders the construction of a rational picture of the world.

Theorem 3.

The skepticism of ancient thinkers in relation to sensory data is erroneous.

Proof. The mind overcomes skeptical doubts by checking the validity of sense data and thoughts by comparing them with the actual state of things, as well as by checking them in the wider field of life practice (Axiom 3, Axiom 7, and Definition 5).

Theorem 4.

Agnosticism in relation to sensory data is erroneous.

Proof. Axiom 1a directly states the ability of the human brain and higher animals to process and organize the data coming from the sense organs and to form an objective sensory (visual) picture of the world under the control of life practice.

Theorem 5.

Sense-concepts serve as a connecting link on the path of ascent from the level of sensory cognition to the level of abstract (verbal) thinking.

Proof. Sense perceptions, which are the initial data contained in the memory of animals, are by their nature singular (Axiom 1). Each sensory perception of an external object at different moments of time, at different distances, and in different positions is fixed in memory as a single sensory image. To be of any use in the life of an animal, this vast number of single perceptions must function as an image of the same object. Possessing an elementary level of generalization of individual perceptions, the memory (brain) of an individual solves this problem with the help of sense-concepts, forming the generalized sensory image of a given object on the basis of its numerous sensual perceptions. In the living world, this is achieved by the evolutionarily arisen ability of object vision. Thus, sense-concepts, as generalizations, serve as a transitional form that connects the world of singular sensory perceptions with the field of generalized verbal (abstract) thinking.

Theorem 6.

Sense-concepts are the only form of acquiring knowledge at the level of sensory cognition.

Proof. According to Theorem 5, a sense-concept is formed in memory as a generalization of the available sensory perceptions of a given object. On the other hand, "Every generalization is knowledge" (Definition 3). Since among the forms of sensory cognition only sense-concepts have the ability to generalize, it directly follows from the above premises that sense-concepts are the only form of acquiring knowledge at the level of sensory cognition.

Theorem 7.

Sensual and abstract levels of cognition are inseparable.

Proof. Axiom 5 states: "Natural language forms elementary concepts by naming sense-concepts". Since the mental operation of naming is carried out in a person's memory, the latter keeps the word ("name") and the corresponding sensory image together, in unity. When a person pronounces a word (concept), the sensory image (sensory representation) is simultaneously activated in memory.

Theorem 8.

The new concept of natural language has a higher level of abstraction than the concept generalized by it.

Proof. Elementary concepts (words) of a natural language denote sense-concepts (Axiom 5). Since a new concept is formed by a generalization of the sense-concepts of a given concept (Axiom 5a), this means that natural language forms new concepts by generalizing the existing concepts. Consequently, the new concept has a higher level of generalization than the concept generalized by it. And since the terms abstraction and generalization are synonyms (Definition 16), it follows from this that new concepts have a higher level of abstraction than the concepts they generalize.

Theorem 9.

Thought reflects reality (the surrounding world).

Proof. Consider Axiom 2a and Definition 15:

Axiom 2a. A sense-concept is formed by generalizing separate sensory perceptions of a particular object.

Definition 15. To be a sensual image of an object of reality means to be its reflection.

From these two statements, it directly follows that "sense-concept is a reflection of the object of reality". Or in a shorter version: "Sense-concept is a reflection of reality". (A)

Recall axioms 5 and 5a:

Axiom 5. Elementary (initial) concepts (words) are formed by naming (designating) sense-concepts.

Axiom 5a. A new (not elementary) verbal concept is formed by generalizing an already-

formed concept.

These two axioms together imply:

Concepts (words) are generalizations of sense-concepts. (B)

From premises (A) and (B) it immediately follows:

"Concepts reflect reality". (C)

Further, according to Definition 4a,

"A thought is a statement that some object has a certain property".

And since objects and their properties are denoted by concepts, and according to the statement (C) above, concepts reflect reality, it immediately follows from this:

"Thoughts reflect reality". (Theorem 9 is proven)

Theorem 10.

The truth of thoughts is constantly *tested* by life experience, practice, and scientific experiments.

Proof. Let us use Axiom 7 and Definition 21:

Axiom 7. The truth of thoughts is *established* by their confirmation through life experience, practice, and scientific experiments.

Definition 22. Confirmation of thought means a positive result of its testing.

From these two premises, it follows:

The truth of thoughts is constantly tested by life experience, practice, and scientific experiments. (Theorem 10 is proven)

Theorem 11.

In the process of constant verification, less reliable knowledge is constantly replaced by more reliable knowledge.

Proof. Let's use Definition 8 and Theorem 10:

Definition 8. Knowledge is a set of general truths.

Theorem 10.

The truth of thoughts is constantly tested by observation, practice, and scientific experiments.

From these two premises, it follows:

Knowledge is constantly tested by observation, practice, and experimentation. (A)

Let's take into account Definition 9:

"Reliable knowledge is knowledge sufficiently confirmed by practice and experiments."

Now we can deduce from (A) and Definition 9:

In the process of constant verification, less reliable knowledge is replaced by more reliable. (Theorem 11 is proven.)

Theorem 12.

The history of science and technology testifies to the constant progress of scientific and technical knowledge.

Proof. We have proved above that in the process of constant verification, less reliable knowledge is replaced by more reliable (Theorem 11).

According to Definition 9a, we have the premise "The historical process of the incessant replacement of less reliable knowledge by more reliable is called scientific progress".

Theorem 11 and Definition 9a directly imply:

The history of science and technology testifies to the constant progress of scientific knowledge. (Theorem 12 is proved.)

Theorem 13.

The world is cognizable.

Proof. If the world were unknowable, then the high level of scientific progress of our day would be impossible.

Theorem 14.

Truth is relative in three aspects - general philosophical, qualitative, and quantitative.

Proof. According to Axiom 8, "The adequacy of thoughts and objects of reality is never complete".

On the other hand, thought is true if it is adequate to reality. (Definition 5)

At the same time, according to Definition 7, "The incomplete adequacy of thought to reality is characterized as the relativity of truth".

The conclusion about the relativity of truth in the general philosophical aspect follows directly from the above 3 premises.

To demonstrate the relativity of truth in a qualitative aspect, we will use the concept of a *scientific picture* of the world:

Definition 14. The totality of the principles and laws of the fundamental sciences of a given era forms its scientific picture of the world.

On the other hand, we have the following valid scientific statement (Knowledge):

Knowledge 1. The history of science has recorded that scientific eras successively replace each other.

From Definition 18 and Knowledge 1, it follows that "Scientific worldviews of historical eras successively replace each other". This means that truth is relative also in its qualitative aspect.

To demonstrate the relativity of truth in a

quantitative aspect, we will use the following general position of the empirical sciences:

Knowledge 2. Quantitative statements need measurement operations.

On the other hand, we also have the following general statement of the history of science:

Knowledge 3. The accuracy of measuring operations is constantly improving.

From the statements Knowledge 2 and Knowledge 3, it directly follows that the truth of quantitative statements is relative in the aspect of their constant refinement. Thus, we have obtained the proof of all three aspects of Theorem 14.

Theorem 15.

There is not and cannot be absolute truth in the field of general theoretical statements.

Proof. According to Definition 7a, "Absolute truth is unshakable general knowledge, fully adequate to reality".

According to Axiom 8, "The adequacy of general statements and objects of reality is never complete".

At the same time, we have Definition 5: "A true thought is a thought that is adequate to reality".

It directly follows from these three premises that there can be no absolute truth in the field of general theoretical statements (Theorem 15).

Theorem 16.

All alternative conceptions of truth are erroneous as one-sided approaches.

Proof. (A) All main alternative concepts of truth focus on some particular aspect of the process of knowing:

The consistency concept does not consider conditions and essence of the truthfulness focusing mainly on its result.

Conventionalism is only a transition period in the formation of a true scientific concept.

Pragmatism is a characteristic of the applied use of truth but does not reveal its essence.

Intuitionism proceeds from a subjective assessment of the obviousness of truths, which is generally absent in the case of new theories of natural science (e.g. quantum mechanics and relativistic mechanics).

(B) No particular aspect of the process of cognition can replace the task of achieving knowledge adequate to reality.

From premises (A) and (B) it immediately follows that all alternative conceptions of truth are erroneous as one-sided approaches (Note 13).

We are now ready to present evidence-based answers to the epistemological aporias formulated above.

The answer to *Aporia 1:*

"Do sensations and perceptions arise under the influence of the external world? Or rather, sensations and sensual perceptions are the elements of human consciousness the senses, cause sensations and sensory images in the brain";

The answer to *Aporia 2:*

"Do sense-concepts imply some form of generalization of the accumulated experience of perceiving an object? Or rather, generalization is an operation inherent only in abstract verbal thinking" is given in Axiom 2a "Sense-concept is formed by a generalization of separate sensory perceptions of a certain object";

The answer to *Aporia 3:*

"Is it right to trust the data of the senses? Or rather, our sensations and sensual perceptions distort the true picture of the world" is given in Axiom 2 "Sensations and sensory images correspond to the properties of the sensed object that causes them";

The answer to *Aporia 4:*

"Does the truth consist in accordance with reality? Or rather, it is the intuitive clarity of thought, its success, or even a temporary agreement between scientists" is given in Definition 5 "A true thought is a thought corresponding (adequate) to reality";

The answer to *Aporia 5:*

"Is there an objective criterion of truth? Or rather, it all comes down to temporary, conditional agreements about the truth of certain general statements" is given by Axiom 7 "The truth of thoughts is established by their confirmation in life experience, practice, and scientific experiments" and Theorem 16 "All alternative conceptions of truth are erroneous as one-sided approaches" (Note 13);

The answer to *Aporia 6:*

"Does the empirical material contain the whole truth? Or rather, the prerogative of putting forward general ideas and laws belongs to the ability of rational thinking" can be briefly expressed as follows: general ideas and laws are developed by rational thinking (Axiom 4 and Axiom 6), but empirical facts serve as their basis and means of verifying the truth. (Note 14);

The answer to *Aporia 7:*

"Is there absolutely true scientific knowledge? Or rather, one can doubt even the most obvious truths of mathematics" is given in Theorem 15 "There is not and cannot be absolute truth in the field of general theoretical statements." (Note 15);

The answer to *Aporia 8:*

"Are the mind and reason the highest forms of cognition? Or rather, mind and reason are the two main and inalienable sides of a single process of human cognition." is given in Definitions 18 and 18a (Mind, as intellect, is based on the understanding achieved by reason.);

The answer to *Aporia 9:*

"Are thought and consciousness a kind of independent substance (*substantia*)? Or rather, thinking is a function of a certain way structured and organized material system - the brain" is given in the following modern view on the subject: The brain of an individual, based on the data of the sense organs, forms in memory a picture of the surrounding reality; then this picture is described and studied at the level of abstract (verbal) thinking, which makes it possible to put forward hypothetical positions about essential properties and laws of the objective world; eventually, the reliability and truth of hypothetical positions are established by scientific experiments and practice".

Notes

Note 1.

In search of an answer to the main question of the "first philosophy" about being as such, Aristotle begins the 2nd chapter of the VII book of *Metaphysics* with the words "Most of all, it is believed that essence is inherent in bodies" (Aristotle, *Metaphysics*, VII 2, 1028 b 9). Whether there are other entities as well is something to be considered. In this group of entities, sense perception cannot be included. Sensory perception cannot perceive itself, "but there is something else besides perception, which is necessary first of all, for that which moves by nature is first of what is moved, and the matter does not change whether they are correlated with each other or not" (Aristotle, *Metaphysics*, IV 5, 1010 b 35).

Note 1a.

Immanuel Kant's correct observation that sensory data entering the brain creates informa-

tional chaos reflects the fundamental difficulty of the pre-evolutionary theory of cognition of his time. This difficulty has been resolved by the evolutionary concept of the origin of species (Darwin, 2001/1859).

Note 2.

"Regarding any type of sense perception, it is generally necessary to recognize that it is something that is capable of perceiving the forms of the sensed without its matter, just as wax takes the imprint of a ring without iron or gold," wrote Aristotle (Aristotle, *On the Soul*, 424 a16 - 20). The significance of the formulation of the great thinker is not only in the unforgettable figurative comparison of sensory perception and the imprint of a ring but also in the convincing remark that sensory perception provides us with the shape of an object without distortion, akin to the imprint of a ring on wax.

Note 2a.

This thought is implied in the idea of resolving the paradox of *senses versus rational*: "Sense data provide elementary knowledge from which rational thinking forms general concepts" (Djidjian, 2016, p. 50). Since of the types of sensory cognition, only sense-concept contains knowledge, and knowledge is knowledge of general, it follows from the cited thought that sense-concepts are generalizations of sensory perceptions.

Note 3.

Francis Bacon has mentioned that although the senses quite often deceive and mislead, in alliance with the activity of a person, they can provide quite sufficient knowledge. Of course, for philosophers, who, according to the specifics of their subject, deal with the most general problems of being and cognition, it is completely unusual to turn to the practical activity of a person as a criterion for the truth of certain provisions. Such an "impractical" mood of philosophers can even be justified if we accept the general thesis that the starting material for philosophizing and building philosophical concepts are the most general statements of the relevant scientific disciplines. But even in this case, the specific sciences will confirm that their belief in the adequacy of sensory perceptions is based on the success of a person's vigorous activity, in particular, on agreement with experimental data.

Note 4.

Immanuel Kant has mentioned that we cannot

think of a single object except with the help of reason but at the same time we cannot cognize a conceivable object except with the help of sensory intuitions. Since no object can be known without the help of sensory perceptions, thinking without sensory perceptions turns out to be objectless. Symmetrically, knowledge of objects is impossible without rational thinking. This way we reach Kant's famous aphorism: "Reason without sensations is empty, sensations without reason are blind".

Note 5.

About the individual nature of sensations and the general nature of concepts, Aristotle wrote the following: "Sensation in action can be likened to the activity of contemplation; it differs from the latter in that what puts it into action is something external, visible and audible, as well as something else that is felt. The reason for this is that sensation in action is directed to the individual, while knowledge is directed to the general. And the common in some way is in the soul itself. Therefore, to think is in the power of the thinker himself, whenever he wants to think; the sensation is not in the power of the one who perceives, for it is necessary that the sensed be present" (Aristotle, *On the Soul*, II 5, 417 b 19-25).

Note 6.

Famous aphorisms of John Locke – "There is no essential in single things", "Every abstract idea represents an essence" - clearly demonstrate his correct understanding of the place and meaning of abstract, verbal thinking. Locke, using accessible examples, explained that "powers and abilities" are inaccessible to knowledge by sensory perceptions alone and require the participation of abstract thinking.

Note 7.

The aphorism 77 of *The New Organon* begins with the following sentence: "The procedure that starts with experience and sticks close to it is the best demonstration by far" (Bacon, 1620, p. 19). The principle of practice was adopted by Soviet philosophers. They interpreted practice as an activity of people aimed at transforming objects in order to meet social needs. The most popular was the assessment of the dual role of practice - as a source of knowledge and as a criterion of truth.

Note 8.

In connection with the concept of the relativity of truth arises the problem of absolute truth, usually in the form of the question: "Can an edu-

cated person imagine that any theorem or axiom of geometry is a *relative* truth?" There is no doubt that the result of such a survey will be predominantly negative. In principle, one can *imagine an experiment* on a cosmic scale that allows one to measure the sum of the interior angles of a triangle whose vertices are the stars closest to us. The results of this experiment could serve as a test for the Euclidean "flat" model of world space.

Note 9.

"From the definition here, the one who has the greatest knowledge of the general must necessarily have knowledge of everything, application in the meaning he knows everything that falls under the general," explained Aristotle. "But perhaps the most difficult thing for a person to know is precisely this, the most general, it is the furthest from sensory perceptions" (Aristotle, *Metaphysics*, 982a20-25).

Note 10.

In modern publications, three main meanings of the category of mind can be distinguished: $Mind_1$ (reason in the wide sense) as equivalent to the category of consciousness; $Reason_2$ as an assessment of the mental abilities of a person ("intelligence", "Mind") and $Reason_3$ as the ability of logical reasoning.

Note 11.

It is not difficult to verify that sensory representations are also present in higher animals. For example, lions attack cardboard images of lions. It can be assumed that the sensory representations of humans and animals arise according to an inborn, innate mechanism applied to the personal experience of sensory perceptions (visual images) and representations. Human dreams testify that in the human brain, there is also an innate mechanism for the formation of visual images, by analogy with the available baggage of ideas. This is the basis of the mechanism of imagination.

Note 12.

The term *artificial intelligence* has been widely used in all spheres and at all levels of public life since the first decades of the 21st century. A few decades earlier, it was customary to emphasize that the potential of the state is determined by the power of its computers. Today, it is already required to achieve a wide application of software tools (artificial intelligence in this narrow sense) in all areas of society, primarily in

design organizations and in production. In turn, computer programs are the implementation in programming languages of algorithms for the corresponding activity. We are gradually approaching that historical date when the first "truly thinking" machine will be created - an autonomous system of artificial intelligence capable of independently perceiving, describing, and researching the surrounding reality.

There can be no doubt that in developing a "truly thinking" machine, those computer scientists who will be guided by the correct version of the general theory of cognition will have a decisive advantage. An intermediate step on this path will be a universal algorithm for finding solutions to intellectual problems - the Algorithm of thinking.

Here is a version of the formulation of *the Algorithm of thinking* that we developed in (Djidjian, 2004, pp. 80-81). To successfully solve the problem under study, one must first achieve a sufficient level of understanding of the problem under study. The analysis of the problem under study is carried out in the following steps:

a. to identify the main features of the problem,
b. present the problem under study in a standard form,
c. divide the original problem into a set of sub-problems,
d. to draw deductive consequences from the totality of data on the problem under study.

In the case of serious research problems, the analysis of the problem reveals a sub-problem that does not lend itself to further subdivision. Such a sub-problem can be solved only by synthesizing the idea of its solution by analogy with the idea of solving a similar prototype problem.

Note 13.

Definition 1 concerns, first of all, scientific knowledge, which is distinguished by its generalizing character. In contrast to scientific knowledge, factual knowledge occupies a significant place in everyday knowledge.

Note 14.

The progress of science and technology leaves no doubt that the success of the implementation of scientific and technical projects is based on true, proven, reliable theoretical knowledge. It is in this sense that theory is the best practice. True knowledge is the key to successful practice, truth brings success, and truth will never fail.

But the success of the activity just by itself is a significant value. Moreover, taking practice as a criterion of truth, we give the palm to practice. There is a subtle but significant separation line here. One should clearly distinguish between "the truth in progress" and "the truth already tested". Undoubtedly, in the process of the formation of a truth and its approbation, the main role belongs to practice. But the proven truth is already self-sufficient and serves as a condition for the success of its further practical use. It is the proven, verified truth that will never fail.

Momentary success can end in failure if it is not comprehended in the form of true knowledge, as an adequate theoretical generalization. There are many examples of this. Jean-Baptiste Lamarck successfully explained the evolution and development of the animal world in light of his concept. But it soon became clear that he was fundamentally mistaken in his belief that evolution takes place under the direct influence of the conditions of life and due to the exercise of the organs. There are many examples also in the field of modern technology. The catastrophe of the Concorde supersonic airliner on July 25, 2000, made the strongest impression on the world community. Due to this single disaster, the popularity of supersonic liners sharply declined, their operation began to bring losses, and since 2003 all Concordes were decommissioned and became museum exhibits.

The author of the Stanford Encyclopedia of Philosophy article "Theory of Correspondence" M. David joins the common assessment among professional philosophers that "the theory of correspondence is too obvious to merit much or any discussion" (David, 2022). The noted specificity of scientific articles on the problems of philosophy contrasts sharply with the fact that, according to a special study conducted among teachers and students of philosophy departments in the United States, more than 80 percent of the respondents accept the principles of the materiality and cognizability of the world ("non-skeptical realism"), while supporters of idealism are only 4.3 percent (*The 2009 PhilPapers survey. Results, analysis and discussion*, 2009).

It seems to us not superfluous to note that the understanding of the Western pragmatic concept that is customary for the Soviet and post-Soviet philosophical community as success in practical activity is not accurate. The fathers of pragma-

tism, Charles Pierce, William James, and John Dewey, and their followers, had in mind not the success of people's practical activities, but the success of research work. For example, Ch. Peirce's interpretation of truth comes down to the following: "The opinion with which all researchers are destined to agree in the end is what we mean by truth, and the object represented in this opinion is reality" (Peirce, 1878 (citation by Capps, 2019)). Researchers of pragmatist epistemology are forced to acknowledge that "Often the significant differences between various pragmatic theories of truth can make it difficult to determine their general principles (if any)" (Capps, 2019).

It is the absence of a criterion of practice that forces many philosophers to lean towards an idealistic approach to questions of epistemology (Stove, 1991). Here, for example, is how Immanuel Kant argued. It is generally accepted that we cannot go beyond our own mind to compare our thoughts with mind-independent reality. But according to the correspondence theory, that is exactly what we would have to do in order to gain knowledge. We would have to access reality as it is in itself, independent of our cognition, and determine whether our thoughts correspond to it. But since this is impossible, then all our access to the world is mediated by our knowledge, and the concept of correspondence makes knowledge impossible. This is the basis for Kant's concept of "thing-in-itself".

We also note that the "Theory of Truth" section of the Stanford Encyclopedia of Philosophy includes an "Axiomatic Theory of Truth" subsection, which describes attempts to give formal axiomatic descriptions of truth and draw conclusions from them, such as Gödel's theorem or Tarski's concept of the indefinability of truth in formalized mathematical theories (Halbach & Leigh, 2022). But they fail to take into account that the axiomatic representation (in this case, the axiomatic theory of truth) is justified only if there is an appropriately developed theoretical concept of the truth.

Note 15.

The answer to Aporia 6 requires careful consideration. Here philosophers should concentrate their attention

1) on the comparison of sensory and rational levels of cognition (Axiom 4),
2) on the comparison of "factual" statements and

general theoretical statements in terms of their genesis (see Axiom 5a and Axiom 5b),

3) on comparing the empirical and experimental knowledge about natural phenomena and the knowledge of abstract logico-mathematical sciences about ideal objects (see Axiom 6), and

4) on the comparison of the empirical (pre-theoretical, fragmentary) level of knowledge and theoretical knowledge (as a system of evidence-based knowledge). Unfortunately, the consideration of points (2)-(4) takes us beyond the theory of cognition and touches upon the issues of methodology and theory of science, which we intend to dwell on in our study of the possibility of an axiomatic representation of the methodology of scientific research.

Note 16.

Knowledge about reality, according to Definition 1 and Definition 8, is a claim for a valid generalization, which, by the very nature of the generalization, is neither guaranteed to be true for all time nor exhaustive. This is also stated in Axiom 8 "The correspondence between a general statement and reality cannot be complete".

As for purely mathematical knowledge (mathematical theory), the characteristic "truth" is in principle inapplicable to it, since there is no natural world of mathematical objects. In fact, mathematical objects are ideal objects, abstractions. If we talk about mathematical theories of the "first level of abstraction from reality", such as Euclidean geometry, then in them certain provisions are indeed correlated with reality, so to say, are "obvious". Yet there can be no guarantee that a fact of real reality will not be revealed, which is not "obvious" and contradicts a certain provision of this theory. In geometry, the postulate of a straight line is obvious, but the postulate of the sum of the angles of a triangle is not at all obvious. Moreover, according to modern cosmology, the curvature of world space depends on the average density of matter in world space. There is a certain possibility of experimental verification of the postulate of Euclidean geometry about the sum of the interior angles of a triangle. Already modern spacecraft, in principle allow experimental verification of this postulate by measuring the angles between three spacecraft spaced apart outside the solar system. As mentioned above, a strictly conclusive answer to Aporia 7 is

given in Theorem 15 "There is not and cannot be absolute truth in the field of general theoretical statements".

Acknowledgments

References

Aristotle. *Metaphysics.* Retrieved January 20, 2023 from http://classics.mit.edu/Aristotle/metaphysics.html

Aristotle. *On the soul.* Retrieved January 20, 2023 from http://classics.mit.edu/Aristotle/soul.html

Bacon, F. (1620). *The New Organon.* Retrieved January 20, 2023 from https://constitution.org/2-authors/bacon/nov_org.htm

Capps, J. (2019). The pragmatic theory of truth. In *The Stanford Encyclopedia of Philosophy.* Retrieved January 20, 2023 from https://plato.stanford.edu/archives/sum2019/entries/truth-pragmatic/

Darwin, Ch. (2001/1859). *On the origin of species.* Harvard Paperbacks.

David, M. (2022). The correspondence theory of truth. In *The Stanford Encyclopedia of Philosophy.* Retrieved January 20, 2023 from https://plato.stanford.edu/archives/sum2022/entries/truth-correspondence/

Djidjian, R. (2004). *Your way to great discoveries.* Yerevan: Yerevan State University Press.

Djidjian, R. (2016). Paradoxes of human cognition. *WISDOM, 7*(2), 49-58. https://doi.org/10.24234/wisdom.v7i2.137.

Djidjian, R., & Hovhannisyan, H. (2020). Axioms of philosophy in Aristotle's Metaphysics. *WISDOM, 16*(3), 7-17. https://doi.org/10.24234/wisdom.v16i3.395

Fortunato, S. (2018). Science of science. *Science, 359*(6379), eaao0185. doi: 10.1126/science.aao0185

Halbach, V., & Leigh, G. E. (2022). Axiomatic theories of truth. In *The Stanford Encyclopedia of Philosophy.* Retrieved January 20, 2023 from https://plato.stanford.edu/archives/spr2022/entries/truth-axiomatic/

Hilbert, D. (1999/1899). *Foundations of Geometry.* (2nd ed). Open Court.

Hintikka, J. (2011). What is axiomatic method? *Synthese, 183*(1), 69-857.

Hovhannisyan, H. (2008). Argumentation and meta-argumentation. *News and Views, 18*, 22-25.

Hovhannisyan, H. (2014). Metaargumentation from the perspective of metaphilosophy. *WISDOM, 2*(1), 79-88. https://doi.org/10.24234/wisdom.v2i1.47

Hovhannisyan, H. (2015). Meta-argumentation as an argumentation metatheory. *Metaphilosophy, 46*(3), 479-487.

Hovhannisyan, H., & Djidjian, R. (2017). Building a general theory of meta-argumentation. *Metaphilosophy, 48*(3), 354-345.

Kleene, S. K. (1952). *Introduction to metamathematics.* Ishi Press.

Lavenda, B. H. (2012). *A new perspective on relativity: An odyssey in non-euclidean geometries.* World Scientific Publishing Company.

Lobachevsky, N. (2010). *Pangeometry. Heritage of european mathematics series.* (Vol. 4). European Mathematical Society.

Lukasiewicz, J. (1957). *Aristotle's syllogistic from the standpoint of modern formal logic.* (2nd ed.). Oxford University Press.

Munafò, M. (2017). Metascience: Reproducibility blues. *Nature, 543*(7647), 619-620.

Peirce, C. S. (1878). How to make our ideas clear. *Popular Science Monthly, 12* (1878), 286-302.

Rav, Y. (2008). The axiomatic method in theory and in practice. *Logique et Analyse, NOUVELLE SÉRIE, 51*(202, Juin), 125-147.

Rogge, E. (1950). *Axiomatik alles moglichen philosophierens.* Meisenhelm/Glan.

Sen, P. (1996). *Axiomatic philosophy.* New Age International.

Stove, D. (1991). *The Plato cult and other philosophical follies.* Oxford: Blackwell.

The 2009 PhilPapers survey. Results, analysis and discussion. (2009). *PhilPapers.* Retrieved January 20, 2023 from https://philpapers.org/surveys/

SPECULATIVE WHOLE REVISED

Boris SOLOZHENKIN [1,*] iD | Dmitry SMIRNOV [1] iD

1 I. M. Sechenov First Moscow State Medical University (Sechenov University), Moscow, Russian Federation

* *Correspondence:*
Boris SOLOZHENKIN, Chelyabinsk region, Zlatoust, 5-24 Metallurgov st., 456211, Russian Federation
E-mail: gerzhogzdes@mail.ru

Abstract: How to think of the Whole? Our theoretical findings on that matter emanate from the critical response to D. F. Verene's account of the idea of the Whole, which is speculative and necessary for true philosophy. As this study shows, the idea in its essence depends upon two main criteria, ontological and epistemological. Both criteria perfectly demonstrate the logic of supplementation, which undermines the original conception. We argue that the speculative Whole has to be revisited. First, the only possibility to provide the connection between the idea of the Whole and self-knowledge in a consistent way could be given through the idea of holistic living. Secondly, the Whole must be thought virtual: that allows the Whole to exist in a variety of drafts, exclusive of the one true. Both our theoretical gestures result in a significant convergence of the concepts of the Whole and Becoming.

Keywords: speculative philosophy, the Whole, D. P. Verene, reflection, virtual, integrity, supplementation.

What is philosophy? – a question that can only be forgotten together with the philosophical undertaking itself. Any answer to this question implies both the positioning of philosophy among other human activities and cultural practices, and the inevitable choice in favor of the authentic way of being of philosophy.

In the profound topical works of D. F. Verene (1997, 2007, 2009), we meet a version of a certain answer to such a question. This version is characterized by such a basic bundle: true philosophy-speculation-the Whole. The Whole is a central idea, which is closely associated with speculation. However: what does it mean to be whole? Why should a true philosophy be labeled by the Whole? What is the ontological status of the Whole – is it actual, ideal, or subjective? In our revision of Verene`s conception, all these perspectives of questioning communicate together. Although the conception demonstrates classical aspirations, enlisting the considerable support of past thinkers and recognizing many variants of the Whole, it is rather contemporary. As we will see, speculative creativity and individual life are two aspects that unfold the Whole towards Becoming. The incompleteness of the Whole, which will also be discussed in more detail, is needed to be thought of positively.

The first four sections of our work are analytical and constructive. In them, we isolate the main motivations of speculative thinking: this is a confrontation with reflective thought, as well as a focus on the Whole. Two arguments are designed to confirm the idea of the Whole in its significance. We examine them in turn: first revealing the essence of the ontological premise,

and then investigating the epistemological assumption. An important intermediate result consists in the revealed logic of supplementation, whose consequences for the concept of the Whole are explored in the remaining two sections devoted to the pragmatics of the Whole and its developmental transformation. Thus, the idea of the Whole is subjected to a critical revision from the position of its pragmatical significance and internal incompleteness.

Criticism of Reflection and the Real

Firstly, in a small draft, we should restore the context of D. P. Verene's speculative philosophy in the framework of which the idea of the Whole acquires its basic features. This context is saturated with the meaning of the opposition of two concepts. In Verene's works, the concepts of reflection and speculation refer not so much to the specific faculties inherent in a person or their consciousness as to ways of considering the essence and objectives of the philosophical process. They are neither two parts of a single proportion nor two opposites dialectically bounded. The difference between these concepts is qualitative, it demonstrates certain succession: the speculative ultimately grows from the reflective. Following Vico's idea, "Reflective thinking is a false form of self-knowledge" (Verene, 2009, p. 45), Verene (2009) also comes closer to Hegel who preferred speculation as the true method of philosophy (p. 9).

What is then wrong with the reflective attitude to thinking? What is its drawback? In answering this question, we arrive at the topic of speculation and the Whole. Based on the available text (Verene, 2009), we are unlikely to come close to a multilateral historical and philosophical understanding of reflection. It would be more theoretically accurate to talk about the existence of reflective philosophy (postulated by Verene, of course) and its inherent attitude to knowledge. Such a philosophy relies on the assumption that reality can be reflected and thus known in an unambiguous way (Verene, 2009, p. 58). True knowledge in this case is marked by unambiguity. The followers of the reflective attitude among which the author distinguishes rather heterogeneous figures from Bacon to Kant (as well as the analytical philosophy as such), devote them-

selves to the matching sensible images and judgments, the representation of an object in consciousness and the knowledge manifesting itself in the form of a concept or a judgment. From this perspective, the process of thinking is an endless calibration of the mental representation, its approximation to the true nature of things. Various versions of this classical epistemological approach were examined by Rorty (1979).

Reflective philosophy is consumed by countless debates and the search for the best argument in various discussions (Verene, 2009, p. 47). Reflective philosophy is starting to speak from a certain standpoint, and by establishing it, this philosophy naturally leaves the importance of other positions behind. This remark proceeds with an argument about the real. It is the real that reflective thought is unable to comprehend. Reflective thought deals only with the external, with classification, and the real ends up being what lifeless classification schemes cannot grasp (Verene, 2007, p. 2). Verene (2009) states: "To approach the real through reflection is to see through a glass darkly, albeit with certainty of what is seen" (p. 122).

We must note and remember the point that reflection cannot in any way cope with – the duality of experience. Reflection is unable to encompass and express the human experience filled with contradictions and discrepancies. We shall link this argument straight away with a more general governing principle: "the True is the whole" (Verene, 2009, p. 18). Experience is exactly what presents such wholeness. When a critical thinker, who bases his metaphysics on reflection, tries to comprehend the real, failure is inevitable. Thus, we observe the repetition of the argument and the similarity of the two calls: "to see the real face-to-face" (Verene, 2009, p. 122) and "to glimpse the whole of experience from within experience" (p. 123).

The Ontological Meaning of the Idea of the Whole: Incompleteness of Reality

Once again, why is the real problematized? By the virtue of dualistic relations coming into play: human experience presupposes the duality of truth relative to the existing definitions. Depending on the chosen position, good and evil change places; what is just in one moral world is the de-

nial of justice in another[1]. The context in which Verene considers the concepts of "the real" and "experience" is wide and at its least allows examining the experience of knowledge of individual situations and at its most – an entire worldview or a philosophical system in which experience is interpreted.

Verene (2009) writes: "A poem or a myth is the most precise form of thought in human experience" (p. 74). Reflection cannot communicate anything about the real without operating with or referring to the narrative. There is no such thing that is real only because of itself. This "correlationist" argument, as it is called today, is twofold. The reality of a situation or a thing cannot lie on a single side, either subjective or objective. From the standpoint of the subject, a thing can turn out to be a mere fantasy and from the position of the object, it can be a thing-in-itself, the unconscious, facticity... Each reflective operation communicating something about an object remains fundamentally partial: it only communicates one aspect of a thing or a situation while concealing others. Even if we find a way to put all possible aspects together and match them with one another, we will not obtain a holistic image. The reason for that lies in the need for a principle or even a range of principles underivable from the context of the argument itself based on which it would be possible to compare our judgments. For instance, there is a task – to explain what happened in the battle of Krasnoye (meaning one of the turning points of the Great Patriotic War of 1812). The overall outcome of the situation is ambiguous, and even with all the clarity of the victory, the reflective consciousness can ask its questions. Was it a glorious victory over Napoleon or merely an unfinished operation that cost the lives of many soldiers of the Russian army? How do we evaluate the actions of Kutuzov, the commander-in-chief of all Russian armies and militias, and the motives he followed in not finishing off the weakened and stalled French army? If any such motives were present and Kutuzov saw no point in defeating Napoleon, it seems difficult to call him the savior of the soldiers. The interpretation of both the event and the behavior of an individual does not allow for ambiguity. Here, the principle of contradiction comes into play: we must choose between options. This principle will cease to be problematic when a theoretical consciousness that combines two interpretations emerges. In this case, the "savior of the soldier" and "the one sentencing them for certain death" are different aspects of the commander's actions.

Even if such a synthetic solution is not selected, we have to understand that every judgment is inevitably guided by a certain direction of interpretation. Phenomenology tends to consider the "horizon" accompanying (or preceding) intentional positing. Examining motives for action implies sources providing us with those motives. Personality is a certain interpretation that allows the historical context to come into focus and, at the same time, depends on the interpretation of this context. For the predicates like "patriotic" or "subtle psychologist" to establish themselves as "real" in relation to Kutuzov, an appropriate "Tolstoyan" narrative is needed. This hermeneutic dialectics of one battle reveals the powerlessness of reflection, which is forced to starve until speculation supplies it with pre-made provisions.

Arguments, evaluations, and judgments should be placed in a certain context organizing them, specifically a cognitive narrative (Verene, 2009, pp. 53-54). The philosopher becomes the "maker of the word" (Verene, 2009, p. 32) responsible for "narrative truth-telling" (p. 106). Back at the beginning of his work, Verene (2009) speaks about "the primacy of word over thing" (p. 46) and later develops a logical connective of "the true is the made" parallel to "the True is the whole" (pp. 7, 106). We believe that they can be united within the framework of a single hermeneutic circle of the Whole-True-Made clarifying the purpose, objectives, and way of work of a speculative philosopher.

The ontological meaning of the idea of the Whole lies in supplemented reality. The real is never attainable by itself, it is always supplemented. Being supplemented by imagination, it becomes a dialectical element of the Whole[2]. Imagination introduces an element of non-being, gives some ground for further narration, and guides along a certain path of interpretation. In other words, we are aware of various forms of

---

[1] See Verene's (2007) explanation of Hegel's idea of the topsy-turvy world ending the adventures of Understanding in Phenomenology (pp. 49-55).

[2] This train of thought about the constructive role of imagination has already been analyzed in the literature. For example in the work of Solozhenkin and Smirnov (2019).

representation containing both direct sensation and something that transcends them (Verene, 2009, p. 84). This transcendental which Verene calls the metaphysical is the interpretive context which philosophy can never abandon even sincerely desiring it.

If the real has already mixed with cultural memory, the social imaginary (Castoriadis), then the Whole now is a product of assembling. According to Verene, philosophers remake the world. They introduce it to us in a certain way and only they establish its wholeness. In their postulation of truth (shaped in a certain way) they are similar to gods. It costs nothing for a speculative thinker to identify with the Spirit, to declare the possibility of knowing the meaning of history, its eternal laws... Possibilities like this spring from the concept of truth behind the Whole-True-Made triad.

This concept of truth as a whole given through a narrative could be characterized simultaneously as coherent and pragmatic. Verene (2009) stipulates that we consider probable truths designed primarily to suggest reflection rather than be descriptions (pp. 70-71). In that case, what makes them probable? Aside from possible references to common sense or cultural experience, the internal coherence of provisions remains the most important. There is what Cassirer's philosophy of symbolic forms allows and what is forbidden in it. One part of a philosophical system confirms the other, and only the new which is compatible with several known provisions of the system can be accepted in it.

The pragmatic model of truth also applies here since speculation is musical. It can be viewed as a song. However, how does a song become true? The true songs are the ones one wants to sing over and over again returning from the end back to the beginning (Verene, 2009, pp. 9-10). The best metaphysics is a song whose chart position is determined by the number of listens (comments, new renditions). From this perspective, Verene who states essentially continental claims is similar to Rorty who, according to all basic intuitions, is the opposite author. In Rorty's vocabulary approach, truths start to compete in a certain market of ideas. Leaving the truth at the mercy of time and repetition is an extremely contemporary move, some might even call it postmodern.

The narrative model of truth has one problem. When does the Whole become such? Our example demonstrates that one situation is not enough – it requires the Whole as a sort of preceding philosophy of history. A historical event has to become a part of the Hegelian or any other meta-narrative. However, at what point does it acquire its wholeness and completeness? Is it acquired at the moment the publication is sent to print, or as it is included in the tradition, or from the moment of becoming overgrown with comments, opinions, etc.? How many provisions are needed to form the core for further testing for coherence? It appears impossible to answer this question in a quantitative sense. The sum of provisions (no matter how large it is) does not yet provide a system that can be seen in the examples of scholastic theses and judgments.

There is also a structural moment, without which the Whole as an idea loses its philosophical meaning. Contrasting the speculative and the reflective, Verene has to single out a specific method of constructing a thought that creates conceptual worlds. If the reflective consciousness is based on stable relationships between the static I and the independent object, the very link between them is mobile in speculation. Such a dynamic structure is presented by the speculative sentence that reveals the inner life of the object and its connection with the inner movement of consciousness (Verene, 2009, p. 3).

The "Object" of Speculation and the Speculative Sentence

The question of what is this "object" the inner life of which must be comprehended leads us to dialectics. Verene (2009) states: "By speculation, I mean that philosophy that takes the true as the whole and regards the mind as alive in the movement between opposites" (p. 57). In a different place, he writes: "Speculation is a myth in its drive to comprehend the whole and musical in its sense of following in language the progression of the inner life of the object" (Verene, 2009, p. 11). The common in both of these statements is the comprehension of the Whole. The difference lies in the goals and objectives of speculation. There is a natural transition between these objectives, and such a fundamentally unstable thing as the

speculative sentence should reveal the inner life of the object.

Dialectical thought is ironic through and through: when something is affirmed, the opposite is meant. For this reason, it is capable of grasping the human experience. In this task, dialectical thought is also assisted by metaphors that unite things and establish a general context. Holding together many meanings concerning one subject, a metaphor allows for the beginning of thought providing it with an initial alignment of forces. In understanding the features of the speculative philosophical process, specifically its differences from the mythological or poetic processes, a key role is given to the theatre metaphor of thinking. Verene (2009), contrary to Bacon, uses it in a positive sense (pp. 70-71). Its essence will be examined in a different work; here we shall identify only the most significant remark. The etymological origins of speculation are known: it is spying out. However, what is the object of this process? Our answer will be slightly different from the conception suggested by the author himself: it is the observation of *the becoming of sense*.

Are we then not fitting best into the so-called "linguistic turn" experienced by American philosophy and Rorty himself (a tradition that Verene would have called reflective)? The correct answer is the negative one. The becoming of sense is itself possible only within the framework of the unfolding of the speculative sentence. This requirement distinguishes the concept of the speculative: in its context, there is fundamentally nothing external. Another critical difference lies in the interconversion of the two poles of thinking (and the very provision of the need to distinguish two opposite semantic poles). Verene develops his position in greater detail in a different work and one look at it is enough to understand that his logic belongs to German idealism more than to Vico, Cassirer, or Joyce, three other pivotal authors (Verene, 2007).

Verene himself, or rather his logic, cannot lead to anything else – in comprehending the object, we will always come to the subject. Then, the other requirement will also be met: to reach the Whole (or wholeness) in knowledge, it is necessary to turn to the sources of consciousness. As we shall further demonstrate, this epistemological remark immediately turns out to be ethical, anthropological.

From the Object to the Subject, or Nothing External

The Whole is characterized by the process of self-reproduction the main criterion of which is the immanence of thought. Hegel criticizes Leibniz specifically for this criterion: multitude is viewed by him as an external given for the monad which is found either in God or in the mind of the reflecting philosopher (Muravev, 2017, p. 96). The very principle of the multiplicity of monads must be deduced from their concept. Leibniz's system considers the monad as a whole devoid of concreteness. It has no self-justification: how can the difference between the monad of monads and other monads be drawn? This contradiction belongs to objective thinking, which still allows for the external role of the philosopher or the higher metaphysical principle (Muravev, 2017, p. 99).

This is how the completeness requirement is met: nothing external. Our example with Leibniz clarifies this strange requirement to comprehend the inner life of the object. Speculation can approach "the real" directly (or comprehend the "totality of experience") only through the self-discovery of the subject. The speculative sentence makes a circle that is unthinkable within the borders of understanding and reflection – the subject and the object are two parts of a single process that are defined through one another and identical in their difference.

The dynamics of a constant redefinition of an object, a constant change in the nature of attitudes towards the world, things, and events is already a sign of self-determination, self-knowledge. It can be observed in Hegel's analysis of the formations of consciousness, Cassirer's study of the ways of the formation of meaning, and the historical progression of peoples described by Vico. Consciousness with its way of defining objectivity, the indestructible triad "subject-type of relationship-object" is found everywhere. It is important never to forget that for the speculative philosopher, the result of self-knowledge is not their inner world. Speculative philosopher does not speak of themself other than in the context of a supposed global narrative or even leaves themself a modest role of a creator speaking from eternity (Verene, 2009, p. 40). Eternity here refers to the undying relevance of what true philosophy speaks of. Authenticity and relevance

converge again in the pragmatic criterion of truth.

We read that "The description of ultimate reality is ... a self-portrait of the philosopher who makes the system" (Verene, 2009, p. 42). Adjusting for the equation "real = made/supplemented," we understand that the Subject found here as the other side is involved in a continuous self-creation. Similar to a poet composing their life on the pages of their autobiography, the Subject philosopher speaks of their conceptual characters as of himself. If it is difficult to establish a conceptual character, as is the case in Hegel's Logic or "The Philosophy of Symbolic Forms," Philosophy itself begins to speak through the thinker. Verene's (2009) view does not oppose such an outcome. On the contrary, it encourages the possibility of speaking on behalf of eternity in every possible way interpreting metaphysics as a way of self-determination (p. 118).

The subject turns out to be the main object of speculative philosophy which should "instruct, delight, and move, and in so doing to encourage the reader" (Verene, 2009, p. xii). The two main objects of philosophical wisdom are "virtue and the real".[3] Autobiography is the inevitable fate of a philosophy that seeks to articulate the Whole, that is passionate about narrative and not just a specific problem or argument. Such narrative will always touch upon the ancient imperative of "the care of the self" attempting to create a new worldview, an image of the world.

The Logic of the Whole – Supplementation

What is then the logic of the Whole? Throughout Verene's work, we can trace the main motive behind the thought: wherever reflective thought operates and the analytical approach asserts itself as the main one, there is a shortage. This shortage in the need for compensation can be expressed through the dialectical development of several terms making up the conceptual framework of the book. We shall begin with the concept that we previously touched upon the least: one's own finitude is a necessary object for the existential reflection of speculative philosophy (Verene (2009) postulates "practicing to die" as

its canon (p. 15)). Recognition of one's finitude allows discovering the meanings of life imprinted in metaphysical or cultural codes. The infinite needs the finite for its embodiment and the finite is incapable of conceiving itself without the idea of the beyond, the spiritual, etc[4]. Another example is that philosophy cannot be a mere reflection of its era, it must speak from the position of the eternal. Only in this case philosophy can be relevant. On the other hand, philosophy loses its relevance without touching upon the problems and themes of its time.

A speculative thought can comprehend the real ("the inner life of the object") and cannot do so at the same time! We are incapable of complete knowledge. There is no "purely real," it is always supplemented and needs forms of representation – myth, experiment, art. What is the reality lacking to gain integrity which is constantly slipping into the noumenal? The answer is creation, subjective processing which, in turn, needs material. By the same logic, knowledge of the external always turns into the knowledge of the internal, self-knowledge. Reflection lacks speculation to fully carry out its activities.

The logic of the Whole is supplementation. In this specific case, supplementation is carried out dialectically. In other words, philosophy does not always have enough power to be a philosophy! To become such, philosophy has to come face to face with poetry, myth, and music to return to its true business of thinking in concepts after being lost in them for a while. However, as soon as we postulate conceptual thought as the true business of philosophy, we meet Nietzsche and Heidegger for whom the goal of philosophy lies not as much in developing concepts as in self-knowledge and the process of thinking for the sake of the process itself. This reasoning can be continued further: is there any other possibility for the Whole in which the beginning and the end must coincide?

Pragmatics of the Whole: Integrity and Life

Having finished with the positively analytical part of our material, we proceed to the actual critical one. The context will be enlarged beyond the

---

[3] Verene (2009) refers to them as the only two objects of philosophy (p. 50).

[4] More detailed elaboration of this dialectics could be found in the research opposing Heidegger to Hegel and Cassirer (Solozhenkin, 2019).

initial conception to test the strength of the existing arguments, to get all consequences from the work of the supplementation principle. Our objections will be structured as follows: to start with 1) a pragmatically unclear (or even controversial) possibility of "the wise speech of the whole", to then emphasize 2) the paradoxical nature of the Whole.

If each individual Whole (metaphysical statement, speculative theory) rests on "true songs" pragmatics in its implementation, then is there, in addition to two internal criteria (ontological and epistemological), a pragmatic justification for the significance of the idea of the Whole? First of all, we mean the supplemental side of metaphysics – the being of a finite human. Are there such "true songs" (as Verene characterizes them) about human Wholeness?

Within the framework of Verene's concept, the Whole is described as a central idea for true philosophy, but it is largely aestheticized as we move to the narrative Whole. And, nevertheless, to be holistic, as far as it becomes clear to us from the Second Criterion, means to engage in self-knowledge. But is this a necessity in our time? We will use several concepts from the region of criticism, both social and philosophical, to sharpen the problem. It is possible that our chosen conceptual characters, trying on the clothes of self-knowledge, differ in less elaboration and scale from speculative ones. But they are topical and timely, their being challenges the very idea of Wholeness.

The individual today and the idea of the Whole – are they not in some contradiction? Putting, following the existentialists, projectivity at the base of subjectivity, do we not finally get just an incessant simulation, a simulacrum of a Person? Zygmunt Bauman (2002) once perfectly expressed this: modern individuals no longer need identity as a kind of anchor. They are afraid of being fixed in a particular situation, afraid of losing flexibility, certain opportunities. They are in a project, in the constant development of a scenario, the details of which can be constantly updated. Moreover, the project may be changed following the mobility of the most modern social life. Between today's situation and tomorrow's opportunities, the individual is scattered, does not need either completeness or wholeness. Simulation is more suitable for forming their credo, since they can always re-describe their being;

becoming someone else at the same time means only "striving to become," repeating existing roles and scenarios without finally, once and for all, exhausting the options for their identifications.

Sloterdijk's (1988) Cynic is even more radical. "Becoming does not need to be stopped!" says his cynic, a successful opportunist and nihilist. The cynical worldview is not concerned with the eternal, paying little attention to what is long-term. A cynically driven person does not consider himself a part of the social whole. This "integrated antisocialist" is ready to be anyone, to make any moral compromise, if the result promises quite tangible benefits. A cynical attitude fosters a vision of being a victim of circumstances (ideology, existing politics, economic structure), disabled in actions, recognizing the impossibility and meaninglessness of real social transformations.

What does it mean to "know thyself" when there is no reference point, when only naked normativity remains of the ideals usually performing a critical function while interiorized? The cynical Spirit is hardly aware of this task: the idea of the whole is aestheticized, realized at the level of a lifestyle. This coordination of desires, the consumer basket, and personal preferences remains the only shelter for the idea of a "personal whole". The social context is lost; a set of normative conditions, that the cynical individual conforms to, persists. For them, there is another well-known opportunity to obtain "wholeness" – death, still serving as a credible boundary for life.

In other words, the apologetics of the whole faces difficulties of an anthropological and social nature. Why, in the era of "dividuals," simulative, partial, transforming subjectivity (described in postmodern theories) – to revive or continue the discourse about the Whole? Speculation could also be engaged in other purposes – take for example speculative realism, which has provocative interests corresponded to the model we are studying, such as the Object (Harman), or Hyper-Chaos (Meillassoux).

At the same time, the very possibility of creating integral narratives of a socio-philosophical character is not denied (after all, this is what Sloterdijk does in part formally). Rather, the question is whether there is appropriate content in this narrative. Is it possible to apply such a

narrative to the theory of the Subject, in principle, to have the theory of an integral individual, without attributing self-knowledge exclusively to the activities of a speculative philosopher? Even if we do not accept all these critical models, considering them as varieties of defective individuality, special cases, then there are several problems concerning the connection between self-knowledge and the whole (in the meaning of integrity).[5]

If the becoming of sense is a genuine object of speculation (as stated earlier), then how to connect this sense with the Subject (or switch from "comprehending object" to "the subject"), with a living human being? Why and to what extent is the speculative narrative about the Whole human-sized? These questions should be addressed to the discourse of Integrity, which evidently pretends today to be the place for the Whole in the dimension of human subjectivity.

Integrity can be the result of reflection on the events of private life, professional activities; being integral definitely requests a kind of self-assessment under the values and moral norms. However, this "can" is not a "should": at the moment of reflection, wholeness (or integrity) is the goal, for example, by integrating various obligations, values and preferences into a consistent system. The existence of such an integrity fully embodied in life, however, is not so obvious. Judging by the existing discussions around integrity, there is no option with permanent and complete integrity empirically. Then what are these points of interruption and restoration of presupposed wholeness in human subjectivity?

Integrity, to a greater extent than individual qualities of character or virtues, requires an exemplar. Otherwise, we are deprived of a fulcrum: integrity remains ephemeral. Someone's life should be an example of wholeness, a starting point with which other judgments about the criteria and degree of wholeness are checked and verified. A close approach to the identification of virtues is proposed in an exemplarist account of virtue ethics (Zagzebski, 2004). This approach is especially in demand because of the specific

complexity of the Integrity, the meaning of which varies depending on the Subject considered.

The moral interpretations of the many types of integrity recognized in the literature lead us to the following consideration: within the framework of a single activity, profession or religion, integrity is quite detectable as a certain ideal of harmonious coexistence of virtues in a personality exemplary for this activity or sphere. However, it is extremely difficult to reduce all these "integrities" to a single equivalent, as well as to find an exemplary human-in-general. Trying to carry out the latter, we risk just absolutizing exemplary behaviour associated with a particular sphere.

Therefore one, single integrity is divided into many, which are divided in accordance with the chosen criterion: intellectual, personal, moral integrities; or in connection with the role performed – the integral behaviour of the parent will be different from the same for the scientist. How does this or that role behaviour lead to integrity-in-general, if it is inextricably linked with the understanding of oneself solely as an artist or a politician? For the sake of such a fundamental role, a kind of cardinal disposition, the person is forced to sacrifice other roles (and therefore related obligations, imperatives). An example is a detective who lives at his job, investigating cases to the detriment of relationships and family. While the necessity of singling out "family man integrity" could be disputable, the detective clearly downplays the importance of the value of close people and family relationships. From the standpoint of some approaches, he also harms his own personal integrity. Kobo Abe`s "The Ruined Map" articulates the consequences existentially: a detective trying to find a missing man eventually loses himself.

What is the conclusion revealed by our explications? From the first-person perspective, integrity remains essentially presumptive. Our reflexive self-assessments gain some weight only if we attest to it, have a certain kind of faith that we have already achieved some integrity or are definitely far from it. From the third-person perspective, wholeness is attributed either to the implementation of individual social roles, or to various groups of personal aspects. And in this case, the following remark becomes critically important: the inference from the wholeness of one's personal life to the wholeness/integrity-in-general is

---

[5] Our remarks on the application of the idea of the Whole to the Subject also fall into the mainstream of modern discussions about Integrity. Nevertheless, in order to preserve the unity of our topic, we will mainly use Wholeness, only occasionally using Integrity where the context of the discussions requires it.

not a clear thing (or may be a not valid option at all). Every recipe for balancing integrity of different types is individual for each person.

Such criticism reassigns "integrity-in-general" into the category of obscure recipes. My life and many of my personal manifestations do not imply any "in-general." The Whole in this practical application is a transcendental idea par excellence, nevertheless rather vague, if not useless. Only in the situations of my unique life and on the material of its lessons guiding principles could be derived, recipes on a proper combination of private inclinations and professional commitments, group morality and my own beliefs.

Self-knowledge does not guarantee anything and needs preliminary tools (at least terminological) and a strategy. Various strategies for self-discovery are imprinted in spiritual traditions – Stoic, Christian, and many others. Is it possible to state such a radical simplification as self-knowledge in general? Devoid of methodology and value-terminological markup, it inherits the same problems as the Whole-in-general. If the subject of self-knowledge turns out to be my unique life and personality, my past and future, then a breakthrough to a potential holistic narrative about my Self becomes possible.

This type of self-knowledge distinctive trait is the fluidity of its results and the actual softening, balancing of contradictions. The fluidity of results (or: the changeability of pragmatically given truths) is easily demonstrated on the age scale: with age, my self-esteem, life priorities, and social image will undergo significant changes, but they will not cease to be considered mine. Contradictions can be perceived as differences. Our detective's private life would hardly be compatible with hours of ambushes, but it is not the opposite of his work. Rather, due to the lack of motivation for family and romantic relationships, the detective does not include them in his plan for a holistic living. Although the essence of the profession leaves its mark, a person has the right to distribute his rather contradictory character traits in separate spheres of life. For instance, a brutal and temperamental boxer turns out to be an exemplary family man who relies on his spouse in everything. To claim that we are surrounded by continuous differences in the construction of a way of life is better in an edifying and ironic tone simultaneously - too much can change, and here, in this knowledge, Rorty's Iro-

nist joins the figures of critical sociology.

In essence, and again, what is the pragmatic necessity in the idea of the Whole? Its estimated application could be specified as abstracting an image of a holistic life, finding a personal way towards it. In order to be able to recognize an exemplary behavior that orients us, that is, to identify a guiding exemplar in the Other, to reveal intellectual, moral, and other wholenesses in their specific embodiments. At the same time, we need the idea of the Whole - as it was shown in the example of integrity - for the sake of something else, harmony, coherence, unambiguity, and clarity of being, but not by virtue of its very nature. We resort to this idea when the balance is broken, coherence is insufficient, and clarity has only been demanded. Being born from the logic of opposition and supplementation, it could not have a different outcome.

Many Wholes or the One?
The Virtuality of the Whole

After dealing within the anthroposocial dimension of the Whole, we are located nearby an ontological conclusion. Even such a classic-looking model as Verene's has to take into account the priority of becoming and process. Initially hidden logic of supplementation actually puts into question the entire project: how is it possible - to postulate the Whole that is constantly becoming? This question is contextually related to a more specific one: In what sense are the systems of speculativists completed? Verene gives an answer that is unlikely to satisfy the majority: "Vico, Hegel, and Cassirer are each tragic in the sense that their heroic efforts to make the complete philosophical speech are not successful" (Verene, 2009, p. xxii). This sentence says a lot, being the final chord of the Whole-in-development idea emerging here. The logic of development and the ontological status of such a Whole deserve special attention.

Should the Whole itself be supported by dialectical logic? Although in the thought of the main spokesman, Hegel, three elements appear in dialectical development, Verene (2007) finds the most essential two of them, two aspects of being: in-itself and for-itself (pp. 21-22). The rigor of this scheme is fairly an offering to criticism: in addition to the obvious reductive ad-

justment of the multilateral reality to the dual relations, we should mention the exaggerated role of the negative, the relations of the opposite. Following Deleuze, it can be pointed out that the difference between two things is more primary than the opposite between them. When idealizing the dialectical approach, the relations of inclusion, dependence, union, and others are underestimated. Moreover, if one of the speculative authors clearly emphasizes the dialectics, the same is not so well pronounced in the case of Vico, Cassirer, and other authors from Verene's list. The speculative sentence is just an inadequate or insufficient response to our demand for the logic of the Whole in its development.

The epistemological argument is hardly able to explain the development and dynamics of the Whole itself. Why are we not locked within the tautology of subject and object at least at one of the levels of development of the system, for example, at the level of communication of Being and Nothing? For what reason the whole system could not (or may not) be reduced to a cycle of just two opposites? Hegel's conceptual system introduces a bunch of interrelated principles (Spirit, Subject) to explain inner development. In this sense, speculation, dialectics, Absolute Spirit are parts of one canon, but not of the whole speculative thought. It is obvious that at least some of the thinkers identified by Verene as speculative are not within the rigid framework of Hegelian premises. Then, in each specific case, a solution should be found to the question of how the dialectical restlessness of the speculative sentence (if we still adopt it) is connected with development and does not lead to the emergence of a bad version of infinity.

Another key point consists in the virtualization of the Whole[6]. When Verene (2009) reminds us about the ambition of philosophy "to recreate the whole of things in language, in a total speech, to say all that can be said," then his claim goes beyond the idea of the Whole (p. 25). For the latter to be realized, the Whole must become the One in the Platonic sense. It is likened

to a kind of Theory of Everything, absolutizing individual logics of thought.

Here the incompleteness of the Whole finds its explanation – it is itself subject to the logic of supplementation. In other words, there are many whole ones, as many as there are speculative authors. Each of them pretends not just to the Whole, but to the One, that is, such a Whole that encompasses Everything. Where is such an all-inclusive Whole presented – in the works of Hegel, Vico, or, perhaps, Cassirer? The Theory of Everything fails here, if only because of its fragmentation into numerous initiatives. The speculative Whole is placed in the dialectical game of authors' self-consciousnesses: while one claims the Whole, the other is deprived of similar rights. This is a certain axiom, a prerequisite for speculative creativity. If the lyrics of the true songs are known, then why compose new ones? This question proposes the challenge that must be taken personally. The Whole is rendered like an endless task – ontologically both virtual and subjective. Every thinker tries to cope with the task of expressing Everything, the totality of Being.

Without a multitude of speculative systems, none of them can establish itself. It is not only a matter of theoretical continuity, from which one could protect oneself by going into the depths of the history of philosophy – to some sort of first speculative thought that precedes the rest. Rather, a philosophy that declares itself to be a form of holistic vision must, according to the very logic of the speculative sentence, collide with "partial" thought. And the last may be introduced in different forms: reflective thought, mystical worldview, essayistic wisdom, or even other speculative philosophy. The Whole really needs to be recognized as such; the essence of this recognition can be either a positive assertion of existing claims or a critical denial of them. "True songs" should have both fans and those who consider them an unsuitable genre. Unsuitable for philosophy at all, because philosophy is understood, for instance, as a historical part of the cultural experience of mankind, which simply cannot be grasped in a single, comprehensive narration. Even if the speculative approach is denied, it will only be another recognition of the existence of such a philosophical point of view, as well as a consequence of the subjective and virtual character of the speculative Whole.

---

[6] In our understanding of virtuality, we do not refer only to one author, although Deleuze is closest here. The virtual is a middle term, a "synthesis" between the ideal and the real. Inheriting the features of both, the virtual is an embodied, but not completely, ideal model that can be adjusted to meet the voice of reality.

Concluding Remark

In this article, we examined the conception of the speculative Whole, pointing out the necessity of its revision due to the paradoxical nature, for which the logic of supplementation is responsible to a greater extent, as well as a deficient elaboration of the connection between the Whole and self-knowledge.

Despite of aforementioned critical notes, Verene's conception deserves protection under certain specification. Discussing the place and role of philosophy in culture, the unique function of philosophy - of introducing the idea of the Whole - should be mentioned. The number of attempts to introduce such a category corresponds to the number of metaphysical systems. Being, Spirit, Will are markers of a specific statement of the Whole. Whether this concept of the Whole develops (or should it so) into the speculative philosophy in Verene's sense is another matter. Being virtual, not actual, the Whole has multiple implementations. This Whole, guiding the philosophical process and free from any form of possession, can (and should) be redefined every time, narrated again. Pragmatically speaking, we need to get involved in this philosophical process, having a chance then to be a part of the disclosure of the Whole.

References

Bauman, Z. (2002). Identity in the globalizing world. In E. Ben-Rafael, & Y. Sternberg (Eds.), *Identity, culture and globalization* (pp. 471-482). Boston: Brill.

Muravev, A. N. (2017). *Filosofskoe uchenie G. V. Leibnitsa v otsenke G. V. F. Gegelia* (Philosophical doctrine of G. W. Leibniz considered by G. W. F. Hegel, in Russian). *Moscow University Bulletin. Series 7. Philosophy, 4,* 93-100.

Rorty, R. (1979). *Philosophy and the mirror of nature*. Princeton: Princeton University Press.

Sloterdijk, P. (1988). *Critique of cynical reason*. Minneapolis: University of Minnesota Press.

Solozhenkin, B. S. (2019). *Osnovnye poniatiia bioetiki v ikh filosofsko-antropologicheskoi perspektive: o dialektike zhizni i smerti* (Basic concepts of bioethics in their philosophical and anthropological perspective: On the dialectics of life and death, in Russian). In A. V. Grekhov, & A. N. Fatenkov (Eds.), *Sotsialno-gumanitarnoe poznanie: metodologicheskie i soderzhatelnye paralleli (Social and humanitarian cognition: methodological and substantive parallels, in Russian)* (pp. 245-262). Moscow: Akvilon.

Solozhenkin, B. S., & Smirnov D. V. (2019). Is imagination fundamental? On the issue of the genesis of subjectivity. *International Journal of Engineering and Advanced Technology*, *9*(1), 5081-5085. doi: 10.35940/ijeat.A2145.109119

Verene, D. P. (1997). *Philosophy and the return to self-knowledge*. New Haven: Yale University Press.

Verene, D. P. (2007). *Hegel's absolute: An introduction to reading the phenomenology of spirit*. Albany: State University of New York Press.

Verene, D. P. (2009). *Speculative philosophy*. Lanham: Lexington Books.

Zagzebski, L. (2004). *Divine motivation theory*. New York: Cambridge University Press.

TRINITARY APPROACH AS A METHODOLOGICAL PRINCIPLE OF TRANSCENDENTAL PSYCHOLOGY

Gor YESAYAN [1, *] iD | Ruben NAGHDYAN [2] iD

1 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia

2 International Scientific Educational Centre, National Academy of Sciences of the Republic of Armenia, Yerevan, Armenia

* Correspondence
Gor YESAYAN, Tadevosyan St. Lane, 2 Building, apt. 30, Yerevan, 0055, Armenia
E-mail: yesayangor1980@gmail.com

Abstract: At present, according to many psychologists, the methodology of psychology is in a state of crisis, the reasons for which are quite deep and go beyond psychology. It is becoming increasingly clear that psychology and the methodology of psychology, in particular, cannot do without turning to philosophy when tackling its issues, hoping that it is the philosophical analysis of the universal laws of nature that will allow the methodology of psychology to be built on a more fundamental basis.

This article is one of such attempts that shows the possibility of applying a trinitarian approach to solve some problems in psychology.

To demonstrate the universality of the manifestations of the principle of trinity in nature and cognition, the article, as far as its scopes allow to, provides examples of the manifestation of triads in philosophy, physics, mathematics, anatomy, physiology, and in the psychological concepts of B. Skinner, S. Freud, C. G. Jung, E. Bern and M. Erickson.

The possibility of using trinitarity as a methodological principle of psychology is shown in the example of the analysis of the mechanisms of the generative process of perception studied in transcendental psychology.

Keywords: philosophy of psychology, philosophy, transcendental psychology, metaphysica, trinitarity, methodology of psychology.

Introduction

Each area of knowledge that claims to be a science is based on certain conscious or unconscious philosophical premises. Transcendental psychology, as a scientific discipline, also has its own philosophical and methodological resources, manifested in the use of the principles of Aristotle's "first philosophy", dialectical materialism and the principles of symmetry. The relevance of the mentioned philosophical premises of transcendental psychology was substantiated in the works of A. I. Mirakyan (1999, 2004) and his followers (Panov, 2014; Yesayan, 2017), as well as in our theoretical studies (Naghdyan, 2017). But science, like a living organism, de-

velops, improves, is always open to new ideas, and one of them will be discussed further.

Coming back to the idea of the development of transcendental psychology, we note that another resource, proposed by G. S. Yesayan (2017, 2018), which will probably open up new possibilities for methodological understanding of the essence of the principles of transcendental psychology, is to apply the trinitarian approach to study the principles of the generative process of perception (Naghdyan, 2018, 2022), which is implicitly present in the concept of A. I. Mirakyan.

Thus, in this paper, we will try to substantiate the assumption that the basis of the methodology of transcendental psychology, in addition to already known principles, is also a peculiar principle of trinity, which, according to many researchers, is one of the fundamental principles of nature (Barantsev, 2005; Magnitov & Tatur, 2003; Vladimirov, 2012; Raushenbakh, 2000), etc. To demonstrate the general scientific nature of the trinitarian principle, we will give several examples from different fields of knowledge.

Manifestations of the Trinitarian Principle in Some Areas of Knowledge

In *philosophy*, it is possible to identify conceptual systems composed of three concepts.

For example, in the philosophy of G. Hegel, the triad is displayed as the union of any two opposite concepts by a third concept, which expresses the internal unity of two opposite concepts (Carlson, 2007, pp. 18-20). A striking example of this is the triad "nothing-being-becoming", in which "becoming" mediates the inner unity of "being" and "nothing" (Hegel, 1970, pp. 139-141, 168, 169). In this triad, "becoming" expresses the inner unity of opposites (being and nothingness). "Becoming assumes that 'nothing' does not remain as 'nothing' but passes into its opposite - into being" (Hegel, 1929, p. 30).

M. K. Mamardashvili also spoke about the need for the existence of a certain "space" between the two opposite sides, quoted by G. V. Akopov (2014): "Coming from philosophical dialectics, combining categories into pairs according to signs of logical opposition or other connections (binary, dichotomism, etc.) does not fully solve the problem, because a certain "gap",

"suspension", "point of indifference" or "great indifference" remains, i.e. a fixed point in which "the meanings of our life can change"" (p. 20). His judgments largely coincide with our assumptions.

Here are some examples from *physics and mathematics*. As is known, space in classical, Newtonian physics has three dimensions, which was geometrically expressed in the Cartesian coordinate system consisting of three mutually perpendicular axes. Time also has three dimensions - past, present, future. The most striking example of trinitarity is the structure of the atom, in which two types of triads were revealed, without which the existence of atoms is impossible. Firstly, it turned out that an atom of any substance consists of a different number of only three elementary particles - electrons, protons and neutrons, and, secondly, these three particles are in three different states with respect to the electric charge - negative, positive and neutral , respectively.

According to the ideas of the modern physicist Yu. S. Vladimirov (2012, p. 128), three physical categories can be laid at the foundation of physics: space-time, particles (bodies) and field-carriers of interactions. This is clearly reflected in the three-term formula of Newton's second law: ma=F, in which the mass m corresponds to the category of particles, the acceleration a corresponds to the category of space and time, and the force F corresponds to the category of fields.

The most famous formula in physics - $E = mc^2$ - also consists of the above three categories of physics: E - energy (carrier field), m - mass (particle, body), c - speed of light (expressed in terms of space and time categories). As the author's further research has shown, this trinitarian model of physics has proven to be very effective in the development and creation of a new model of theoretical physics.

Turning to mathematics, we see the manifestation of the principle of trinity in the numerical axis. It consists of the origin point (0) and two rays diverging from it, one of which corresponds to positive numbers, and the other to negative ones. Without such an organization of numbers, in combination with a three-dimensional Cartesian coordinate system, it is impossible to imagine the development of mathematics. Relationships between numbers can also be expressed in just three ways – "equal to", "less than," or

"greater than". This principle also applies to many natural phenomena.

For example, two forces of any character in nature can be in the same ratios given above, which is one example of the self-consistency of physical laws and the laws of mathematics.

In addition, the principle of trinity in mathematics is manifested in the fact that in order to obtain a new number, at least three mathematical components are necessary: on the one hand, at least two numbers, and on the other, an action sign (multiplication, division, etc.). This example of trinity can serve as an analogue of the process of generating a new one, which is the subject of research in transcendental psychology.

Now consider how the principle of the trinity manifests itself in the *anatomy and physiology* of humans and animals. These manifestations can already be noticed at the cell level. The main components of nerve cells (neurons) can be divided into three parts: the body (soma) and, different in their functions, axons and dendrites. Along the axon, nerve impulses go from the cell body (soma) to the innervated organs and other nerve cells. The dendrite receives signals from other neurons, receptor cells, or directly from external stimuli and transfers them to the cell body. The axon and dendrite cannot function without a body (soma) in which incoming signals are processed for redirection to other cells.

The trinitarian principle can be observed in the structure of the human brain and many animals. The brain is divided into two large parts, and their communication and synchronization are carried out with the help of the corpus callosum located in the middle. When the corpus callosum is damaged or removed, cooperation between parts of the brain is disrupted, which can have various dangerous consequences for the body (up to death) (Bloom et al., 1998, pp. 177-178).

The main responsibility for the homeostatic regulation of the organism is carried out by three interacting systems; 1) the vegetative (autonomous) center, 2) the intestinal section of the peripheral nervous system, and 3) the central nervous system, which gives orders to the organism through the pituitary gland and other endocrine organs (Bloom et al., 1998, p. 82).

The components of both simple and complex nervous systems are at least the following three components: 1) stimulus detectors - specialized receptor neurons; 2) primary perceiving center, where information from a group of detector blocks converges and 3) one or more secondary perceiving and integrating centers receiving information from primary perceiving centers (Bloom et al., 1998, p. 54).

In the structure of the human body, one can also observe the manifestation of the principle of trinity: in the middle between two symmetrical parts of the body is the spine, which provides the vital functions of the human body.

Let us dwell in more detail on the manifestations of the trinitarian principle in *psychology and psychotherapy*. This principle can be identified at almost all levels of mental processes.

Trinitarian structures include emotions and feelings that can be characterized as positive, negative and neutral (Ilyin, 2001, p. 42). If the first two components (positive and negative) were carefully studied, then regarding the third (neutral), we cannot say the same. Neutral emotions and feelings are perhaps more basic in origin than the other two. For example, the emotion of disgust for an object occurs in a person no earlier than the age of seven. "It is only after reaching the age of seven that the child, through the process of conditioning and learning, begins to experience aversion to objects that were previously neutral to him" (Izard, 2006, p. 271). Ultimately, these three types of feelings (emotions) are the most important factor controlling our behavior in everyday life. Such feelings determine our peace of mind or anxiety, sense of security or threat, accomplishment or failure. According to G. Selye (1983, p. 71), they (these three types of feelings) determine whether we can succeed in life, enjoying stress and not suffering from distress. The mentioned author generally attached importance to these three factors (positive, negative and neutral feelings). He believed that these three feelings (three relationships) are "embedded" in the very substance of living matter. "They regulate homeostatic adaptation at all levels of interaction - between cells, between people, between nations. If we truly understand and embrace this, we will be better able to manage our behavior to the extent that it is or can be subject to conscious control. This applies to almost all decisions concerning relationships between family members, employees, or even groups of nations" (Selye, 1983, p. 71).

The state of human activity is also subject to

the principle of trinity. The waking and sleeping states are two opposite sides, which are mediated by the hypnotic (trance) state, which can be characterized as transitional with respect to the first two states. An intermediate hypnotic (trance) state, depending on various factors, can go both into a waking and sleeping state.

In describing the structure and processes of the psyche, many theories of personality follow the trinitarian principle. Behaviorists, in particular, B. Skinner (1974) believed that human activity could only be explained from the standpoint of objective relations in the "stimulus – reaction" system. Between these opposite structures, there is a "black box" into which stimuli enter and exit it as corresponding reactions. The author believed that in order to understand and correct human behavior, it is enough to deal (work) only with opposite sides (stimulus-response, ignoring the third side between them ("black box") (Hjelle & Ziegler, 2009, pp. 352-365). However, as the history of the development of psychology has shown, replacing the dual model of behavior with a trinitarian one that takes into account the content of the "black box" significantly increases the possibilities of describing, explaining and regulating human behavior.

The structure of personality in the transactional analysis of E. Berne (2009, pp. 20-34) is characterized by the presence of three ego-states: Parent, Child and Adult. Each ego state is a distinct pattern of thinking, feeling, and behaving. The selection of ego states is based on three axiomatic principles:

1. Every adult was once a child. This child in each person is represented by the ego-state "Child";

2. Every person with a normally developed brain is potentially capable of an adequate assessment of reality. The ability to systematize information coming from outside and make reasonable decisions refers to the ego-state "Adult";

3. Each individual had or has parents, or persons who have replaced them. The parental principle is embedded in each personality and takes the form of the ego-state "Parent".

In analytical psychology, K. G. Jung (2008, p. 175) argues that the soul consists of three separate but interacting structures: the Ego, the Personal Unconscious and the Collective Unconscious. The personal unconscious consists, first-

ly, of all those contents that have become unconscious either because they have lost their intensity and have been forgotten, or because consciousness has withdrawn from them (repression); and, secondly, of contents (partly sensory impressions) that never had sufficient intensity to reach consciousness, but nevertheless somehow penetrated into the psyche. The collective unconscious, as an ancestral heritage of representational possibilities, is not individual, but common to all people and even, perhaps, all animals, and constitutes the true basis of the individual psyche.

In psychoanalysis, S. Freud (2000, pp. 445-542) first applied a topographic model of personality. According to this model, mental life can be divided into three levels: consciousness, preconscious and unconscious.

1) The level of consciousness consists of sensations and experiences that you are aware of at a given moment in time.

2) The area of the preconscious contains psychic elements available to consciousness. The most important function of this system is censorship. The preconscious is characterized by a secondary process (rational thinking, an approach from the standpoint of realism, the principle of reality).

3) The level of the unconscious is determined by the primary process and is characterized by consistency, lack of connection with any time, as well as displacement and condensation. The unconscious is also characterized as the location of unconscious desires and drives.

In the early 1920s, S. Freud (2014) revised his topographical model of mental life and introduced three basic structures into the anatomy of the personality: It (Id), I (Ego), and Super-I (Super-Ego). 1) It (Id) functions entirely in the unconscious and is closely connected to instinctive biological impulses (eating, sleeping, defecation, copulation) that fill our behavior with energy. According to Freud, It is something dark, biological, chaotic, not knowing the laws, not obeying the rules. It retains its central importance for the individual throughout his life. 2) I (Ego) is a component of the mental apparatus responsible for making decisions. The Ego strives to express and satisfy the desires of the Id in accordance with the restrictions imposed by the outside world. The ego receives its structure and function from the Id, evolves from it and borrows part of

the energy of the Id for its own needs in order to meet the requirements of social reality. Thus, 'I' helps to ensure the safety and self-preservation of the body. In the struggle for survival against both the external social world and the instinctive needs of the Id, the Ego must constantly differentiate between events in the psychic plane and real events in the external world. 3) The last component that develops in the personality is the super-I (super-Ego). The super-Ego is an aspect of the personality that contains all the moral norms, values and ideals that we have learned. We receive them from both parents and society, they make up our sense of right and wrong. The super-Ego contains the framework within which we make decisions. According to S. Freud, the super-Ego begins to appear at the age of about five years (Hjelle & Ziegler, 2009, pp. 112-116).

A vivid example of solving psychological problems with the help of a neutral element (factor) can be found in the works of M. Erickson. He says that as a child, due to his slight dyslexia, he could not pronounce the English word "government" correctly. He got "govement" all the time. The teachers couldn't teach him how to pronounce the word correctly. One day a young teacher used an unusual method. There was a student in the class with the last name La Verne. The teacher asked M. Erickson to write gou La Vernement on the board. He wrote. Then she offered to read - M. Erickson read. At this time, according to M. Erickson, there was a blinding flash of light that destroyed all surrounding objects, including the board. The teacher asked him to remove the extra La. And then, M. Erickson read a difficult word (Ginzburg & Yakovleva, 2008, p. 164).

Much later, M. Erickson (1980) said: "To this young teacher, I owe one of my main techniques: to introduce an unimportant, inappropriate (irrelevant) and unexpected (unexpected) element into the pathological pattern that blows it up from the inside" (p. 102).

The above example is one of those in which it is clearly revealed what a great impact an unimportant, inappropriate, one might say, meaningless element (in this case, a word) can have on the human psyche, even when existing methods are powerless, which are mainly work (deal) with those psychological elements that evoke positive and negative feelings and emotions.

Concluding this part of the work, we consider it necessary to state once again that the principle of trinity in the natural sciences manifests itself in different ways and at different levels. This circumstance allows us to talk about the universality of this principle, which is a universal regularity of nature and knowledge.

Analysis of the Foundations of Transcendental Psychology from the Standpoint of the Principle of Trinity

In transcendental psychology, the study of the psyche, A. I. Mirakyan proposes to start with the development of the concept of "nothing", "which expresses both the reality of the absence of any present and the reality of the absence in any present. The possibility of understanding the reality of absence and its transition or awakening to the reality of the present is not given to us, but we can guess from the traces of its manifestations in the present" (Mirakyan, 2010, pp. 67-68). And yet the question arises, how to understand or comprehend this "nothing"? The author presents the main characteristic of "nothing" "in the form of spatiotemporal homogeneity as an objective absence of difference in the one" (Mirakyan, 2010, p. 69). But, when we think about matter, materiality or nature as some kind of "something", in this case, "the main characteristic of "something" appears to us in the form of an essence, which is characterized by heterogeneity-anisotropy - as the objective presence of the different in the one. It follows from this that homogeneity is an objective possibility of the unity, and anisotropy is a form of difference in the unity, an objective possibility of the form-generation of beings…" (Mirakyan, 2010, p. 69). Thus, the one is a kind of implicit trinity, in which, on the one hand, there is the homogeneity of the reality of the absence (absent), on the other – the anisotropy of the being, acting in the form of a difference, which makes sense to talk about only when there is the possibility of distinguishing at least two different (from homogeneous to opposite) phenomena - objects, processes, sides, aspects, properties. Here it is important to keep in mind that this triad represents a certain integrity, because the anisotropy that generates the form of being is possible only on the basis of the corresponding spatiotemporal homogeneity of the reality of the absent. Therefore, when A. I. Mirak-

yan says that "anisotropy is an objectively existing feature of matter, creating in a single entity the possibility of generating its forms" (Mirakyan, 2010, p. 71), it must be assumed that it already had a specific homogeneity. So, for example, if we are dealing with the anisotropy of two opposite electric charges that generate a spark, then this anisotropy is already based on some homogeneity that determines the general quality of oppositely charged charges, called electricity.

Considering that anisotropy is the principle of the existence of matter and, therefore, must be manifested at all levels of its development, it can be assumed that anisotropy at the same time is one of the main conditions for the spontaneous generation of mental reflection. But it should be borne in mind that the formation of anisotropic relations, leading to psychic reflection, is an intermediate link between the homogeneity of the un-reflected, un-known and the product of psychic reflection perceived by our consciousness. Therefore, considering the process of mental reflection in its entirety, we come to the triad absent-anisotropy-present, representing the structure of the process, continuously ordering the globality of the absent in the form of phenomena of mental reflection (present).

Characterizing the specifics of the action of the perceiving systems of living organisms, in which anisotropy is embedded in the form of its discrete-anisotropic reflective structures, A. I. Mirakyan (2010, p. 72) hypothetically identifies three conditions that, in view of their universality, constitute a "generating" triad: "the first is the discretization of the forms of spatiality and continuity of time; the second is the possibility of fixing relationships between discrete elements of a spatial form at a certain point in time; and the third is the possibility of forming relationships between the data of different points in time". It was assumed that this "generating" triad is universal for all types of reflective systems and does not depend on the modality of perception, which was then, indeed, confirmed by numerous experiments (Mirakyan, 1992).

The above "generating" triad characterizes the transition of the description of the generative process from the philosophical (metaphysical) level to the level of specific reflective systems. If the reflective system is considered as a certain unity, then we note a complete analogy with the above definition of the unity as the unity of ho-

mogeneous and anisotropic, constituting a triad of the homogeneous with (at least) two sides of the different, having the possibility of forming relations, leading to the generation of a new. And, it must be assumed that in the history of the cognition of nature, this homogeneity, as an objective possibility of the unity, remained unnoticed by researchers in view of its obviousness, and the difference was brought to the forefront of cognition, often as a dichotomy of the whole, binary opposition, the unity of opposites, which in science they tried to unite on an artificial basis of the principle of complementarity, which closes the way to advance in depth to the foundations, principles, causes that unite them.

Coming back to to the "generating" triad, we note that if the anisotropic structural organization of a specific reflective system is considered, then the elementary cell that ensures the formation of anisotropic relations and, thus, the process of form generation will be a system of two structural elements, the result of which, when formed between them relations, is fixed in a certain area - in the third.

Since between these elements, in the spatial structure of the reflective system, it is always possible to draw a conditional axis of symmetry, the principle of the formation of anisotropic relations, which manifests itself in this elementary cell, is called the principle of the formation of symmetrical-two-unit relations, which can be considered as a universal mechanism for any process of form generation. Therefore, both in its content and graphically, this elementary system is described as a triad, consisting of two discrete homogeneous elements of the structure, in this case, the reflective system, connected at the "point" of fixation. Moreover, two discrete elements in this triad constitute the unity of the homogeneous and the different. Uniformity or homogeneity is determined by their common content and functional identity, and the difference is determined by the spatial arrangement relative to their axis of symmetry. Thus, we get a triad, of which the dyad is a part, which can also be considered a binary opposition. In a procedural sense, this triad represents integrity, determined by the functional interconnection of all its constituent parts. If we turn to the classification of R. G. Barantsev (2005, pp. 9-11), then in this case, we have a combination of a transitional triad - like the Hegelian thesis-antithesis-synthesis -

with a systemic triad.

As one of the proofs that the postulate of the formation of symmetrical-two-unit anisotropic relations lies at the basis of the generating processes of perception, A. I. Mirakyan (2010, p. 77) cites "that amazing, long-known, but still unexplained fact that the reflective sense organs of living beings are represented by pairs: two eyes, two ears, paired limbs... even the tip of the tongue in reptiles consists of two-unit symmetrically anisotropic parts". That is, in this quote, the author shows that the principle of the formation of two-unit symmetrical anisotropic relations, as a fundamental regularity of nature, manifests itself not only at the psychophysiological level, but also at the level of the morphological organization of living beings. However, even in this case we are dealing with a triad, since the work of a paired organ of perception is impossible without that area of the brain in which the results of the integration of two streams of information coming from different sides of the paired organ of perception are compared and fixed.

Application of the Principle of Trinity in the Study of Binary Structures of Thinking in a Primitive Man

Taking into account the fundamental nature of the principles of anisotropy and the formation of two-unit symmetrical anisotropic relations, it can be assumed that they should also manifest themselves at the level of mental reflection products, creating new possibilities for reflecting reality, by generating not the mental itself, as mentioned earlier, but generating new possibilities, for example, thinking, necessary for its development and self-preservation of the individual. In order to demonstrate this thesis, we will consider the features of the genesis, the formation of thinking as a cognitive process, from the point of view of binary formations and find out the role of binary effects for the formation of reflection at this level of mental reality. Therefore, from the whole variety of literary data on this topic, we will focus on the studies of B. F. Porshnev on the diplasty of thinking of primitive people.

Research on paleontopsychology allows us to say that primitive people, indeed, had the same binary structure of thinking, which in the plane of historical development was called diplasty.

B. F. Porshnev (1974), who was the first to reveal the content of the parallel between diplasty and the "pairs" of A Wallon, bases his concept on the fact that mental activity has an exclusively social nature. However, as will be shown below, the facts obtained by B. F. Porshnev can be interpreted from a deeper position of the fundamental laws of nature, a particular manifestation of which is the principle of trinitarity.

According to B. F. Porshnev (1974, p. 460), it was the attitude of "me and you" in Feuerbach or "Peter and Paul" in Marx, the emergence of differentiation of attitudes towards oneself and attitudes towards another, that contributed to the creation of conditions for the "fly away" of the mind from real life by creating numerous taboos. That is, progress in the historical development of the human psyche, expressed in the emergence of the opportunity to separate oneself from nature, had its negative side: in the surrounding reality, primitive man began to distinguish objects and phenomena perceived as illusory threats, as a result of which the instinct of self-preservation "imposed" a ban on contact with them. "Removal" from reality led to deprivation, deprivation of the body of normal reactions to stimuli from the external environment, which were initially expressed as prohibitions of touching, prohibitions of perception or looking at something. However, despite the widespread use of the initial taboos, "exceptions inevitably appeared in time, in the circle of individuals and objects, in the territory. The selection and nature of these exceptions are already the beginnings of culture" (Porshnev, 1974, p. 463).

As a confirmation, B. F. Porshnev gives examples from Paleolithic art. Analyzing images of fire, blood, teeth of predators, sea shells, female figurines, B. F. Porshnev (1974) comes to a conclusion that "all this, as it were, equal transcriptions of the same category "it is forbidden," "it is not permitted," however, transformed into "and still we touch". Violation of deprivation was expressed, therefore, in the creation of similarities - the external doubling of phenomena.

Thus, not only the names in speech, but also the works, creations of the hands of primitive people were not generalizations, but were "twins," "portraits" of individuals or specific objects and things.

In the context of the evolution of thinking, the phenomenon of creating "twins" was called di-

plasty, when "two phenomena are clearly different, incompatible, mutually exclusive, at the same time identified. They form a pair - the very one that A Wallon calls a binary structure for ontogenesis" (Porshnev, 1974, p. 468).

It is important to emphasize that diplasty - is not a mixture, when a person takes two objects for the same, then there would be no doubling. Diplasty – it is an operation, where between two objects or representations, there is: 1) an obvious difference or independent being, and 2) a similarity or merger. And if both are not present at least to some extent, identification is impossible.

From the abovementioned, questions arise: why in the course of the historical evolution of the psyche did such forms of response to reality arise as the creation of "twins"? What did it give for self-preservation, survival, development of the individual and his psyche? From the standpoint of transcendental psychology, the creation of "twins" meant the creation of an additional and, apparently, an important form of anisotropy. To make sure of this, we will again give the definition of anisotropy given by A. I. Mirakyan in the context of the action of a reflective system: "anisotropy is a feature of such a system, where each discrete contains both the unity and the difference of that homogeneous general, which objectively characterizes this system". If we take into account that the "original" and its "twin" exist as discrete images in the thinking of primitive man, then their combination in thinking coincides with the above definition of anisotropy. Indeed, the "original" and its "twin", as discrete images, "contain at the same time the unity and difference of that homogeneous general, which objectively characterizes this system". Moreover, by "homogeneously general," it is probably necessary to understand the general meaning that is given to the "original" and its "twin," which leads to their identification. This is the peculiarity of the prelogical thinking of primitive man, defined by B F Porshnev as an absurdity, when "A" is identically equated with "B". Thus, the anisotropy that arose as a result of the creation of the "twin" creates additional opportunities for the formation of anisotropic relations, leading to the generation of a new mental phenomenon, which is either preserved, according to the action of the "generating" triad, or not preserved, if there was no functional need for this. Therefore, the presence of a "twin," leading to the formation of a "generative" triad, not only creates an implicit possibility of the development of the psyche in the form of its neoplasms, but also leads to the creation of a mechanism for selecting and fixing mental reactions necessary for the adequate functioning of a person in the environment.

Developing his concept, B. F. Porshnev introduces new important details that are missing in the studies of the binary structures of the thinking of children by A. Wallon. He comes to the conclusion that in the prelogical thinking of people, the identity of the forbidden "original" and the "twin" they created was answered by some kind of emotive reaction, "gluing" the unconnectable, which was reinforced only in the presence of two conflicting stimuli. The above description of B F Porshnev exactly resembles the scheme of a "generating" triad: there is anisotropy in the form of two contradictory stimuli - the "original" and the "twin" - and the result of the formation of relations between them, which is fixed ("glued together") in a qualitatively new "third" - generated feeling. Moreover, if "identity" in this scheme is considered as a process (the formation of identity), then it can be interpreted as a result of the process of formation of anisotropic relations.

Further, in his interpretations, B. F. Porshnev points out that this emotive reaction was of a very universal nature: specific diplasties could be infinitely diverse, but it is only significant that it is a diplastia. And only further evolution leads to the polarization of emotions into positive and negative, dismemberment by modalities and, finally, to a detailed nuance.

According to B. F. Porshnev, diplasty potentially contains two other operations of the mind, simultaneously opposite and complementary to each other. This is serialization and classification. The reason for the emergence of these two operations of the mind is that the choice of "twins" is arbitrary and, one might say, transcendental in relation to the "original", therefore, in extreme cases, a "pair" can consist of either two very similar phenomena, so that the members of this "pair" " can be interchangeable, or, conversely, as opposite as possible. Translating this idea of B. F. Porshnev into the language of transcendental psychology, we get a very interesting hint: it turns out that anisotropy is characterized not only by difference, but also by the degree of difference, which in spatial interpretation can be

defined as "distance", "period", "gap" between "sides" of the difference. It is natural to assume that in these two extreme cases described above, a change in the " period" of anisotropy leads to a change in the character of the formation of anisotropic relations between members of the "pair", which, in turn, affects the process of form generation and as a result can lead to the generation of different operations of the mind. In the first case, when the "pair" consists of two similar phenomena, according to Porshnev, a prerequisite is created for the construction of a series. According to his assumption, in primitive, as in children's thinking, seriation manifests itself in the form of a repetition of some pictorial sign, action, gesture, sounds, on the basis of which rhythm and ornament develop. In the second case, when the members of the "pair" are maximally opposite, a classification is formed. This is already a division operation, which in the simplest case leads to a distinction between "this" and "not this", "yes" and "no", into two phenomena that have nothing in common with each other. This is the germ of that operation of the mind, which in its development is already opposite to diplasty and is called dichotomy, that is, division in two (Porshnev, 1979, p. 188). Binary division begins to act as an opposition to binary unification.

B. F. Porshnev's research shows that the phenomenon of binary opposition is deeply archaic and very characteristic of primitive social and spiritual culture: two opposite phratries of the clan, two totems endowed with the property of opposition, the dual organization of rituals and myths of ancient people, modern primitive civilizations, etc. As can be seen from the above examples, dichotomy is a manifestation of the symmetry of opposites or antisymmetry, widespread in nature: particle and antiparticle, day and night, birth and death, man and woman, etc. Discussing the causes of the dichotomy B. F. Porshnev (1979, p. 189) makes the following conclusion: "the division of human sensations, feelings, emotions into positive and negative ones is determined not by the physiology of animals and humans, where there is no reason to seek out the divisibility of all processes only into two opposite groups, but by social laws, in particular, socio-psychological". Of course, we can agree that the peculiarities of social organization have a significant impact on the formation and strengthening of the dichotomy of emotions and the mind

of primitive people, however, not without reason, we can assume that this phenomenon has its roots far deep into nature and manifests itself as one of the diverse expressions its fundamental regularity - antisymmetry, which is a manifestation of the anisotropy of matter, materiality or nature, on the basis of which further, in the course of evolution, a huge variety of elementary structures of "generating" triads can arise, creating the possibility of generating a variety of new ones necessary for self-preservation and development of living systems. It follows from the above that the ontology of the process of mental reflection must be considered in the unity of the principles of symmetry and trinitarity, because the binary structure of elements, which constitutes the main part of the "generating" triad, can have different forms of symmetry – from identity and symmetry of similarity to symmetry of opposites (antisymmetry), which will affect the nature of the process of formation of anisotropic relations and, therefore, on the peculiarities of generating the fixed result. On the other hand, it follows from what has been said that we can distinguish two aspects of the manifestations of trinity in thinking, which are in inseparable unity. First, the trinity acts as a feature of the structural organization of the "generating" triad; secondly, from a procedural point of view, the formation of anisotropic relations in the binary structures of the "generating" triad, with their characteristic symmetry, leads to the generation of mental operations necessary for the cognition of reality. Therefore, in thinking, as a mental cognitive process, the ontological and epistemological aspects of the discussed trinarity are combined. Consequently, in thinking, the trinity as a phenomenon of nature and as a means of cognition appears in unity, which is the specificity of the mental processes of reflection. However, it is necessary to clarify that in this context, epistemology is understood not as a productive givenness - as the doctrine of cognition of the objects of reality and the relations between them, but in an implicit procedural sense - as the possibility of cognition, or the formation of epistemology.

Conclusion

Thus, it can be said that, along with the ability to make different objects identical, which is charac-

teristic of pre-logical forms of cognition of reality, thinking simultaneously has the opposite property, that is, the ability to violate this identity, which is potentially embedded in both binary structures of thinking (Wallon) and in diplasty (Porshnev). It is this dissymmetrization process (as a permanent manifestation of anisotropy) that creates the conditions for the formation of new pairs, and this continuous process of mutual transitions, that is, the creation of "pairs" and their destruction, then the creation of new "pairs," etc., determined by interaction with the environment, leads both in the process of historical development and in ontogenesis to the formation and consolidation of more adequate ways of functioning in the environment, to the development of thinking, and on a broader consideration - from the standpoint of transcendental psychology - to the ordering of the globality of the world into objects of classification, serialization, their division into dichotomous series, resulting in the generation and development of logical thinking. And as it was shown above, in all these generative processes of perception and thinking, one of the important functions is performed precisely by the principle of trinitarity.

References

Akopov, G. A. (2014). *Sozertsaniye v kategorialnoy sisteme sovremennoy psikhologii* (Contemplation in the categorical system of modern psychology, in Russian). Samara: VEK#21 Publishing House.

Barantsev, R. G. (2005). *Stanovleniye trinitarnogo myshleniya* (The formation of trinitarian thoght, in Russian). Izhevsk: RKHD Publishing House.

Berne, E. (2009). *Transaktsionnyy analiz v psikhoterapii* (Transactional analysis in psychotherapy, in Russian). Moscow: Eksmo Publishing House.

Bloom, F., Lazerson, A., & Hofstadter, L. (1998). *Mozg. Razum i povedeniye* (Brain, mind, and behavior, in Russian). Moscow: "Mir" Publishing House.

Carlson, D. (2007). *Commentary on Hegel's Science of Logic*. New York: Palgrave MacMillan.

Erickson, M. (1980). *The nature of hypnosis and suggestion* (Collected papers of Milton H. Erickson). (Vol. 1). New York: Publisher Irvington Pub

Freud, S. (2000). *Tolkovaniye snovideniy* (The interpretation of dreams, in Russian). Minsk: "Popurri" Publishing Hous.

Freud, S. (2014). *Ya i Ono* (The Ego and the Id, in Russian). Moscow: "Azbuka-klassika" Publishing Hous.

Ginzburg, M., & Yakovleva, E. (2008). *Eriksonovskiy gipnoz: sistematicheskiy kurs* (Ericksonian hypnosis: A systematic course, in Russian). Moscow: Psychological and Social Institute Publication.

Hegel, G. (1929). *Obyektivnaya logika* (The objective logic, in Russian). In *Nauka logiki (The science of logic, in Russian)* (First part. Book one). Moscow: Publisher Institut krasnoy professury.

Hegel, G. (1970). *Nauka logiki* (The science of logic, in Russian). (Vol. 1). Moscow: "Mysl" Publishing House.

Hjelle, L., & Ziegler, D. (2009). *Teorii lichnosti* (Personality theories, in Russian). (3rd ed.). Saint Petersburg: "Peter" Publishing House.

Ilyin, E. (2001). *Emotsii i chuvstva* (Emotions and feelings, in Russian). Saint Petersburg: "Peter" Publishing House.

Izard, C. (2006). *Psikhologiya emotsiy* (The psychology of emotions, in Russian). Saint Petersburg: "Peter" Publishing House.

Jung, C. K. (2008). *Struktura i dinamika psikhicheskogo* (The structure and dynamics of the psyche, in Russsian). Moscow: "Cogito-Tsentr" Publishing Hous.

Magnitov, S., & Tatur V. (2003). Trinitarizm kak nauchnaya doktrina noosfery (Trinitarian as a scientific doctrine of the noosphere, in Russian). *Minsk. Slavyanskoye Veche, 2*, 202-205.

Mirakyan, A. I. (1999). *Kontury transtsendentalnoy psikhologii* (Outlines of transcendental psychology, in Russian). (Book 1.). Moscow: Publisher IPRAS.

Mirakyan, A. I. (2004). *Kontury transtsendentalnoy psikhologii* (Outlines of transcendental psychology, in Russian). (Book 2.). Moscow: Publisher IPRAS.

Mirakyan, A. I. (2010). *Osnovaniya transtsendentalnoy psikhologii vospriyatii*

(Foundations of transcendental psychology of perception, in Russian). In *A. I. Mirakyan i sovremennaya psikhologiya vospriyatiya* (A. I. Mirakyan and modern psychology of perception, in Russian) (pp. 61-89). Moscow: Publisher "Psychological Institute" RAE.

Mirakyan, A. I. (1992). *Printsipy porozhdayushchego protsessa vospriyatiya* (Principles of the generating process of perception, in Russian). Moscow: Publisher "Psychological Institute" RAE.

Naghdyan, R. M. (2018). *Printsip trinitarnosti v transtsendentalnoy psikhologii* (The trinitarian principle in transcendental psychology, in Russian). *Yaroslavskiy pedagogicheskiy vestnik (Yaroslavl Pedagogical Bulletin, in Russian), 6*(105), 229-240.

Naghdyan, R. M. (2022). *V poiskakh ontologii psikhicheskogo. Transtsendentalnaya psikhologiya. Metafizika. Fizika* (In search of an ontology of the psychic. Transcendental psychology. Metaphysics. Physics, in Russian). Yerevan: Author's Publisher.

Naghdyan, R. M. (2017). *Zagadki psikhiki: Transtsendentalnaya psikhologiya i metafizika* (The mystery of the psyche: Transcendental psychology and metaphysics, in Russian). Yerevan: Lusabats Publishing Hous.

Panov, V. I. (2014). *Ekopsikhologiya: Paradigmalnyy poisk* (Ecopsychology: In search of a paradigm, in Russian). Moscow: Saint Petersburg, Psychological Institute RAE: Nestor-Istoriya Publishing Hous.

Porshnev, B. F. (1974). *O nachale chelovecheskoy istorii* (On the beginning of human history, in Russian). Moscow: "Misl" Publishing Hous.

Porshnev, B. F. (1979). *Sotsialnaya psikhologiya i istoriya* (Social psychology and history, in Russian). Moscow: "Nauka" Publishing Hous.

Raushenbakh, B. V. (2000). *Triyedinstvo pronizyvayet prirodu* (Trinity permeates nature, in Russian). Moscow: "Vera" Publishing Hous.

Selye, H. (1983). *Stres arants distres* (Stress without distress, in Armenian). Yerevan: "Hayastan" Publishing Hous.

Skinner, B. (1974). *About behaviorism*. New York: Published Alfred A. Knopf.

Vladimirov, Yu. S. (2012). Printsip trinitarnosti v fizike. filosofii i religii (The principle of trinity in physics, philosophy and religion, in Russian). *Metafizika (Metaphysics) Scientific Journal, 1*(3), 121-139.

Yesayan, G. S. (2018). *Osobennosti printsipa trinitarnosti v transtsendentalnoy psikhologii* (Specifics of the trinitarian principle in transcendental psychology, in Russian). In *Materials of the National Scientific and Practical Internet Conference with International Participation* (pp. 25-29). Yaroslavl: "Yaroslavl State Pedagogical University named after K.D. Ushinsky"

Yesayan, G. S. (2017). Printsipy transtsendentalnoy psikhologii v kontekste trinitarnogo myshleniya (The principles transcendental psychology in the context of trinitarian thought, in Russian). *Metodologiya sovremennoy psikhologii (Methodology of modern psychology, in Russian), Collection of articles, 7*, 94-110. Yaroslavl: YAGPU, RAS, IAPS.

SOCIAL PHILOSOPHY

PROBLEMS OF INSURANCE IN THE COMING AGE OF DISASTERS

Ellectrananda Anugerah ASH-SHIDIQQI [1,2*] iD │ Aidul Fitriciada AZHARI [2] iD │

Kelik WARDIONO [2] iD │ Wardah YUSPIN [2] iD

1 Slamet Riyadi University of Surakarta, Surakarta, Indonesia
2 Muhammadiyah University of Surakarta, Surakarta, Indonesia
* Correspondence
Ellectrananda Anugerah ASH-SHIDIQQI, Indonesia, 57146
E-mail: ellectra_aa@yahoo.co.id

Abstract: The existence of disaster insurance in Indonesia is particularly important because the area is prone to disasters, especially for MSMEs. Increasing resistance to hazards from climate change and disasters can benefit greatly from well-designed insurance programs.

The insurance system used must be effective and ideal, which is the basis for the thinking in writing this paper. The purpose of this study analyzes the status, types, and evolution of market-based disaster insurance schemes required in Indonesia by considering that natural disaster insurance is extremely important. Indonesia still do not have coverage options. Where insurance coverage does exist, it is frequently enforced by mandated insurance and credit-linked goods, as well as premium subsidies. It is expected from the findings and creations arise from the paper goal to develop a good, efficient, and ideal natural catastrophe insurance system for the people of Indonesia. It is also hoped that this writing would be effectively put into practice in the future, bringing wealth to those who have been affected by natural disasters. As a result, all tiers of Indonesian society can achieve the common goal of the Indonesian people, which is to achieve community welfare and protection.

Keywords: disaster, insurance, Indonesia.

Introduction

Background

The existence of Indonesian territory at the junction of three active tectonic plates, namely the Indo-Australian Plate in the south, the Eurasian Plate in the north, and the Pacific Plate in the east, makes Indonesia a disaster-prone area geologically. The three plates move and clash, causing the Indo-Australian Plate to subduct beneath the Eurasian plate, resulting in earthquakes, volcanic routes, and faults or fracture subduction. The Indo-Australian Plate, which advances north with the Eurasian Plate, forms an earthquake path and a succession of active volcanoes along the islands of Sumatra, Java, Bali, and Nusa Tenggara, parallel to the line of the two plates' subduction. Furthermore, the earthquake route runs parallel to the subduction

zone as well as on regional fault lines like the Sumatra/Semangko Fault. In such geological conditions, the prospect of disaster on Indonesian territory appears to be a matter of time. Furthermore, it is accompanied by environmental degradation and irresponsible use of natural resources.

Indonesia is also one of the most disaster-prone countries in the world. Perched on the Pacific "Ring of Fire," it is home to 76 active volcanoes. An archipelago of tens of thousands of islands spanning 5,100 km from one end to the other, in recent years, tsunamis have pounded the shores of North Sumatra, Sulawesi and West Java. Volcanic eruptions, flooding, and landslides, infrequent events elsewhere, are regular occurrences in Indonesia. With a population of more than 210 million people, Indonesia ranks fourth in the world in terms of population. This worsens the situation for people living in places with the highest population density that are prone to natural disasters. According to preliminary data from January 2016, there were 1,681 catastrophe incidents in Indonesia year 2015, with floods, landslides, and tornadoes dominating disasters (Nugroho, 2016). It may be expected that if a natural disaster strikes in a densely populated area, the losses will be greater, posing issues in disaster management implementation.

In 2021, the Emergency Event Database (EM-DAT) recorded 432 disastrous events related to natural hazards worldwide. Overall, these accounted for 10,492 deaths, affected 101.8 million people and caused approximately 252.1 billion US$ of economic losses. As a continent, Asia was the most severely impacted, suffering 40% of all disaster events and accounting for 49% of the total number of deaths and 66% of the total number of people affected. Globally, whilst the number of deaths and the number of people affected were below their 20-year averages, 2021 was marked by an increase in the number of disaster events and extensive economic losses. Five of the top ten most economically costly disasters in 2021 occurred in the United States of America and resulted in a total economic cost of 112.5 billion US$.

In 2021, a total of 432 catastrophic events were recorded, which is considerably higher than the average of 357 annual catastrophic events for 2001-2020. Floods dominated these events, with 223 occurrences, up from an average of 163 annual flood occurrences recorded across the 2001-2020 period. During its monsoon season (June to September), India experienced a series of deadly floods that claimed 1,282 lives. In July, the Henan Flood in China was particularly severe, resulting in 352 deaths, 14.5 million people affected, and a cost of 16.5 billion US$. In the same month, the Nuristan Floods in Afghanistan resulted in 260 fatalities. In July, the Central European Floods and subsequent landslides resulted in 40 billion US$ of economic costs in Germany alone and stood as the second most costly disaster.

Disaster management is the responsibility of the government and local governments. The National Disaster Management Agency (BNPB) at the central government level and the Regional Disaster Management Agency (BPBD) at the local government level are in charge of disaster management. Accountability for the utilization of the funds received from the State Revenue and Expenditure Budget is one of the BNPB's obligations that is being highlighted in the disaster management system (APBN). This indicates that the BNPB's disaster management operations are based on the APBN.

Quoting the words of the Head of the Center for Data, Information and Public Relations of the National Disaster Management Agency, Sutopo Purwo Nugroho at a press conference "*Analysis and Emergency Management of Banjarnegara Landslides and Anticipation of Landslides in Indonesia*", which was reported in the Tempo daily news conference (Widowati & Purwanto, 2019). He stated that the allocation of funds for disaster management was still less than 1 percent of the total State Revenue and Expenditure Budget (APBN). He added that the additional allocation funds were needed for disaster management.

Global flood disasters in 2021 were the most frequent, 48% more than the historic levels, causing 4,393 deaths, which was more than the death toll from other natural disasters but 35% less than the historical average of flood-related deaths; the direct economic losses caused by storm disasters were the largest, reaching USD 137.7 billion, 133% more than the historical average; there were fewer strong earthquakes and their disaster losses were relatively small; the number of deaths from wildfires decreased, but the population affected rose by 219% and the direct economic losses were 109% higher than the historic levels. Regionally, Asia has seen the

highest frequency of natural disasters in 2021, followed by North America; among all continents, Asia had the largest number of deaths due to disasters, followed by North America; North America has seen the highest economic losses due to disasters, followed by Europe; compared with developed countries, developing countries were more severely affected by natural disasters, mostly floods, storms, and extreme temperatures.

In 2021, deaths from natural disasters in China were at an above-average level in the world, basically consistent with the level of its economic development; the proportion of direct economic losses in GDP was at a lower-middle level, which was largely consistent with the level of its economic development. The flood losses in China were higher than those from other disasters and accounted for a large proportion of the global flood losses.

In 2021, China faced a complicated natural disaster situation , with extreme weather and climate events occurring frequently. The natural disasters mainly included flood, strong wind and hail, drought, typhoon, earthquake, geological disasters and cold wave, while sand and dust storm, forest and grassland fires and marine disasters also hit to varying degrees. On the whole, however, natural disaster situation in China was relatively moderate.

The report analyzes the characteristics of global extreme weather disasters from 2000 to 2021. During this period, annual direct economic losses from extreme disasters in Asia, America, Europe and Africa showed an increasing trend. The frequency of such disasters was far higher in Asia than on other continents, and the total losses in Asia from 2011 to 2021 were twice those of Asia from 2000 to 2010. The report also summarizes the characteristics of global climate, and the major weather and climate events in 2021, coupled with an analysis of the causes of typical major weather and climate events, including rainstorm-in- duced flood, drought, tropical cyclone, heat wave and wildfire, cold wave and severe convection.

When a disaster strikes, the issue is not only how to respond to the situation, but also how to restore people's lives. It is probable that massive economic losses will result from natural disasters such as deaths, injuries, damage, and the destruction of people's houses. This is also reaffirmed by the Disaster Management Law, which states that the community has the right to seek compensation to reconstruct their damaged property (Disaster insurance is important but the government hasn't thought about it, n.d.). However, if the obligation for post-disaster management is only based on money in the APBN, the rehabilitation and reconstruction of people's homes will be delayed, extending the suffering of natural disaster victims.

As a result, this scientific study is focuses on a help-based method to finance the rehabilitation and reconstruction of post-natural catastrophes, which is implemented through natural disaster insurance. Disaster insurance becomes a means of covering losses incurred through disasters and catastrophic events and reducing disasters' severe financial impact on individuals and communities. Insurance is an inextricably linked component of the state's mission to improve the well-being of its citizens. The presence of insurance becomes extremely crucial in supporting the growth or economic progress of a country, both established and emerging countries, in sustainable economic development. Economic growth is attained by creating tranquility in society over the certainty of control over uncertain or unpredictable events in business and life (Simajuntak, 2017). Departing from such an insurance function, it can be integrated into the responsibility for disaster management in the aftermath of a natural disaster, which is not only the responsibility of the government but also involves the community and insurance company organizations. As a result, the mutual aid-based insurance program is projected to protect every household in the community against the danger of natural disasters.

Objectives

In light of the aforementioned context and issues, the following writing goals must be met:
1. To find out the concept of disaster insurance.
2. To find out the importance of disaster insurance in the reconstruction and rehabilitation of natural disasters.

Discussion

The importance of catastrophe insurance is pri

marily emphasized by the writer due to Indonesia's reputation as the world's most disaster-prone nation. Indonesia tops the list of nations for regions vulnerable to tsunamis, landslides, and volcanoes, according to statistics issued by the United Nations Agency for International Disaster Risk Reduction Strategy (UN-ISDR). There were 2,342 natural disasters in Indonesia in 2016, according to the statistics of those events. When compared to the number of disasters in 2015, this indicates an increase of 35%. According to Sutopo Purwo Nugroho, the Director of the BNPB Information and Public Relations Center, this number is the largest since catastrophe occurrences began to be recorded in 2002 (The number of disasters in Indonesia reached a record in 2016, 2016).

This is due to Indonesia's position between three tectonic plates: Indo-Australia, Eurasia, and the Pacific. These three plates are along the path of the "Asia Pacific Ring of Fire," which contains 127 active volcanoes worldwide. As a result, it is apparent that Indonesia's geographical location leaves it vulnerable to natural disasters, making conditions unfavorable for the country. Many victims of natural disasters suffer varied material and immaterial losses as a result of natural disasters that cannot be predicted with precision.

Because of the enormous number of people, the threat of natural disasters will be increasingly concerning. The greater the population, the greater the risk that the state will bear owing to the possibility of natural disasters. When we look at the facts, Indonesia is rated third in the world as the country with the highest population. According to Sutopo Purwo Nugroho, the Head of the National Disaster Management Agency's Center for Data, Information, and Public Relations, in an interview with BBC Indonesia, earthquakes posed a greater threat to Indonesia than floods, which affected at least 1 million people (Indonesia is a disaster-prone country, 2011).

Natural catastrophe insurance for persons living in disaster-prone locations is, of course, critical for mitigating these losses. There is little doubt that insurance, as a risk management method, may contribute to the stages of catastrophe risk mitigation, rehabilitation, and post-disaster reconstruction (Hotbonar & Munawar, 2022). Natural disaster insurance can mitigate all damage caused by large-scale natural occurrences such as earthquakes, hurricanes, storms, floods, and bush fires. The use of such insurance prioritizes risk management, which is used to give protection against the risk of public loss whose value is unknown (Nasution & Lubis, 2015).

According to the data of the Meteorology, Climatology, and Geophysics Agency (BMKG), the occurrence of disasters has dropped in 2019 compared to prior years. Disaster events peaked in 2017 with as many as 2,869 events, followed by 2,573 events in 2018.

Despite the fact that the intensity dropped, the costs incurred climbed dramatically. According to the detailed impact projections, the cost of replacing irrigation canal damage is the most significant, reaching up to IDR 860 billion, followed by relocation costs reaching IDR 416 billion, the cost of damage to houses reaching IDR 109 billion, damage to agriculture reaching IDR 78 billion, damage to roads reaching IDR 62 billion, and bridges reaching IDR 23 billion.

On a larger scale, the 2005 earthquake and tsunami tragedy in Aceh Province and Nias Island resulted in damages of IDR 42 trillion. Almost the same amount of money was lost in the 2006 Yogyakarta Province earthquake, with an estimated loss of up to Rp35 trillion. Furthermore, a succession of calamities happened in Palu, Sigi, and Donggala in the aftermath of the latest NTB earthquake and tsunami.

Meanwhile, the flood tragedy that struck Jabodetabek on January 1, 2020, wreaked havoc. According to the Indonesian Retail Entrepreneurs Association (Aprindo), the value of the loss reached 960 billion, based solely on an increase in the number of retail establishments closed due to the flood, not including the future impact.

Unfortunately, the same losses appear to be repeated in practically every big flood event in the capital city. For example, the original flood cycle in 2002 resulted in damages of up to IDR 5.4 trillion, whereas the same flood in 2007 resulted in losses of IDR 5.2 trillion. More considerable damage, ranging from Rp7.5 trillion to Rp18.1 trillion, occurred during the 2013 flood period, increasing the total loss created by the three flood episodes to Rp18.1 trillion.

The rising frequency of coming calamities, as well as numerous forms of epidemics considered to be associated with the present COVID-19

pandemic, assuming they are real evidence of the climate destruction that has occurred. Especially since the Economist Intelligence Unit (EIU) has announced the global Climate Change Resilience Index.

According to the estimates, climate change might cost the global economy up to $7.9 trillion by 2050. This is owing to the interconnectedness of multiple disasters caused by droughts, floods, crop failures, and other types. Of the weather and climate-dependent economic sectors of Indonesia, manufacturing, agriculture, mining and quarrying have been the most dominant contributors to the national economy. In 2007, these sectors respectively shared 27.4%, 10.8%, and 8.7% to the gross domestic product (Table 2.1). In totality the weather and climate-dependent economic sectors contributed 67.1% to the GDP in the same year. Because of this large contribution, improvements in the NMHS that would reduce the damages due to weather and climaterelated disasters will have very significant impacts on the overall economy.

For the 1990 to 2009 period, the country had 129 such disasters causing death to more than 5,000 people and injury to more than 250,000 persons. The disasters also affected more than 10 million individuals and rendered homeless approximately 72,000 persons. In 2009, two consecutive earthquakes also hit the provinces of West Sumatra and Jambi in Indonesia causing widespread damage across the provinces, killing over 1,100 people, destroying livelihoods and disrupting economic activity and social conditions (BNPB, Bappenas, and the Provincial and District/ City Governments of West Sumatra and Jambi and international partners 2009).

The earthquakes also caused landslides that left scores of houses and villages buried and disrupted power and communication in the affected areas. The damage and losses in West Sumatra were estimated at Rp21.6 trillion, equivalent to about US$2.3 billion while the damage and losses in Jambi were estimated at Rp100 billion.

In terms of type, the available data show that the disasters consist of floods, mass movement wet and wildfires. From 2005 to 2009, there were a total of 37 floods causing death to 1,486 people, 7 mass movement wet causing death to 395 people 2 wildfires causing no death.

This feature of disaster is expected to have a considerable influence on global economic growth and infrastructural sustainability. According to the index, based on present patterns, the potential for global warming could diminish each country's GDP by roughly 3% in the 2050 decade. The annual estimated socioeconomic damages for 2010-2029 were computed as the average of the annual actual damages for 20 the 1990-2009 period adjusted to inflation taken from the World Development Indicators of the World Bank. The average annual actual socioeconomic damages for the 1990-2009 period was at US$592 million and in the absence of 2010 data is reflected as the annual estimated damages for that year. For the 1990-2009 period, the total actual damages was US$11,847 million while for the 2010-2029 period, the total estimated damages was US$42,164 million.

The most prevalent disasters in terms of economic damages were floods and landslide. From 2005 to 2009, floods caused economic damages of about US$1,080 million while landslide resulted to economic damages of US$43 million.

However, the impact will be significantly bigger in developing countries where the African continent's GDP will fall. The highest was 4.7%. Angola is expected to be the most vulnerable, with roughly 6.1% of GDP loss, followed by Nigeria with 5.9% of GDP, Egypt with 5.5% of GDP, Bangladesh with 5.4% of GDP, and Venezuela with 5.1% of GDP.

As a result, meaningful action is required now and in the future to mitigate the potential effect created. Real activities will not suffice if they are carried out in the manner of business as usual (BAU). An additional effort is required to achieve the aim for reducing greenhouse gas (GHG) emissions at a faster rate.

Previously, more than 11,000 scientists from 156 countries agreed to declare the globe to be in a state of climate emergency. They also see a number of potential negative consequences if humans do not adjust their behavior patterns.

If correct, this is not the first time, as around 16,000 scientists from 184 nations participated in a publication in 2017 that believed people and nature were on the wrong road.

A recent report by BioScience, a peer-reviewed scientific publication, backs up that assertion. According to their suggestions, scientists from over 150 countries believe the climate catastrophe is "closely linked to the overconsumption of the rich's lifestyles".

The fact that the APBN/APBD has a big need for disaster money becomes even more problematic when it is learned that several public officials involved in fund administration have been subjected to a hand arrest operation (OTT). As a result, it is critical to begin considering options for disaster insurance schemes in the country in order to promote catastrophe management optimization.

The administration has also launched a dialogue in the 2019 APBN document to further maximize potential non-APBN catastrophe funding sources. Several preliminary steps have been taken, including the piloting of a state property insurance system (BMN), as well as the development of a disaster risk funding framework, a risk transfer scheme, and the introduction of a special funding mechanism for natural disaster management in the APBN.

Several BMNs' insurance coverage vary substantially based on the valuation results and the extent of site risk. For example, the Cibitung Tax Service Office (KPP) has an insurance value of approximately Rp. 8.4 billion, but the Cibinong KPP has an insurance value of Rp. 6.3 billion. North Bekasi KPP totaled IDR 1.5 billion, whereas South Bekasi KPP was IDR 24.9 billion. The Jakarta Type A Customs and Excise Laboratory costs Rp. 9.5 billion.

Several other BMN assets are expected to follow the disaster insurance engagement scheme in 2021. The plan includes assets in nine Ministries/Institutions (K/L), including the Office of the Corruption Eradication Commission (KPK), the National Terrorism Eradication Agency (BNPT), the Agency for the Assessment and Application of Technology (BPPT), the Information and Geospatial Agency (BIG), the Government Goods/Services Procurement Policy Institute (LKPP), the Coordinating Ministry for Human Development and Culture (Kemenko PMK), the Supreme Audit Agency (SAA) (BNPB). Membership will be expanded to 20 K/L in 2021, 40 K/L in 2022, and finally all K/L in 2023, when the disaster insurance system will cover all K/L.

Aside from insurance, the APBN's form of managing special funds for natural catastrophe management can theoretically be achieved in a variety of ways. There is an on-call fund system, as well as the development of a contingency fund. The author is most interested in establishing the Disaster Fund Management Agency

out of all the recommendations (BPDK). BPDK, as another type of Public Service Agency (BLU) that the government can establish, will later be able to collect disaster management money from the APBN/APBD, the private sector, and international funding of any kind.

The funds raised must then be nurtured and managed for all disaster management activities, from upstream to downstream, whether mitigation or post-disaster activities, as well as the procurement of various disaster early warning tools, which are frequently overlooked during the procurement of goods and services.

In terms of human resources (HR), BPDK will eventually be able to integrate aspects of professional personnel with competitive and satisfactory compensation levels, as well as government representation. As a result, the aspect of work professionalism and output performance becomes the most important thing.

With the establishment of BPDK, the government would be able to handle disaster finances more effectively in the future, as well as provide disaster management services in a more responsive and anticipatory manner for various sorts of disasters.

Bambang Sulistianto, Deputy for Reconciliation and Reconstruction at the National Disaster Management Agency (BNPB), stated that disaster insurance is critical, particularly during the rehabilitation and reconstruction phase following the end of the emergency response during a disaster (Wardah, 2017). When a disaster strikes, the issue is not only how to respond to the situation, but also how to restore people's lives. According to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), the state has the obligation to safeguard its citizens. It must be protected not only from war, as it was when we were free, but also from all other risks and tragedies. Furthermore, the Disaster Management Law states that the community has the right to get compensation in order to repair their damaged property (Disaster insurance is important but the government hasn't thought about it, n.d.).

Whenever a natural disaster strikes, the government always collects funds from the State Budget for restoration and reconstruction. However, the government only has a limited amount of money for it. Despite the fact that Indonesia is no stranger to disasters, the budget for disaster management is still quite small. The APBN allo-

cates under than 0.5% of overall expenditure, or approximately Rp. 7 trillion, for disaster management positions. In fact, the average material loss caused by disasters in Indonesia is approximately Rp. 30 trillion per year. This is confirmed by a report from the United Nations Development Program (UNDP), which claims that disaster damages in Indonesia have surpassed Rp 400 trillion in the last ten years. For example, the government has spent approximately Rp. 1.5 trillion on victims of Mount Sinabung's eruption (Disaster insurance is important but the government hasn't thought about it, n.d.). Kornelius Simanjuntak, Chairman of the Indonesian Insurance Council from 2011 to 2013, has stated that numerous natural catastrophes have damaged at least two million dwelling units in Indonesia (Kertopati, 2017). In 2021, EM-DAT reported 28 earthquakes, in line with the 2001-2020 average of 27 events. However, the number of deaths and people affected by earthquakes, as well as global economic damages, were lower in 2021 than the average for the past 20 years. This is due to the absence of any mega-earthquakes in 2021. Despite this, the 7.2-magnitude earthquake in Haiti, which occurred in August, still ranks top as the deadliest disaster in EM-DAT in 2021, causing 2575 deaths. In addition, the Fukushima Earthquake of February (magnitude 7.1) also appears in the top ten of the costliest disasters in EM-DAT in 2021, causing an estimated 7.7 billion US$ of economic costs.

Other geophysical hazards (volcanic activity, mass movements) and hydrological hazards (landslides) generally had a low occurrence in 2021 and resulted in relatively lower human and economic losses compared to other disasters types recorded in EM-DAT. Nevertheless, in April, a compound event triggered by a rock and ice avalanche resulted in a deadly mass flow in the Uttarakhand state (Himalaya, India). In addition to causing significant damage to hydropower infrastructure, the number of people reported dead or missing was approximately 234, making it one of the top ten deadliest events in 2021. The volcanic eruption of the Cumbre Vieja volcano on the Canary Islands lasted from September to December and stands as the costliest lava flow reported in EM-DAT in the last twenty years, with economic losses estimated at 1 billion US$.

Insurance firms may talk a lot about this. With the availability of catastrophe insurance, the government will not bear the entire expense of reconstruction and rehabilitation in the form of building residences or public amenities (Hotbonar & Munawar, 2022). This is because disaster insurance programs do not have to rely solely on government assistance. According to Kornelius, in a number of nations where disasters occur regularly, such as Japan, Mexico, and Taiwan, some of the risk has been transferred to global capital markets through the formation of catastrophic bonds. According to him, the government's responsibility is restricted to facilitating and providing a legislative framework for the implementation of this national catastrophe insurance (Pernando, 2017).

Because disaster insurance exists, data collecting on damaged assets does not have to take long because it has already been recorded by the insurance provider. These facts are required by insurance carriers in order to calculate the amount of dependents of an asset to be insured (Noor, 2014). Muliaman D Hadad, Chairman of the OJK Board of Commissioners, stated that Japan already has hundreds of years of data from which to assess the probability (Praditya, 2017).

Furthermore, the disbursement of funds will be speedier than the current process (Hakim, 2017). The owners of premiums will receive the claim fee without having to wait for government help money, which cannot be supplied immediately (Praditya, 2017). The earthquake and tsunami tragedy in Sendai, Japan in 2011 was one effective example of disaster insurance. Over 700 thousand people have lost their lives, over 1.4 million have been injured and approximately 23 million have been made homeless as a result of disasters. Overall, more than 1.5 billion people have been affected by disasters in various ways, with women, children and people in vulnerable situations disproportionately affected. The total economic loss was more than $1.3 trillion. In addition, between 2008 and 2012, 144 million people were displaced by disasters. However, disaster insurance can cover all of these damages (Safaat, 2017). In 2020, the cost of damage caused by natural disasters occurring in Japan amounted to around 708 billion Japanese yen. Since the country is situated along the Ring of Fire, an area where several tectonic plates meet,

it is vulnerable to natural disasters like earthquakes, tsunamis, and volcanic eruptions.

It must be reiterated that the primary goal of establishing natural disaster insurance is to lower the level of risk that the community faces in the event of natural catastrophes. Insurance is used to apply it in situations where losses have a probabilistic nature (level of likelihood). Through Aggregation Risk, insurance has the ability to minimize the level of natural catastrophe risk to the community. Aggregation Risk is an insurance concept that refers to the payment of insurance value depending on the quantity of payment that presents challenges in determining who should carry out natural disaster insurance (Sivas, 2016). Related to the National Disaster Risk Finance and Insurance (DRFI) Strategy, Sri Mulyani Indrawati, Indonesia Finance Minister stated at the time, "Throughout the years, the government has relied solely on the state budget to cover the cost of disasters. It poses a risk to the budget allocated for other priority sectors such as education, health, and to programs of subnational governments". The Minister further conveyed in the preface to a publication on the DRFI published in December 2018, "This strategy will allow the Government to seek financial solutions and innovation for alternative funding to complement the State Budget for disaster financing".

The World Bank, with support from the Swiss State Secretariat for Economic Affairs (SECO), has closely partnered with the Indonesian government to develop the DRFI strategy and continues to work with the government on its implementation. In January 2021, the World Bank approved a US$500 million lending operation to support Indonesia's efforts to build and strengthen its financial response to natural disasters, climate risks, and health-related shocks such as the COVID-19 pandemic. The loan supports the establishment of a Pooling Fund for Disasters, that was legally created in August 2021 through a Presidential Regulation. It will serve as a central mechanism that will help ensure effective and transparent flow of money to relevant government agencies, including faster social assistance payments for victims of disasters, and improve preparedness planning.

In addition, a U.S. $14 million grant from the Global Risk Financing Facility (GRiF), a multi-donor trust fund managed by the World Bank that helps countries design and implement

financial solutions to manage disasters and climate shocks, is co-financing efforts to help build the government's technical capacity in managing funds to protect the most vulnerable groups. Another key component of the World Bank's ongoing collaboration with the Ministry of Finance on DRFI is implementing and scaling up the government's State Asset Insurance Program. Since its launch in 2019, the insurance program has covered more than 4,300 buildings of 51 ministries as of September 2021.

Work is also underway toward integrating Indonesia's efforts with the Southeast Asia Disaster Risk Insurance Facility (www.seadrif.org), an initiative of the members of the Association of Southeast Asian Nations (ASEAN) Plus Three (Japan, China, and South Korea), which is supported by the World Bank, and which has identified financial protection of public assets as a priority product. Indonesia is a member of the facility, and similar work is ongoing among neighbors across ASEAN, including the Philippines and Vietnam.

If natural disaster insurance is handled completely by private enterprises, risk aggregation will be unable to cover natural disaster insurance coverage without requiring extremely high premiums. As a result, there is no reasonable disaster cost cover available. As a result, natural disaster insurance cannot be provided entirely by the private sector. Natural catastrophe insurance providers must also include government participation in the form of a subsidy policy.

Because there is no false profit (projected higher profits) from the level of income, the government as an insurance provider is unlikely to face premium concerns through subsidies. The comparatively modest reserve of subsidy expenses with cash from taxes demonstrates the de facto function of taxation in giving support to persons impacted by disasters. Systematically, this is also a traditional government measure to prevent societal problems. Thus, the issue of government-managed natural disaster insurance must be researched further.

The distinction between different classes of residents in the provision of natural catastrophe insurance is something that the government must consider. Homeowners in flood-prone or fire-prone areas should, by definition, have more insurance coverage than those in low-risk locations. This is, of course, based on the notion that

those who reside in disaster-prone locations will require extra insurance. However, this violates the fundamental ideals of democracy and equality before the law. The damage that occurs can significantly decrease household welfare as well as their poverty status. For instance, the loss of crops results in losses to farmers' income and, in some extreme cases, may lead to famine. The damage to property (such as housing, productive assets, and public facilities), loss of crops, the injury and death of family members, and disabilities caused by disasters, all lead to direct economic losses that can reduce household welfare and expose households to increased poverty as well as reducing economic mobility (Dartanto et al., 2020; Dartanto & Nurkholis, 2013). Natural disasters are also closely associated with girls entering child marriage that may result in adverse effects on women ranging from economic losses to health deterioration (Dewi, 2019). In the same case of natural disasters, there is poverty exposure bias in which poor people are often overexposed to droughts and urban floods (Winsemius et al., 2015).

The relationship between natural disasters and welfare/poverty can be a two-way process: not only do natural disasters increase the incidence of poverty, but poverty can in turn increase households' exposure to natural hazards. A household's vulnerability to natural shocks is determined by several factors (Lopez-Calva & Ortiz-Juarez, 2011): economic structure development stage, social and economic conditions, the availability of coping mechanisms, risk exposure, and the frequency and intensity of disasters. In the case of floods in Pakistan, Kurosaki et al. (2012) found that 1) households that initially had fewer assets and experienced greater flood damage experienced more difficulties recovering from the disaster, and 2) aid recipients did not show higher or lower levels of recovery than non-recipients, especially in terms of housing damage. Elsewhere, a significant increase in poverty in disaster-affected municipalities was found in Mexico (Rodriguez-Oreggia et al., 2012), while in Nicaragua Van den Berg (2010) was unable to find any direct evidence of disaster-induced "poverty traps", although not all households were able to recover from disasters in a similar manner.

Furthermore, the issue of insufficient funding from the state budget and failure to meet risk recovery targets must be addressed. This problem cannot be remedied just by government funding. Natural disaster insurance requires coordinated collaboration. In order to provide natural catastrophe insurance, a concept involving the government, the public, and the commercial sectors must be implemented (Huxley, 2010).

As a result, according to Lavigne and Thouret (2010), there are two methods for applying natural catastrophe insurance, as follow:

1. *Government as sole insurer*

   Approach for implementing government-sponsored insurance programs. The program resembles private insurance but is not directed by insurance principles and is not funded by insurance monies. That is, implementing an insurance program similar to the private sector in which the government provides multiple options for natural catastrophe insurance premiums and the community decides which options to take and how much to pay. This, of course, the public sector must still pay the premium, but the premium is lower because it is subsidized. Natural disaster insurance plans like this have previously been adopted in Spain for all natural disasters, in the United States for flood insurance, and in Turkey for earthquake insurance.

2. *Government as reinsurer*

   In this system, insurance is given and determined entirely by the private sector based on the applicant's background and circumstances, with the government providing all money. In providing insurance, the private sector operates as a third party and an extension of the government. Because the private sector determines the natural disaster insurance program, the government will not be found to have breached the equality of every citizen under this system. Such insurance plans have already been adopted in New Zealand, Japan, South Africa, Norway, France, and the United Kingdom(Lavigne & Thouret, 2010).

Conclusion

Given Indonesia's geographical location as a country prone to natural disasters and the fact that Indonesia has the fourth biggest population, the lack of attention to compensation for losses

caused by natural disasters indicates an adverse situation. Problems with catastrophe management techniques exist all throughout the world. When a calamity strikes, the government always collects the state budget for restoration and reconstruction, which frequently has limited funds. As a result, despite Indonesia's familiarity with disasters, all efforts and budgets for disaster management remain inadequate, and the process is not optimal. As a result, many people's losses as a result of natural calamities are irrecoverable.

To overcome the disaster management system, modifications must be made, particularly to the post-disaster rehabilitation and reconstruction process, which is currently ineffective. There is an option to optimize the function of the disaster insurance system, namely making the government the sole insurer, where the government provides pure insurance financing through subsidies, or the government as a reinsurer, where the government and the private sector collaborate to maximize the performance of the insurance system. These procedures must be taken in order to modify the status quo of the system, which is currently not operating optimally.

References

Dartanto, T, Moeis, F. R., Moesi, J. P., & Ikhsan, M. (2020). A longitudinal study of agricultural households in Indonesia: The effect of land and labour mobility in welfare and poverty dynamics. *World Development Perspectives, 20*, 100261.

Dartanto, T., & Nurkholis (2013). The determinants of poverty dynamics in Indonesia: Evidence from panel data. *Bulletin of Indonesian Economic Studies, 49*(1), 61-84.

Dewi, A. N. (2019). Flipping activity and underpricing phenomenon in Indonesia stock exchange. *Jurnal Reviu Akuntansi dan Keuangan, 9*(2), 137-150. doi: 10.22-219/jrak.v9i2.51

Disaster insurance is important but the government hasn't thought about it (n.d.). Retrieved April 22, 2022, from http://majalahukm.com/asuransi-bencana-penting-namun-governmental-belum-meikiran/

Hakim, R. N. (2017, December 29). *Indonesia is expected to have disaster insurance*. Retrieved April 27, 2022, from http://nasional.kompas.com/read/2016/12/2-9/20240391/indonesia.diharapkan.punya.asuransi.bencana

Hotbonar, S., & Munawar, K. (2022). *Initiating disaster insurance*. Retrieved April 27, 2022, from https://luk.staff.ugm.ac.id/-plagiarism/aa/Hotbonar.html

Huxley, C. (2010). *Insurance principle. Lpress*. Retrived April 27, 2022, from https://-panfic.com/insurance-knowledge/prinsip-dasar-asuransi/

Indonesia negara rawan bencana (Indonesia is a disaster-prone country, in Indonesian) (2011, August 10). Retrieved April 27, 2022, from https://bnpb.go.id/potensi-ancaman-bencana

Kertopati, L. (2017). *Indonesia is deemed to need to implement a natural disaster insurance scheme*. Retrieved April 22, 2022, from http://www.cnnindonesia.-com/ekonomi/20161022232037-78-16-7246/indonesia-dinilai-perlu-terapan-skema-asuransi-bencana-alam/

Kurosaki, T., Khan, H., Shah, M. K., & Tahir, M. (2012). Household-level recovery after floods in a developing country: Further evidence from Khyber Pakhtunkhwa, Pakistan. *PRIMCED Discussion Paper Series*, 1-19.

Lavigne, F., & Thouret, J.-C. (2010). Les lahars; depots, origines et dynamique. *Bulletin de la Société Géologique de France, 171*(5), 545-557. https://doi.org/10.21-13/171.5.545

Lopez-Calva, L. F., & Ortiz-Juarez, E. (2011). A vulnerability approach to the definition of the middle class. *Policy Research working paper*, no. WPS 5902. http://-localhost:4000//entities/publication/a-7615150-2617-5e8f-97e9-6a11c71c4-863

Nasution, A., & Lubis, I. (2015). Analysis of community interest in mandailing natal regency towards insurance institution services and facilities (Case study of civil servants). *Journal of Economics and Finance, 3*, 125-140.

Noor, D. (2014). *Introduction to geological disaster mitigation*. Deepublish. Retrieved April 27, 2022, from https:-

//www.academia.edu/6710166/PEN-GANTAR_MITIGASI_BENCANA_-GEOLOGI

Nugroho, S. P. (2016). *Disaster management evaluation and 2016 disaster prediction*. National Disaster Management Agency.

Pernando, A. (2017). *National disaster insurance: Proposed PPP scheme*. Retrieved April 27, 2022, from https://-www.researchgate.net/publication/3251 46850_Insuring_disasters_A_survey_of_the_economics_of_insurance_programs_for_earthquakes_and_droughts

Praditya, I. I. (2017). *OJK invites people to know disaster insurance products*. Retrieved April 27, 2022, from http://bisnis.liputan6.com/read/2311616/ojk-ajak-Masyarakat-kenal-produk-asuransi-bencana

Rodriguez-Oreggia, E., de la Fuente, A., de la Torre, R., & Moreno, H. A. (2012). Natural disaster, human development, and poverty at the municipal level in Mexico. *Journal of Development Studies: Taylor and Francis*. Retrieved April 27, 2022, from http://hdl.handle.net/1098-6/13372

Safaat, A. S. (2017). *Academics: Indonesia needs a natural disaster insurance scheme*. Retrieved April 24, 2022, from http://www.antaranews.com/berita/591 727/akademisi-indonesia-perlu-skema-asuransi-bencana-alam

Simajuntak, R. (2017). Various legal disputes that can emerge from insurance contracts and their resolution. *Journal of Business Law, 3*.

Sivas, D. (2016). *Our vulnerable planet*. SPress. Depok: Badan Penerbit Fakultas Hukum Universitas Indonesia.

The number of disasters in Indonesia reached a record in 2016 (2016, December 29). Retrieved April 27, 2022, from http://-www.bbc.com/indonesia/indonesia-38-456759

Van den Berg, J. C. T. (2010). *Dairy technology in the tropics and subtropics*. PUDOC. Wageningen.

Wardah, F. (2017). *BNPB: It is important for Indonesia to have disaster insurance*. Retrieved April 22, 2022, from https://-www.voaindonesia.com/a/bnpb-indonesia-penting-miliki-asuransi-bencana-/1801086.html

Widowati, M., & Purwanto, A. B. (2019). *Pengaruh UMKM Terhadap Tingkat Kemiskinan Dengan Pendapatan Domestik Bruto Sebagai Intervening* (The influence of MSMEs on poverty levels with gross domestic product as intervening, in Indonesian). *Fokus Ekonomi: Jurnal Ilmiah Ekonomi, 14*(2), 376-390. https://doi.org/10.34152/fe.14.2.376-390

Winsemius, H. C., Aerts, J. C. J. H., van Beek, L. P. H., Bierkens, M. F. P., Bouwman, A., Jongman, B., Kwadijk, J. C. J., Ligtvoet, W., Lucas, P. L., van Vuuren, D. P., & Ward, P. J., (2015). Global drivers of future river flood risk. *Nature Climate Change, 6,* 381.

TECHNICAL UNIVERSITY AS AN INNOVATIVE FACTOR OF CULTURE

Svetlana A. BEZKLUBAYA [1, *] iD

1 Moscow Aviation Institute (National Research University), Moscow, Russian Federation

* Correspondence
Svetlana A. BEZKLUBAYA, Mayakovsky St., ap. 19, 19/8, Khimki 141402, Moscow Region, Russian Federation
E-mail: bezkluba@email.com

Abstract: This study aims to consider the technical university as a factor for innovation in modern culture. The author's task is to identify the phenomenological (sociocultural) and ontological (pedagogical, personal, organizational) foundations of a technical university as an innovative factor. The methodological basis of the study is made up of identifying value concepts, a pragmatic method, and a criterion of effectiveness. The technical university as an innovative factor is revealed through research: concentration of innovations in engineering and technical activities; the cultural meaning of innovation; the peculiarities of the formation and development of the humanitarian environment by the technical university and its spiritual and moral component. The criterion of effectiveness refers to the use of pedagogical models by a technical university and a spiritual and moral component. The study deepens the understanding of the innovative factors of culture that have developed in science and makes it possible in practice to improve the technical university in line with the innovative trends of our time.

Keywords: innovation, technical university, techno-humanitarian balance, cultural meaning, humanitarian environment, personality-centered education, spirituality.

Introduction

Innovations as a cultural phenomenon exist only in an environment that is ready. The basis for an innovative solution to the global problems of mankind is the humanization of production and consumption processes (resources, goods, and technologies). The technical university makes it possible to effectively implement the humanistic innovative values of both the world and the national culture. The educational environment of a technical university reflects and deepens the connection between engineering and technical activities and socio-cultural innovations. The technical university cultivates pedagogical educational models to research the most appropriate forms (humanistic, personality-oriented) of acceptance of the new. The techno-humanitarian balance of knowledge about innovations, introduced at the technical university, guarantees a co-evolutionary and humanistic orientation to the development of culture. Therefore, it is important

to study the technical university as an innovative factor of modern culture.

Materials and Methods

The meaning of the article is revealed by the most important scientific foundations of the humanities - value, pragmatism, and the criterion of effectiveness. The value aspect reveals the phenomenological (accessible for perception, cognition, evaluation) side of the study. The pragmatic approach reveals the ways of establishing communication links necessary for the implementation of innovations between the technical university, students, faculty, and the public. The detection of performance criteria allows us to provide an understanding of the policy of a technical university for solving innovative problems that are significant for society. The ontological integrity of these approaches and criteria integrates general philosophical, cultural, pedagogical, sociological, and psychological materials in this study. Interdisciplinarity makes it possible to form a methodological toolkit necessary for deepening the existing scientific knowledge about innovative factors. The research methods used are both theoretical (analysis of scientific literature on the problem under study) and applied (observation).

Results

In the course of this study, the phenomenological (sociocultural) and ontological (pedagogical, organizational, psychological, value, morality-spiritual, and creative) basis of the technical university were identified as innovative factors of modern culture. Pedagogical models (personality-oriented, personality-developing, humanized, humanitarized, and design-creative) and the spiritual-moral component are designated as key to creating an innovative educational environment in a technical university.

Discussion

Culture is a clash of the traditional and the new. Each new generation preserves some traditions and rejects others (especially those that turn from a mechanism of imitation into a mechanism of

compulsion). Cultural dynamics are driven by innovation.

Innovations are the final result of human intellectual activity; a new feature that is introduced which provides a qualitative increase in the efficiency of processes, products and is in demand by the market (Schumpeter, 1982). The concept of 'innovation' is not identical with 'improvement', 'invention', or 'creativity'. Innovation is the result of actions in the system of culture of laws demonstrating connections: the energy of human activity and technical means of its use; scientific and technological progress and autonomous political formations; technical means for the production of a surplus product and a class of specialists capable of organizing and directing the labor of others (Carneiro, 1997). An innovation that transforms the human world for the better can become anything only if it is creative in essence. Innovations today are the result of the generation of new features by the socio-cultural environment, the concepts of which are based on the humanistic interaction of man, society, and nature. The types of innovations are diverse: technological (new product or process); social (renewal of the spheres of human life in the reorganization of society - education, science, management system, charity, service), organizational (improvement of the management system), etc. Innovations bring phenomena that are ultra-significant for their existence (knowledge, technologies, products, organizational forms of society) and values (profit, anticipation, leadership, creativity, progress, higher quality of life). Therefore, national cultures strive to discover and develop the most important factors for the successful implementation of innovative activities. For modern culture, such an innovative factor is the technical university. Labor values and values of professional activity, their imperative power as a social regulator, and conditions of development cannot be understood outside of the context of common life values, especially cultural values (Tsvyk & Tsvyk, 2019).

Phenomenology identifies the characteristics of the existence of the technical university as an innovative essence of culture. This existence is not seen directly, therefore the task of phenomenology is to 'reveal what there is' (Heidegger, 1989). Phenomenology "is initially ontological by its very essence and any movement in its direction inevitably leads to existential problems.

Moreover, phenomenology not only requires ontology but also radically clarifies its idea. So not only is phenomenology essentially ontological, but the face of ontology is revealed only in the light of phenomenology..." (Chubatov, 2018, p. 16). Therefore, when considering this topic, it is necessary to refer to both phenomenological (accessible for perception, cognition, evaluation) foundations, and to ontological principles (objectivity, consistency, development, determinism, hierarchy, various relationships and connections between concepts and conceptual constructions). Phenomenology explicates the perspective of the functioning of a technical university in a constantly updated sociocultural reality, and ontology specifies the process of updating the principles existing in its educational space (pedagogical, organizational, psychological, efficiency, creativity, spirituality) with new content. Innovations form culture as an existential space and a methodological construction for studying its ontological modes (Motorina & Sytnik, 2020).

1. Phenomenological Foundations

Let us single out and characterize the most important phenomenological foundations that determine the existence of the technical university as an innovative factor.

1.1. Concentration of Innovations in Engineering and Technical Activities

The founder of culturology Leslie Alvin White viewed the technological factor as a determinant of the cultural system as a whole, and the evolution of culture as a function of technological evolution. The supremacy of the technological sphere is a reflection of humanity on the satisfaction of primary needs - in food, housing, social communication. The entire "social system of a nation is based on technological means, with the help of which food is obtained, protection from enemies is provided and war is waged. Social institutions that are not directly related to technology are indirectly related to it; they contribute to the coordination of different sectors of society and their integration into a single whole" (White, 2017, p. 50). Therefore, scientific and technical innovations (cycles of ups and downs of tech

nical inventions and their practical uses) coincide with changes in all areas of socio-cultural life, including higher technical education. A technical university, reproducing the country's intellectual potential for engineering and technical activities, must have the ability to advance innovative development, meet the interests of society, a specific person and a potential employer. The technical university implements this ability today:

- forming intellectual potential that can implement innovative projects of varying degrees of complexity;
- commercializing research and development ideas and designs;
- carrying out training and professional development of the teaching staff and personnel for various areas of business;
- integrating science, education and industrial practice;
- introducing new fields of study that are in demand on the market, etc.

At the same time, an expert in public assessment notes significant shortcomings in engineering and technical higher education:

- deficiency in intuitiveness, spontaneity, lack of reliance on the public;
- randomness, secretiveness;
- reduction of democracy, including the rights of collectives of universities in the election of the rector;
- the prevalence of organizational and economic goals;
- the introduction of officials having no experience with education into the management structure and the ousting of professionals, scientists, teachers from it;
- the older age of the teaching staff;
- a lowering of the status of academics and teachers;
- the loss of the essentials of the education system, such as fundamentality, scientific character, consistency, practical orientation;
- a sharp decrease (up to 20%) in the share of the teaching staff performing fundamental and applied scientific research and development work. This means a reduction in the scientific base for the formation of an innovative economy. Universities that finance only educational activities are losing their positions in the scientific and innovative life of the coun-

try;

- half of the universities retain a sectoral focus, even in cases when the sectors themselves no longer exist;
- the slow introduction of innovative educational technologies in universities; the re-equipment of departments and laboratories with modern equipment, software, and hardware systems is difficult;
- the problems of salary increases of teaching staff have not been resolved;
- there is no close connection between universities and secondary schools, which leads to a steep decrease in the quality of training specialists at the university;
- the loss (about 50%) of first-year engineering students, most often due to a low level of knowledge upon admission. Due to the fact that graduates of technical universities do not work in their chosen field, the public funds that have been used to fund expensive education for these young people are lost. It is obvious that the country needs engineers, not technical universities in and of themselves. The solution is simple: cut the budgetary admission for engineering by half. At the same time, double the funding for the training of engineers per student. This will allow universities to update educational technologies and attract the strongest academics;
- the low efficiency of postgraduate studies (technically speaking, not to mention the quality of dissertations).

There are three key areas for innovative change in the university:

- to form educational structures and programs in accordance with an innovative economy;
- to overcome pseudo-education, and seek to attain modern standards of professional and analytical competencies;
- to create a transparent system of financial instruments that stimulate the development of institutional forms of improving the quality of education (Ivanov & Kondratyev, 2014, p. 263).

Thus, a radical transformation of the technical university is the basis for innovative training of specialists who are able to coherently combine natural science, engineering, and socio-cultural training in professional competencies.

1.2. The Crisis of Engineering

Researchers today designate "four areas of such a crisis: the absorption of engineering by non-traditional design, the absorption of engineering by technology, the awareness of the negative consequences of engineering, the crisis of the traditional scientific and engineering worldview" (Rozin, 1997, p. 16).

The existence of each of these crisis areas has negative consequences:

- creative design leads to the fact that the engineer undertakes the development of processes that are not described in the natural and technical sciences and, therefore, difficult to calculate;
- the absorption of engineering by technology as a broader domain of the creation of objectives turns engineering into a spontaneous, uncontrollable, destructive force. Increasingly, the setting of engineering problems is determined not so much by the need to satisfy human needs (in energy, mechanisms, machines), as by the capabilities of the technological process itself;
- the impact of technology on humans and their way of life is less noticeable than on nature. However, it is essential and manifests itself in the obvious dependence of a person on: technical systems (starting with living quarters); the pace of technology (production, transport, communication; beginning and end of programs, processes, results); technical innovations that increase the range of needs;
- the crisis of the scientific and engineering view of the world is revealed in humanity's awareness of the impossibility of solving all its problems (including innovative ones) only with the help of technology (Rozin, 1997).

The crisis in innovation is exacerbated by the devaluation of the engineering profession and its results due to the prevalence of the service sector in the post-industrial world, and the performance of the engineering corps having not a creative, but rather a supporting and auxiliary technical function.

In such circumstances, an engineer is compelled to master a broader range of key competencies, to move away from a narrow professional specialization to interdisciplinarity even at the stage of training at a technical university.

1.3. The Cultural Meaning of Innovation

The cultural meaning of innovation is a meaningful category associated with the expression of the essence of the era and the emotional mood of society, with the 'inscribing' of the individual into the social unit, with the creation and adoption of his conceptual model of statehood. Understanding the cultural meaning demonstrates the growth of a person into the information fabric of a single cultural space. Meanings cannot be invented: they are unique and natural for the entities of a given culture. Meanings act as existential-informational constants, due to which they become the basis for specific outlooks on life. The acquisition of the cultural meaning of innovation is comparable in importance to the establishment of a nation's own identity. So, it is no coincidence that the "National Report on Innovations in Russia" (Kuznetsov, 2015) contains cultural recommendations for introducing innovations into the lives of citizens:

- to create a cult of knowledge;
- to increase the prestige of the opinion of scientists and the actions of entrepreneurs, the importance of a cultural code;
- to create an innovative environment and a society that will consciously form a new mentality and the ability of citizens to change it further.

In order to involve society in providing broad support to scientists, entrepreneurs, and innovators in various fields of activity, it is proposed that the government influence it from the aspects of:

- demand (through media promotion of the achievements of scientists; active influence on the school and university curriculum; encouraging advanced training and additional education for people of middle age);
- suggestions (popularization of knowledge);
- infrastructure (arrangement of platforms for communication, exhibitions, libraries, book forums, TV channels, magazines, Internet resources).
- Suggested ways to improve each aspect:
- forming and developing innovative ecosystems;
- tracking innovations from the stage of scientific research to their commercialization;
- completing the process of formation and implementation of innovations with encouragement, and turning the encouragement back into innovations (Kuznetsov, 2015).

The problem of the cultural meaning of innovation can be successfully solved through the establishment and use of the link between innovation and the technical university as a tool for integrating education, science, business and government in training personnel for high-tech industries. A technical university must demonstrate a willingness to cooperate, as well as a high level of competence in the field of international project management and communication in a cross-cultural space (Zaikov et al., 2021). The world public in discussions on education reform raises the topic of the relationship between innovations and a technical university. Strategies for forging this link are driven by countries' aspirations to achieve global technical university quality standards through: diversifying its activities in modern conditions of financial constraints; strengthening its role in the economy; strengthening positions in the social sphere, in the creation and commercialization of innovative goods and services; establishing partnerships with business and expert communities; consolidating efforts to introduce innovations into the educational space for active interaction with educational, methodological and scientific centers, gymnasiums and lyceums; creating an intellectual resource for the development of not only federal but also regional (municipal) innovation systems.

Hindering the establishment of a link between innovation and the technical university are:

- the departure of education from innovative development, starting from the school stage;
- inconsistency of the innovative development of university education at federal and regional levels;
- lack of mechanisms for long-term financing of the development of innovative education in order to increase the number of highly qualified jobs;
- the increase in bureaucracy when integrating universities;
- the impossibility of making education at a technical university interdisciplinary due to the dominance of teaching pure science, and not engineering practice (Untura, 2013).

As a result, innovative start-ups, which have been bringing good profits in many countries for

some time, remain at the initial stage of development in Russia, for example (platforms of massive open online courses 'Open Education', 'Universum', 'Lectorium', 'Coursera', favourable from the point of view of venture investment) (*Massive open online courses (MOOCs)*, 2015; Timkin, 2015).

However, at the technical university, innovative activities are carried out in many areas: "development of innovative educational programs (technologies); increasing the financial literacy of scientists and inventors; education of innovative culture of students, teachers, scientists; creation and implementation of educational programs on innovative entrepreneurship, innovative management, preparation of methodological, educational material, etc." (Efremova & Romanova, 2016, p. 64).

According to "the opinion reflected in the majority of normative legal acts regulating innovation activities, in programs, scientific papers, reports, etc., innovative activity in a higher educational institution is assessed as an activity aimed at commercializing the results of research work, which is reported to the state and society as a whole" (Efremova & Romanova, 2016, p. 65). Ignoring innovation in other environments (educational and administrative) significantly reduces the synergistic effect of the formation of its own innovation potential by a technical university. Among the factors hindering the development of innovative activities in universities, researchers distinguish:

- perception of innovation in the context, to a greater extent, of research activities;
- an excess of educational, research and development and a shortage of production, as well as infrastructure facilities responsible for marketing innovations;
- underdevelopment of modern mechanisms associated with the commercialization of technologies (licenses, start-ups, spin-offs); the formality of organized business entities;
- ineffectiveness of innovation portfolio management (lack or shortage of specialists and competencies in investment, financing, innovation management);
- low level of implementation of the declared positions of innovative culture;
- poor study of the system of motivation of scientists for the commercialization of research activities;

- the trend towards diversification of financing of activities of higher educational institutions;
- difficulties associated with the development of new markets in the educational sphere, with the expansion of the list of additional services provided and the organization of endowment funds (Efremova & Romanova, 2016, pp. 72-73).

The creative connection between innovations and a technical university is the key to success in the formation and implementation of innovations in culture. However, many countries are still far from complete victory. The annually published 'European Innovation Scoreboard' in the course of a comparative analysis of the innovative development of 128 countries of the world divided them into groups: 'innovative leaders', 'innovative followers', 'moderate innovators' and 'catching up countries'. The leaders were Switzerland, Sweden, Great Britain, the USA, and Finland (Churlyaeva, 2005).

The biggest problem of a culture is the introduction of innovations in a 'big leap forward' manner, following a socio-technological and production-engineering scenario. This deprives the innovation process of a humanistic component – the personal incentives (to cognize, create, act creatively, be professionally mobile) which underlie science-intensive innovative programs (for example, space). All the efforts of countries (political attention, power mechanisms, and resources) are directed towards the innovation of specific functional institutions and intellectually effective institutions. Priority is given to departmental and sectoral projects. For example, in Russia such projects were: the National Project 'Education'; Education Modernization Program; the New School Presidential Initiative; creation of federal and national research universities, the Skolkovo Innovation Center, and the ROS-NANO Group. Projects such as these are significantly financed by the state and should ensure the provision of manufacturing and technological leadership and the formation of an innovative economy. However, expectations for their effectiveness may not be justified.

The reason is that the innovation system being created is based on the priority of scientific and technological achievements and their commercialization. The connection between the problems of technical development and the problems of the existence of a socio-cultural envi-

ronment capable (or not capable) of reproduction, implementation and use of innovations is not taken into account. Technology is a social and cultural phenomenon. Therefore, no matter how important technological innovation is, the main subject of its concept will be the effectiveness of human interaction with society, culture and nature. Without knowing this, it is impossible to implement solutions for innovation in any industry. The innovation process is hindered by the general crisis, market transformation, and the replacement of administrative and sectoral management by systemic management of inter-sectoral industrial and economic conglomerates (Eskindarov & Silvestrov, 2014).

For knowledge-intensive industries to be able to innovate, an innovative engineering workforce is needed. It is these specialists who will ensure the functioning of three technological streams, giving countries the opportunity to enter the vanguard of world markets:

- modern design (in the same place conceptual design, modern engineering tools and production technologies);
- technologies for obtaining and using new industrial materials;
- "smart" (automated, intelligent, autonomous) systems and environments.

Thus, the integration of a person into the increasingly complex processes of improving machinery and technology only adds to a number of issues (ethical, aesthetic, economic, political, and philosophical) concerning the cultural meaning of innovation. The cultural meaning of innovation lies in the modeling of a humanistic reality to resolve the contradictions between man and technology, nature, society and culture. Engineering personnel who have assimilated the cultural meaning of innovations as the basis for their own ideological acts while still at a technical university will indeed be able to remedy any lag in the innovation of their national cultures.

Finding: The concentration of innovations in engineering and technical activities, a crisis in engineering, the desire of society on a global scale to accept the cultural significance of the innovations made the engineering profession much more mobile. An important innovation was the simultaneous implementation by the engineer of many social roles (generator of new ideas; organizer of the production processes responsible for the psychological environment of the collective; creative researcher, scientific director and technical specialist). The creative environment of a technical university forms the innovation of the engineering profession.

2. Ontological Foundations and Innovative Content

Consider the ontological foundations for filling the educational space of a technical university with innovative content.

2.1. Formation and Development of the Humanitarian Environment by the Technical University

Higher education pedagogy in the humanitarian environment means: "Firstly, the space of the university, which a certain pedagogical system creates with the aim of developing the spiritual, moral and cultural qualities of the student's personality; and secondly, a complex of psychological, pedagogical, professional, organizational, moral and legal measures aimed at intensifying the educational process" (Kolonitskaya, 2012, p. 431). The university's humanitarian environment includes:

- a set of ethical and aesthetic factors;
- a connection between educational and cultural processes;
- a system of social and professional norms and values;
- the pedagogical and scientific activities of every teacher;
- educational, research and extracurricular work of students;
- the activities of all higher educational institutions that organize and support educational activities;
- student and trade union organizations;
- student advice, etc. (Kagan & Belugina, 1996). The humanitarian environment at a technical university, as a rule, is formed mechanically - by increasing the number of humanitarian disciplines and educational programs.

Thus, a survey of students of technical specialties showed the following: despite the overall range of educational activities carried out by the

university, they do not understand the need to study the humanities. 92% of students do not deny the importance of the humanitarian consideration of various life problems as a basis for self-development. However, in a technical university, according to students, too much time is allocated to study subjects of the humanitarian disciplines. This distracts from the study of major subjects. Students are not against studying the humanities in general, but they 'vote' only for those that may be in demand in their professional activities. These are local language (in order to write correctly), a foreign language (to be able to read technical literature and communicate with foreign specialists), and psychology (to improve one's understanding of other people). The uselessness of humanitarian disciplines in a technical university is confirmed, according to students, by the abundance of information on various issues available in the public domain - on the Internet, in textbooks, etc. About 30% of respondents note that they would be more willing to study the humanitarian disciplines if there were no credits or exams for them. The humanities, in their view, have no applied value; therefore, the focus should be on the natural sciences and technical disciplines (Lazorak, 2013).

It is obvious that the humanitarian environment at a technical university is necessary and it should develop naturally. How to form and develop a humanitarian environment in a technical university? The most obvious way is to master the content of humanitarian disciplines, which embody the value attitude of a person towards himself, towards other people and towards the world around him. The substance of the life values of a future engineer is determined at a technical university by the processes of humanization and humanitarization.

Humanization is the essence of education, and humanitarization is the way of its disclosure. Humanization means assimilation by the engineering community of the ideas of a personality-oriented model of higher education and the subsequent professional activity of a technical specialist. The consequences of 'humanization' for engineering and technical personnel are: the formation of cross-cultural thinking; consciousness of the humanistic type; an active life and professional position; understanding the value and moral meaning of their own profession; readiness to implement complex social and technical

solutions based on their humanitarian expertise. 'Humanitarization' is not only the process of introducing as many social and humanitarian disciplines as possible into the curriculum of an engineering and technical university. Undoubtedly, the insufficient filling of the disciplines of a technical university with humanistic values in the training of engineers is manifested in the loss of the ability to predict the consequences of their professional actions and take responsibility for them. Therefore, the modern understanding of humanitarization is mainly with the knowledge that every engineering problem has, in addition to a technical (rational) component, a humanitarian (value) component, rooted in the minds of students, and then of specialists.

The humanization and humanitarization of all areas of activity of a technical university contribute to the establishment of a personality-oriented and personality-developing educational environment. It is possible to add innovative content to the humanitarian environment of a technical university by:

- transferring the efforts of developers of university programs from disciplinary and organizational models to design and construction models of education. The design and construction approach focuses on the formation of an innovative educational space of a student as a creative personality;
- finally establishing the unconditional importance of not only those humanitarian disciplines that are included as standard in higher education (at a technical university, this is history, philosophy and physical education), but also others offered by the university for study (cultural studies, political science, professional ethics, psychology, sociology);
- ensuring comprehensive and ongoing consideration to the student's personality, assistance in education: self-control, active partnership, psychological stability (during sessions or where there are difficult life circumstances);
- providing information about the cultural and historical context of the emergence of scientific, engineering and technical knowledge (an introduction to the field, the history and philosophy of science and technology, etc.). This will allow the student to identify interdisciplinary connections and thereby increase the level of interest, as well as provide motivation for independent and creative research for

something new;

- creating a techno-humanitarian balance of the educational space of the university by going beyond the technocratic model of a specialist and, as a result: expanding the creative and innovative capabilities of both the individual student and complex science-intensive industries; guaranteeing the co-evolutionary and humanistic orientation of the development of national culture;
- putting an emphasis on student development: intellectual, creative, rational-logical and emotional-figurative. It is not the student who adjusts to the learning process, but rather the learning process is constructed according to the specifics of his perception, motivation, needs, and cognitive abilities. The structuring of educational material should also take into account: the specifics of the perception of information by different people (verbal, visual, auditory); the specificity of temperament and typology of nervous activity (labile, inert); the foundations of developmental psychology (nihilism, maximalism). It is important to use different pedagogical techniques for presenting lecture material (lecture-monologue, conversation, reflection) and the practical part of training (independent examination of assessments, written exam without preparation, anonymous assessment of work results, interdisciplinarity of the exam, emphasis on problematic issues);
- changing the role of the teacher as a curator of students to one with a more fruitful approach, namely, creative mentoring, which should manifest itself openly: in passion for the subject; in the desire to allow the student to sincerely experience different feelings - surprise, distrust, skepticism, dissatisfaction, freedom, embarrassment, courage, pride; in an effort to understand the student, empathize with him, that is, show empathy. Under these conditions, the teacher's pedagogical activity is an example of creative competition, and against this background a student can actively create a personal and professional appearance that is competitive and resilient.

The difficulties of forming an innovative humanitarian environment in a technical university are associated with:

- a lack of any personal developmental experience on a practical level on the part of the or-

ganizational and managerial structures of technical universities. If it does occur, then it is often as a result of the intuitive actions of the teacher, and not the strategy of the university;

- the personality of the student himself: there is a desire to get a higher technical education, but the level of interest in knowledge in general, and in future professional activity in particular, is low;
- the level of methodological support of the process of personal development of a student at a university (it is either formal or absent at all);
- the fact that there is still no unambiguous interpretation of the concept of 'pedagogical technologies', they are not classified and listed; the specifics of the interaction between the personal and the technocratic have not been laid out; there are no members of the teaching staff who are in practice ready for the implementation of personality-oriented pedagogical technologies.

Thus, innovations in the humanitarian environment of a technical university spring from an emphasis on the humanistic development of all aspects (intellectual, creative, rational-logical, emotional-volitional) of the student's personality. The humanitarian environment of a technical university, filled with a humanistic meaning, will lead the student to accept the engineering profession as a public duty, to the realization of its high spirituality.

2.2. Spiritual and Moral Component of a Technical University

The total technicalization of modern society has caused the destruction of traditional value systems and the loss of spirituality. In a situation of contradiction between the technocratic and cultural development of society, the problem of youth spirituality, as the most vulnerable (due to lack of experience) in the formation of their own worldview positions, is transferred from the field of theoretical polemics to the field of practice - to a technical university.

In the era of technocracy, the lack of spirituality among the technical intelligentsia is especially noticeable. For a technocrat, a person is self-sufficient, valuable and effective only as part of

the production process. A technical person is guided by ideas: progress, standardization, pragmatism, and the acceleration of all processes and rationalism. Rationalism is increasingly associated with optimism and spreads to the whole society: it is rational to consume more, receive more information, work faster, and produce more products. Human evolution turns into a techno-evolution, as the author of "*technetics*" (the doctrine of technical reality) Boris Kudrin (1993) writes.

The more complex and more active the innovative changes in the modern system 'man-society-nature-culture' (anthropological and technogenic pressure on the environment; advanced development of technologies in comparison with the social dynamics of values; replication of universal morality; polarization and impoverishment of society; genocide in relation to a number of peoples, etc.), the more important is moral competence and high spirituality as the basis for the professionalism of a technical specialist. The Technical University as a flexible self-developing system is able to adequately respond to the innovative requirements of the time: to form highly spiritual professional and general cultural competencies of future specialists.

A person's spiritual outlook is revealed through the core values he holds toward himself and the world. Values are representations that reflect the meaning (positive or negative) for a person of objects, events, phenomena from the point of view of satisfying his needs and interests.

The question of distinguishing between higher and lower values is the question of the content of the spiritual life of a person. The phenomenon of spirituality is difficult to express in rational terms, it is only possible, as Nikolay Berdyaev wrote, to catch the signs of spirit: freedom, meaning, creative activity, an appeal to the divine world, striving for perfection (Berdyaev, 1994). Spirituality is a person's appeal to higher values, a conscious desire of a person to bring his life closer to the ideal. In this respect, not all cultural norms are spiritual. The spiritual must be opposed to the natural and the everyday. Spiritual overcoming of everyday life is individual. Everyone can diversify their daily routine, but not make their life spiritual. Spiritualization presupposes not just copying of high cultural standards, but labor that will elevate a person above vanity and ennoble everyday life. The antipode

of spirituality is cynicism, a contemptuous attitude towards people and life values.

The technical university can increase the share of the spiritual in technicalism: here those who generate the technical are formed. This is difficult but possible. It is difficult because the consciousness of a technical person blocks thoughts, judgments, actions, doubts, and morality - everything that threatens the existence of technical reality. A technical person dismissively and aggressively refers to humanitarian knowledge as irrelevant and irrational. What, in the educational environment of a technical university, will allow the building of a constructive dialogue between the administration, faculty, and public organizations with students in order to strengthen their spirituality when mastering a profession?

In this situation, it is essential to keep to the policy of:

- following the educational standards of the latest generation;
- humanization and humanitarization;
- personality-oriented and personality-developing principles;
- intensity and efficiency;
- not a 'disciplinary and organizational' model of education, but a 'design and constructive' one;
- targeting, accessibility (due to digital resources), variability;
- openness, that is, mobility and ability for systemic development;
- constructing competencies in which the personal qualities and professionalism of the teaching staff create unique creative conditions for the formation of knowledge, skills, and abilities of the student and the development of his spirituality.

The problem of the growth of spirituality in the educational environment of the university can be solved within the framework of the presentation of all humanitarian disciplines and especially philosophy. Philosophy explores the world as a whole in its universality, focuses on the worldview, and manifests itself in the attitude of individuals and society. Philosophy has specific features: versatility, intentionality, creativity and development, an inescapable interest in eternal problems. The goal of philosophy is to comprehend modernity. This implies:

- criticism of outdated ways of thinking;
- the creation and introduction of modern ideas and schemes;
- the deployment of new types of communication.

In this sense, philosophy is not only knowledge, but also a form of new life.

The variety of anthropological topics in philosophy forms the necessary system of professional values (responsibility, honor, duty, conscience, freedom, collectivism) among students of a technical university and thereby determines the readiness of a technical specialist to solve problems (environmental, ethical, psychological, production) in a humanistic way. Methodologically, the humanities and natural-technical sciences are brought together by studying the presence of philosophical aspects in the following problems: quantum mechanics in the transition from subatomic systems to macroscopic ones; consciousness and artificial intelligence; cognitive science and neuro-ethics; establishing computer algorithms for communication by analogy with linguistic ones; refutation of functionalism in mentality. As a result, philosophy helps students to acquire "capability, as Ilyenkov wrote, to develop in oneself the need to occupy the mind, the need to think, to reason, and understand what you see. It is hardly necessary to prove that the mind is not a luxury but hygiene. Hygiene of spiritual health is as necessary for life as physical health" (Ilyenkov, 1991, p. 22).

Ensuring the growth of the spirituality of students involves a technical university solving the following tasks:

- to form the ability to introduce into one's life plans something that does not separate, but, on the contrary, unites people;
- to deepen the perception of ethical values as the basis for motivating responsible behavior;
- to prepare for life and work in the global space; understanding the need for solidarity with the state, respect for the values, traditions and way of life of different peoples;
- to promote multicultural education and tolerance through the practical (at lectures and seminars) discovery of interdisciplinary ties of humanitarian, natural science and technical knowledge of different times and peoples;
- to form a conscious attitude to the world, to

experience creative social behavior, control, self-control, the ability to adequately assess behavior (one's own, in the first place);
- to master domestic ethno-cultural traditions (native language, history, history of religions, and philosophy);
- to conduct thematic discussions (within the framework of optional and additional classes) as a 'follow-up' of watching films, theatrical performances, reading fiction, and media coverage of political and socio-cultural problems of various countries of the world.

Spirituality education is feasible only in an appropriate communicative environment. Therefore, it is important to ensure the growth of the spirituality of the teaching staff of the Technical University.

They should have the skills to:
- create an environment to solve the problems of spiritual culture;
- identify in the process of teaching one's subject an ethical component that contributes to the formation of students' responsibility for decisions and their consequences;
- establish a person-to-person relationship with students as the most pedagogically appropriate.

They may possess the:
- methodology for creating such conditions for classes in which the structure and teaching methods would reflect the processes occurring at the level of culture as a whole;
- understanding of the need for a humanistic orientation in teaching subjects, the role of humanitarian knowledge as the most important condition for students' evaluative and intellectual activity (Bezklubaya, 2020).

Thus, modern problems of a culture (pragmatism, commercialization of personal and public interests, protectionism, bureaucracy, unclear career prospects, and a decline in the social prestige of engineering and technical professions) lead to the loss of meaningful values and deform the foundations of spirituality. The task of the technical university is to develop innovative (corresponding to new trends in the development of social-cultural interests) compensatory moral and spiritual mechanisms at the level of education, the formation of competencies (professional and general cultural), and the formation of skills for improving the spirit. In solving this problem,

the leading role is played by the spiritual greatness of the teaching staff.

Finding: The humanitarian environment of a technical university forms a responsible and highly moral specialist, creatively combining general and professional culture, possessing interdisciplinary professional competencies. The processes of humanization and humanitarization of the educational space creates an atmosphere of natural and positive acceptance of the new at the university. The growth of the spiritual outlook of students and the teaching staff is the basis for the successful implementation of inherently humanistic innovations in the structure of a technical university.

Conclusion

The obvious innovative path of the technical university is the identification, processing, and use of the best national and world educational programs, practices of modern achievements of science and technology (in particular, engineering training through the implementation of real research work, R&D and R&DT at senior courses on orders of industrial enterprises), and advanced industrial technology. Today, it is important for a technical university to solve a more specific problem: to train specialists who can create not just an innovative product (it can be painfully long and not always successfully implemented), but an economy that generates and uses science-intensive innovation. Therefore, the most promising for the development of an innovation system, the phenomenological and ontological foundations of a technical university are formed by the humanistic component of culture. The educational environment of a technical university will acquire true innovation only as a result of replacing the directive style of decision-making, uniformity, and closeness of employees of all university structures with a constructive polylogue with those specialists who possess modern pedagogical technologies (personality-oriented and developmental, humanizing and humanitarizing, design-constructive) and are able to understand the essence of innovation from the standpoint of a balanced combination of narrow professional specialization and a broader general level of culture of the student.

References

Berdyaev, N. A. (1994). *Philosophia svobodnogo duha* (Philosophy of a free spirit, in Russian). Moscow: Respublika.

Bezklubaya, S. A. (2020). The development of the spirituality of a technical university's lecturer in an advanced training system. *Nova Prisutnost, 3*(18), 517-530.

Carneiro, R. L. (1997). *Kul'turny process* (The cultural process, in Russian). *Antologia issledovaniy kul'tury (Anthology of Cultural Studies, in Russian), 1*, 421-439.

Chubatov, A. A. (2018). *Phenomenologia and ontologia: k postanovke voprosa* (Phenomenology and ontology: to the formulation of the question, in Russian). *Elektronny nauchno-metodochesky zhurnal Omskogo GAU (Electronic scientific and methodological journal of Omsk State Agrarian University, in Russian), 3*(14), 16-21.

Churlyaeva, N. P. (2005). *Strukturno-kompetentnostny podhod k postroeniyu pedagogicheskoy sistemy podgotovki specialistov v tehnicheskom vuze* (Structural-competence approach to building a pedagogical system for training specialists in a technical university, in Russian). Krasnoyarsk: SGAU named after M. F. Reshetnev.

Efremova, P. V., & Romanova, I. M. (2016). *Osobennosti organizatsii innovacionnoy deyatel'nosti v vuzah RF* (Features of the organization of innovative activities in the universities of the Russian Federation, in Ruaaian). *Izvestiya DVFU (News of FESU, in Russian), 3*(79), 61-75.

Eskindarov, M. A. & Silvestrov, S. N. (Eds.). (2014). *Innovatsionnoye razvitiye Rossii: problemy i resheniya* (Innovative development of Russia: Challenges and solutions, in Russian). Moscow: Financial University.

Heidegger, M. (1989). *Die Grundprobleme der Phanomenologie (SS1927).* Frankfurt am Main: GA 24 / Hrsg. von F.-W. von Herrmann.

Ilyenkov, E. V. (1991). *Philosophia i kul'tura*

(Philosophy and culture, in Russian). Moscow: Politizdat.

Ivanov, V. G., & Kondratyev, V. V. (2014). *Inzhenernoe obrazovanie i inzhenernaya pedagogika: problemy i resheniya* (Engineering Education and Engineering Pedagogy: Problems and Solutions, in Russian). *Vestnik Kasanskogo tehnologicheskogo universiteta (Bulletin of Kazan Technological University, in Russian), 24*(17), 262-271.

Kagan, F., & Belugina, G. (1996). *Gumanitarnaya sreda v tekhnicheskom vuze* (Humanitarian environment at a technical university, in Russian). *Vyschee obrazovanie v Rossii* (*High Education in Russia, in Russian), 4*, 51-55.

Kolonitskaya, O. A. (2012). *Gumanitarnaya sreda - odin iz sposobov resheniya problem vysshego professional'nogo obrazovaniya* (The humanitarian environment is one of the ways to solve the problems of higher professional education, in Russian). *Molodoy uchyony (Young Scientist, in Russian), 5,* 431-435.

Kudrin, B. I. (1993). *Vvedenie v tehnetiku* (Introduction to technetics, in Russian). Tomsk: Tomsk University Press.

Kuznetsov, E. B. (Ed.). (2015). *Natsional'nyy doklad ob innovatsiyakh v Rossii 2015* (National Report on Innovations in Russia 2015, in Russian). Retrieved March 7, 2023, from https://1997.rif.ru/upload/iblock/b80/b808ebb0f854b355276443b0d7932957.pdf

Lazorak, O. V. (2013). *Gumanitarnaya napravlennost' v obrazovanii studentov tekhnicheskikh spetsial'nostey: ekzistentsial'nyy aspekt* (Humanitarian orientation in the education of students of technical specialties: Existential aspect, in Russian). *Fundamental'nye issledovaniya (The Fundamental Researches, in Russian), 8*(10), 1801-1805.

Massovyye otkrytyye onlayn kursy (MOOC) (Massive open online courses (MOOCs), in Russian) (2015). *Elektronnyye obrazovatel'nyye resursy. KNITU-KAI im. A.N. Tupoleva (Electronic educational resources. KNRTU-KAI named after A.N. Tupolev, in Russian)*. Retrieved from https://eto.kai.ru/resources/edr/mooc/

Motorina, L. E., & Sytnik, V. M. (2020). Existential, instrumental and cyber spaces as ontological modi of human being. *Nova Prisutnost, 3*(18), 485-499.

Rozin, V. M. (Ed.). (1997). *Filosofiya tekhniki: istoriya i sovremennost'* (Philosophy of technology: History and modernity, in Russian). Moscow: Institute of Philosophy RAS.

Schumpeter, J. A. (1982). *Teoriya ekonomicheskogo razvitiya* (Theory of economic development, in Russian). Moscow: Progress.

Timkin, S. L. (2015, January 21). *MOOK v 2014 g.: obshchiy rost, osobennosti evropeyskikh MOOC i perspektivy russkikh* (MOOC in 2014: The overall growth, especially European brands, and the prospects for Russian ones, in Russian). Retrieved March 7, 2023 from http://timkin-blog.blogspot.com/2015/01/2014-class-central-1-eau-23-4.html

Tsvyk, V. A., & Tsvyk, I. V. (2019). Moral values of professional activity in information society. *RUDN Journal of Sociology, 3*(19), 530-542.

Untura, G. A. (2013). *Universitety i innovatsii: Mirovyye tendentsii i regional'nyy opyt* (Universities and innovations: World trends and regional experience, in Russian). *Vestnik NGU. Seriya: Sotsial'no-ekonomicheskiye nauki (Bulletin of NGU. Series: Socio-Economic Sciences, in Russian), 2*(13), 28-40.

White, L. A. (2017). *Energiya i evolyutsiya kul'tury* (Energy and the evolution of culture, in Russian). *Voprosy social'noy teorii (Social Theory Issues, in Russian), IX*, 39-63.

Zaikov, K. S., Zarubina, L. A., Popkova, S. V., ... Kvon, D. A., & Ponyaev, L. P. (2021). Joint innovative research agenda for the arctic: Programs, projects, success stories. *Sustainability, 13(21), 11669.* https://doi.org/10.3390/su132111669

CYBERSECURITY RISKS AND ITS REGULATIONS. THE PHILOSOPHY OF CYBERSECURITY AUDIT

Liana GRIGORYAN [1] | Lilit MIRZOYAN [1,*]

1 Armenian State University of Economics, Yerevan, Armenia

* *Correspondence*
Lilit MIRZOYAN, Marx st., 18, 4 aprt. Artashat 0701, Armenia
E-mail:
lilit.mirzoyan.8888@gmail.com

Abstract: Since financial institutions are leading targets of cyber attacks, the article's main goal is to show that without dedicated action, the global financial system will only become more vulnerable as innovation, competition, and the pandemic further fuel the digital revolution. Also, the cost of cybercrime at financial institutions outpaces the cost of cybercrime in other industries. For example, according to a 2019 private study, the per-company cost of cybercrime is over $18 million for financial services companies, around 40% higher than the average cost for other sectors. If the entire system fails to address cybersecurity concerns adequately, this could lead to systemic risk – the risk that a cybersecurity incident would destabilize the financial system. The article considers the level of protection of confidential information in financial enterprises and the means of combating data leaks. In addition, the question of the need for an information technology audit, especially a cybersecurity audit, is raised.

Keywords: philosophy of cybersecurity, risk mitigation, cybersecurity audit, virtual bank, ransomware, security standards, information technology.

Introduction

Information systems change our lives a lot. The way we work, the way we play over many years. About 20 years ago, we had to go to the bank branch physically and get our services done. Then about 10 years ago, with e-Banking development, we could do some of the banking services in front of our computers. Now, we can see that almost everybody has a mobile phone in their hand. With this, then we have mobile banking. We could do everything using our mobile phone. Problem here is this, whether the money that I'm going to deposit in the virtual bank, will it be safe enough? Somebody need to check those information systems to make sure they function as they should. So the human touch is the one given by the IT auditor. The topic of cyber security threats is extremely relevant at the moment. Literally every day there are announcements of hacking attacks by hackers in the media. It is connected with continuous digitalization of business. Cyber threats follow users every step of the way, with just the click of a button and a cyber attack is now a reality (Karchija, 2014).

As businesses have become more reliant on technology, there have been increased attempts to disrupt financial institution operations; to steal, corrupt, or destroy data and intellectual property; or to divert funds have become more prevalent. As the Financial Stability Board points out, several recent events show the sizeable damaging effects such cyber incidents can have on the financial system. These include the attack on the Bangladesh Bank in 2016, which resulted in the theft of $81 million (Schwartz, 2016), the WannaCry ransomware attack in 2017, which infected more than 300 000 computer systems in 150 countries (Chappell & Neuman, 2017).

While all businesses face cyber risks, the stakes are particularly high in the financial services industry, given the critical role the financial system plays in the overall health of the global economy.

Okay, what is risk? Risk according to our understanding is a possibility of having a negative impact. So we take risk almost every moment of our life, like even if you go drive along the road, there's a risk about it.

You may be tempted to view cyber risk as a form of operational risk and work within the frameworks you have already established for evaluating such risks. Instead, we think it pays to put cyber risks into a special category, recognize they are becoming increasingly sophisticated, and realize that creative new solutions are needed to monitor and mitigate these risks. Cyber attacks have become more systematic, maliciously targeting financial firms and playing out over time for maximum effect. Detection can be difficult; an institution may believe it has backed up its good data, but those data may already have been compromised by malicious code that has infiltrated the institution's system. Data integrity will increasingly need to be a focus as firms develop plans for how they will recover from the inevitable attack. As financial institutions have adopted new technologies, sometimes through third-party suppliers, they are susceptible to risks that they may not have faced before. Those making the attacks are also adopting new technologies that more easily exploit gaps in financial firms' information technology, payment messaging and transaction authorization systems, and supply chains, which can widen the extent of the attack and make response or recovery more difficult. In such a landscape, weaknesses in financial firms'

governance and communications structures – for example, not being clear about who has the decision rights to turn off a system, or what effect turning off one system will have on other systems – can exacerbate problems faced by a firm under attack (Mester, 2019).

Instead of being idiosyncratic and affecting only a few firms, as many operational risks are, cyber threats are more likely to be correlated across institutions because of the complex interconnections and dependencies among financial firms. This means that cyber threats are more likely to have wider spread, and potentially systemic, negative impacts than a typical operational problem that might arise from a failed system or process. Trading platforms, settlement and payments systems, and central securities depositories are all critical infrastructures on which financial firms depend, and if these systems go down, there are few substitutes. In addition, the advent of new technologies and the move to cloud computing create additional concentrated risk, as only a handful of third-parties provide these services.

In recent years, cybercriminals have been hijacking the digital transformation of financial institutions via island hopping. About 63% of financial institutions recorded a spike in destructive attacks by about 17% from 2021 (Duncan, 2022).

Institutions of all kinds, but especially central banks, must maintain cyberrisk awareness 24/7. Modern organizations use various digital devices (e.g., computers, tablets, smartphones, smart devices and Internet of Things [IoT] devices) to receive or provide digital services.

The number of IoT devices worldwide is projected to exceed 15 billion by 2025 and 25 billion by 2030. The digital world is far from perfect, and vulnerabilities appear and are discovered every day, even in devices and programs from reputable manufacturers and service providers. The complexity of the problem is obvious, and it does not have a simple solution (Vailshery, 2022).

The mass shift to remote working brought on by the COVID-19 pandemic in March 2020, exacerbated this complexity. Before COVID-19, organizations conducted business in their respective office buildings, where many hardware and software solutions were mostly protected from cybersecurity risk and attack prevention was

mostly effective. But throughout the COVID-19 pandemic, employees have been able to work from virtually anywhere. Because many organizations lack sufficient resources to equip their employees, they allow them to work on their own devices without enforcing an effective bring-your-own-device (BYOD) policy or putting effective mechanisms in place to manage risk.

Remote working has completely changed the security paradigm. Enterprises must be able to ensure the security of employees working beyond the organization's field of view on their own devices and using various cloud solutions such as Zoom's videoconferencing service (Stepanyan, 2022).

But what are the specific cybersecurity threats faced by financial enterprises in 2022, and what specific solutions can be deployed to mitigate the risk or eliminate the occurrence of cybercrimes?

Ransomware

Ransomware gangs consider financial enterprises as attractive targets because they can steal valuable information and sell online on the dark web. A ransomware attack involves locking out users from accessing their computers through malware encryption. Furthermore, since financial institutions deal with sensitive data, they may be forced to pay the ransom.

One of the largest pipelines, which carries refined gasoline and jet fuel from Texas up the East Coast to New York, was forced to shut down after being hit by ransomware in a vivid demonstration of the vulnerability of energy infrastructure to cyberattacks (Sanger et al., 2021).

The operator of the system, Colonial Pipeline, said in a vaguely worded statement late Friday that it had shut down its 5,500 miles of pipeline, which it says carries 45% of the East Coast's fuel supplies, in an effort to contain the breach. Earlier Friday, there were disruptions along the pipeline, but it was not clear at the time whether that was a direct result of the attack or of the company's moves to proactively halt it. Then Colonial Pipeline acknowledged that its corporate computer networks had been hit by a ransomware attack, in which criminal groups hold data hostage until the victim pays a ransom. The company said it had shut the pipeline itself, a precau-

tionary act, apparently for fear that the hackers might have obtained information that would enable them to attack susceptible parts of the pipeline (Reuters, 2021).

Security experts advise financial enterprises against paying ransom since leaked data can be compromised and that the cost of ransom may be higher than the cost of data remediation.

Phishing

Phishing is a social engineering technique used by cybercriminals to trick users into providing their login details so the criminals can access an internal network. Email phishing is one of the most common threats faced by financial institutions.

Malware from email phishing attacks may be installed on user computers if the user opens infected attachments or links. It could also occur if victims load fake web pages designed to harvest their login details. According to Imperva Research Labs report (Terry, 2021), in the first half of 2021, the banking industry's phishing attacks rose by about 22%. Phishing attacks that target financial applications also increased by about 38% last year.

According to security experts, phishing attacks will further increase and urge financial enterprises to sensitize employees and customers to identify potential phishing threats in 2023.

Distributed Denial of Service (DDoS) Sttacks

DDoS attacks aren't going out of fashion, in fact, they're right on the runway. In the first six months of 2022, the number of DDoS attacks globally increased 203% compared to the first half of 2021. From cases of hacktivism to terabit attacks, the first half of 2022 saw 60% more DDoS events than in all of 2021 (Lazenby, 2022).

DDoS attacks on financial institutions have also been in the rise in 2022. 25% of all DDoS attacks in 2021 affected the financial industry, making it the most targeted sector (Lazenby, 2022). The goal of these types of attack is to overwhelm a bank's server using fake connection requests. The affected bank may be forced to

go offline with difficulties for recovery in a short-term perspective.

Since financial institutions have a diverse surface, including customer accounts, banking IT infrastructures, payment portals, etc., they become an attractive target by cybercriminals for DDos attacks. In the first six months of 2022, the number of DDoS attacks globally increased 203% compared to the first half of 2021. From cases of hacktivism to terabit attacks, the first half of 2022 saw 60% more DDoS events than in all of 2021 (Mahwah, 2022).

Bank Drops

Bank Drops are fake bank accounts opened by cyber criminals to store their stolen funds**.** Criminals create bank drops to confuse authorities from knowing their location. Cyber gangs collect bank customers' details to create so called "full" accounts. They collect information including date of birth, address, full names, credit score, driver's license details, and social security details.

In addition, the stolen data may be sold on the dark web for about $15 to $60 for each record. Aside from generic "fullz" data (an information package that contains a person's address, real name and other personal information), business fullz data of bank customers are sold for higher prices - about $35 to $60.

Supply Chain Attacks

Supply chain attacks are carried out to breach a bank's third-party vendor in its chain that is compromised. Usually, vendors take cybersecurity less seriously than their clients, and since they store sensitive clients' data, cybercriminals can exploit their vulnerability to attack the financial enterprises.

Supply chain attacks have risen in 2022 and are further expected to increase. Thus, the financial enterprises are advised to implement zero trust cybersecurity measures to deter supply chain attackers.

To mitigate cybersecurity risk of financial institutions, the latter shall employ the following strategies:

- *Multi-factor authentication.* By implementing a multi-factor authentication policy, financial enterprises can make it more challenging for cyber criminals to compromise their customers' sensitive and privileged data (Shacklett, 2021).

- *Two-factor authentication (2FA).* For financial enterprises, 2FA is most commonly accomplished when a bank sends a temporary code to the customer's cell phone, which is needed to log into their account. In this scenario, the hacker would need to have access to both the computer or account credentials and the cell phone. Several financial enterprises don't use 2FA for account login. The reason most often cited is that their customers find 2FA inconvenient (Bowcut, 2022).

- *Attack surface management.* ASM consists of four core processes: Asset discovery, classification and prioritization, remediation, and monitoring. Financial enterprises can embrace attack surface management solutions to reduce the risk of data breach by ensuring that data leaks are detected internally or from a compromised vendor before it becomes available for the cybercriminal (Michael, 2021).

- *Third part risk management.* Common types of third party risks include: cybersecurity, operational, legal, regulatory, and compliance, reputational, financial, and strategic risks. Implementing third-party risk management solutions will help in preventing supply chain attacks. It can help financial enterprises to identify any security vulnerability from third-party services (Tunggal, 2022).

- *The use of an up-to-date firewall solutions.* A secure firewall is a key defense against cyber attacks. Financial enterprises should ensure that their firewall protection program is updated regularly to help detect any attempt of malware injection (Mazzanti, 2019).

- *Employee training and customer sensitization.* Financial institutions should continuously train employees about cybersecurity best practices, including how they can identify potential threats and mitigate data breaches. They should also educate customers on the need to avoid divulging personal financial details to anyone without reaching out to their banks.

But what is risk mitigation? Risk mitigation means reduce the risk using controls. So let's think about an example. The current example

that we're going to think about is, you keep your confidential information in your server and it's connected to internet. So anybody can access to the information in the server. So in that case, it's really high risk because not only your employees or your customers can access the information but also somebody would like steal the data, or maybe hackers will be able to access your data. So risk is 100% because there is no control whatsoever. Now, how can we reduce the risk? We want to reduce risk to 80%. To do that, we have come up with some controls. I would like to have a control having just authentication, just username and password. So that at least a controlled access to the server, 80%. I would like to reduce further. Is it possible to reduce further? That means we have to come up with more controls to reduce the risk, right?

Now we decided to add the firewall. So adding a firewall would reduce the risks for example up to 60%. Still not happy. So we would like to reduce further. So now I want to reduce the risk to 50%. To do so we have to add more controls. Now what we are going to do now is to encrypt the data. What we are going to keep in the server so that only who can do the decoding, the data would be able to find the information in the server. So still 50% but I went to reduce further to 40%. So we need to have more controls. To do so then we are going to add the bio-metric devices as an additional way of authentication. So it's 40%. Now another question is we come up with all the controls in the world and then can we decide in one point of time that our risk is 0%. That means we eliminate the risk. Is it possible? I don't think so. So that means that it's not possible to eliminate the risk. That's very important remember that. We can reduce the risk using controls. But now you can see that we started from 100% total exposure and then 80, 60, 50 and 40.

Now the next question is this, which level are we going to stop and who make that decision? Answer is that decision is made by the senior management, because if something goes wrong within the organization, they have to have ultimate responsibility. So the decision is made to stop with the 60, 40 or 50 by the senior management. Why? This stops at where because as you can see that, more and more controls means cost is higher and higher. So they would try to balance between cost and the benefit and the cost

and the risk. Then they would balance between these two and said stop. In this case, for example 60%. We put only username and password and the firewall and they think that is alright. But now still there is a 60% of risk right? Now management's not happy. Because if something goes wrong it's going to be ultimately their responsibility. So do they have any other choices? Yes. The next choice we have is to transfer the remaining risk to third-party for example, buying insurance.

Now the question is to ask is this, we reduced up to 60% and then transfer to the third-party. Why can't we just transfer it without doing any controls whatsoever? But problem here is this, if you do it without any controls, then the insurance agent will come and do their own risk assessment to the organization, then the insurance premium that you have to pay would be extremely high. So organizations always reduce the risk using controls to a level they feel comfortable. In other words, to a level that management feel most comfortable. Then if they are still worrying about the remaining risk, then we buy the insurance and transfer it to the third-party. Now, we reduce the risk using controls. We transfer the remaining risk to third party. Do you have any other options? Yes. The last option I would say is to avoid the risk. Let me explain with an example. We are bank and we would like to go for e-banking and it seems that e-banking is high risk to organization. We are worrying about the data lost, may be hacking to your customers information. So you decided, we'll continue with our traditional banking but no e-banking whatsoever. So that is avoid the risk. What is the difference between eliminate the risk and avoid the risk? Eliminate the risk means we still go for e-banking and we come up with many controls and decide, we don't have risks at all. That's eliminating. If we don't do e-banking, but we do traditional banking only, it is about avoiding the risk. At the same time this is the last option. Why? Because if we don't do e-banking, there are some customers within the organization. You have some customers who'd like to have services from your bank but they like e-banking? So since you don't provide debt service to those customers, they would like to go to other banks. As a result of that, you might lose some customers. So we can say that risk mitigation is about reducing use controls to a level acceptable to the manage-

ment, transferring the risk to a third party and avoiding the risk, not just eliminating it.

During the assessment of cybersecurity risks, it is necessary to pay attention to the following questions:

- *How closely is business related to information technology?* For example, if we are dealing with the bank, any attack or information system will directly affect the services provided, as well as customers satisfaction. We cannot say the same about agricultural business.
- *What information systems and resources are used and how vital are they?* To answer these questions, it is necessary to understand the extent and scale of damage the organization will suffer if the confidentiality, availability and integrity of information resources are violated. For example, a breach of confidentiality will lead to the leakage of internal information, which will ultimately lead to the loss of customers and loss of competitive positions.

Thankfully, there are ways in which people and groups at both ends of the scale can reduce their level of susceptibility to attacks, with virtual private networks (VPNs) and antivirus software programs among the most commonly used.

But one of the main problems disrupting cybersecurity compliance in the financial system is the sheer volume of different security standards and the significant overlaps between them - an expected problem for the most heavily regulated of all industries. This can be resolved by only focusing on regulations that are mandatory for financial organizations.

Each of the following cybersecurity regulations supports customer data security and data breach resilience (Kost, 2023).

The European General Data Protection Regulation (EU-GDPR) is a security framework by the European Union designed to protect its citizens from personal data compromise. The EU mandates GDPR compliance for financial services collecting or processing personal data from EU residents, regardless of the physical location of the business (Van Remoortel, 2016). Any organization must comply with the GDPR if it processes the data from EU citizens, meaning residents of the following countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Ita-

ly, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

The United Kingdom General Data Protection Regulation (UK-GDPR). Brexit has removed the United Kingdom from any affiliations with European policies, including the European GDPR. However the UK-GDPR still retains EU-GDPR laws, they've just been slightly modified to accommodate certain areas of domestic law in the United Kingdom. Another difference is that the UK-GDPR is solely focused on the protection of the personal data of UK residents.

ISO/IEC 27001 is an internationally recognized standard for reducing security risks and protecting information systems. ISO/IEC 27001 is comprised of a set of security policies and processes that offer organizations across any industry guidance on how to improve their security posture. Because ISO/IEC is an internationally recognized standard for cyber attack resilience, financial entities wishing to demonstrate their exemplary cybersecurity practices to stakeholders should pursue ISO 27001 certification. Financial service providers not wishing to pursue the effort of ISO 27001 certification, could still improve their cybersecurity by just complying with the list of domains and controls of the framework. Certification is only recommended if an organization wishes to publicly display proof of ISO/IEC 27001 compliance. The other benefit of adopting this framework is that it could assist with GDPR compliance when coupled with an Information Security Management System (ISMS).

The Bank Secrecy Act (BSA), also known as the Currency and Foreign Transactions Reporting Act, aims to prevent financial institutions from laundering money, either willfully or through force during a cyberattack. The BSA is the primary anti-money laundering law in the United States. The BSA forces financial institutions to work alongside the U.S Government in the fight against financial crime. BSA compliance is regulated by the Office of the Comptroller of the Currency (OCC) through regular audits. Banks are expected to verify the legitimacy of all currency transactions. Compliance with the BSA is mandatory for financial institutions accepting money from customers including: national banks, federal branches, agencies of foreign banks, federal saving associations.

The Gramm–Leach–Bliley Act (GLBA) requires financial institutions to protect customer data and honestly disclose all data-sharing practices with customers. Under this U.S law, financial entities must establish security controls to protect customer information from any events threatening data integrity and safety. This includes strict financial information access controls to mitigate the chances of unauthorized access and compromise. The financial entities that must comply with GLBA include those that: sell financial products., sell or offer financial services, offer financial loans, any financial or investment advice, sell insurance.

Payment Card Industry (PCI) Data Security Standards (DSS) - PCI DSS for short - is a set of standards for reducing credit card fraud and protecting the personal details of credit cardholders. The security controls of this regulation are designed to secure the three primary stages of the cardholder data lifecycle: processing, storage, transfer. Every organization that processes customer credit card information must comply with PCI DSS, including merchants and payment solution providers.

PCI DSS is an internationally recognized standard that applies to all entities globally that process credit card data. Merchants are expected to complete Self Assessment Questionnaires (SAQs) to validate compliance. There are varying degrees of compliance processes depending on the size of the merchant. For example, enterprise merchants processing millions of transactions require annual onsite audits conducted by a Qualified Security Assessor. An upcoming PCI compliance audit may be cause for concern for many organizations, who are left scrambling to ensure their cybersecurity practices are up to scratch (Chipeta, 2022).

The Payment Services Directive (PSD 2) is a directive by the European Union supporting competition in the banking sector. PSD-2 is part of the Payment Card Industry Data Security Standard (PCI DSS) for financial data security. To ensure banking activities in the EU proliferate security, the PSD 2 also includes regulations for protecting online payments, enhancing customer data security, and strong customer authentication (eg, multi-factor authentication). All banks and financial institutions in the European Union must comply with the PSD 2 directives. All countries in the European Union are impacted by PSD 2.

The Federal Financial Institutions Examination Council (FFIEC) is an interagency body that aims to prescribe uniform principles of best practices for financial institutions. The FFIEC is governed by five financial regulators. The FFIEC outlines its cybersecurity guidelines in its Information technology examination handbook series consisting of the following 10 handbooks: audit, business continuity, development and acquisition, information security, management, architecture, infrastructure and operations, outsourcing technology services, retail payment systems, supervision of technology service providers, wholesale payment systems.

Such laws have raised the bar for organizations and encouraged them to make protecting personal data and privacy a top priority. Any disclosure of data can lead to financial penalties and reputational damage, which are directly tied to the loss of digital trust.

However to ensure that you're getting the protection you deserve, it's important to do some research and check out some reviews, to ensure that your weapon of choice is giving you adequate protection – particularly if you've paid a lot of money for it.

In these circumstances the only way to know that your organization can meet the challenge of cybersecurity risk is to perform a cybersecurity audit. Such an audit measures every aspect of your cybersecurity program – including those parts of the program found to be lacking. The latter helps the organization find solutions against cyber threats, cyber crimes and cyber attacks that have become increasingly aggressive in the cyber landscape.

Cybersecurity audits are extremely significant in validating that the required cybersecurity controls are in place and are functioning to detect vulnerabilities of insufficient and obsolete controls or non-existent security. To keep up with the sophistication of increasing threats and attacks, cybersecurity guidelines and standards ought to be more comprehensive while the diverse cybersecurity standards to be more compliant and aligned (Sabillon et al., 2018).

More broadly, one could say that a cybersecurity audit is an opportunity to review your IT systems, find weaknesses, and implement remediation measures to make your cybersecurity stronger. The purpose of cybersecurity audit is to act as a "checklist" confirming what the policy

says is actually implemented and there is a control mechanism to enforce it (*Cybersecurity audits*, 2022).

Cybersecurity audit is an information security audit and assurance program that provides the management with an assessment of the effectiveness of cybersecurity processes and activities that identify, protect, detect, respond and recover. Cybersecurity audits focus on cybersecurity frameworks, standards, guidelines and procedures, as well as implementation control. Part of auditing is to ensure that organizations have implemented controls. Organizations must always monitor cybersecurity practices, policies and plans. This is where audits play an important role. Once a cybersecurity plan has been created, the organization should make an audit to test the effectiveness and efficiency of the controls and protocols especially in protecting against cyber-attacks and providing board and management with the guarantees of such protection (Tan & Libby, 1997).

Here are some signs that you need a cybersecurity audit (*Cybersecurity audits*, 2022):

- you are experiencing unexplained hardware or software problems,
- firewall protections are incomplete or disorganized,
- you don't have a clear cybersecurity policy,
- you lack existing benchmarks for cybersecurity performance,
- it's unclear who is in charge of various aspects of cybersecurity,
- you lack an incident management and business continuity plan,
- your personnel have low levels of cybersecurity awareness,
- you've made recent changes to your network, including hardware or software,
- businesses similar to yours have recently experienced cyberattacks.

The only way to know for certain how effective your network security measures are is to conduct an audit, which will help you identify any risks to your cybersecurity.

When conducting a cybersecurity audit IT auditors typically address the following (*What is a cybersecurity audit and why is it important?*, 2022):

1. Data security.
2. Operational security.
3. Network security.
4. System security.
5. Physical security.

However, success is not guaranteed solely on implementing cybersecurity, doing effective cybersecurity audit or using a newer technology. This is because many of the risks and challenges are present at organizational level.

A proactive cybersecurity program can play a crucial role in fostering digital trust. There are a number of strategies that support digital trust that an enterprise can implement as part of its cybersecurity program: adopt best practices and standards, strengthen security policies, monitor human behavior, invest in cybersecurity and so on.

Armenia and its financial system can be an ideal example in this regard. Armenia's information security is threatened by cyber attacks by foreign countries, international terrorist organizations, criminal groups and individuals. To adequately counter modern information wars, it is necessary to increase the level of public awareness and media literacy. The implementation of the latter is hindered by problems such as the imperfection of the comprehensive state policy regulating the information and cyber security sphere, the lack of legislation ensuring the protection of vital information infrastructures, the insufficient level of institutional capacity of computer emergency response structures, and the lack of cyber security coordination structures.

The coordinator of the technical (cyber security) component of information security in Armenia is the National Security Service. In addition, there is a separate approach related to the financial sector, which to some extent provides for the transition to the information security standards of the financial system (The Central Bank of the RA, 2013). However, Armenia is still far from being an informationally secure country in all spheres, including financial ones. Currently Armenia has no data retention legislation. All of this is evidenced by the national cyber security index (NCSI, 2023b), a global index that measures countries' preparedness to prevent cyber threats and manage cyber incidents. In this context, the top three are Greece (96.10), Belgium (94.81) and Lithuania (93.51), while Armenia is 90th in the list of 161 countries (NCSI, 2023a).
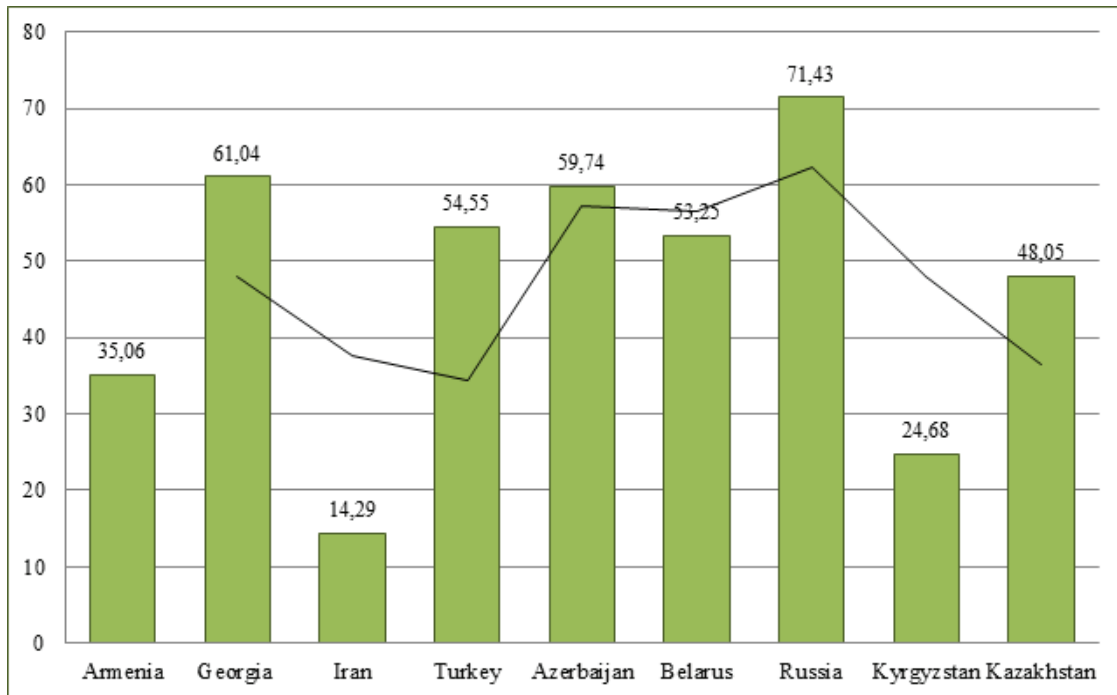
Figure 1. NCSI of Armenia, Neighboring States and EAEU Member States (NCSI, 2023a).

Unfortunately, Armenia is not behind only Kyrgyzstan and Iran in its ability to counter cyberattacks among neighboring countries and EAEU member states, indicating that cyber security issues need a systemic solution in all areas.

For the realization of the latter, first of all, after studying the experience of leading countries in the field of cyber security, to develop state policies and strategies for information, technological and cyber security and subject them to continuous monitoring. It is necessary to develop the financial system with higher security positions compared to other sectors, as well as the normative-legal framework of relations between other vital information infrastructures and the state, which will be possible especially through the localized implementation of many international standards.

Conclusion

The philosophy of cybersecurity is infinite. Cybersecurity is a journey rather than a destination. It has a beginning, but there is no end. The point at which an organization decides to protect its assets from cyber threats is the beginning, and because technologies, processes, and people are everchanging, the journey is endless.

Unfortunately, not all financial organizations have their own cybersecurity team. The concept that security is everyone's responsibility can be the first step toward an optimal mitigation strategy for organizations that lack the resources or budget for dedicated cyber teams.

The financial system of Armenia and the sectors directly connected with it, despite the efforts of the Central Bank, still remain attractive to cyber attacks. Taking these considerations into account the authors emphasize that fintech organizations should use cybersecurity frameworks and best practices to have a more stable security system.

All the considerations presented in the article allow the US, Canada and EU member states to have a financial system that is as secure as possible against cyber attacks, which cannot be said about Armenia. No matter how much we argue that countries at different levels of development cannot be considered at the same level, the progressive growth of financial fraud and cyber attacks in Armenia demonstrates that it is necessary to start by applying strict policies that are not limited to passwords and regulatory policies.

Financial regulatory authorities must adopt an

up-to-date and leading-edge cybersecurity philosophy. They should also be proactive in ensuring that minimum cyber hygiene exists at any organization that provides financial services. Cybersecurity strategies in the financial sector should also go towards increasing cooperation between banks and other financial organizations. Sharing information on attacks and organizing attack simulations are great exercises and though, they may not stop all cyberattacks – they can make a big difference in guarding against an attack and reducing detection and response times.

References

Bowcut, S. (2022, November 10). Cybersecurity in the financial services industry. *Cybersecurity guide*. Retrieved January 31, 2023 from https://cybersecurity-guide.org/industries/financial/

Chappell, B., & Neuman, S. (2017, December 19). U.S. says North Korea 'Directly responsible' for WannaCry Ransomware attack. *The Two-Way*. Retrieved January 27, 2023, from https://www.npr.org/sections/thetwo-way/2017/12-/19/571854614/u-s-says-north-korea-directly-responsible-for-wannacry-ransomware-attack

Chipeta, C. (2022, November 28). How to prepare for a PCI DSS audit in 7 steps. *UpGuard*. Retrieved January 29, 2023, from https://www.upguard.com/blog/-how-to-prepare-for-a-pci-dss-audit

Cybersecurity audits: Best practices + checklist (2022, April 26). *Reciprocity*. Retrieved February 1, 2023, from https://reciprocity.com/resource-center/best-practices-cybersecurity-audits/

Duncan, C. (2022, September 8). 5 Biggest threats to cyber security in the banking industry in 2022. *Deskalerts*. Retrieved February 1, 2023, from https://www.alert-software.com/blog/cybersecurity-in-banking#:~:text=What%20is%20cyber%20security%20in,legal%20action%20by%20aggrieved%20customers

Karchija, A. A. (2014). *Kiberbezopasnost' i intellektual'naja sobstvennost'. Chast' 1* (Cybersecurity and intellectual property, Part 1, in Russian). *Voprosy kiberbezopasnosti* ("Cybersecurity issues", in Russian), *1*(2), 61-66.

Kost, E. (2023, January 10). Top 13 Cybersecurity Regulations for Financial Services. *UpGuard*. Retrieved February 1, 2023, from https://www.upguard.com/-blog/cybersecurity-regulations-financial-industry#toc-10

Lazenby, S. (2022, October 6). DDoS attacks in the financial industry: How to protect your infrastructure and payments. *Inetco*. Retrieved January 29, 2023, from https://www.inetco.com/blog/ddos-attacks-in-the-financial-industry/#:~:text=In%20the%20first%20six%20months,than%20in%20all%20of%202021

Mahwah, N. J. (2022, August 17). Radware H1 2022 report: Malicious DDoS attacks climb 203%. *Radware*. Retrieved January 30, 2023, from https://www.radware.com/newsevents/pressreleases/2022/radware-h1-2022-report-malicious-ddos-attacks-climb/

Mazzanti, C. (2019, June 12). Keep your business secure with an up-to-date firewall. *Emazzanti technologies*. Retrieved January 25, 2023, from https://www.emazzanti.net/keep-business-secure-date-firewall/

Mester, J. L. (2019). Cybersecurity and financial stability. *Speech, Financial Stability Conference – Financial Stability: Risks, Resilience, and Policy - Federal Reserve Bank of Cleveland and the Office of Financial Research*. Retrieved January 31, 2023, from https://www.clevelandfed.org/newsroom-and-events/speeches/sp-20191121-cybersecurity-and-financial-stability#cf-fn-4

Michael, C. (2021, October). What is attack surface management and why is it necessary? *TechTarget security*. Retrieved January 30, 2023, from https://www.techtarget.com/searchsecurity/tip/What-is-attack-surface-management-and-why-is-it-necessary

NCSI (2023a). The national cyber security index: Country ranking. In *NCSI*. Retrieved February 1, 2023, from https://ncsi.ega.ee/ncsi-index/?order=rank

NCSI (2023b). The national cyber security index: The methodology of calculation. In

NCSI. Retrieved February 1, 2023, from https://ncsi.ega.ee/methodology/-#:~:text=The%20National%20Cyber%20Security%20Index,national%20cyber%20security%20capacity%20building

Reuters. (2021, May 8). Colonial Pipeline halts all pipeline operations after cybersecurity attack. *Reuters.* Retrieved January 25, 2023, from https://www.reuters.com/article/usa-products-colonial-pipeline-idAFL1N2MV01W

Sabillon, R., Serra-Ruiz, J., Cavaller, V., & Cano, J. (2018, April 2). A comprehensive cybersecurity audit model to improve cybersecurity assurance: The cybersecurity audit model (CSAM). *2017 International Conference on Information Systems and Computer Science, 2017 November 23-25* (pp. 253-259). https://doi.org/10.1109/INCISCOS.2017.20

Sanger, D. E., Clifford, K., & Perlroth, N. (2021, May 8). Cyberattack forces a shutdown of a top U.S. pipeline. *The New York Times.* Retrieved January 25, 2023, from https://www.nytimes.com/2021/05/08/us/politics/cyberattack-colonial-pipeline.html

Schwartz, M. J. (2016, March 10). Bangladesh bank hackers steal $100 million. *Data Breach Today.* Retrieved January 20, 2023, from https://www.databreachtoday.com/bangladesh-bank-hackers-steal-100-million-a-8958

Shacklett, M. E. (2021, November). What is multifactor authentication and how does it work? *TechTarget security.* Retrieved February 1, 2023, from https://www.techtarget.com/searchsecurity/definition/multifactor-authentication-MFA

Stepanyan, K. (2022, October 5). Addressing the complexities of cybersecurity at fintech enterprises. *Isaca Journal, Vol. 5.* Retrieved February 1, 2023, from https://www.isaca.org/resources/isaca-journal/issues/2022/volume-5/addressing-the-complexities-of-cybersecurity-at-fintech-enterprises

Tan, H. T., & Libby, R. (1997). Tacit managerial versus technical knowledge as determinants of audit expertise in the field. *Journal of Accounting Research, 35*(1), 97-113. https://doi.org/10.2307/2491469

Terry, R. (2021, August 19). Financial services: Web application attacks grow by 38% in first half of 2021. *Imperva.* Retrieved January 31, 2023, from https://www.imperva.com/blog/financial-services-web-application-attacks-grow-by-38-in-first-half-of-2021/

The Central Bank of the RA (2013). *"Teghekatvakan anvtangut'yan apahovman nvazaguyn pahanjneri sahmanman veraberyal kargy"* hastatelu masin HH KB 173-N voroshum ("Procedure on the definition of minimum information security requirements", in Armenian). Retrieved January 31, 2023 from https://www.arlis.am/documentview.aspx?docid=84836

Tunggal, A. T. (2022, November 24). What is third-party risk management? TPRM clearly explained. *UpGuard.* Retrieved January 28, 2023, from https://www.upguard.com/blog/third-party-risk-management

Vailshery, L. S. (2022, November 22). Number of internet of things (IoT) connected devices worldwide from 2019 to 2030. *Statista.* Retrieved January 29, 2023, from https://www.statista.com/statistics/1183457/iot-connected-devices-worldwide/

Van Remoortel, F. (2016, November). Financial institutions and the general data protection regulation. *Financier Worldwide.* Retrieved January 29, 2023, from https://www.financierworldwide.com/financial-institutions-and-the-general-data-protection-regulation#.Y9uyWHZBxaS

What is a cybersecurity audit and why is it important? (2022, August 11). *Easydmarc.* Retrieved February 1, 2023, from https://easydmarc.com/blog/what-is-a-cybersecurity-audit-and-why-is-it-important/

LANGUAGE FEATURES IN MODERN SOCIAL AND CULTURAL SPACE AND PERSONAL DIMENSION

Elena KRIVOSHEEVA [1] | Natallia ZHABO [1,*] | Marina AVDONINA [2] |

Anna BOBUNOVA [1]

1 Peoples' Friendship University of Russia (RUDN University), Moscow, Russian Federation

2 Moscow State Linguistic University, Moscow, Russian Federation

* Correspondence
Natallia ZHABO, 114, 18/2, Baikals-kaia street, Moscow, 107241, Russian Federation
E-mail: lys11@yandex.ru

Abstract: The article is dedicated to the study of language features in modern social and cultural space, identifying the mechanisms of its transformation (methodological aspect), interrelation and reciprocal influence of language and society, language and culture (postmodernism), language and way of thinking, and human spirituality.

The authors have analyzed modern tendencies of language development, the levels of transformation and unification of linguistic variety.

Keywords: language, society, culture, synergy, postmodernism, cross-cultural communication, way of thinking, spirituality.

Introduction

In modern language as the most important means of human interaction that reflects the way of thinking, intellectual plane, spiritual qualities of nations, their culture, it is those changes that stand out that were brought into the world by the "shift of social and cultural paradigms", national social and political movements and other external, extra linguistic factors playing the crucial role in transformation processes of the Language Science.

Appearing changes often comprise new language contexts. It was already proven that new language contexts bring into life new cultures in society and are interrelated to consciousness and spiritual life of human being, so the study of language features in the modern world could give the key to a puzzle of complex processes observed in the world and human being. Due to this, the urgency of the researched topic does not raise any questions.

The present article is dedicated to the study of changes in the sphere of modern language and the Language Science that introduce significant alterations into human cultural life in the broadest sense. There was analyzed interconditionality of postmodernism culture and language, language and way of thinking, spirituality, the change of anthropological characteristics of human being as the principal factors of human existence. Moreover, special attention is given to the methodological approach to the scientific studies in this area.

The Principle of Synergy and Its Role in the Language Studies

The laws prevailing in the world prove that starting from the XVIII century, languages were constantly subject to change: classical language,

modern language, postmodernism language – all those types were growing in numbers and fusing (Lapin & Tosunyan, 2011, p. 196).

The contemporary researchers believe that the main principle describing all current developments in language and culture today is the principle of synergy for complex system functioning.

The notion of synergy (synergism, synergies) [derived from the Ancient Greek συνεργία – "act together" or contributing, compassion] designates such a phenomenon when two or more individual forces, energies, two agents acting together produce a greater effect than the sum of the effects produced by those agents separately.

Or, put it another way, the dynamics of mutual actions surpassing each of the discrete actions creates "the effect of flowing tide" whereas collaborative behavior of two systems cannot be predicted from the behavior of these systems taken separately (Molchanova, 2006, p. 15).

In a language, the synergetic processes are manifested in three main classical forms of cognitive mastering of new knowledge. They comprise lexical structuring, conceptual blending of senses, and cross-cultural interaction.

It was stated that type-forming parameters and culturally significant markers of language and culture synergy include the following:
a) blending of registers and communicative styles, the general tendency to language democratization;
b) internationalization of lexis at the mundane level with the purpose of "prestige" augmentation;
c) creativity, language game, metaphoric build-up of meanings;
d) decomposition and restructuring of phraseological units, paroemias towards the "new moral";
e) irony (mocking, teasing) and self-deprecating humor as the way of world perception, antonomasia, status use of proper names, brand (in clothing, names, make of the car, address, etc.); euphemisms, political correctness;
f) intertextuality, allusions, parody.

The synergy principle "opens" the scope of "increment" of language forms, their content, meanings, and reflects the change in culture of global community, i.e. also performs a methodological function.

It is generally recognized that humanity is committed to the united cross-cultural space in the globalized world with cultural diversity.

Along with that, on the one part, the process of language unification is observed (English – in Europe, Chinese – in Asia), on the other part, the synergy principle produces innovations, translation of which leads to complexity and diversity of language forms, transformation of their value-based and semantic content depending on cultural paradigm and its interpretation. It can be assumed that synergy acts as the mechanism of language evolution in the modern world (Kecskes, 2004, p. 21).

Language and Cross-Cultural Communications

For Language Science, the shift of cultural paradigms denotes regularity of the processes in this sphere. We place an emphasis on the aspect that in the cross-cultural environment, there exist not one culture but cultures subject to the existence of regularities.

Contemporary scientists, such as Gumpertz (1975, pp. 182-198), Hymes (1972, pp. 269-293), and Keen (1992, p. 115), believe that there is no such thing as one language, one culture or one communicative style.

In cross-cultural communication, interlocutors are well equipped with different variations of styles and their combinations that are realized according to communicative purposes in ever changing context. They are obviously influenced by ethnic-national, socio-cultural factors, but at a lesser extent than pragmatic and stylistic ones, such as outrage, joy, despair, exaltation (emotion, appraisal, expression).

Thus, thorough detailed analysis of each particular situation and each context of a communicative event is required.

Culture is rarely contaminated, new contexts generate new cultures and new forms of cross-cultural communication (for example, political correctness) based on, naturally, the old communicative repertoire.

In their communication, interlocutors rely on two sources from their preceding experience – lexical units and communicative styles. Their blending and structuring raise the possibility of cross-cultural communication.

In other words, in communication process, new bonds, "divergence in interpretation", dif-

ference and similarity between words, meanings, styles are uncovered. They form cross-cultural communication as a complete whole. Along with that, cross-cultural communication functions as the means of forming language innovations.

Specific feature of modern communication in the presence of ample diversity of styles and pluralism is the idea of structure formation for successful cross-cultural communication.

It is worth noting that relating to culture, this idea is situational and depends on the context of communication when a word changes its meaning (Batkin, 2001, pp. 820-821).

Modern researchers point out that culture is kin to a word – it is both regulative and variational at the same time. Most certainly, it is not created spontaneously during communication act. Similar to lexical units, models of culture are fixed by all the preceding experience and its examples, i.e. the patterns of cultural verbal behavior, which is then activated and modified in the actual communication situation.

Thus, in a near sense, culture should be assumed not as any semiotic system but the one where the specific function of self-renewal goes upfront rather than the function of stabilizing and reproduction of system itself and what could be expressed by available reasoning.

The matter evolves from the sum of national and regional monologs to the global polyvocality of the third millennium, to "not the solitary unity but the dialog concord of two or more distinct" (Bakhtin).

Based on the foresaid, it could be stated that complex situation of cross-cultural situation existing today enforces the processes of "creation" in self-developing and self-organizing organism of culture.

Language and Value

Many culture-related terms and the very notion of "culture" alter its value content. From more than two hundred definitions of the word "culture", the majority is of sublime, spiritual character. However, nowadays, the former romantic notion of "culture" has evolved. By the 1990s, the idea of high culture, being some higher reality whereas people creating it, being some higher creatures, had outlived its usefulness.

The old meaning of the word "culture" as something orthodox, dominating and sublime has yielded to the anthropologic meaning, in the spirit of K. Levi-Strauss: typical activity of any group of people (culture of electronic mail, culture of disputes, and rap culture). Along with that, all these cultures have nothing in common with appreciated values of the civilized world (Levi-Strauss, 1985, p. 275).

It is proven that values represent the core category of culture. Language is one of the most valuable cultural components, whereas its units are marked in value terms and are subject to intuitive and linguistic-axiological analysis.

John Seabrook was first to mention that "old cultural arbiters, with the purpose to define what is "good" meaning "has its value", were replaced by new ones, where "good" meant "popular".

Great tectonic shift takes place in the notion of culture defining the status of aristocratic hierarchy of "Highbrow" and "Lowbrow' referring to mass culture, the Nobrow model. Today, we are witnessing blurring of distinction between "high" and "low', between highbrow and lowbrow.

The advent of nobrow culture means that old dissimilarities between high culture of aristocracy and commercial mass culture were destroyed and replaced by the hierarchy of "fashion appeal". Nobrow cannot be considered … a culture deprived of hierarchy but … it has its elitism – the hierarchy of something that is fashionable. Thus, the value-based word content is often transformed nowadays. Due to this reason, the values that served to avoid the low forms of commercial cultures were substituted by other values: to find a reasonable compromise with this culture.

Historically, transition from contraposition of highbrow and lowbrow to the nobrow culture is naturally determined as well as the shift of cultural paradigms from monostylistic to polystylistic one.

It was proven that historically monostylistic culture is gradually substituted by poly-stylistic one at the level of cognitive activity. This correlates with the shift of "evolutional" paradigm by the "pluralistic" paradigm (Kuhn, 1996, p. 157) on the communicative level – the replacement of "humanitarian" culture by the "mosaic" culture (Mol, 1973, p. 322), on the level of culturology –

transition from contraposition of highbrow/low-brow cultures to the nobrow culture of J. Sea-brook (2012, p. 131).

Along with that, the most characteristic feature of poly-stylistic culture is not "exclusion" but, on the contrary, "incorporation" of every imaginable cultural phenomenon that could be identified as the drive on "cultural tolerance". And tolerance is sought-after in the modern society.

Presently, there are two frames of reference to the general state of language. The first and the most popular one states that there occurs "decline" in language manifested in many aspects (lexis, individuum's vocabulary, culture of speech, etc.). Here, not only the Russian language is concerned. If in the Western countries this phenomenon takes the form of democratization, in Russia, criminalization of language occurs, for example, it is often heard – "don't bull-shit", "don't dumb out", "don't bother your ass", etc.

Why ever did the phenomenon of "language decline" become possible and how dangerous is it? The frame of reference popular with the researchers is based on understanding that the process is limited.

The ability of language to reflect changes in the society is also manifested in it. "It is not our language that is criminalized, it is the society, and in order to speak adequately about this society, the language procreates an appropriate lexis. To report the change in economy and informatics and enable to speak about it, the language brings forth or borrows new words. This process cannot be stopped, but the society can be isolated or sterilized".

The second point of view striking the eye in culture is *macaronization*. Macaronization (from It. *makaronisme*) is a word or expression mechanically borrowed from the donor language into the recipient language, usually with distortion. Macaronization is related to globalization and penetration the global market, thus, in hotels we can come across "the reception", in shops, super- and megamarkets – "sale". The most popular are gerundial inflexional endings – "casting", "training", "branding", "marketing", etc. It is seen that these changes in communicative sphere are integral.

Language. Consciousness. Human Being

In the language form, world expression is closely related not only with human philosophy of life but also with humans' genetic structure via the social component of life-sustaining activity. It should not be left out of account that culture is profoundly related with embodiment and primary emotional structure dictated by it.

Consequently, anthropological changes would relate to language sphere. In this scenario, it should be pointed out that modern anthropological crisis takes place.

As noted by V. S. Stepin, anthropological crisis, along with ecological one, could become the most serious for humankind. Negative changes occur in biological changes of human being. Human genetic apparatus is degenerating. The number of hereditary conditions is augmenting. Many biologists bring up the fears about destruction of human genome developed for the period exceeding two million years of evolution.

Civilization forced people to participate in the races at the edge of performance of human nervous system. And the consequence is permanent stresses.

Nowadays, depression is competing with oncological and cardio-vascular diseases. Over-stressing provokes mass consumption of stimulators that has a negative impact on brain activity of humans, their memory, and as a sequence, speech, language, and behavior.

Communication facilitates the language change, when the element of activity takes place. In this case, one can speak about interactive communication.

It is worth noting that experience exchange, in the same manner as information exchange, is a rather diffused format of a dialog in the modern world, especially when its other grounds are unknown or unrealizable due to various reasons. Its principal advantage is that enables participants of exchange to get rapidly connected to absolutely extraneous worlds, literally to become "experienced people" that means being "informed people". This is also related to the specific feature of a modern language form. Along with that, "inclusion into other dimensions" alters many words and even fundamental notions, to be more exact, "supplement" their meaning with new

content and the real ideas behind them.

The researchers of the problem point out that presently there occurs the shift of mental and cultural paradigms, rising generation of computer technologies, and supersession of semiotic cultural styles.

Therefore, it is understood that fruitful and constructive solution lies in comprehension of change objectiveness and the search for the real forms and mechanisms of new cultural reality existence.

The habit to comprehend and perceive the surrounding world by means of artificial tooling, such as the Internet, computers, movies, TV, whereas visual and image thinking is prevailing over the logical one, is entering into the new cultural reality. A person "grabs" information "superficially", "in passing", not by virtue of own profound analysis and penetration into the essence of experiences. This facilitates formation of a new type of analytical thinking, "torn", "discrete", and "quantum" logic.

The notion of "clip thinking" is coined by V. S. Stepin (2011, p. 275). It is typical for "clip thinking" that images, separate thoughts, fantasies are grouped spontaneously and not organized systematically. This mental mode is not the "Russian legacy" only, it dominates in the Western collective consciousness. It is formed by the modern television with abundance of advertisement, diversified computer games, the Internet, entertainment industry. Clip thinking is supported by the general atmosphere of modern consumerist society, with its ideals and patterns accepted as the image of desirable future.

If we go back to the above-mentioned notion of "quantum" logical thinking and analyze it, it could be noted that it specifically requires an image supplement. Conception memory fills up the "gaps, blanks" in analytical thinking, causes certain emotions and restores "reduced", "discrete" information to comprehensive one.

Thus, conception memory returns perceptual unity of the world and restores the natural memory. This is a more persistent form of memory, almost undestroyable, as it originates from the interests and professional knowledge of human being himself and is inseparable from his personality.

Conception operative memory exceeds verbal memory by a wide margin. Therefore, words are not needed in abundance for good measure as the information has been already passed on a viewer.

Language is becoming irrelevant, its emotional, psychological, and functional impact on humans is weakening.

If a literary text is lacking punctuation, its meaning is somewhere on the intuitive level in the very flow of precedence, words arrangement, perhaps, even in the very word sounding.

The meaning is rather "grasped" than comprehended. Thinking activity does not contain any profound arguments, a person loses its ability to be thoughtful, to indulge in philosophizing. He reads less and less, and it seems as if he is losing any interest in human being himself, the world of his emotions, feelings, compassions; such general humanistic values are lost as mercifulness, love, kindliness, and beauty. Spirituality is fading away with them. Indifference is "settling" in the soul of homo sapiens. Language changes are parallel to change of the attitude to human being himself, to other members of society, to nature and the world. A person stops being personality, he becomes wordless, responsive "grass", which is not able to think, feel, … but "playing with the wind".

The observed changes in the way of thinking give clear evidence of the serious processes in culture, formation of the alternative belief system, postmodernism and even postpost modernism.

Language and Postmodernism Culture

Postmodernism culture is becoming the object of intensive philosophical and culturological reflection.

Postmodernism is characterized by the lack of profound modern theory and image, weakening of historical perception, new emotional tone ("intensity") replacing the previous ways of correlation with an object, and the central spot of new technologies related to the new economic world system. It is a case of forming meta-language, in which it is customary to write and speak of post modernity.

The tendency of styles linking seems very organic for postmodernism esthetics (for instance, contemporary film art). In literature, in the texts of novels written by the Nobel Prize winner Elfriede Jelinek, indivisibility, "slurring" of flowing information is emphasized, among all other

things, by generic proper names, and punctuation, to be precise – by the lack of punctuation (in the original) (Jelinek, 1994, p. 118). At the same time, the text itself is perceived emotionally and the meaning of presented content is understood clearly but on some "supplementary" level, rationally-irrational one, on the subtext level. Along with that, the quality of logical thinking is lowering.

Today, we are facing the formation of non-linear way of thinking connected with perception of indeterminism principle, hyper-textuality, acceptance of probabilistic and random regularities existing in the world as fundamental one. Here from, perhaps, originates multivariance of "reading plots, images, phenomena". It is generally recognized that mentality of postmodernism is a dominating cultural mentality of our times, including the sphere of science, culture, art, linguistics, and text.

Post modernity presupposes blurring of the old distinction between "high" and mass culture. It is noted the ample inclusion of "high culture" elements in post-post modernism texts where citing is becoming everyday practice rather than the banner of new school of thought. This tendency is so widely spread that all verbal and screen text claiming to be intellectual are reeking with various allusions and hints at some authentic meanings that can be decoded depending on the degree of a reader's or spectator's informedness.

Thuswise, the observed tendency to broadening semiotic paradigm in the modern culture creates the reality when all around is perceived as a text, discourse, i.e. as the reality subject to interpretation.

Whatever seemed a work of art before, is becoming a text implicating multiple meaning.

According to Lotman (1977), culture is modelled in language (Lotman & Uspensky 1977, pp. 3-36). Language symmetrically encapsulates culture, poetics, and sign function of main trends in a society. Therefore, in modern age, when postmodernism remains the dominating tendency of cultural development, new language reality, being non-linear, unpredictable and complex formation, is formed.

The term "postmodernism" has various interpretations. I. P. Ilyin states that this is "a multiple-meaning, dynamically moveable complex of philosophic, epistemological, scientific, theoretic

and emotional-ethic insights depending on historical, social and national contexts". Postmodernism acts as character-defined mentality, specific way of word perception, awareness of place and role of humans in the modern world (Ilyin, 1996, pp. 269-270).

There are various points of view on the emergence of post modernity in Russia, and on postmodernist culture. Starting from the early 1980s, post modernity has been recognized as the general esthetic phenomenon, specific appearance in philosophy and literature. M. Epshtein (2019, p. 135) believes that postmodernism is "the epoque in the history of culture commenced at the Renaissance times and ended in the middle of the XX century, and is related to belief into the meaningfulness of the world and the progress of humankind".

V. Kuritsyn (2000, p. 128) attributes the appearance of postmodernism in Russia to the period after socialist realism. M. Shapir (2000, p. 536) believes that postmodernism appeared in Russia straight after the Avantgarde. "Postmodernism is the protest against ill infinity in the concept of history of culture, placing one stage after another and building up the unified line of development", says L. G. Fedorova (2021, p. 368). By no manner of means, postmodernism abolishes all the preceding culture but builds over it, whereas "for emerging postmodernism as the specific frame of reference and the concept of culture, there was needed social, cultural and esthetic experience of the XX century".

Conclusion

Specific features of postmodernist language demonstrate its symbiotic relationship with mentality, spiritual harmony, consciousness, and by means of those – human activity and behavior in society.

Language and human being seem to be "reconciled" in many parameters: humans as language remains open; text generation is always a play whereas human activity represents various language games; the mission of human being is freedom, self-objectiveness, language is free. Language is a certain key for self-actualization of a person and his repercussion of surrounding reality.

References

Batkin, L. (2001). *Neuyutnost' kul'tury* (Lack of comfort in culture, in Russian). Metropol: Moscow.

Epshtein, M. (2019). *Budushchee gumanitarnykh nauk. Tekhnogumanizm, kreatorika, erotologiya, elektronnaya filologiya i drugie nauki XXI veka* (The future of humanities. Techno humanism, erotology, electronic philology and other sciences of XXI century, in Russian). Ripol Classic.

Fedorova, L. (2021). *Adaptaciya kak simptom. Russkaya klassika na postsovetskom ekrane* (Adaptation as a symptom. Russian classics on the post-Soviet screen, in Russian). Moscow: Novoe Literaturnoye obozrenie.

Gumpertz, G. (1975). *Tipy yazykovykh obshchestv* (Types of language societies, in Russian). *Novoe v lingvistike. Sociolingvistika (New in Linguistics. Sociolinguistics, in Russian), 7,* 182-198.

Hymes, D. (1972). On communicative competence. In J. B. Pride, & J. Holmes (Eds.), *Sociolinguistics. Selected Readings* (pp. 269-293). Harmondsworth: Penguin.

Ilyin, I. P. (1996). *Postmodernism* (Postmodernism, in Russian). In *Sovremennoe zarubezhnoe literaturovedenie: Strany Zapadnoj Evropy i SSHA: Koncepcii. Shkoly. Terminy (Modern foreign literature studies: Countries of Western Europe and USA: Concepts. Schools. Terms, in Russian* (pp. 269-270). Moscow: Intrada.

Jelinek, E. (1975). *Die Liebhaberinnen* (Women as lovers, in German). Rowohlt Taschenbuch Verlag GmbH, Germany.

Kecskes, I. (2004). Lexical merging, conceptual blending and cultural crossing. *Intercultural Pragmatics, 1*(1), 1-26.

Keen, K. (1992). Competence: What is it and how can it be developed? In J. Lowyck, P. de Potter, & J. Elen (Eds.), *Instructional design: Implementation issues* (pp. 111-122). Brussels: IBM Education Center.

Kuhn, T. S. (1996). *The structure of scientific revolutions* (3rd ed.). The University of Chicago, USA.

Kuritsyn, V. P. (2000). *Russkij literaturnyj postmodernism* (Russian literature postmodernism, in Russian). Moscow: OGI.

Lapin, N. I., &Tosunyan, G. A. (2011). *Obzornyj doklad o modernizacii v mire i Kitae (2001-2010)* (The review report on modernization in the world and China (2001-2010), in Russian). Moscow: Ves Mir.

Levi-Strauss, K. (1985). *Strukturnaya antropologiya* (Structural anthropology, in Russian). Moscow: Nauka.

Lotman, Yu. M., & Uspensky, B. A. (1977). *Rol' dual'nykh modelej v dinamike russkoj kul'tury (do konca XIX veka)* (The role of dual models in dynamics of Russian culture (till the end of the XIX century), in Russian). *Uchenye zapiski Tartuskogo gosudarstvennogo universiteta (Bulletin of Tartu State University, in Russian), 414,* 3-36.

Mol, A. (1973). *Sociodinamika kul'tury* (Sociodynamics of culture, in Russian). Moscow: Progress.

Molchanova, G. G. (2006). *Sinergiya, kak osnovnoj tipoobrazuyushchij parametr yazykovykh i mezhkul'turnykh innovacij* (Synergy as the main type-forming parameter of language and cross-cultural innovations, in Russian). *Vestnik MGU Seriya 19 Lingvistika i mezhkul'turnaya kommunikaciya (Bulletin of MSU Series Linguistic and Cross-Cultural Communication, in Russian), 4,* 1-21.

Seabrook, J. (2012). *Nobrow: Kul'tura marketinga. Marketing kul'tury* (Nobrow: The culture of marketing. The marketing of culture, in Russian). Moscow: Marginem Press.

Shapir, M. I. (2000). *Universum versus: YAzyk – stikh – smysl v russkoj poezii XVIII-X vekov* (Universum versus: Language – poetry – meaning in the Russian poetry of XVIII-X centuries, in Russian). In *Yazyki russkoj kul'tury (Languages of russian culture, in Russian)*. (Book 1, VIII). Moscow: Languages of Slavic Culture.

Stepin, V. S. (2011). *Civilizaciya i kul'tura* (Civilization and culture, in Russian). Saint-Petersburg: SpBGUP.

THE PHILOSOPHICAL ANALYSES OF SYNERGETIC GLOBALIZATION THEORIES

Kadzhik OGANYAN [1] | Karina OGANYAN [1,*] | Vladimir PYZH [1]

Victoria ERMILOVA [1] | Mihail CHUDAEV [1]

1 National State University of Physical Culture, Sports and Health, named after P. F. Lesgaft, Saint Petersburg, Russian Federation

* Correspondence
Karina OGANYAN, Ispitateley st. 8, 62, Saint Petersburg 197 227, Russian Federation
E-mail: karina_oganyan@mail.ru

Abstract: The article deals with the laws of social synergetic in the context of the relationship between social order and chaos. A special place is occupied by the analysis of Prigogine's paradoxes in the context of considering the synergetic philosophy of history. To solve the problem, the features, signs, and characteristics of the super attractor as one of the main mechanisms for the disclosure of social synergetic are identified and argued. The super attractor, as a product of the realization of the absolute ideal, and the people who make it up, have the ability to transform the world around them and themselves.

Keywords: super attractor, synergetic philosophy of history, globalization, ideal, order, chaos, social synergy, paradox, self-organization, society.

Introduction

As is known, in the Soviet period of Russian history (1922-1991), the meaning of life for the majority of the Russian population was ultimately determined (voluntarily or involuntarily) by communist ideology - serving the communist ideal. Any opposition to this ideal - direct or indirect, explicit or implicit - was considered in fact a state crime ("treason to the party, and, consequently, to the Motherland"). This idea played the role of a kind of "secular god", with a very vindictive character: he did not tolerate ideals, the requirements of which for a person and citizen could diverge from his requirements. In other words, it was a totalitarian ideal - such a value orientation that not only dominates the public consciousness, is not only shared consciously or semi-consciously by the majority of the population (total coverage of the majority of citizens), but also imposes a ban on the existence of other value orientations (Oganyan et al., 2014).

Since, under a one-party system, the party ideology of the ruling party inevitably becomes a state one, in such a situation it is quite logical that any deviation from such an ideology not only can but should be considered a crime against the state.

Therefore, it is not surprising that the third (and last in the 20th century) Russian Revolution (1989-1993) ended not only with the collapse of the communist ideal, but also with the adoption of the Constitution, which proclaimed ideological pluralism and, consequently, the rejection of a single state ideology. But this event of fundamental importance immediately put Russian society in the face of the following very acute and very difficult questions (Oganyan & Bransky,

2013b):

1. Is it possible for a long-term existence of a stable and successfully developing society without a dominant ideology that corresponds to the interests of the majority and is therefore supported by this majority?

2. Should ideological pluralism in a democratic society gradually become heterogeneous in terms of the sustained popularity of different social ideals? In other words, is it possible to violate the equality of different ideals as generally significant value orientations in the development of society?

3. Does the development of a democratic society involve the gradual formation of a dominant (dominant in the public consciousness) social ideal, as a leading value orientation in the activities of the majority?

4. Does such an ideal threaten to return from a democratic society to a totalitarian one?

5. What is the relationship between the concepts of dominant and totalitarian ideal?

6. Is ideological pluralism compatible with ideological chaos? Are the laws of social synergetic applicable here, i.e. a general theory of the relationship between social order and social chaos?

Methodological Framework

The particular relevance of the correct answer to these questions is due to the fact that the ideological pluralism proclaimed in the modern Russian Constitution takes place at that epochal time when humanity as a whole (and Russia in particular) is involved in a fundamentally new process called globalization (Roudometof & Robertson, 1995)[1].

---

[1] In the space of modern discussions about the problems and prospects of globalization, several significant concepts can be distinguished that actively influence the content and direction of ideological and scientific debates regarding the dominant trends and prospects for world development in the 21st century. These include: the theory of "open society" by K. Popper; the concept of the "end of history" by F. Fukuyama; I. Wallerstein's "world-system" concept; the theory of "clash of civilizations" by S. Huntington; geopolitical concept of Z. Brzezinski; the theory of "glocalization" by R. Robertson and W. Beck; A. Panarin's concept of globalism; the theory of "post-economic society" by V. Inozemtsev; "multifactor concept of globalization" by A.

This process, which began in the 70s of the twentieth century, involves the growth of the interconnection and interdependence of economic, political and socio-cultural structures on a planetary scale. The growth of the interaction and interdependence of different social structures, in turn, implies an increase in the interaction and interdependence of different value orientations (ideological attitudes) that determine the activities of the respective structures. Globalization is thus associated with the interweaving of different cultural traditions and different ideological influences. It is not difficult to understand that these kinds of influences are difficult to assess if there is no reliable global benchmark for such an assessment.

As a result of such globalization, a society that is in a state of internal ideological chaos instead of looking for ways out of this chaos can easily aggravate this chaos at the expense of external ideological chaos.

As a result, it may become a victim of ideological attitudes alien to the majority of its population and may partially or even completely lose its mono- or multinational and mono- or multicultural "identity" (originality, originality, specificity). Even more than that: in the absence of its own global value orientation, such a society can become a kind of sociocultural "colony" of a foreign power or an alliance of such powers that have a clearly defined ideological orientation (Bransky & Oganyan, 2014).

It follows from the foregoing that the formation of a new value orientation (a new Russian dominant ideal) essentially depends not only on the correct description of globalization as an objective phenomenon but also on a correct understanding of the objective essence of this phenomenon, i.e. from the presence of an effective (in the scientific sense) theory of globalization.

In connection with the interest in the theory of globalization (attempts to reveal the essence of this radically new phenomenon, which is not reduced to such processes similar to globalization as integration, modernization, globalization, etc.), the discussion that has unfolded in the Western press about the connection theories of globalization with the philosophy of history.

Utkin; "synergetic theory of globalization" by V. Bransky and K. Oganyan and many others.

As you know, this discussion was started by the American political scientist F. Fukuyama in his sensational book The End of History and the Last Man (1992). In this book, its author tries to prove that with the collapse of the communist ideal (and the collapse of the USSR), it is being replaced by a Western liberal ideal with American characteristics. The latter assumes the priority of human rights over his duties and utilitarian values over spiritual ones. According to Fukuyama, after the collapse of the USSR in 1991, this ideal becomes widespread and becomes dominant on a planetary scale. His victory on such a scale is tantamount to the "end of history", for a society is emerging in which all the utilitarian needs of the ordinary person are satisfied. In such a purely consumer society, the limit of social development is reached and one can, so to speak, "rest on one's laurels". It is for this reason that Fukuyama calls the typical representative of such a "spiritless" society the "last" person. Thus, globalization in the interpretation of Fukuyama is Americanization (the spread and implementation on a planetary scale of the American ideal of social order).

In contrast to such a (finalist) philosophy of history, another American political scientist, S. Huntington, wrote his no less sensational book The Clash of Civilizations (Huntington, 2021).

He tries to justify the opposite approach to the prospects of globalization (infinite philosophy of history). In his opinion, history will never end, because the resolution of some social conflicts (for example, between countries or states) gives rise to new conflicts (for example, between civilizations and cultures).

To overcome these new contradictions, a new struggle is required (both in the economic and political spheres). And such a struggle presupposes an ideological struggle, which is based on a clash between different value systems. Such a clash is due to different value orientations ("ideals"), i.e. different (often alternative) criteria of values.

Huntington's concept of the essence of globalization is the direct opposite of Fukuyama's concept: globalization, according to Huntington, cannot be reduced to the Americanization (Westernization) of humanity, because it is the result of the interaction of both Western and non-Western cultures (civilizations). Therefore, the Western system of values and the value orientation under-

lying it cannot claim universal significance.

In the process of globalization, different participants in this process may have significantly different ideas about the essence of globalization (and about its prospects), and very sharp and dangerous conflicts can arise and develop on this basis (Oganyan, 2009).

It is easy to see that from a philosophical point of view, the described discussion about the nature of globalization has the following meaning. Some participants in the discussion (following Fukuyama) insist that globalization expresses the desire of mankind for unity, and this is the main thing in globalization.

Others (following Huntington) see it as a desire for unlimited variety. This discussion in the 90s of the XX century had a serious heuristic value: the analysis of its results helped in the formation at the turn of the XX-XXI centuries a new approach to the essence of globalization from the standpoint of a general theory of the relationship between social order and social chaos (the concept of synergetic historicism) (Oganyan & Bransky, 2014). It turned out that the desire of mankind for both unity and diversity allows a deeper understanding, both in the law of self-organization (differentiation and integration) of social institutions and in a similar law that universally significant (social) ideals obey (Oganyan et al., 2013). The research of the law of self-organization (differentiation and integration) of social ideals has shown that it is this law that provides the key to understanding the patterns of the relationship between ideological chaos and ideological order. Therefore, a scientifically substantiated answer to the questions posed above without taking into account the law of self-organization of social ideals is hardly possible at present.

Synergetic Philosophy of History

The founder of synergetics, Prigozhin, formulated in a very clear form the central problem of human development at the turn of the 21st century: where is humankind heading? To what structural state is in the direction of greater order or greater freedom (disorder, chaos)? More and more regulation of all human activity or more and more liberalization of it? The paradox is that both opposite tendencies take place at the same

time! (Prigozhin & Stengers, 1996; Haken, 2003).

The solution to the problem can only be such a synthesis of order and chaos, in which the very difference between them disappears. The last phrase in the above quotation contains a hint of such a synthesis, but only a hint, no more. Obviously, in discussing this contradiction, Prigogine comes close to the concept of a super attractor. But he does not formulate it, apparently for the reason that his physical synergetic does not require this concept. But it does not require it because it is limited only by selection and does not affect the mechanism of super selection. This mechanism is specific, apparently, for social synergetic.

However, after the emergence of the general scientific theory of self-organization (Prigozhin & Stengers, 1996, Haken, 2003; Knyazeva & Kurdyumov, 2006), one serious difficulty has been discovered, which the concept of universal evolutionism inevitably faces. The difficulty lies in the paradoxical combination of two mutually exclusive tendencies in social development:

1. The growth of the universal interdependence of all members of society from each other and the strengthening of the regulation of their activities (the tendency to form an ideally programmed human community);
2. The growing influence on the state of the global system of human individuality, which is a source of unpredictable random perturbations in the entire global system (the tendency to violate the interdependence and regularity of individual actions).

We called the collision of these trends the Prigozhin paradox (Prigozhin & Stengers, 1996). As shown by synergetic research, the solution of this paradox is possible within the framework of the synergetic historicism concept. The concept of universal evolutionism is unable to solve this paradox. The reason for this is that the concept of universal evolutionism is limited to the concept of selection as the fundamental "driving force" of development, whereas the concept of synergetic historicism generalizes the usual concept of selection to the concept of super-selection. This immediately leads to the concept of a super-attractor (Bransky et al., 2018), which gives a relatively simple and at the same time very elegant solution to the Prigozhin paradox.

To find such a solution, it is necessary, in their opinion, to answer three questions (Oganyan, 2007):

1. how social self-organization proceeds in the general case;
2. why it proceeds in this way and not otherwise (that is, what are its driving forces);
3. where it ultimately leads.

Without a clear answer to all these questions, there can be no question of any theory of globalization. Meanwhile, many of those involved in the theory of globalization shy away from discussing some of them: either the second or the third question, and often both of them.

The solution to Prigogine's paradox is very clearly and visually presented in the form of the so-called synergetic model of global self-organization. This model not only does not call into question the existence of objective laws of social self-organization but also reveals the specific content of these laws. Self-organization turns out to be a complex process of alternating chaos and order, associated with a multitude of bifurcations and local attractors.

According to the concept of synergetic historicism, this process is due to a deep process of social selection determined by the internal interaction of the elements of a self-organizing system.

Moreover, this interaction has a dual (contradictory) character, being the unity of such opposite factors as competition and cooperation.

The most important result of the synergistic analysis of the laws of social self-organization, in my opinion, is, however, the following: the alternation of order and chaos, in turn, turns out to be unstable, due to which, in the course of the cycle of integration and differentiation of social structures, their hierarchization and dehierarchization, a certain dominant tendency - the movement of the system as a whole to a global attractor (super attractor). In this state, a complete synthesis of chaos and order is carried out, which practically manifests itself in complete harmony between the freedom and responsibility of the individuals that make up the society. This, according to the authors, occurs because in the course of self-organization, there is feedback between the results of selection and selection factors.

In other words, the ordinary selection is eventually followed by super selection (selection among the selection factors themselves).

Thus, from the point of view of the modern

methodology of scientific research, the synergetic concept of self-organization provides a theoretical explanation of globalization (movement towards a super attractor), and the real process of globalization helps to empirically confirm this concept. In my opinion, the discovery by Bransky and Pozharsky of a deep connection between globalization and self-organization (in its historical interpretation) deserves special attention, which remains out of sight for many authors writing about globalization. The solution of Prigogine's paradox proposed by them is undoubtedly a fundamentally new result obtained in the field of social science based on rational analysis (without any digressions into the field of emotional philosophical journalism) and, of course, deserving of the most serious discussion. However, a prerequisite for discussion must be a correct understanding of this result, which, unfortunately, requires more developed abstract thinking.

One of the most important consequences of this solution to Prigogine's paradox is the distinction between two essentially different types of globalization (instead of general arguments about "globalization in general"): socially responsible globalization (so to speak, globalization with a "human face") and socially irresponsible ("with an animal grin"). The first involves the improvement of the human personality, and the second - its degradation (both one and the other on a global, that is, on a planetary scale).

Thus, the synergetic theory of globalization, built based on the methodology of synergetic historicism, like any full-fledged theory, has not only an explanatory but also a predictive (prognostic) function. The most significant forecast here, I think, is the conclusion about the implementation of globalization in the future according to the method of successive approximations (alternating globalization with deglobalization and the need to distinguish between relative and absolute globalization).

However, here, in turn, two options are found: synergetic historicism without the idea of a super-attractor and him with a super-attractor. It shows well the fundamental importance of such synergetic concepts as bifurcation and attractor in the analysis of social self-organization. It is the concept of bifurcation that leads to the substantiation of the nonlinearity of social development and the formulation of the problem of choosing

different historical scenarios. At the same time, the responsibility for the choice lies with the attractor. It is argued that the reason for the choice is a certain "call of the attractor". Some authors (Kurdyumov, Knyazeva, etc.) also use such an expression – "the future times the past". All such expressions hint at the fact that the laws of self-organization supposedly allow the possibility of the future influencing the past, whereas according to the general scientific principle of "acting" causality, this is impossible. It is obvious that such an explanation of synergetic choice is equivalent to the introduction of Aristotelian "target" ("final") causes, independent of "acting" causes and demonstrating the limitations of explanation with the help of "acting" causes. Such an impression really arises with a purely phenomenological approach to self-organization.

Synergetic historicism without a super-contractor suffers from serious inconsistency: it is limited only to describing self-organization as a phenomenon, however, does not reveal the essence of this phenomenon.

Thus, consistent synergetic historicism must necessarily end with the idea of a super-contractor (eschatology of self-organization). Nevertheless, there are authors who, while accepting the concept of synergetic historicism, at the same time reject the idea of a super-contractor. How can we explain that the idea of a super-contractor is often perceived with great difficulty?

Usually, one of the following arguments is put forward against the existence of a super-contractor:

1. this idea is dreaming (thirst for an optimistic solution to the problem of the "meaning of history");
2. It shackles our freedom (excludes alternative ways of development and in general a variety of ways of development);
3. It has no solid foundations, being either a postulate, a hypothesis, or a prophecy, but nothing more.

All these considerations are untenable for the following reason:

1. Historical optimism is not an argument for the existence of a super-contractor, but a consequence of the existence of a super-contractor. Therefore, it cannot be used as an argument within the framework of synergetic historicism.
2. The super attractor cannot fetter our freedom,

because it is the result of the interaction of an infinite number of free actions (acts of choice at bifurcation points) of free people. In other words, a super attractor arises, because of the interaction of many individual "freedoms" and without these "freedoms" cannot be formed at all. One can say even more: the super-tractor is a product of "militant freedom", because it presupposes the subsequent neutralization of some objective laws with the help of other objective laws.

If the actions of one free person (or a group of such persons) begin to counteract the movement towards the super-contractor, then eventually the actions of another free person or group of persons begin to counteract this primary opposition, that is, they contribute to the progress towards the super-contractor. This type of interaction is a consequence of its nonlinearity – the tendency of the elements of the system not only to interact with each other, but also to self-action. Since the super attractor is the result of many bifurcations leading to local attractors, it not only does not exclude a variety of development paths, but also assumes a much greater variety than that with which local attractors are associated.

We now summarize the characteristic features of the super attractor (Oganyan et al., 2018).

1. Complete synthesis of order and chaos, i.e., such an order that is stable relative to absolute chaos. This means, on the one hand, the complete unity of action of the elements of the system - global cooperation, instead of the combination of local cooperation with local competition, which we have encountered so far in history. Thus, it would seem that absolute order is established in the system, and chaos disappears altogether. But on the other hand, global cooperation itself acquires a chaotic character in the sense that it changes its direction in an unpredictable way to compensate for the chaotic influences of the external environment.

2. A super attractor cannot be classified as either a simple or strange attractor, because it overcomes the very opposition between these types of attractors. Therefore, it is appropriate to call it a super strange attractor.

3. Since the super attractor is the material embodiment of the absolute (universal) ideal, and this ideal is an absolute unity in the abso

lute diversity of desires, then the super attractor is the embodiment of such unity. That is why the path to it lies through the consistent development of the entire variety of desires.

4. The super attractor must be the end result of what is usually called the process of globalization. The latter, however, is contradictory, because it presupposes the interaction ("struggle") of the general technization of human society and its general aestheticization. As a result of universal technization, the entire part of the cosmos accessible to mankind turns into an absolute technical product (space technical ensemble). This is exactly what is commonly called the noosphere (a social structure that meets the requirements of the universal human mind). But the matter is not limited to this process. Parallel to it, another process takes place, in some respects opposite to the first one - universal aestheticization (subordination of all aspects of life to aesthetic requirements). It is natural to call this limit in the cultural development of mankind the esthetesphere (a social structure that meets the requirements of universal human feeling). Hence it is clear that the specificity of the super attractor lies in the synthesis of the noosphere and the esthetesphere. The condition for such a synthesis is the formation and implementation of the absolute ideal, because in the absolute ideal, the difference between utilitarian (economic and political) and spiritual (ethical, aesthetic, and ideological) ideals disappears, in other words, between "usefulness" and "expressiveness" (usefulness and beauty).

5. In contrast to biochemical and biological evolution, in which the limit of complexity is reached in a finite time, a super attractor over a finite period is in principle unattainable by mathematics. Ultimately, the movement towards the super attractor must be endless, because the overcoming of old social contradictions gives rise to new contradictions that give a new impetus to development. Both mutually exclusive tendencies in the evolution of mankind towards achieving maximum stability and new variability can only be combined if the emerging contradictions are minimized, i.e. tendencies to their gradual "softening" and "attenuation".

Synergetic Historicism and Prospects for Its Development

The development of the synergetic philosophy of history begins in the 90s of the XX century and reaches a certain degree of maturity at the beginning of the XXI century.

A significant contribution to a better understanding of what a synergetic philosophy of history is was made by the works of (Nazaretyan, 2000; Vasilkova, 2002; Oganyan, 2007; Oganyan & Bransky, 2010; Knyazevoy & Kurdyumova, 2006). A comparative analysis of various works, one way or another affecting the problems of fundamental social synergetic, shows obvious progress in the field of methodology: step by step, researchers in the field of fundamental social synergetic are moving from a journalistic style, when the author confines himself to describing his impressions of the literature he has read, to a conceptual style, when he generalizes well-known literature and puts forward some new idea (or several such ideas) and, finally, to a conceptual style, in which a complex of new ideas, put forward by different authors, it is linked into a single (integral) concept that has a certain explanatory and predictive function.

The noted methodological progress in scientific research led to the fact that at the beginning of the XXI century, the contours of the concept of synergetic historicism were clearly outlined.

A major role in the formation of this concept has played the activity of the St. Petersburg theoretical seminar "Social Philosophy and Synergetic approach" (1999-2013). The generalization of the activities of this seminar made it possible to raise research in the field of social synergetic to a substantially new level. There was a need to create a specialized scientific center for the study of the problems of synergetic historicism. Such a center was established in 2003 in St. Petersburg. This Center has hosted various symposiums specifically devoted to the analysis of the concept of synergetic historicism, the place occupied by this concept in research in the field of synergetic in general and the prospects for its development. Meaningful and sharp discussions took place. The main interests of the symposium participants were centered around two problems:

1. the relation of synergetic historicism to the scientific worldview (consistency or inconsistency of this concept with the principles of the scientific worldview);

2. prospects for the development of synergetic historicism, i.e. a range of specific problems in solving which the concept of synergetic historicism can provide significant assistance.

The most controversial was the range of problems related to the relationship of synergetic historicism to the scientific worldview.

The first problem that arose when comparing synergetic historicism with the scientific worldview was whether synergetic historicism was compatible with the concept of fundamental objective reality as a self-consistent system of attributes (phenomenon and essence, quality and quantity, stability and variability, space and time, causality and interaction, etc.) or whether a kind of "redefinition of being is required".

Self-organization can be interpreted as "developing harmony", but the highlight of the program is how to understand the nature of this harmony. It can be interpreted as transforming harmony associated with the transformation of the world and man, or it can also be interpreted as conformist, conditioned by adaptation to the transcendent essence of the objective world ("merging with the mystical essence", "world soul", etc.). The discussion showed that the first interpretation does not lead to a contradiction with the scientific worldview, and the second leads to (because it violates, at least, the principles of determinism and rationality). Transforms "developing harmony" means such a joint transformation of the world and man (humanity), in which all private human ideals "merge" into a single universal ideal, and this global ("absolute") ideal is realized (embodied in reality) in a superattractor - a state of ending world and man, in which any there was a discrepancy ("disharmony") between the universal ideal and objective reality.

The second problem is connected with an attempt to bring synergetic historicism closer to holism due to the importance that synergetic attaches to the integrity of the system, manifested, in particular, in the phenomenon of cooperative ("coherent") long-range interaction between the elements of the system. Therefore, self-organization, indeed, cannot be understood with the help of classical ("mechanistic") reductionism, but this does not mean the irrationality of the whole and the impossibility of knowing it with the help of rational analysis. Synthesis is impos-

sible without analysis, because there is nothing to synthesize, and without synthesis, any rational cognition (cognition with the help of scientific concepts) is impossible.

From the fact that a person is not a purely rational being, but combines rational and irrational (emotional) behavior, it does not follow at all that this dual nature of a person can be attributed to an objective reality that exists before man and humanity.

The third problem is related to the apparent similarity of the concept of "attractor" used in synergetic with the "target" ("final") cause of Aristotle. In other words, we are talking about a teleological interpretation of a new type of determinism and causality, which appeared in synergetic. This similarity is especially reinforced when it comes to the super tractor. However, an in-depth rational analysis of the nature of the super attractor shows the incorrectness of the teleological interpretation of the nature of the super attractor (and the attractor in general).

In fact, the real interest is the study of the specifics of selection as an active factor in the process of self-organization, which determines not only bifurcations and attractors, but also the alternation of the processes of hierarchization and de-hierarchization of dissipative structures due to the interaction of such selection factors as thesaurus, detector, and selector. Moreover, various kinds of extreme principles (playing the role of stability principles) can act as selectors.

The fourth problem that caused a sharp discussion was the question of the relationship of pluralism in the development of science and philosophy with monism. It was a question of whether a comparative analysis of different interpretations of social synergetic should be carried out, or whether it is necessary to limit ourselves only to putting forward new interpretations without trying to reduce them to some unity. During the discussion, it was shown that the concept of synergetic historicism is just such a concept that allows bringing together different interpretations and carrying out their logically consistent synthesis. The problem of the relationship between pluralism and monism was given a more concrete sound in connection with the problem of the relationship in the process of social self-organization of economic, political, and socio-cultural determinism. At the same time, the idea was expressed about the advantages of a pluralistic approach compared to a monistic one. Meanwhile, it is the theory of self-organization that shows the inadmissibility of absolutization of both any forms of monism and pluralism.

The synergetic approach to the analysis of different spheres of social life (economic, political, and socio-cultural) requires taking into account their connection and interaction on the basis of a new concept of selective determinism, which brings all forms of determinism into an integral system and this significantly differs from the old eclectic theory of factors. Consequently, synergetic historicism also considers the problem of the relationship between pluralism and monism in full accordance with the scientific worldview. This is best seen in the example of the synergetic theory of globalization. The very fact of the globalization of humanity and the orientation of this globalization towards the super-contractor clearly testifies to the inadmissibility of the absolutization of both objective and subjective pluralism.

The fifth problem is related to the relationship of such fundamental concepts as noospherogenesis and supremeness. The first term refers to the movement of society into the noosphere (the state of complete rationalization on the scientific basis of any human activity, and, consequently, its complete programming in the spirit of the social ideals of Saint-Simon and O. Comte) (Oganyan, 2022).

Such an approach to the development of society presupposes a complete rationalization of the human personality, i.e. taking into account only rational actions dictated by the requirements of reason, and ignoring irrational (emotional) motives of behavior dictated by the demands of feelings and associated with certain social ideals. Therefore, the noospheric concept of globalization takes into account only the trend toward universal technization, but ignores the alternative trend toward total aestheticization ("emotionalization"). In other words, the noospheric approach is characterized by a one-sided interpretation of human nature, in which a person undergoes rationalization (in the words of Academician N. N. Moiseev, "Ascent to Reason") and is isolated from ideologization ("Ascent to the Ideal"). Due to this, the noospheric concept of globalization ignores the dual (contradictory) nature of globalization (a combination of craving for totalitarianism and craving for anarchism) and cannot over-

come the Prigozhin paradox. The deideologization of globalization leads to ignoring the law of self-organization of social ideals, which gives the key to understanding the self-organization of culture. Meanwhile, the interpretation of globalization as supremeness, i.e. the movement towards the super-tractor shows that globalization is not only scientific and technological progress (rational improvement of society), but also artistic and technical progress ("emotional" improvement of the same society). Consequently, along with the movement into the noosphere (the formation of an absolute technical work), there is a movement into the asthenosphere (the formation of an absolute work of art). Thus, although both the noospheric approach to the development of society and synergetic historicism are equally guided by the scientific worldview, the former exaggerates the role of scientific and technological progress in this process, while the latter does it in a balanced way, showing the equally significant role of artistic and technological progress.

Therefore, the analysis of the relationship of synergetic historicism to the scientific worldview shows the following. The novelty of the concept of synergetic historicism consists not in the rejection of certain principles of the scientific worldview (objectivity, determinism, rationality, etc.), but in the further development and generalization of these principles.

The real novelty of synergetic historicism is fully manifested in overcoming the old contradiction between the finalist and infinite concepts of the philosophy of history: is there an "end" of social history, or may there not be such an "end"? As is clear from the above, synergetic historicism answers this question as follows. In this formulation, the question excludes the possibility of an unambiguous answer ("yes or no"): on the one hand, there must be a limit to the cultural development of mankind ("super-attractor"), but, on the other hand, the movement to this limit must be asymptotic, i.e. it cannot be reached in a finite historical period, however, you can approach it in principle as close as you like. Is it good or bad? It is even very good because such a situation means the inexhaustibility of the "meaning of history" and the preservation of the "meaning" by history throughout its entire course. Only with such a solution to the problem of the relationship between the finite and the infinite in history ("dialectic of the finite and the

infinite") can we talk about the validity of the principle of historical optimism.

The most important practical significance of the concept of synergetic historicism lies in the fact that based on this concept it is possible to lay the foundations of the synergetic theory of globalization and find out how and why the so-called socially responsible globalization, or globalization with a human face, is possible (Bransky et al., 2009; Bransky & Pozharsky, 2004).

The Relation of Social Synergetic to Classical and Modernist "Philosophies of History"

In order to properly evaluate the scientific and practical significance of social synergetic and its novelty, avoiding both terminological euphoria and methodological phobia, it is necessary to compare the synergetic concept of history with well-known historiosophical concepts. The latter can be divided into classical (V-X1X century) and modernist (late XIX - XX century) (Oganyan & Bransky, 2010).

The first, in turn, can be divided into three groups: the concepts of divine manifestation (Augustine, etc.), the historical cycle (Vico, etc.), and global progress (Condorcet, Herder, Hegel, Comte, Marx, etc.). The second form two groups: concepts of local civilizations (Danilevsky, Spengler, Toynbee, Sorokin, etc.) and absolute chaos (philosophical de constructivism of the last third of the XX century). At the same time, attention should be paid to a kind of terminological incident associated with the qualification of concepts of absolute chaos. In the modern philosophical literature, they are usually called "postmodern". Such terminology, however, can be misleading, because postmodernism always represents a kind of return to the classics, but based on modernism. This means that postmodernism is a kind of synthesis of modernism and the classics. The concepts of absolute chaos depart from classical traditions in historiosophical constructions even further. Therefore, they are not post, but supermodernism. Their novelty in comparison with the concepts of local civilizations lies not in taking into account the role of chaos in history (the idea of chaos is also present in the concepts of local civilizations), but in denying the role of order and, thereby, the creative role of

chaos.

Social synergetic shows that supermodernism is a preparatory stage for the formation of real (constructive) postmodernism. If we now compare synergetic historiosophy with those just listed, it will not be difficult to notice a clear tendency to creative synthesis, based, at the same time, on vigorous constructive criticism.

Indeed, social synergy, as we have seen, represents, first, the revival of the concept of global progress. However, this is no longer the "linear" ("infinite" or "finite") progress that the founders of progressivism wrote about.

Now global progress is becoming nonlinear and asymptotic. Moreover, it grows on the ruins of the parabolic evolution of local civilizations and their very existence. Formation is impossible without such evolution.

The picture of global progress is also becoming more complicated in one more respect: progressive development now looks, contrary to what former progressives were used to, like an alternation (cycle) order and chaos. Chaos is organically woven into the picture of progress, but at the same time retains its creative character, generating new order.

Finally, what is most surprising, the picture of global progress, when viewed from a certain angle, looks like the phenomenon of an absolute man in the image of superman.

Thus, social synergetic turns out to be a real postmodern "philosophy of history", highlighting with utmost clarity both the strengths and weaknesses of both classical and modernist historiosophical concepts.

Now it's time to compare the analysis of globalization from the point of view of the methodologies of DE constructivism and synergetic historicism (Oganyan, 2007). The question arises: with all the differences between these methodologies, is there anything in common between them? It seems that such a commonality lies in the high value that both DE constructivism and synergetic historicism attach to the concept of chaos.

In the XX century. came the realization that the state of chaos is the same natural state of objective reality as the state of order. Therefore, the synergetic theory of self-organization is a further development and far-reaching generalization of the classical theory of development. Development as a transition from one type of order to another is a special case of self-organization as a transition from order to chaos and from chaos to order (with repeated alternation of these processes). However, if we take a closer look at how DE constructivism and synergetic historicism approach chaos, it is not difficult to notice the following significant difference. Chaos can be interpreted as the final state of social reality, from which this reality does not find a way out (the absolutization of chaos). But chaos can also be interpreted as one of the intermediate states, in the depths of which the prerequisites for the formation of a new order are ripening (relativization of chaos; emphasizing the creative role of chaos). In this case, the final state of social reality is such a synthesis of chaos and order, in which the very difference between these states is erased (global attractor, or super attractor).

If we compare these initial assumptions regarding the role of chaos in the development of mankind, the following conclusions become obvious. The absolutization of chaos leads to the conclusion that a scientific analysis of such a phenomenon as globalization is impossible. Therefore, the construction of a theory of globalization is an unsolvable task and therefore meaningless. Consequently, the methodology of DE constructivism does not have a heuristic function in this case (in serious science in such cases they say: "there are no results"). On the contrary, within the framework of the methodology of synergetic historicism, it is possible not only to give a detailed description of globalization as a unique phenomenon at the turn of the 20th-21st centuries but also to explore its essence and very interesting and peculiar patterns associated with it. To what extent the patterns described in the article by Bransky and Pozharsky reflect the objective patterns of global self-organization remains to be seen in the course of a special discussion. Nevertheless, the scientific result is obvious.

What is the difference between both approaches to globalization in answering the question: "Will Clio survive in the conditions of globalization?" In other words, is humanity's desire for global unity compatible with the preservation of its local diversity?

The DE constructivist approach gives a negative answer to it. The synergetic approach tends to be positive. At the same time, from the point of view of scientific methodology, a reasonable

answer to such a question is possible only if there is a theory of globalization. Meanwhile, as one could see, the DE constructivist approach excludes the possibility of creating such a theory. Therefore, strictly speaking, from a DE constructivist point of view, the question posed cannot be unambiguously answered (any answer will look unreasonable). On the contrary, the synergetic theory of globalization gives a well-founded unambiguous answer to this question.

Conclusion

1. If we take into account all the features of the super attractor listed above, it becomes clear that it is this concept that contains the solution of the contradiction described by Prigogine between the tendency to increase order and the tendency to increase freedom (and thus disorder, chaos). Those who are afraid of excessive scientific and technological progress do not take into account another parallel process, which is ethical and aesthetic progress, which involves the improvement of ethical and aesthetic standards and their approximation to the absolute (universal) ideal. This process used to be called "spiritual progress" or "improvement of morals". But a better term, taking into account the connection of this process with the law of differentiation and integration of ideals, is "sociocultural engineering". Since the super attractor is a product of the realization of an absolute ideal, the people who make it up, having gigantic possibilities in transforming the world around them and themselves, at the same time choose from these possibilities only those that correspond to ethical and aesthetic standards dictated by absolute morality and absolute beauty. Therefore, the conflict between freedom and order is resolved through the realization of an absolute (universal) ideal. The fact is that absolute freedom turns out to be not irresponsible arbitrariness (as philosophizing anarchists of all ages imagined), but a possibility of choice within the framework of absolute morality and absolute beauty, determined by an absolute ideal.

The contradiction disappears within the framework of the super attractor because the people who make up this society, having ab-

solute freedom (due to proximity to the absolute truth), at the same time are guided in all their actions not by a multitude of various individual ideals (which may contradict each other), but by a single universal ideal, formed as a result of the integration of an infinite variety of various individual ideals. The spiritual unity that is achieved in the super attractor differs fundamentally from totalitarian unity in that it is not a particular human unity forcibly elevated to an absolute, but a natural unity that exists in absolute diversity and spontaneously formed in the depths of this diversity.

2. The concept of synergetic historicism is the application of the synergetic method to the philosophy of history and the construction of a new (synergetic) philosophy of history. This philosophy forms a natural "bridge" between the philosophy of natural science and the philosophy of social science. Here, too, the problem of synthesis arises, but already much more general, namely, the synthesis of natural science and humanitarian knowledge.

3. The synergetic philosophy of history includes a general theory of social self-organization, which is a far-reaching generalization of the classical theory of social development. The heuristic role of synergetic historicism is to build the foundations of the synergetic theory of such an important phenomenon of our time as globalization.

4. Globalization is a special type of self-organization. Therefore, the general patterns of globalization can only be revealed with the help of a general theory of social self-organization, which is a new science - social synergetic (Oganyan & Bransky, 2016; Oganyan et al., 2018).

5. In the synergetic model of global progress, the creative role of social chaos in the formation of new forms of social order is shown, the general patterns of social selection as the driving force of social development and the main factors of this selection (thesaurus, detector and selector) are studied, the concepts of super selection and super attractor are introduced, revealing the meaning historical development in the long term.

6. Accepting the main provisions of the synergetic philosophy of history, one can evaluate the results of the third Russian revolution of the 20th century (the first took place in 1905, the

second in 1917-1921, the third in 1989-1993). With the collapse of the socialist system, according to the synergistic understanding of history, quite expected chaos ensued, but the disorder must end with the organization of a new order, without falling into the extreme of complete rejection of past reasonable forms of activity. And philosophers had to think over and develop models for the formation of a new - balanced - order. For example, in the past, official Marxism took the form of a dogmatic doctrine. But in our time, it has undergone complete denial, which has opened the way for irrational, mystical teachings and philosophical pluralism that rejects rationality, materialism, and the scientific rigor of philosophical research.

References

Bransky, V. P, & Pozharsky, S. D. (2004). *Globalizatsiya i sinergeticheskiy istorizm* (Globalization and synergetic historicism, in Russian). Saint Petersburg: Polytechnic.

Bransky, V. P. Oganyan, K. M., & Pozharsky, S. D. (2009). *Sinergeticheskaya filosofiya istorii i filosofiya cheloveka (vvedeniye v sinergeticheskuyu teoriyu ideologicheskogo i potrebitel'skogo obshchestva)* (Synergetic philosophy of history and philosophy of man (introduction to the synergetic theory of ideological and consumer society, in Russian). In *Sinergeticheskaya filosofiya istorii* (Synergetic philosophy of history, in Russian) (pp. 177-233). Saint Petersburg-Ryazan: "Kopi-Print".

Bransky, V., & Oganyan, K. (2014). Synergetic philosophy of human: A new research trend. *WISDOM, 3*(2), 108-125. https://doi.org/10.24234/wisdom.v3i2.101

Bransky, V., Oganyan, K. M., & Oganyan, K. K. (2018). A new line of research: Synergetic philosophy and sociology of personality. *WISDOM, 10*(1), 57-72. https://doi.org/10.24234/wisdom.v10i1.203

Haken, G. (2003). *Tayny prirody. Sinergetika: ucheniye i vzaimodeystviye* (Secrets of nature. Synergetics: Teaching and interaction, in Russian). Moscow-Izhevsk: In-t komp'yuternykh issledovaniy.

Huntington, S. (2021). *Stolknoveniye tsivilizatsiy* (Clash of civilizations, in Russian). Moscow: Izdatel'-stvo AST.

Knyazevoy, E. I., & Kurdyumova, S. P. (2006). *Osnovy sinergetiki* (Fundamentals of synergetic, in Russian). Moscow: KomKniga.

Nazaretyan, A. P. (2000). *Tsivilizatsionnyye krizisy v kontekste vsemirnoy istorii. Sinergetika, psikhologiya i futurologiya* (Civilizational crises in the context of universal history. Synergetics, psychology and futurology, in Russian). Moscow: PnrSE.

Oganyan, K. M. (2007). *Metodologicheskiye problemy teorii globalizatsii (dekonstruktivizm i sinergeticheskiy istorizm)* (Methodological problems of the theory of globalization (Deconstructivism and synergetic historicism, in Russian)). *Social sciences and modernity, 2,* 150-155.

Oganyan, K. M. (2009) *Sotsial'nyy ideal i vybor optimal'nogo puti globalizatsii* (The social ideal and the choice of the optimal path of globalization, in Russian). *Zhurnal Uspekhi sovremennogo yestestvoznaniya (Journal Successes of Modern Natural Science, in Russian), 7,* 137-139. Moscow.: RAE. Retrieved from https://natural-sciences.ru/ru/article/view?id=12730

Oganyan, K. M. (2022). *Filosofiya cheloveka* (Philosophy of man, in Russian). Moscow: Yurayt.

Oganyan, K. M., & Bransky, V. P. (2010). *Sotsial'naya sinergetika* (Social synergetic, in Russian). Saint Petersburg: Petropolis.

Oganyan, K. M., & Bransky, V. P. (2013b). *Ideal neoliberal'nogo cheloveka v novykh usloviyakh* (The ideal of a neoliberal person in the new conditions, in Russian). *Mezhdunarodnyy zhurnal fundamental'nyye issledovaniya (International Journal of Basic Research, in Russian), 10,* 670-674.

Oganyan, K. M., & Bransky, V. P. (2014). *Zakon relevantnosti i integratsii idealov povedencheskikh stereotipov* (The law of relevance and integration of the ideals of behavioral stereotypes, in Russian). *Vestnik KRSU, 14*(6), 70-79. Retrieved from http://vestnik.krsu.edu.kg/archive/72/3002

Oganyan, K. M., & Bransky, V. P. (2016). *Sotsial'naya sinergetika* (Social synergy, in Russian). Saint Petersburg: Petropolis.

Oganyan, K. M., Bransky, V. P, & Oganyan, K. K. (2013). *Globalizatsiya i obshchechelovecheskaya tsennost'* (Globalization and human value, in Russian). In *Yevraziyskiye issledovaniya: aktual'nyye problemy i perspektivy razvitiya. 3 oktyabrya Yerevan (Eurasian Studies: Actual Problems and Development Prospects, in Russian)* (pp. 89-99). Erevan: Amaras.

Oganyan, K. M., Bransky, V. P., & Oganyan K. K. (2014). *Globalizatsiya i obshchechelovecheskaya tsennost* (Globalization and universal value, in Russian. *Zhurnal Gumanitariy Yuga Rossii (Journal Humanitarian of the Russian South, in Russian), 4,* 78-88. Retrieved from http://www.isras.ru/files/File/Gumanitary_Yuga_Rossii/2013_4/Bransky.pdf

Oganyan, K. M., Bransky, V. P., & Oganyan, K. K. (2018). *Teoreticheskoye i empiricheskoye obosnovaniye sotsiologicheskogo osmysleniya zhizni s pomoshch'yu ponyatiya "superattraktor"* (Theoretical and empirical substantiation of the sociological understanding of life using the concept of "superattractor", in Russian). *Sotsiologiya i pravo (Sociology and Law, in Russian), 1*(39), 31-38.

Prigozhy, I., & Stengers, I. (1996). *Poryadok iz khaosa* (Order out of chaos, in Russian). Moscow: "Progress".

Roudometof, V., & Robertson, R. (1995). *Globalizatsiya, teoriya mirovykh sistem i sravnitel'noye issledovaniye tsivilizatsiy* (Globalization, world system theory, and the comparative study of civilizations, in Russian). In S. K. Sanderson (Ed.), *Sivilizatsiy i mirovykh sistem: izucheniye vsemirno-istoricheskikh izmeneniy (Civilization and world systems: the study of world-historical changes and, in Russian),* (pp. 273-300). Moscow: Aspect Press.

Vasilkova, V. V. (2002). *Poryadok i khaos v razvitii sotsial'nykh sistem. Sinergetika i teoriya sotsial'noy organizatsii* (Order and chaos in the development of social systems. Synergetic and theory of social organization, in Russian). Saint Petersburg: Publishing House "Lan".

METHODOLOGICAL ANALYSIS OF FEMINIST CHALLENGES IN INDIAN MINES

Priya SINGH [1] (iD) | Avinash KUMAR [1] [*] (iD) | Ajit KUMAR BEHURA [1] (iD)

1 Indian Institute of Technology (Indian School of Mines) Dhanbad, Jharkhand, India

* *Correspondence*
Avinash KUMAR, Indian Institute of Technology (Indian School of Mines), Police Line Road, Main Campus -IIT (ISM), Hirapur, Sardar Patel Nagar, Dhanbad, Pin - 826004, Jharkhand, India
E-mail: 1988avinashsingh@gmail.com

Abstract: This paper draws on a qualitative philosophical investigation to examine and create understanding of existing feminist problems in the coal mining industry in modern society. An attempt is made to understand the diachrony of gender stereotype phenomena and provisions that lead to female obstacles on their direct interaction at workplace across businesses by contextualising current occurrences from the Mining Industry. The findings will most likely aid in boosting the percentage of women working in productive capacities and offering answers that contribute to the long-term viability of the business.

Keywords: feminism, modernity, mining, hindrances, regulations.

Introduction

Feminism is a broad concept that can refer to a variety of things, including a movement, a viewpoint, a theoretical approach, an active position, and an identity. Feminism's problematization of gender has given rise to a technique to criticize gender roles in general and masculinity in particular by emphasizing gender as socially and culturally produced rather than as the "natural order of things" (Frey & Bellotti, 1995). As a result, feminism is commonly acknowledged as having a significant impact on many areas of social science theory, policy, and practice.

The 21st century is referred as emerging one of the most Modern Societies, as the world in itself is getting out of traditional and medieval periods and the world is seeing the transition from agrarian to industrialization, feudalism to capitalism, industrialization, from misconceptions, fallacies, folk tales to rationalization, hegemony to secularization. Succeeded by scientific discoveries, revolutionary ideas, notion of autonomous mind, freedom, lawfulness, vigilance, etc. is the basics for evolution of modern society. The people of this modern society also have come out of shackles of past (who believed on sayings and beliefs) and managed to regulate and evaluate minds through logical processes. Feminism is a true product of Modernity and a component of this rupture with tradition. Relations between the sexes can be rethought when tradition and prejudice are no longer dominant. Some of the early writers established and blamed women their nature as reason for being inferior, questioned her way of life and also made socially accepted principle of dominance. Aristotelian scholastics argued that because of their biological nature they are to be considered as subservient to men, incomplete without men. According to Mill, the continued subordination to men as an isolated fact of modern institutions, a single old-world tradition that is followed in thoughts and practices in every form of life. He also blamed

self-focused action of male as the reason for continued social practices. Poulain juxtaposes female as naturally and culturally produced inferior breeds. René Descartes is typically considered the progenitor of modern philosophy due to his radical departure from established philosophical norms and his emphasis on empirically sound reasoning and critical thinking. According to him tradition and nature are no longer sufficient for a complete understanding of gender; modernity adds observation, debate, and culture to the mix. The concept of gender as an essential component of social construct is perceived as novice and groundbreaking one. However, similar glimpses can also be seen from feminist thoughts of 16th or even to 17th centuries. Albeit black lash, forgetfulness, repetitions are some of the very common features that remain always as a part of development of feminist theories. The idea is typically met with resistance, and it is often the target of intellectual and political assaults. Rejection of feminist techniques and epistemologies, as well as rejection of feminist content, are all real problems. Despite feminism's success, the topic of gender is seldom addressed in theories of organisations, despite the fact that it serves as an important organising element. Thus the matter of feminism and problem associated in one of the gendered industry is a matter of study for the current paper. The objectives is to go beyond the critique and dismantling of management and organisational studies canons.

By highlighting the fact that organisations are embedded in larger social systems and are accountable for promoting social justice, equality, solidarity, and caring for others, they go on to developing alternative value systems. They are dedicated to bringing about physical and social transformation in institutions and communities that is consistent with their principles. Still patriarchy persists within us and us in the current paper focuses on Indian Industries in the 21st century. Through this paper, patriarchy is examined as problem and specific lenses of society, environment, industry and culture etc. is used to examine feminist status in specific extractive industries. Expanding rapidly, feminism's scope now encompasses a wider variety of concerns. Feminist political theory, more than any other normative theory, sparked a variety of transformational movements and broadened discussions of justice, freedom, equality, and change. There are many different schools of thought within feminist philosophy, from liberalism to socialism to conservatism to eco-feminism to radicalism. The primary idea is that women should be treated equally and freely and that they are subject to discrimination in public life.

Women after the Second World War

Women had achieved a high level of political and legal equality with males by 1945 in the majority of Europe and America. Even in France, where the earlier feminist movement had been particularly unsuccessful, women were finally given the right to vote in 1944, and the Code Napoleon, which explicitly subordinated women to their husbands, was gradually changed. They were no longer barred from political participation, education, and employment, and they no longer lost all autonomy upon marriage. The 1930s saw the continuation of welfare feminism in America, when a group of powerful women under the leadership of the President's wife, Eleanor Roosevelt, were able to significantly contribute to the planning and administration of the New Deal. Although women did not receive state assistance to the same extent as men, their needs could no longer be disregarded, and as a result, Ware claims that "many of women's expectations be met during the 1930s". In England, the new welfare programme based on the 1942 Beveridge Report included paying mothers state allowances for their second and subsequent children; although these initiatives fell far short of achieving complete economic independence, they significantly reduced the burdens of illness and poverty (Laite, 2009). Significant advancements have been made in the job area as well. In Britain in 1943, 80% of married women were engaged in some form of war employment (Hacker et al., 2010) During the war, women not only worked outside the house in record numbers, but they also performed highly skilled and prestigious tasks for which they had previously been deemed unqualified. Despite the fact that many people came home in 1945, the lack of labour and the necessity to rebuild the economy made sure that the upward trend persisted, and as a result, both Britain and America experienced a rise in the number of women in paid employment in the 1950s. Increasingly sophisticated

home appliances and a long-term decline in family size meant that domestic work no longer needed to involve endless labour, allowing housewives to devote themselves more to their children's needs. By this time, many of the women who stayed at home were benefiting from an overall increase in living standards and greater availability of consumer goods. Many believed that a new era had arrived and that most women could now find genuine fulfilment in a home life devoid of drudgery, while the few who wished to pursue a profession could do so with freedom.

Feminism lacked appeal in this setting because it was connected to conflicts that had already been won or to ideals that were unpopular in the pro-family and growingly hedonistic postwar environment. Since "emancipated women" were "frightening individuals in tweed suits and horn-rimmed spectacles with stern buns at the backs of their heads," Sheila Rowbotham in her writingsrecalls that feminism "was all very prim and stiff and largely concerned with keeping you away from boys" (Kleinberg, 1976). In contrast to past decades, no significant organisation was interested in contesting male dominance in the house or raising doubts about the idealized model of family life that was taken for granted.

While communists adhered to the Stalinist line that earlier socialist attacks on the family had been mistaken and that women's true fulfilment lay in motherhood, those who insisted on a woman's right to a career saw this as an alternative to marriage and motherhood instead of something that could be combined with it.

Although there was no substantial feminist movement, certain movements for formal equality for women persisted, concealing a high level of discrimination in practise. Women continued to be the minority in politics at all levels, were wildly underrepresented in positions of power, and faced discrimination in all facets of the workforce. By the 21st century, feminism had gained widespread acceptance, gender equality was regarded as a desirable ideal in the majority of Western cultures, and feminist studies were taught in many academic institutions. Feminism has reached a stage where it can pivot and examine itself, both for the purposes of self-knowledge and self-reflection and for the purposes of requesting acknowledgement and a position in society. It is time to admit that feminism, or gender equality, is as much a part of Western society and philosophy as the belief in the veracity of science, democracy, freedom of expression, and human rights, to name just a few contemporary accomplishments.

Feminist Challenges and Its Categorization

This study is a detailed introspection and critically analyses of social stereotypes, perceptions, beliefs, taboos, gender differences that resulted into masculinity, patriarchy and hindered women participation. On the basis of primary and secondary data challenges that hamper women productivity (directly as well indirectly) in coalmines have been identified, further streamlined into categories and sub-categories of limiting factors viz. Company regulations, Design, Work-Place environmental facilities, social practices and Perceptions, Physical Ability/Power and lastly Institutional, which are detailed in coming sections.

Reason for this Study

Industries under the control of government is very keen about welfare of their employees provide equal pay, protection, un-biased deciding upon age of superannuation, etc. but at the same time being perceived very dangerous on their non-compliances (Appel, 2009). On the same lines, talking about coal, with the focus of meeting huge targets of production and profit, minimal efforts have been made towards managing manpower and its composition. There is hardly any reliable data available on challenges confronting female miners in CIL and its subsidiary companies. In 2019, under the Mines Act (1952), (*Ministry of Labour Notifies Rules to Allow Employment of Women in Mines*, 2019) the Central Government allowed women to work in mining industry in Underground and also in night-shifts, above ground. Before going for such a mega industrial change, it is important to know currently where women exist in industry and drawing-out lines for positive change. This paper nonetheless remains focused primarily on evidences of gender discrimination and power and privilege provided to male associated directly or indirectly into this industry. This paper will try to provide

answers to the question like, Is there any difference between existing provisions and its implementation in coal companies? Does any other kind of hindrances exist that is overlooked by management? What efforts are required to be taken by giants to bring wider gender participation and parity. The paper uncovers the multidimensional work front gendered problems.

Feminist Principles and Modernity

The relationship between modernity and feminism is central to the project of critical theory, and yet this relationship has come under increasing pressure in recent years, in particular from postcolonial critics. For feminist critical theory specifically, the demand to rethink the relationship between modernity and normativity can be seen as coming simultaneously from two different directions: both from the direction of a feminist theory that strives to be genuinely inclusive of the perspectives and experiences of all women, by developing an intersectional analysis of the cross-cutting axes of racial, gender, and imperial domination; and from the direction of a critical theory that can only be truly critical if it can take on board a postcolonial perspective. Whilst these principles have been relevant and helpful, it was felt that our approach could be developed further to reflect the way we work, putting an emphasis on our values and culture. We wanted to explore what made these principles specifically 'feminist' and how we could better live our feminist values and embed them into the organisation. Furthermore, we sought to articulate a more intersectional feminist approach which focuses on social justice more broadly, while continuing to strongly value gender equality.

Self-Awareness

Feminist thoughts have always placed significant emphasis on one of its core salient feature of self-awareness. Knowing about self, personal identities will address further inquiries into society and agency. Historically, as claimed by several philosophical thinkers legislation, common practices and cultural norms rejected or eventually suppressed self-hood of women. The modern

construct on the rationale subject that projects feminist self as uplifted from ambivalence, anxiety, abrasion, violence and prejudice, etc. While we cannot deny the importance of things like critical thinking and personal agency, some feminists have argued that these abilities cannot function independently of the phenomena we term the self. In light of this, feminist philosophers have argued that traditional concepts of autonomy and reason are deeply flawed. Feminists contend that the white, healthy, middle-aged, middle- or upper-class, heterosexual, cisgender, male citizen hidden behind the representations of the Kantian subject and homo economicus. According to Kant, he is a fair judge thinking about how to apply universal principles; according to utilitarianism, he is a cynical trader looking out for his own interests (Hansen, 2009).

Empowerment

It involves the principles of democracy and shared power. As extractive industries deal with the resources that is not owned by any individual. It is the nature, the nurturer of all the other lives forms on earth. We empower society and nature by facilitating "a participatory, democratic process in which at least some power is shared" (Gregoratti, 2018). Feminist see empowerment in modern society as a concept of power as energy, capacity and potential rather than domination. Increasing the power of all actors, not to limit power to some, will make empowered nation though maximizing individual's contribution (Garner, 1999).

Self-Care and Caring for Others

The ethics of caring and compassion are the foundation of feminist leadership. The qualities of respect, nurture, caring, and empathy are crucial to female leadership. The goal is to create a warm and supportive atmosphere. Creating safe places for people to express themselves freely and to really care for one another is of the highest importance, Despite the fact that care givers are undervalued and underappreciated by patriarchal systems, feminist leadership views care as its central tenet (Corral-Verdugo et al., 2021). But it's crucial to realize that feminist leaders go be-

yond merely sympathizing with and showing sympathy for people who are oppressed. Instead, they strive to upend these structures in ways that will support people who are oppressed and ignored in the current system. Extractive industries deal with rapid and massive exploitation of natural resources with the focus of meeting targets and raising profits. Thus, this practice is the problem of modern society and required utmost rethinking of the approach of mining used from the last decade and finding feminist solutions for the same (Norwood, 2013).

Inclusion

An important part of feminist leadership is building a culture that promotes equality, diversity, and appreciation of individuality. This principle focuses on being interactive and involves maximum of all parties involves. By accepting people as they are and encouraging them to realize their potential, fosters an atmosphere of safety, confidence and acceptance. Feminist leaders in the real world also need to exercise caution by not relying only on agreement, consultations, and teamwork when making choices. When working together to create something new, it might take a lot of time and effort to hear everyone's ideas and opinions before settling on a course of action. Therefore, should adopt a situational and context-driven leadership style that allows them to adapt flexibly to changing circumstances. Feminist leaders must walk a fine line between leading from the heart and leading with an eye on the situation.

Responsible and Transparent Use of Power

Contemporary India is witnessing transparency as an important element of change of any form i.e. socio-economical, environmental, geo-political, etc. So is one of the feminist principles is to use power in a transparent way in order to develop better trust among the stakeholders involved. While working in an industry that deals with non-renewable resources, where stake of lives of people involved, it is utmost important to develop a transparent, responsible and power oriented system. If involved in allocating resources and choosing partners, in a transparent way will en-

sure these choices promote ActionAid's values and aspirations.

Ending Sexual Violence, and Promoting Sexual Freedom

"A movement to eradicate sexism, sexist exploitation, and oppression," is how Hooks (2000) defines feminism (p. 83). Given that ending sexual assault is the ultimate objective of feminist work, we chose this frame of feminism because it calls for action. The goal of feminist principle is to deepen our knowledge of sexual assault from the perspective of the victims. However, when it comes to solving the issue, or at the very least, solving the issue outside of formal institutions, there is a widening gap between theory and practice. Activist feminists mainly aim to upend the existing social order via grassroots organizing of media awareness campaigns, policy formation, lobbying, etc. In the modern society, where world realizes equality as a priority for change and female are allowed to equally shoulder men in day or night, in rough and tough open spaces or small/ closed spaces below ground, It is important to understand the role of individuals in perpetuating ab atmosphere that strictly upholds sexual assault. Any kind of oppression, disparities, societal tolerance is to end through education, developing better work ethics. The myths, beliefs and culture associated with the masculine spaces are required to be left behind in order to compete in globally feminist era. It is high time when organizations must realize a workplace free from any form of direct or indirect form of exploitation/harassment.

Zero Tolerance

As the second wave of feminism emerged in the 1970s, it shattered the taboo of talking about domestic violence and sexual assault by males. This allowed people to see the problem for what it really was: pervasive across culture and society. The 1970s marked a milestone for the feminist conceptualization of men's violence against women, since feminist interventions on the topic reinterpreted it through a socio-political viewpoint, making such violence public for the first time. 21st century is witnessing feminist speak

out against any type of discrimination or abuse of power that we see or experience on the job. It is the responsibility of any organization is to develop workplace safety, develop better ethical work culture, provide sufficient support, free from any sort of exploitation, harassment that can add as an encouragement for female workforces.

With special reference to Indian coal industry, which had rampantly developed unscientifically, lacks mechanized extraction of embedded resources and underdeveloped rock mechanist (Ghose, 2003). The overall process of coal mining, required huge manpower with higher capacities of physical strength, endurance and power. Studies have shown that how large proportion of the output were attained by hands using huge labour-force. The industry is considered as highly labor-intensive and power-oriented industry. Some of early instances where sweat and blood of men proved their worth are like leads and lift, push and pull-on rough surfaces through various incline carried out by men for which machines are designed now (De Klerk et al., 2015). Some methods used in early conventional mining for instance undercutting the coal seams with hand tools, manual hauling, loading of minerals like coal in coal-tubs usually called shale-pickers in coal mines. It was in late 90's when single machinery and then blasting and cutting machinery were used in coal mining.

Methodology

In-depth interviews using structured questions were done with 38 numbers of female employed in mining and its related technical disciplines across CIL & its subsidiaries and informal interactions were done with the approachable female executives, which provided better insight to the hinderances at work place in a Public Sector Undertakings. The study of available secondary data in the forms of booklets, wage agreements issued by different subsidiaries of CIL were done. Further, it helped me in developing various categories identified subcategories of challenges using hit and trial, ignoring few as very minor matters to discuss. One of the very first category is company regulations which covers the rules and regulation that are laid down by government or competent authority to guide organisations, for safety and welfare of coal miners. Secondly, De-

sign is a broad category which includes machinery and the associated tools, etc. Its Shape and size plays key role in its convenient usage and averting unsafe acts. Thirdly, work-place facilities are also very prominent category, in order to contribute maximum by an individual. Its unavailability causes dissatisfaction and increases organisational attrition rate. Fourthly, physical ability that limit male and female to perform differently under same conditions. While identifying the categories, it is incomplete unless social practices and societal perceptions are not taken as part. Society plays essential role in developing perception to its practise. Lastly, other factors such as institutional, outsourcing are also contributing towards limiting women participation in coal mining.

Uncovering Feminist Challenges at Work - From Theory to the Fields

Gaining idea out of conventions introduced by ILO, like-wise other countries, India regulated and prohibited work by women in mines (mostly underground) as early as in 1924, with few exceptions which were enforced gradually around 1939 (Lahiri-Dutt, 2020).

This regulatory framework of mining companies majorly and directly impacted women participation.

Hypermasculine industry and so their men lead trade unions do not give enough importance to female participation nor to their feminist issues in agenda. Talking about CIL and SCCL, all the employees covered under "coal wage provisions". The provisions related to wage, allowances, welfare, social security and other conditions of service are formulated under the recommendations of the joint settlement of Bi-partite Committees. It came into effect from 15th August 1967 and completed tenure of tenth coal wage agreement on 30th June 2021.

Coal India Limited and other big market players have come up with the option of Special Scheme for voluntary retirement for their female employees (Guha, 1996). Organisations issue time to time sweetened guidelines to replace huge female population with male as their son and not to daughters so far. Although, the purpose is requirement of technically skilled manpower or any other for better production, but fe-

male is replaced by skilled male in an industry is a matter to ponder upon. It is also admitted by some senior management that these categories of women cannot be employed gainfully due to the mines act that limited deployment of female and better engagements (Sengupta, 2014).

Female is inadequately reflected in leadership positions within trade unions and in the negotiating teams that conclude collective agreements (Venkata Ratnam & Jain, 2002; Bose, 2004).

The probable reasons for their lower participation are giving extra time, attending union meetings which are generally informal using rough sexist languages and occurs in night time, family responsibilities, lack of education, etc (Venkata Ratnam & Jain, 2002). Adding to it, coming long way with the sense of dominance and stereotypes, the male counterparts also resist to be guided or controlled by a woman Ciaran O'Faircheallaigh (2013) and lacks the lead-opportunity.

Corporate Social Responsibility is a new concept of the century is highly appreciated by corporates. While dealing in non-renewable resources, the responsibility of mining industries even grows more. However, companies are just meeting the minimum requirements of compliances by spending in routine type of activities such as conducing sewing classes, adult literacy classes, A I D S awareness programmes, with no innovative and act of difference.

Machineries with high tonnage capacities are generally big and require proper technical training, strength while driving on haul roads. In general, equipment used were very heavy, historically designed by men for their usage as per their convenience and sized long considering the average height of the man. Studies have shown that Women possess about half of a man's upper body strength and three-quarters of his leg strength (Janssen et al., 2000). A woman's lifting strength is two thirds to that of a man's and the muscle cross-sectional area of the biceps brachii was higher in males than in females (Alway et al.,1989). Thus, female find operation of machinery and equipment associated as tough.

Mining operations are mostly done clearing forest or in abandoned areas. The people employed generally face problem of cut-off from social life, urban facilities with very limited sources of entertainment and socialisation. Such outskirts and rough locations with hazardous na-

ture of work are generally considered unsafe and perceived as not suitable for female employees. Female considers 'physical withdrawal' as the most effective way to escape out from any unwarranted male behaviour on fields (Hinde, 1997). For extra caution, it is found that authorities even after knowing female technical knowledge and potential, mostly places them in headquarters and try to involve them in desk job, rather than interior field locations to avoid any unacceptable conduct. The remoteness and relative isolation of mining sites make women more vulnerable to such violence. Women working in mines consistently report unwelcome physical, verbal and non-verbal behavior that affects their chances of success and advancement in the workplace (Botha, 2016).

Conclusion

In conclusion, this paper draws on modern concepts of the feminism as a movement of change that break caste, gender and other hierarchies to reduce social inequalities. These concept challenges traditional patriarchal industrial (mining) conceptions with masculine traits such as dominance, aggression and discipline. It opens up the space to reimagine modern ideas of feminist leadership in the new millennium as feminist leadership is non-hierarchical, relational, inclusive, and embraces emotionality, care, collaboration, and respect as the essential core principles.

The purpose of understanding extractive industries from a feminist critical lens, drawing on challenges associated with females at actual workplaces. The purpose is the greater good of society in seeking to end oppression, domination, injustices, and inequalities based on gender and alike. In practice, there are several challenges to the females in mining industries such as social, environmental, societal, institutional, etc. identified using a methodological approach. Despite these challenges, I argue that feminist leadership offers a significant alternative to traditional hypermasculine notions of leadership that promises to be more inclusive, participatory and transformative change. Extractive industry stands and shines on the strong shoulders of coal miners and "miner" were never a gendered term. But while evolving, the role of women, the better halves in the field of mining has gone unrecorded, under-

valued and denigrated for a long time by government, policy formulators and society. In the new era, where India needs an evolving and growth oriented mineral mining plan, increasing women participation by providing ample support at various dimensions can foster systematic and sustainable growth in the economy. I aim to present feminism as an inherent part of Modernity and demonstrate and make visible a philosophical continuity of thought. I have tried to illustrate that feminism is a modern practice of thought in its own right. Seeing feminism as a larger enterprise, and not small isolated attempts here and there by daring and exceptional individuals, will give us a more coherent understanding of how different developments that has taken place.

References

Alway, S. E., Grumbt, W. H., Gonyea, W. J., & Stray-Gundersen, J. (1989). Contrasts in muscle and myofibers of elite male and female bodybuilders. *Journal of Applied Physiology, 67*(1), 24-31.

Appel, M. (2009). *Minister concerned at mine safety report findings*. Retrieved July 16, 2021 from www.buanews.gov.za/-rss/09/09020216151001

Bose, S. (2004). Positioning women within the environmental justice framework: A case from the mining sector. *Gender, Technology and Development, 8*(3), 407-412.

Botha, D. (2016). Women in mining still exploited and sexually harassed. *SA Journal of Human Resource Management, 14*(1), 1-12.

Corral-Verdugo, V., Pato, C., & Torres-Soto, N. (2021). Testing a tridimensional model of sustainable behavior: Self-care, caring for others, and caring for the planet. *Environment, Development and Sustainability, 23*(9), 12867-12882.

De Klerk, I., Botha, C. J., & Botha, D. (2015). The perception on women working in core mining environment. *Journal of Economics, Delhi, 6*(2), 200-211. http://hdl.handle.net/10394/20504

Frey, R., & Bellotti, C. (1995). Pro-feminist educational programs run by men for male offenders: Is it wise? Is it possible? In D. Chappell and S. J. Egger (Eds.), *Australian violence: Contemporary perspective* (pp. 139-153). Canberra: Australian Institute of Criminology

Garner, J. D. (1999). Feminism and feminist gerontology. *Journal of Women & Aging, 11*(2-3), 3-12.

Ghose, A. K. (2003, August). Why Longwall in India has not succeeded as in other developing countries like China. *Institute of Engineers (I) Journal - MN, 84,* 1-4.

Gregoratti, C. (2018). Feminist perspectives on the UN women's empowerment principles. In *Handbook on the international political economy of gender* (pp. 211-224). Edward Elgar Publishing.

Guha, B. P. (1996). Voluntary retirement schemes in Indian industries. *Indian Journal of Industrial Relations, 31*(3), 378-391.

Hacker, J. D., Hilde, L., & Jones, J. H. (2010). The effect of the Civil War on southern marriage patterns. *The Journal of Southern History, 76*(1), 39.

Hansen, J. T. (2009). Self-awareness revisited: Reconsidering a core value of the counseling profession. *Journal of Counseling & Development, 87*(2), 186-193. https://doi.org/10.1002/j.1556-6678.-2009.tb00566.x

Hinde, J. R. (1997). "STOUT LADIES AND AMAZONS": Women in the British Columbia coal-mining community of Ladysmith, 1912-14. *BC Studies: The British Columbian Quarterly, 114,* 33-57.

Hooks, B. (2000). *Feminist theory: From margin to center*. Pluto Press.

Janssen, I., Heymsfield, S. B., Wang, Z., & Ross, R. (2000). Skeletal muscle mass and distribution in 468 men and women aged 18–88 yr. *Journal of Applied Physiology, 89*(1), https://doi.org/10.1152/-jappl.2000.89.1.81

Kleinberg, S. J. (1976). Woman's work. "The housewife, past and present" by Ann Oakley (Book Review). *Journal of Social History, 10*(1), 99.

Lahiri-Dutt, K. (2020). The act that shaped the gender of industrial mining: Unintended impacts of the British mines act of 1842 on women's status in the industry. *The Extractive Industries and Society,*

7(2), 389-397. https://doi.org/10.1016/-j.exis.2019.02.011

Laite, J. A. (2009). Historical perspectives on industrial development, mining and prostitution. *The Historical Journal, 52*(3), 739-761. https://doi.org/10.1017-/S0018246X09990100

Ministry of Labour Notifies Rules To Allow Employment of Women in Mines. (2019). https://pib.gov.in/newsite/Print Release.aspx?relid=187977

Norwood, G. (2013). *Promoting self care and well-being among feminist activists and women's rights defenders: Reflections from Burma and Palestine.* Santa Fe, NM: Upaya Zen Center. https://womenforpeaceandjustice.org/wp-content/uploads/2015/11/NorwoodPromotingSelfCare-11.pdf

O'Faircheallaigh, C. (2013). Extractive industries and Indigenous peoples: a changing dynamic? *Journal of Rural Studies, 30*, 20-30.

Sengupta, D. (2014, March 29). Coal India's "voluntary retirement scheme" for women becomes a reality but miniscule number will benefit. *The Economic Times.* Retrieved July 20, 2022, from https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/-coal-indias-voluntary-retirement-scheme-for-women-becomes-a-reality-but-miniscule-number-will-benefit/articleshow/32867866.cms

Venkata Ratnam, C.S., & Jain, H.C. (2002). Women in trade unions in India. *International Journal of Manpower, 23*(3), 277-292.

THE EVOLUTIONARY MECHANISMS FOR TOLERANCE AND SOCIAL HUMANISM DEVELOPMENT IN EDUCATION AND MEDICINE: A POST-CAPITALIST DISCOURSE

Irina UTIUZH [1] (iD) | Nataliia KOVTUN [2] (iD) | Svitlana HREBIN [3] (iD) |

Fedir VLASENKO [4] (iD) | Valeriya VOLKOVA [5] (iD)

1 Zaporizhzhia State Medical University, Department of Social Sciences, Zaporizhzhia, Ukraine
2 Zhytomyr Ivan Franko State University, Zhytomyr, Ukraine
3 Municipal Institution "Zaporizhzhia Regional Institute of Postgraduate Pedagogical Education" of the Zaporizhzhia Regional Council, Zaporizhzhia, Ukraine
4 Taras Shevchenko National University of Kyiv, Kyiv, Ukraine
5 Zaporizhzhia National University, Department of Business Communication, Zaporizhzhia, Ukraine.

* Correspondence
Irina UTIUZH, Novorosiiska st., 5, Zaporizhzhia, 69060, Ukraine
E-mail: ytyh13@ukr.net

Abstract: The article is concerned with the substantive nature of late capitalism, which determines all spheres of social existence. It is clarified that neoliberal ideology forms a special type of socio-cultural relations, in which the politics' technocratic nature disregards humanitarian and cultural aspects and doubts the very existence of the social. Under the circumstances of IT intensified development and real crisis of capitalism, the fundamental process of human-human interaction is ignored, consequently resulting in the loss of the human's fundamental feature, that is, his sociality. Socio-philosophical research in modern realities is assigned to actualize the issues of spiritual production related to preservation of the social as the ontological essence of society existence in the future. Therefore, our paper aims to analyze the socio-productive function of education and medicine in the formation of a humanitarian and anthropological model of preserving social partnership and tolerance in modern society as opposed to the disappointing and disturbing experience of chronic social pathologies, medicalization and formation of the "remission society" model within the framework of capitalism.

The formation of a humanitarian and anthropological model of preserving the social consists in actualizing the evolutionary mechanisms for social humanism, which is the basic characteristic of the post-capitalist reality.

Keywords: post-capitalism, humanitarian and anthropological model, education, medicine, sociality, social partnership, tolerance, academic migration.

Introduction

A deep crisis of capitalism, which is exhausting the resources for development on a global scale and accumulating internal contradictions, as well as numerous social, economic, and technological trends that indicate the emergence of fundamentally new social relations have actualized the re-

searches of post-capitalism and made this issue even more relevant and significant in view of modern conditions.

Many theorists, ideologists and public figures of our time are serious about a decline of capitalism and prospects of transition to a post-capitalist society. Among them, special attention should be paid to the researches by Paul Mason (2015), Nick Srnicek and Alex Williams (2016), Jodi Dean (2017), Fredric Jameson (2008), Olena Obukhivska (2004), Enzo Rullani (2007), André Gorz (2010), Guy Standing (2016), Slavoj Žižek (1992, 2009), Gilles Deleuze (1990). Not only do the works of these scholars present a real renaissance of Marxism, thus activating the political struggle against the "left-wing trend", but they also predict the emergence of a new society "without labor" with the prospects of "technological prosperity" and liberation of people from forced work, which will allow them to get engaged in free, creative activities. In their opinion, this trend can consequently result in the formation of cognitive, communicative capitalism or another more human type of reality, which is often positioned as post-capitalism. There are quite a lot of similar scenarios for the development of new social relations in the modern intellectual discourse.

In this regard, there arises a natural question of whether late capitalism is able to preserve social partnership, tolerance and sociality in general or the singular processes in capitalist society are already irreversible. Moreover, it is especially important to dwell upon this issue when the unprecedented war was unleashed on the territory of Ukraine, with the mechanism of "crude violence" launched, which returns humanity to an "animal kingdom" where the principles of force are more important than the principles of law (in his letter to Einstein, Freud (1993) emphasized on this issue responding to the question "Is there any way of delivering mankind from the menace of war?" (p. 4)).

Returning to our research topic, we cannot but recall the achievements of Wolfgang Streeck, who argued that since the 1970s, late capitalism has been characterized by an increase in the long-standing fundamental contradictions between capitalism and democracy. Giving our point of view, we would also add sociality, which was embodied in a kind of "gradual process that broke up the forced marriage arranged between the two after the Second World War" (Streeck, 2014, p. 19), in which the formation of the social and the legal advanced successfully over several decades and led to an increase in the vital activity of the entire Western European space, with the countries of the post-Soviet space quite actively 'fitting' into it. But, depending on how "the legitimation problems of democratic capitalism turned into accumulation problems, their solution called for a progressive emancipation of the capitalist economy from democratic intervention" (Streeck, 2014, p. 19).

Thus, the mass foothold for modern capitalism has shifted from the sphere of politics to the market, which represents the mechanism of dominance in Western society of "greed and fear", in the context of increasing separation of economy from mass democracy. Streeck describes this development as "the transformation of the Keynesian political-economic institutional system of postwar capitalism into a neo-Hayekian economic regime" (Streeck, 2014, p. 19).

The represented substantive nature of late capitalism constitutes and determines all the spheres of social existence in full accordance with its logic, the logic of capital. As shown by the reality, the progressive nature of capitalism (constant expansion and accumulation) has exhausted itself. At the same time, not all players in the geopolitical reality can claim for adequate harmonious development of the social, the economic, and the technological. The modern world is strictly hierarchized, and the ontology of increased poverty leads to total instability, geopolitical reformatting and spiritual catastrophe.

In the modern world, neoliberal ideology establishes a special type of socio-cultural relations, in which the technocratic nature of politics completely ignores humanitarian and cultural aspects and calls into question the very existence of the social. The active development of the Information Technology contemporaneity and real crisis of capitalism do not reckon with the fundamental process of human-human interaction, which leads to the loss of the human's fundamental feature, that is, his sociality. All these have resulted in a range of negative social outcomes, which are accompanied by intensification of migration processes. Their intensity, conditionality, scale and geo-economic consequences present a serious challenge for countries all over the world, posing threats to national security. For

Ukraine of today, the problem of adopting effective measures to prevent and counteract the negative results of academic migration also remains unresolved, given its prerequisites, internal and external factors, and consequences, especially the impact of the war unleashed by Russia against the Ukrainian people. According to various estimates, more than 9 million people have already emigrated from Ukraine since February 2022, among whom a significant share is made of professors and scientists.

Therefore, the task of socio-philosophical research in modern realities is to actualize the problems of spiritual production associated with the preservation of the social as an ontological essence of the future society existence. And, of course, a huge responsibility in the process of preserving the social shall be assigned to the system of education and medicine as the institutional and social spheres fighting for the preservation of *the human*.

Therefore, *the aim of our paper* is to analyze the socio-productive function of education and medicine in the formation of a humanitarian and anthropological model of preserving social partnership and tolerance in modern society as opposed to the disappointing and disturbing experience of chronic social pathologies, medicalization and formation of the "remission society" model within the framework of capitalism. The formation of a humanitarian and anthropological model of preserving the social involves actualization of the evolutionary mechanisms for social humanism, which is a basic characteristic of the future post-capitalist reality. The core of modern socio-humanitarian state is man, his harmonious development, which includes an increase in the integral complex of human capital components: vital, intellectual and spiritual. In the post-capitalist reality, the economy should cease to be the goal; it should become a means of harmonious human development.

Education as a Mechanism for Shaping a Humanitarian and Anthropological Model of the Social

At any time and in any space, the existence of man does not occur automatically, in a given mode once and for all. Living in the original mode means to constantly behave in a human manner, in the mode with such human phenomena as good, love, honor, reason. All of them only come into being on the basis of continuous human effort. In case such specific effort disappears, the human in man dissolves as well. It is the concern for preserving the human that represents the universal mechanism for changing human capabilities. This concern is shaped by institutional areas such as medicine and education, which are always culturally determined and socially significant.

However, the reality of the modern man existence contains some obvious signs of blurring the contours of human existence, its dehumanization and depersonalization, transformation into a commodity within the space of a mass consumption society. Using the term *nothingness* as a feature of the current situation, George Ritzer (2010) points out that the existence of modern society embodies "(largely) empty forms relatively devoid of distinctive content" (p. 574) of the social, which leads to the threat of destructing the human. At all times, living in the original mode meant showing courage: constantly overcoming the animality in oneself, "staying awake", being responsible for life in this world and trying not to depersonalize oneself. It is this context, in which Nietzsche (2002) presents his philosophy of the human spirit, not the history of the masses.

According to Ritzer (2010), this process often occurs "dramatically". In this connection, we would like to draw a particular attention to the dynamic and contradictory consequences of globalization, alleged nothingness of the social and cultural life of peoples, especially of those countries (nations), which do not belong to the core countries of the world system.

In the plane of social life organization, globalization resulted in a *mass society* with its trivial values of consumption and pleasure almost all over the globe. The capitalist economy is not only based on these principles, it needs to constantly reproduce them, dragging more and more people into the "consumer swamp" and "credit slavery".

A vivid example of the capitalist principles penetration into the spheres uncharacteristic of them is the inspiration in medicine and education of the elements of glam culture as the main marketing principle of the modern capitalist system and the total *McDonalization* of the immanent

space of medicine and education. In this aspect, neither medicine nor education can be considered as systems of human and social capital. These spheres are losing their civilizational role as a mechanism for preserving and reviving the human, socially determined space, with preservation of health, healthcare, and education becoming increasingly dependent on the principle of economic centrism and business expediency. And, as Semyon Frank (1989) rightly noted, the so-called cultured man suddenly appears to be a delusive phantom. In such a reality, man can be found to be an unheard-of cruel, morally blind savage, whose culture is only manifested in one thing – refining and improving the means of torturing and killing the others.

However, this is not the scenario for the "cultured man" future; the portrait of a "delusive phantom" has already been painted and exists. This is what is proved by the mass practices of dehumanization of man and "commercialization of everything related to man" – the catastrophe has already struck the modern social reality.

Consequently, humanitarization of modern education is a necessity, the primary basis for harmonious civilizational development of mankind. Education and science represent the core and the most important resource for a qualitatively new stage in the development of civilization based on high-tech technologies (bio-, nano-, info-, electrochemistry, etc.). The process of humanitarian construction of the image of the mankind's future sets the meaning of the society development with the leading role of man as a creator with adequate moral beliefs, value orientations, and creative abilities.

Focusing on the analysis of the objective reality formation of the post-capitalist future, which attends the content goals of modern university education and training in general, we should note that intellectual work and intellectual product in the form of knowledge cannot be accurately measured empirically and evaluated objectively, since the outcomes may only become evident in decades. The characteristics related to creativity, communication skills and self-organization skills of specialists are of particular importance in manufacturing an intangible intellectual product. First and foremost, these are flexible, soft skills of specialists, which are also essential constituents of professional competencies. These skills acquire a special value in the knowledge society,

actively integrating into the universal global processes of production and consumption, whereas being impossible to assess in an objective quantitative manner.

In this regard, the words by Victor Frankl about education in the modern world as a key institution for improving human capacities, within which man is given a possibility to find unique meanings, seem to be of utmost importance. Frankl (2014) argues that "…today education cannot afford to proceed along the lines of tradition, but must elicit the ability to make independent and authentic decisions" (p. 53). Consequently, the demand for creativity and ability to substantiate qualitatively new knowledge will only increase in university education. Therefore, a significant number of experts consider the need to enhance the role of socio-humanitarian knowledge in the higher education system to be obvious. In the discussions about the role of education in the modern world, we mainly address, as Jacque Fresco (2002) rightly notes, the development of critical, creative thinking, a semantic sphere of the individual as well as "straightforward redesign", formation of a prosperity society – the one without "the age-old problems of war, poverty, hunger, debt, and unnecessary suffering" (p. 8).

In addition to humanization, the digitalization and technologization of university as an educational platform and extensive system of expert knowledge is a necessary process that can control the level of services and knowledge provided as well as ensure certain guarantees. At the same time, according to Yann Moulier-Boutang (2011), knowledge acquisition and scientific research in the university structure are combined and transformed into the leading force of the production process, receiving the name of "knowledge-based economy", that is, an economy grounded on knowledge (p. 51). It is difficult not to agree with another statement of Moulier-Boutang that the economy of knowledge, innovation is always a collective product and project, a public good, so the new education paradigm has resulted from joint activities of people on social networks (Moulier-Boutang, 2011, p. 51). Thus, the establishment of modern humanization-oriented and effective university education should be based on information capabilities of the Internet to present and realize itself.

It is for this purpose that Taras Shevchenko

National University of Kyiv, Zaporizhzhia State Medical University, Ivan Franko Zhytomyr State University, Zaporizhzhia National University, and the Institute of Postgraduate Pedagogical Education as well as a range of other institutions of higher education have developed a holistic system of both training students in their professional activities and preparing them for adaptation to the changing social environment of the post-industrial era. Socio-humanitarian sciences, primarily philosophical disciplines, are considered to be the "methodological regulator" of social development. This regulator is presented by philosophical culture of individual, which is shaped and developed through analytics, criticism of knowledge, ideals, values, and norms of the culture of thinking in the day-to-day being of a student. The preservation of socio-humanitarian and philosophical disciplines in the educational discourse enables systematic shaping the man's worldview as an ontological factor to guide human existence.

Not only has modern education acquired a significant number of the latest technological tools, which the student should learn to use in the optimal manner, the education is also becoming an important political, social and therapeutic technology itself. Therefore, teachers of socio-humanitarian and philosophical disciplines should take into account the need to use the latest technologies in order to avoid the disaster of global dehumanization. If socio-humanitarian disciplines get a chance for further development, provided that depersonalized technologies are used, they should be applied, at least, in order to turn students from passive observers and researchers into active creators of a new reality, in which Man will take the leading place.

The project for active development and implementation of philosophical and socio-humanitarian knowledge and, consequently, a new, more humane reality design is so relevant that it enables providing philosophy with a new innovative status, saving it from vain metaphysics and retransmission of outdated or extremely subjective politicized views. It will also enable intensifying the introduction of new interdisciplinary, inter-university projects which will allow us to practically implement modern methodological meanings of socio-humanitarian disciplines. The interdisciplinary project "Philosophy of Medicine" can be taken as an example to represent the synthesis of philosophical and medical integral knowledge.

The vision of humanitarian education contributes to the expansion of man's horizons, increase in the level of intelligence, spirituality, critical and creative thinking. The relevance of the development of the interdisciplinary project "Philosophy of Medicine", which is being implemented in the inter-university space of Ukraine, is caused by the non-compliance of the existing disciplines to the demands of man and society, to the needs and modern innovative achievements, social prestige of education and intellectual activity. It is within the framework of sciences about man and for man, where new scientific technologies and discoveries can be applied. Accordingly, it is medicine, in which the role of the socio-humanitarian and philosophical component is quite significant (Utiuzh & Spytsia, 2020).

For instance, the social consequences of digitalization in medicine involve the change in the structure of the labor market of medical staff, primarily related to maintenance of the latest information platforms, which use the processing of Big Data. Telemedicine is already being actively implemented, and the practitioner's workplace is turning into an electronic one. Therefore, understanding social changes in the healthcare system allows us to preserve and improve the main segment of medicine – doctor-patient relationship.

In the context of digitalization and Internetization, the excessive bureaucratization, which regulates the activities of specialists in the field of education and medicine, produces impersonality, dehumanization, and indifference. The very phenomenon of life under the influence of narrow-mindedness and bureaucratization is viewed as a "conveyor belt", which should only increase the efficiency of the medical education structure functioning. At the same time, active use in the medical field of test tasks only results in destruction of mental activity, especially critical one. Unfortunately, as far as modern medicine is concerned, the protocol only regulates the work of a "mass doctor", whereas personalized medicine focused on treatment of a particular person is not even discussed.

Such trends in medical education resemble the universal technology of *McDonalization of Social Spheres*. In the understanding of Ritzer (2010), the phenomenon of McDonalization is

not just the process of spreading fast food restaurants of McDonald's chain around the world, but, first of all, transforming the functional principles of this restaurant business into the basic principles of organizing the entire modern social life. These principles are based on the idea of searching for the most rational goals to achieve results, enabling Ritzer to describe the growth of formal rationality as a process of McDonalization of various spheres of social being, in particular the development of the healthcare sphere.

Problems of Transformation of the Modern Medical System: Dehumanization and Medicalization

The circumstances stated above necessarily affect the qualitative transformation of the healthcare system, and consequently, the concept of dehumanization has quickly penetrated into scientific discourse, in particular, in philosophical and socio-humanitarian sciences. In the process of defining the concept of dehumanization of man, we should address a whole range of socio-technological issues related both to the field of medicine and being of man in the modern world in general.

Recently, the Australian researchers Nick Haslam and Steve Loughnan (2014) conducted a comprehensive study of various dehumanization and infrahumanization theories, identifying a wide range of ways to conceptualize and demonstrate the perception of lesser humanness of some people towards others. In their paper, Haslam and Loughnan examined the goals, objectives, targets, motivations, and consequences of dehumanization. The problem of possible reduction of dehumanization was given special attention. Among various manifestations of dehumanization in society, the researchers focused on dehumanization of patients by exhausted doctors, viewing them as inert bodies. According to Haslam and Loughnan, patients feel that such a depersonalized approach in healthcare deprives them of their individuality.

As well, the researchers drew attention to the fact that dehumanization occurs not only in "killing fields and torture chambers". In their opinion, it was the theory of infrahumanization that became a major theoretical advance, as within its framework it was proved that dehumanization of man can also occur in quite ordinary situations, e.g. in the interaction between patient and doctor (Haslam & Loughnan, 2014).

Combining different forms of dehumanization, Haslam and Loughnan (2014) identified some essential features of dehumanization: the tendency of some people to perceive others based on hostile and disagreeable characteristics, emotional aversion to unfamiliar persons, a belief in human supremacy over animals, social disconnection and deficient empathy, given the link to autistic traits (p. 411). As far as dehumanization at the patient-doctor level is concerned, its key factors can be emotional aversion to unfamiliar persons and deficient empathy of the doctor. However, we should remember that exhaustion of the doctor, his/her emotional burnout and prolonged stressful situations can also play a significant role in the processes of the patient's dehumanization.

In the context of studying the elements of dehumanizing attitude towards patients in the situation of the medical space technologization, the study of an international group of scientists led by Eva Diniz and Paula Castro, dedicated to elucidating the role of class affiliation in the process of dehumanization of pain perception, is of particular interest. The researchers concluded that given the lack of research on the class-based dehumanization in health, it can be concluded that people of lower socio-economic status (SES) tend to be more dehumanized in healthcare. These conclusions were made by scientists based on the analysis of the process and results of treatment by nurses of lower SES patients, during which such patients were given different recommendations regarding the process and prospects of treatment compared to higher SES patients. The reasons for this difference were the dehumanizing conclusions made by nurses about the pain manifestations of patients depending on their different socio-economic status. Female patients of average SES were perceived by nurses as unique sociable autonomous individuals who had positive prospects for the course of the disease and could independently manage pain in a competent manner. In contrast, female patients of lower SES were considered by nurses as able-bodied and those who had less positive prospects for the course of the disease (Diniz et al., 2020).

According to the Polish researcher Alicja Głębocka, another aspect of dehumanizing per-

ception of patients in modern society is the impact of stressful situations on the activities of medical staff. The author defines dehumanization as "aggressive behaviors which offend people's dignity" (Głębocka, 2019, p. 97), points out that dehumanization processes affect the interaction between medical professionals and patients, patients' well-being, and their capability of following medical recommendations. Głębocka (2019) argues that attributive signs of dehumanization involve infrahumanization as a process of dehumanizing, perceiving patients as nonhuman beings, compassion fatigue, and stress. Thus, the researcher concludes that exposure to stress of healthcare professionals has the greatest impact on their cognitive assessments of patients, causing dehumanization of their image. These research results enabled the conclusion that reducing the level of stressful situations in the activities of medical staff is the basis for reducing dehumanizing practices in the medical field.

Another research conducted in 2017 by a group of scholars headed by Dimitra Lekka analyzed the processes of dehumanization and self-dehumanization of patients with psychosis and organic diseases based on the sample of patients from Athens. According to the research results, the patients hospitalized with psychosis disorders and organic diseases did not perform mechanistic and animalistic dehumanization of themselves. Still, the research found that states of anxiety and obsession contributed positively to their mechanistic dehumanization and affected negatively the processes of their mechanistic self-dehumanization. It was proved that the level of the patients' mechanistic dehumanization is affected by the level of stress and obsession. Thus, the researchers conclude that these processes should be taken into account while training medical specialists so that they can level dehumanization and self-dehumanization the patients resort to as a defense reaction to the stress of hospitalization (Lekka et al., 2022).

In the study conducted by Monica Kwande, Sanne Angel and Anne Nielsen, the processes of dehumanizing patients in intensive care units are associated with experiences of discomfort, loss of control, and surreal experiences. On the basis of the results analysis of multiple researches from Spain and Brazil, the scholars conclude that the processes of patients' dehumanization in intensive care can be overcome through a holistic approach with a greater emphasis on individual patients, their relatives and social context (Kvande et al., 2022). These positive practices should lay the basis for humanization of intensive care, primarily as regards the attitude of nurses and other medical professionals to patients.

In general, we understand dehumanization in medicine as a large-scale and steady process of blurring the system of traditional humanistic values of medical activities, which are reduced to the departure of doctors and medical institutions from the established norms of morality. Simultaneously, professional values are reassessed, with deviations from the principles of honor, duty and accountability to one's conscience for oneself and others. All these occur under the influence of further technologization, digitalization, and robotization of medical practices.

Alongside with these processes, the paternal relationships in medicine are undergoing a qualitative change. In the system of doctor-patient interaction, the autonomy of patients, who form "self-care" using all the information available, is beginning to come first. Therefore, it is clear that the professional worldview of future medical workers should change towards establishing partnership relations between doctor and patient.

The importance of partnership relations in the patient-doctor interaction is proved by the results of the National Survey *Health Index Ukraine – 2019*. According to it, in terms of evaluating the quality of outpatient care, treatment efficacy naturally remains the most important aspect for Ukrainians, as stated by 78.6% of respondents. Number two is the opportunity to undergo free-of-charge diagnostic work-up, lab tests and treatments (46.3%). However, the third and fourth place were taken by the criteria related to partnership at the doctor-patient level: clarity of doctors' explanations to patients (23.3 %) and doctors' manners in communicating with patients (22.3%) (Barska, 2020, p. 40).

However, according to the statistics, the healthcare system of Ukraine is not changing actively. In Ukraine, the lack of opportunities for the transition to partnership relations at the patient-doctor level can be explained by a significant distrust of the state healthcare system. Thus, according to the results of the National Survey Health Index Ukraine – 2019, the main barriers for Ukrainians to getting medical care were as

follows: the tendency to self-medicate, since they knew their symptoms as they already had experience treating them before (47.7% of respondents); 29.3% of the surveyed hoped that their disease will subside on its own; 18.0% were stopped by long waiting lines, and 17.7% were limited by expected high treatment cost. However, 17.5% did not seek care because of lack of trust towards healthcare workers (Barska, 2020, p. 27).

Lack of trust towards the healthcare system has resulted in the fact that modern, progressive methods of maintaining health focused on establishing a healthy lifestyle rather than treating diseases are not implemented both by healthcare institutions and the majority of patients. In most countries of the world, healthcare institutions are not interested in healthy people. This is despite the fact that the new European philosophy, Philosophy of Enlightenment, contributed to the shaping of a humane attitude towards man, taking care of his interests and needs. In this paradigm, health rather than disease was chosen as the starting point.

However, in a vast majority of countries all over the world there is another path dominating in modern medicine – focusing on treatment of diseases of the bodily origin. Consequently, pathocentrism is still reigning over healthcare. The "cult of disease" affects adversely the formation of medical professionals, giving a one-sided idea of the relationship between the disease and the patient's lifestyle. In modern medical practice, when training doctors, the main focus is on the etiology, pathogenesis and diagnosis of various painful conditions of the body. This approach of modern medical education inevitably shifts the emphasis from the paradigm of "treat the patient" to the false paradigm of "treat the disease".

The next aspect, which represents dehumanization of the treatment process in modern medicine, is associated with the accelerated development of scientific and technological progress and technological innovations in the field of preserving human health. It is dehumanization of medicine which is brought into correlation with "super-specialization" of medical knowledge, instrumentalism that replaces clinical thinking, depersonalization in the doctor-patient relationship, psychosomatic dualism, and standardization of somatic, physiological and mental parameters in clinical discourse.

There is no doubt that the innovative methods of diagnosis and treatment help doctors in clinical practice. However, there is one detail we cannot but stress on, that is the loss of the art of communicating with patients, since at a certain stage, modern technologies have allowed doctors to distance themselves from the patient's personality, which is "replaced" by a cardiogram, tomography image, and test results.

Conclusion

In the context of innovative and technological growth we have seen in recent decades, humanization and humanitarization of the educational environment in general and medical education in particular is of a paramount importance. At the same time, in educational and medical activities, there is an urgent need for educating and forming scientists who are able to think critically, take non-standard and creative approaches to solving tasks, and create something qualitatively new. The transformation of the medical education sphere lies in the paradigm of the need for cognitive communicative capitalism, post-capitalism, as a more humane type of reality, with the principle of universal care for preservation of human health being its key mechanism.

The introduction of utilitarian practices in medicine and medical education, focus on technology and business expediency have resulted in the dehumanization of patient and are adversely affecting the relationship between doctor and patient. Consequently, more and more people believe that doctors are cynical, indifferent people who disregard the patient while performing their professional duties.

The socio-philosophical understanding of education and modern science, in particular medicine, contrasts with the economic dimension image of the scientific and technological progress, in which fundamental knowledge is devalued, and the role of the instrumental product of science, only considered as a commodity, is absolutized. Therefore, there arises the need to maintain the humanitarian plane of scientific knowledge and social practices. For instance, such a phenomenon as academic migration is a complex process of personal and professional development, in which the individual is constantly faced

with the challenges of coping with dynamic life situations, thus actualizing a wide range of specific skills, namely: a capability of intercultural communication, ability to think in terms of tolerance, distancing himself/herself from any manifestation of discrimination as well as capability of self-reflection, existential openness, etc. Currently, the increased migration of Ukrainians abroad, mainly caused by the adverse trends in the national socio-economic sphere development as a result of the war, has become a challenge to the security of the state, which is losing human capital at enormous rates. Intellectual migration processes are particularly threatening. Without a proper level of intellectual resources, no country has a chance to implement successful modernization, thus approaching the pace of development of the world's leading countries. In order to successfully overcome the negative consequences of the processes of "loss" of sociality in modern society and with a view of preserving and developing intellectual capital in Ukraine, a system of effective measures should be elaborated and implemented. Humanization of education and medicine is among them, accompanied by reducing various forms of dehumanization. In particular, dehumanization of medicine is understood as a large-scale and steady process of blurring the system of traditional humanistic values of medical activities, departure of doctors and medical institutions from the established norms of morality, deviations from the principles of honor, duty and responsibility. The processes of dehumanization in the doctor-patient relationship can be seen in perceiving others based on hostile and disagreeable characteristics, emotional aversion to unfamiliar persons, deficient empathy of medical workers, their exhaustion and emotional burnout, prolonged stressful situations, etc. Also, dehumanization of medicine is correlated with "super-specialization" of medical knowledge, instrumentalism that replaces clinical thinking, depersonification of the doctor-patient relationship, psychosomatic dualism, and standardization of somatic, physiological and mental parameters in clinical discourse.

The humanization of medical education should go along with shaping the need to convince medical workers to depart from focusing on the etiology, pathogenesis and diagnosis of various painful conditions of the body, which further results in shifting the emphasis from "treating the patient" to the false paradigm of "treating the disease". The introduction of humanization elements in medical education should take place through actualization of the knowledge economy as a collective product and project, which results from joint purposeful activities of people. In addition, digitalization and Internetization of both medical professionals' work and education should be realized primarily through the introduction of Big Data processing technologies and spread of telemedicine.

In order to eliminate the practices of patients' dehumanization in the medical field, the actualization of the social and cognitive function of philosophy as a humanitarian discipline can represent an important mechanism, which shall contribute to formation of humaneness and, in a broad sense, of spirituality both at the individual and social levels of existence. In this regard, the introduction of a new humanitarian discipline, Philosophy of Medicine, and other interdisciplinary or transdisciplinary projects is in great demand in medical education. It is specialists in Philosophy of Medicine who are able to develop and implement a synthetic methodology, creating inter-, trans-, meta-paradigm disciplinarity, with creative and critical thinking along with the capability of departing from clichés and standard constructs of science being key competences of these professionals. It is them who should contribute to the correction and rational design of new humanitarian and anthropological technologies in the medical field, thus shaping the socio-humanitarian space of the future.

References

Barska, Yu., Zakhozha, V., Sakhno, Yu., Semyhina, T., Stepurko, T., & Kharchenko, N. (2020). *Indeks zdorovia. Ukraina – 2019: Rezultaty zahalnonatsionalnoho doslidzhennia* (Health index. Ukraine – 2019: The results of the national survey, in Ukrainian). Retrieved February 19, 2023, from http://health-index.com.ua/HI_Report_2019_Preview.pdf

Dean, J. (2017). Communicative capitalism: From dissent to division. *Communications. Media. Design, 2*(3), 152-165. Retrieved November 28, 2022, from

https://cmd-journal.hse.ru/article/view/-7205/81059

Deleuze, G. (1990). *The logic of sense.* London: The Athlone Press. Retrieved February 19, 2023, from http://www.elimeyer-hoff.com/books/Deleuze/Deleuze%20-%20Logic%20of%20sense.pdf

Diniz, E., Castro, P., Bousfield, A., & Bernardes, S. (2020). Classism and dehumanization in chronic pain: a qualitative study of nurses' inferences about women of different socio-economic status. *British Journal of Health Psychology, 25*(1), 152-170. doi: 10.1111/bjhp.12399

Frank, S. (1989). *Light shineth in darkness: An essay in Christian ethics and social philosophy* (1st ed.). Athens: Ohio University Press.

Frankl, V. (2014). *The will to meaning: Foundations and applications of logotherapy* (exp. ed.). New York: Plume.

Fresco, J. (2002). *The best that money can't buy: Beyond politics, poverty, & war.* Venus, FL: Global Cyber-Visions.

Freud, S. (1993). Why war? *The UNESCO Courier: A Window Open on the World, XLVI*(4), 4-7. Retrieved January 3, 2023, from https://unesdoc.unesco.org/-ark:/48223/pf0000093670

Głębocka, A. (2019). Stress and dehumanizing behaviors of medical staff toward patients. In M. Pokorski (Ed.), *Advances in Medicine and Medical Research. Advances in Experimental Medicine and Biology, 1133* (pp. 97-104). Springer, Cham. https://doi.org/10.1007/55-84_2018_308

Gorz, A. (2010). *The immaterial: Knowledge, value and capital.* London, New York: Seagull Books.

Haslam, N., & Loughnan, S. (2014). Dehumanization and infrahumanization. *Annual Review of Psychology, 65,* 399-423. doi: 10.1146/annurev-psych-010213-115045

Jameson, F. (2008). *Postmodernizm, abo lohika kultury piznoho kapitalizmu* (Postmodernism, or the cultural logic of late capitalism, in Ukrainian). Kyiv: Kurs.

Kvande, M., Angel, S., & Nielsen, A. (2022). Humanizing intensive care: A scoping review (Human IC). *Nursing Ethics, 29*(2), 498-510. doi: 10.1177/096973-30211050998

Lekka, D., Richardson, C., Madoglou, A., Orlandou, K., Arachoviti, V., Karamanoli, V., Roubi, A., Togas, C., Tsaraklis, A., & Stalikas, A. (2022, January 20). Study of the association of insecure attachment with the dehumanization and self-dehumanization of patients hospitalized with psychotic disorder and organic disease. *Cureus, 14*(1). doi: 10.7759/cureus.21445

Mason, P. (2015). *Postcapitalism: A guide to our future.* London: Penguin Books Ltd.

Moulier Boutang, Y. (2011). *Cognitive capitalism.* Cambridge: Polity Press.

Nietzsche, F. (2002). *Beyond good and evil: Prelude to a philosophy of the future.* New York: Cambridge University Press. Retrieved January 25, 2023, from https://www.holybooks.com/wp-content/uploads/Nietzsche-Beyond-Good-and-Evil.pdf

Obukhivska, O. (2004). *Kontsept postkapitalistychnoho suspilstva v suchasnii sotsialnii filosofii* (The concept of the post-capitalist society in the modern social philosophy, in Ukrainian). *Magisterium, 13,* 21-26.

Ritzer, G. (2010). *Sociological theory* (8th ed.). New York: McGraw-Hill. Retrieved February 19, 2023, from https://archive.org/details/SociologicalTheory8thEditionGeorgeRitzerUploadedByUniversityOfSargodha..TaimoorAli/page-/n3/mode/2up?view=theater

Rullani, E. (2007). Cognitive capitalism: Deja vu? *Logos, 4*(61), 64-69.

Srnicek, N., & Williams, A. (2016). *Inventing the future: Postcapitalism and a world without work.* London, New York: Verso.

Standing, G. (2016). *The precariat: The new dangerous class.* London: Bloomsbury Academic.

Streeck, W. (2014). *Buying time: The delayed crisis of democratic capitalism.* London, New York: Verso.

Utiuzh, I., & Spytsia, N. (2020). *Konstruktyvna storona sotsiohumanitarstyky v medychnii osviti: pohliad iz maibutnoho* (The constructive side of social human-

ism in medical education: A view from the future, in Ukrainian). In D. Moskvitina (Ed.), *Humanitarni vymiry suchasnoi medychnoi osvity* (pp. 6-15). Zaporizhzhia: ZDMU.

Žižek, S. (1992). *Looking awry: An introduction to Jacques Lacan through popular cul-* *ture*. Cambridge, Massachusetts, London, England: MIT Press.

Žižek, S. (2009). Cyberspace, or, the unbearable closure of being. In S. Žižek, *The plague of fantasies* (pp. 161-213). London, New York: Verso.

PHILOSOPHY OF EDUCATION

FICTION TEXT AS A MEANS OF FORMING LEARNERS' SOCIOCULTURAL COMPETENCE

Elen AVETISYAN [1, *] | Igor KARAPETYAN [1]

1 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia

* Correspondence
Elen AVETISYAN, 17, Tigran Mets ave. 0010, Yerevan, Armenia
E-mail: avetisyanelen@aspu.am

Abstract: Fiction texts are an effective means of systematic teaching language and culture. A fiction text, as the most effective means of developing intercultural competence, motivates, involves the reader in a kind of cognitive process, causes aesthetic pleasure, develops aesthetic taste, critical and creative thinking. Reading a fiction text enables learners to master the behavior patterns characteristic of a given ethnocultural society, sociocultural markers, sociocultural norms, traditions, and rituals.

Fiction texts as an important means of forming sociocultural competence performs functions of motivating, involving the reader in a unique cognitive process, giving aesthetic pleasure, developing aesthetic taste, critical and creative thinking.

The reading of the literary-fiction text provides an opportunity to learn the models of behavior, cultural markers, cultural norms of communicative behavior, public and individual conventions, traditions and rituals characteristic of the given ethno-cultural community.

Keywords: sociocultural realia, sociocultural marker, behavior model, sociocultural norm, cultural competence, intercultural competence, semantic-associative field, fiction text.

This article attempts to substantiate the importance of reading a literary text in the formation of the sociocultural competence of learners. The subject of study also becomes the basic units of teaching a foreign language, i.e. language, culture, communicative behavior, sociocultural realities in general, the study of which becomes possible while reading a fiction text. We reveal the difficulties that arise while reading a fiction text in the process of assimilation of cultural and other realities, sociocultural markers, behavioral patterns inherent in the particular national-cultural community.

In general, the functions of a fiction text are represented in the process of formation and development of the sociocultural competence of learners.

As we know, the purpose and objectives of learning a foreign language are constantly changing. The purpose of learning a foreign language is undergoing substantial and functional changes. Linguists, language educators, methodologists

clearly outlined the purpose and objectives of learning a foreign language in the first quarter of the last century. Even the defenders of the translation-grammatical method emphasize the importance of teaching culture. It is interesting that representatives of various methodological schools while defining the term "culture", highlighted its various discretionaries. Over the years, the term "culture" has undergone dynamic changes. Within the framework of the translation-grammatical method, culture is limited to the study of literature and works of art or fiction. Proponents of the direct method believe that culture represents traditions, customs, the behavior of native speakers, and the dynamics of relationships. Within the framework of the communicative approach, culture represents native speakers' way of life. It is clear that lifestyle is a broader, more capacious concept and includes traditions, customs, and native speakers' communicative behavior. In fact, methodologists are gradually approaching the idea of studying the communicative behavior of native speakers, which by itself includes both verbal and non-verbal means of communication. Thus, for educational purposes, a task is set to select and apply such kind of texts in the learning process that fully represent the culture of those who communicate in the language being studied. On the one hand, literary texts mainly perform this function-they represent native speakers' communicative behavior, their ideas, approaches, and biopositional solutions. On the other hand, fiction texts in time and in terms of content can be so diverse that sometimes they may not represent the biopositions of a given society, but, on the contrary, introduce countless false agendas, and speeches that are not characteristic of members of a given linguistic and cultural community.

At the present stage, scientists are trying to define not only the concept of "culture", but also the very concept of "native speaker". It is no coincidence that the concepts of "first language" and "second language" are more often used in American English. The concept of "mother tongue" is quite capacious, sometimes it is not perceived as a language, but is perceived as a direct manifestation of mentality. When assessing their language preferences, a native speaker is mostly subjective. While studying at an English-speaking school, he/she can declare that his/her native language is Armenian, although the language of

the "school" or educational process mostly becomes the first language.

In this regard, Kramsch (2003) notes that "The concept of "native speaker" has become a controversial concept for several years" (p. 210). One of the reasons is that a modern individual lives in a multilingual, multicultural society. It is no coincidence that the very scholar Kramshi suggests the concept of an "intercultural speaker", in the sense that a person lives at the intersection of different languages and cultures, and regardless of whether he/she is aware of it or not, a person is a carrier of different cultures. Music, watching movies, and fiction have been gradually losing their "national" face for a long time.

It is noteworthy that in the process of learning a foreign language, it is very difficult to separate the study of language and culture. The task is to create effective models of their interconnected learning. Moreover, it is sometimes suggested to "target" only culture and to teach language as a means of assimilation of culture. Methodologists clearly define the concepts of "cultural awareness" and "intercultural competence". Communicative language competences are those which empower a person to act using specifically linguistic means. Cultural awareness enables language users to have a clearer idea about the particular language, whereas intercultural competences help language learners to utilize and enjoy the particular language and its culture. Intercultural competences can be developed only due to the direct use of the language taught. Intercultural competence is the ability to function effectively across cultures, together with thinking and acting appropriately, and communicating and working with people from different cultural backgrounds – at home or abroad. Different phenomena are percieved differently in different cultures. While learning a foreign language and its peculiarities it is preferable to become aware of not only the language but also its culture. Intercultural competence is a valuable asset today where connections around the world have become more widespread. Intercultural competence gives a language learner the ability to become flexible and adopt an empathetic approach to people belonging to other cultures and having different backgrounds. The word "culture" refers to the respective community's ethics, beliefs, and lifestyle. Cultural awareness means to be aware of different cultures. Cultural awareness can be un-

derstood and recognised by different values, beliefs, and customs of other groups and societies. Due to cultural awareness people perform effective communication, have respect for other cultures, promote leadership, have better workplace, develop their self-awareness, suceed in globalization.

Scientists interpret these terms in a broad and narrow sense. Within the framework of this study, the question of where cultural awareness is formed comes to the fore - in a natural language environment or in educational conditions. It is obvious that through reading and analyzing a fiction text, the task is to form cultural awareness, which in terms of the content may be close to the cultural awareness of native speakers. However, the inherent possibilities of native speakers to form cultural awareness are extremely limited.

At the same time, it is necessary to emphasize the idea that a literary text has been and remains an effective means of forming and developing cultural, sociocultural, and intercultural competencies. The use of a literary text in the process of learning a second language makes it possible to look at the world from different points of view. A literary text performs primarily a cognitive function. On the other hand, each literary text represents the emotional field of characters living and acting in a certain place and at a certain time. The subjective world of literary characters cannot only fascinate and seduce the reader, but also transfer him to another reality (Hanauer, 2001). Hanaurer gives three arguments in favor of the inclusion of literary texts in the teaching process of a second language (Hanauer, 1997).

First, he lists the motivational aspects of reading literary texts that increase the personal involvement and enjoyment of learners, which leads to an increase in their motivation. The second argument presented by Hanaurer is related to the psychological concepts of reading literary texts. According to Chan (1999) and McKay (1986), literary texts facilitate the assimilation of lingual forms of the second language and also contribute to semantic-associative assimilation. All the mentioned authors emphasize the role of literature in the development of cultural awareness.

Literature, regardless of what style and genre it represents, reflects specific sociocultural relations, realities, phenomena, ideas, and dreams of people who lived and are living in that particular period. Regardless of how correctly a literary work reflects reality, it still gives a general idea of the thoughts, beliefs, prejudices, and other values of native speakers. According to Kramsch (2003), with proper analysis, it is possible to identify the codes and rules of a real society.

On the one hand, as Hanaurer points out that cultures cannot be perceived as a monolithic, integral unit (McKay, 1986). On the other hand, culture represents different personalities who differ from each other in values, beliefs, goal setting, personal qualities, and experience.

The task is to assimilate the culture of native speakers not at the level of personality, but from the point of view of different personalities. It is obvious that the literary text represents a particular culture. However, it is more correct to say that this culture is always considered in a specific social or historical context.

An important task is to organize the process of reading a literary text as a whole. It is obvious that a learner who has no experience of reading literary texts in his native language has difficulty in reading a literary text in a foreign language. Another problem is related to understanding a literary text or deciphering it. Reading is a type or manifestation of a kind of reflection. The reader must have appropriate basic or sociocultural knowledge. At the same time, reading a text in a foreign language, the reader fills step by step not only the information gap between himself and the people acting in the text but also the differences in mentality, lifestyles, biopositions between them.

In general, the process of perception of any literary text is subjective. At the same time, the reader tries to overcome the subjective perception of reality described in the literary text. The author's subjective ideas, world perception, and stereotypes become the subject of the reader's analysis. Kramshi goes further. He believes that the reader overcomes the "cultural reality" and "cultural imagination" representing the target language 10. In fact, in the process of reading, the reader assimilates the sociocultural realities inherent in linguists, phenomena, facts, objects, which sometimes form reality from the point of view of the native language (a word- reality, or an object-reality). At the same time, as Kramsch notes, the reader rarely understands the position, and the approach of a native speaker. There is a

kind of gap between the two cultures, a space that Kramsch calls the "third space", which becomes a key term in intercultural communication (Kramsch, 2003, p. 207).

According to Soter, "the third space is a place where literary texts are read and reading standards are set out". It stimulates the formulation of a number of questions, reflection, promotes the development of critical thinking, creates a favorable environment for the development of cognitive and emotional abilities of language learners (Soter, 1997)

Hanaurer develops a unique method of understanding culture by reading a text, which involves interpreting the text from the point of view of one's own culture and experience.

At the first stage, the learner of a foreign language tries to interpret the text from the point of view of his sociocultural experience. At the second stage, he tries to understand or consider various interpretations of the text, made mainly by an expert, a literary critic, a psycholinguist or the linguist himself. In fact, the reader gradually begins to master the professional field of text interpretation, approaches, even theories and concepts. A high level of reflection or super-reflexion is the interpretation of a text from the point of view of a particular theory. Methodologists have made serious progress in this regard, especially when it comes to interpreting a literary text from the point of view of the formation of socio cultural competence. In this case, reading the text performs many functions. It motivates. It engages the reader in a kind of cognitive process. It gives aesthetic pleasure, develops the aesthetic taste of the reader.

It is important that the text develops the reader's critical and creative thinking. The key role of reading a text is in understanding the culture of other people.

An important condition for the development of sociocultural competence of learners is what kind of literary text is chosen for educational purposes.

The principle of originality is paramount in the communicative and cognitive framework of teaching a foreign language.

In accordance with this, it is proposed to read the authentic texts created by native speakers for them. Nozdrovich E. V. and Milrud R. P., considering the substantive concepts of the authentic educational text, identify seven concepts:

1. culturological authencity in the use of texts that form ideas about other cultures, features of everyday life, customs of native speakers,
2. informational authencity in the application of texts containing important information for learners corresponding to their age characteristics and interests,
3. contextual authencity presupposes natural situations of interest to native speakers, discussed topics that cover the educational text in a peculiar way,
4. the national mentality explaining the inappropriateness of the application of one phrase or another,
5. reactive authencity, which is used in the development of an educational text to create real emotional, mental and speech reactions in learners,
6. the originality of the wording, which attracts the learners' attention and facilitates the understanding of the communicative problem of the text, confirms its connection with reality,
7. The originality of tasks related to educational texts, which should stimulate interaction with the text, should be based on operations while working with primary sources" (Ishkhanyan, 1996, p. 11).

Ensuring cultural originality directly contributes to the development of sociocultural competence of learners, as reading a literary text helps them to get acquainted and learn the way of life, customs of native speakers. Learners are mainly looking for examples of informative authencity in the text. However, not all learners try to find or see information describing objects, phenomena representing the lifestyle of native speakers. Despite the fact that the pace of development of modern developed countries is very high, a person living in Armenia has a pretty good idea of the high technologies, machines, and equipment used in those countries.

At the same time, a washing machine used outside the building ("laundromat") is practically not used in Armenia. The phrase "money laundry", created on the same lexical basis, can become a source of interesting information, since not all learners understand the term "money laundry".

In general, situational originality/authencity is often found in the text, and in many cases an incorrect perception of the situation or context leads to a misunderstanding of the text. It is ob-

vious that an Armenian-speaking person can interpret the same verbal situations in a completely different way. The learner may not even pay attention to what may be an important target language for a native speaker. The views of native speakers and learners of the target language, interests, preferences, and, in general, ideas about life differ. The original setting makes it possible to have a more accurate idea of the sociocultural realities of native speakers.

For a learner, the authenticity of the national mentality, which explains the appropriateness or inappropriateness of the use of this or that phrase, can comparably determine the specified components. The mentality of any nation is in some sense a reality, a cultural one. It is sometimes impossible to present it in other languages. This is the reason that for educational purposes it is proposed to study those subjects and phenomena that clearly reflect the mental characteristics of a particular sociocultural community.

In the course of studying sociocultural phenomena through a literary text, the key importance is given to what kind of culture the sociocultural realities and phenomena represent, since various definitions of culture circulate, and according to this definition, the subject of research becomes more specific. Quite interesting is the discrepancy according to which cultures can be elite and mass. Elite culture includes everything that makes a person more cultured, i.e. history, art, literature. Popular culture includes lifestyle, customs, typical food samples, clothing, and means of movement. It is obvious that sociocultural phenomena acquire new characteristics when these definitions are taken into account. The term "popular culture" is based on the combination of cultural experiences and attitudes that exist in mainstream society. Popular culture events are those which include such phenomena as a concert, parade, a baseball game, or the season finale of a television show. Popular culture assumes mass accessibility and appeal. Popular culture plays crucial role in developing intercultural competence. As it comprises lifestyle, customs, typical food samples, clothing and other components of culture, the awareness of these components helps to develop and enrich people's knowledge related to the particular culture. Only linguistic knowledge is not enough for people to become aware of the particular culture, customs reveal much unknown and help to be more com-

petent, which in turn, gives additional coloring to the language learning process.

It is obvious that in educational conditions, without direct contact with native speakers, it is more effective to use literary texts related to the so-called "mass culture" for educational purposes (Merkish, 2018). Mass culture includes cultural products that are both mass-produced and for mass audiences. Examples include mass-media entertainments – films, television programmes, popular books, newspapers, magazines, popular music, leisure goods, household items, clothing, and mechanically-reproduced art. Mass culture typically refers to that culture which emerges from the centralized production processes of the mass media. It should be noted, however, that the status of the term is the subject of ongoing challenges. Considered as a repository of social meaning, mass culture is one of a group of terms that also includes high (or elite) culture, avant-garde culture, folk culture, popular culture, and (subsequently) postmodern culture. The interpretation and boundaries of each of these categories are routinely the subject of debate and dispute (Merkish, 2018). Literary texts can provide information about the communicative behavior of native speakers.

Social communication itself, its forms and manifestations represent a kind of sociocultural reality. It is no coincidence that N. B. Ishkhanyan (1996) defines sociocultural competence as the ability and readiness of an individual to carry out appropriate intercultural communication. An important component of sociocultural competence is the sociocultural context, in the sense that only with appropriate communication experience is it possible to communicate in various sociocultural situations.

Thus, the definition is apt, according to which "sociocultural competence presupposes knowledge of the speech and social behavior of native speakers, their customs, etiquette, social stereotypes, art, culture" (Nosonovich & Milrud, 2017).

A literary text is a rich source of linguistic information. It is obvious that learners have difficulty in assimilating vocabulary with a national-cultural marking. One of the reasons is that this vocabulary is mostly inadequate or real, i.e. it is either not translated or difficult to transcribe. For example, V. Saroyan (1986) describes a certain block, Fresno Street, talks about shops, markets

and other names of places. A question arises whether it makes sense to make these sociocultural realities the subject of study: toponyms, names of cars, horses, other animals that existed in the 30-40s of the last century. The answer is unequivocal: without understanding this vocabulary, it is impossible to form a correct idea of this period, its color, humor, various phraseological units, figurative expressions.

Reading a literary and fiction text makes it possible to have a correct idea of the mental state of people living in the period described, to understand what behaviors were characteristic of this national and cultural community. The learner must have an adequate understanding of the communicative behavior of the characters. In general, a literary text is a source of plentiful cultural knowledge. Its reading gives the learner an opportunity to assimilate the sociocultural knowledge available in it, highlight the historical, cultural, ethno-cultural background. For instance, in the story titled "My name is Aram", two ethnocultural backgrounds can be distinguished - American and Armenian. The Armenian background is represented by precedent texts known only to Armenian-speaking people.

Working with a literary text allows the learner to form a general idea of general cultural designations or markers. The sociocultural marker is understood as those spiritual structures that are introduced during primary socialization (perception of the world as a whole and the world as a whole). It also goes away as a transformation of this perception into the sphere of the unconscious, i.e. there is a formation of mental structures. The sociocultural marker is present in the sphere of the spirit before the appearance of consciousness.

Under the influence of sociocultural markers, the transformation of the image and marker occurs during the transfer of knowledge.

While speaking about sociocultural markers, it is worth to take into account:

• experience of primary socialization,
• the first language mastered (Polushina, 1995).

It is obvious that the absence of a linguistic environment inherent in native speakers does not allow learners to gain experience of primary socialization. That experience concerns the Armenian language proficiency among Armenian-speaking learners. A question arises regarding how to get this so-called primary experience,

typical of English-speaking people, in a learning environment. In fact, each linguistic community is characterized by the transformation of a certain image and marker within a specific cultural tradition, accompanied by "cultural imprinting and taboo" (Saroyan, 1986).

The study of sociocultural characteristics makes it possible to assimilate the mental structures inherent in linguists, which are acquired during primary socialization. For example, each language community puts a specific meaning in the concepts of "our people", "your people". Each nation has certain ideas about "relative" and "enemy" peoples. Even in Great Britain, the English and the Scots have different sociocultural markers. By studying these markers, it becomes possible to understand the mentality of native speakers. The literary text helps students to assimilate the sociocultural norms of behavior of English-speaking people, social conventions, traditions and rituals.

They more subconsciously assimilate non-verbal means of communication of English-speaking people while reading-body language, greeting methods, hugs, ways of kissing, eye expression, and contact distance. It is obvious that films represent non-verbal means of communication in a better way. However, sometimes the fiction description is more impressive and is remembered longer.

It should be noted that the study of fiction read by native speakers develops the sociocultural competence of learners at both conscious and subconscious levels. It is important that learners should gradually study and master those precedent texts-stories, poems, works of other literary genres that native speakers are familiar with. It is obvious that it is very difficult to quantitatively compensate for this gap in educational conditions. However, it is necessary to clearly formulate the task so that one or another learning strategy can be applied.

The task is to assimilate the folklore of native speakers by reading fiction in a certain period of time, reflecting the peculiarities of the collective subconsciousness of the particular people. It is not arbitrary that public communications, national mentality and national achievements are an important component of sociocultural competence (Saroyan, 1986).

Thus, the task is to select and read such fiction texts that, both on conscious and subcon-

scious levels, enable students to assimilate sociocultural realities, mental structures, sociocultural markers, non-verbal communicative means, those precedent texts that form the basis of the scheme of this ethnos.

Reading a literary text develops not only the communicative abilities and skills of students, but also contributes to the formation and development of their general cultural competence. Fiction represents culture, the history of native speakers, various spheres of life, value positions, stereotypes, traditions and customs. It is obvious that each literary world in its own way represents the linguistic thinking, mentality, and general cultural realities of a given people. When choosing a literary text for educational purposes, it is necessary to take into account various factors, both educational and extracurricular. The task of choosing it becomes more complicated when it is done for the purpose of learning a foreign language. The teacher or the author of the textbook should take into account the language level of students, the experience of reading, studying fiction in their native language, the age of students, their value positions, cognitive motives, the direction of interests, as well as the time of creation of this original, the problems reflected in it, the worldview of the characters, its accessibility, philosophical and psychological prerequisites of the author's idea, etc.

Today there are many classifications of reading types. They can be classified according to the psychological characteristics of the perception of the text: analytical and synthetic (Peleg, 2014), according to the conditions of its implementation -prepared and improvised (Baker & Brown, 1984), according to the depth of penetration into the text-intensive and extensive (Beers & Probst, 2012), according to the form of reading-loud and quiet (Coltart, 1993), by target positions-research, observational, Notifying and searching (Folomkina, 2005), by levels of understanding. understanding the main content, extracting complete information from the text, understanding the necessary meaningful information (Kain, 2003).

The process of formation and development of general cultural competence is continuous, and this is facilitated by the originals, which include information about various manifestations of the life of native speakers. In most cases, extensive reading is considered time-consuming. Some-

times there is not enough time for a full analysis of the original. Sometimes the need for extensive reading is not properly addressed in school curricula. It is noteworthy that when organizing the reading of foreign-language originals, the task of analyzing them from the point of view of the development of general cultural competence is not set.

Of particular importance are works related to the general cultural concept of teaching culture.

Of particular importance are works related to general cultural conditions.

In the process of teaching foreign languages, the general cultural component assumes knowledge of the realities, mores, traditions, customs of the country representing the language being studied, as well as the communicative behavior of native speakers, verbal and non-verbal means. In many cases, even teachers cannot recognize the general cultural realities in the text being read. These can be literary texts, dialogues, poems, songs, written word, interviews, etc., characterizing the communicative behavior of native speakers.

From the point of view of the choice of artistic originals, it is important to take into account the content, the orientation of this work, the topics covered in it, the peculiarities of vocabulary, etc. Sometimes fragments of confrontation, dialogue of different cultures are presented in the original art. For example, V. Saroyan's works comprehensively present the foundations of American life, the psychology of representatives of different nations and peoples, mentality, ability to adapt to new conditions, the process of their becoming Americans. All the characters are real, although sometimes the irrational element prevails. The problems of universal poverty, enrichment with difficulties, not losing or gaining identity, preserving one's own traditions and customs, and achieving the American dream are being raised.

It is obvious that the events of the 20-30s of the last century do not fully reflect the mentality of the modern American. Accordingly, it is advisable to read the works of modern authors. Toponyms, the content of billboards, shop windows and department stores, road signs, rules for using the banking system, technical, communication, telecommunication methods and means are changing. In general, students through extensive reading form an idea of the artistic culture, art,

representing the studied country. It is a mistake to think that English literature better represents the national culture of the British than the American one. It's no secret that the UK is as multinational and multicultural as the USA. At the same time, any work of art representing English-speaking countries can be of serious educational value from the point of view of the development of general cultural competence.

In this regard, the importance is attached to the disclosure of national and culturally designated vocabulary in this artistic original. The study of the relevant lexical units requires hard work, since the so-called inadequate vocabulary is mostly not translated, sometimes it is difficult to interpret, may be random or neologized.

Reading detective literature helps to study a lot of words and expressions used in the real system, in the criminal world, which sometimes cannot be translated into Armenian: The feds, the FBI, fibbi, Memphis PD, The cops, Deputy director, 911, Mafia.

Students, as a rule, learn geographical toponyms, literary names, names of people, monuments, sights in general faster. It is effective to concretely present the geographical name, origin, and purpose of its application in this text.

Students begin to honestly talk about their problems when they encounter specific characters while reading. A properly selected artistic original can accurately reflect the way of life, the way of thinking of native speakers, immerse students in unfamiliar speech, push them to a kind of dialogue. This dialogue can be especially at a time when the characters of the original being read are teenagers or teenagers, and modern ones at that. Students participating in discussions containing analytical, comparative elements can identify their own feelings, beliefs. Literature also gives students the opportunity to analyze the emotions and motives of the studied characters, worldview. It is effective in analyzing their speech from the point of view of grammar.

Hanauer (2001) gives three arguments in favor of the inclusion of literary texts in the education of a second language. First, he lists the motivational aspects of reading literary texts that increase the personal involvement and enjoyment of students, which leads to an increase in their motivation. The second argument presented by Hanauer is related to the psychological concepts of reading literary texts. According to Chan

(1999), Hanauer (1997) and McKay (1986), literary texts facilitate the mastery of second-language linguists, as well as improve their use of the semantically conjugated field. All the mentioned authors emphasize the role of literature in the development of cultural awareness. Literature, regardless of what style and genre it represents, reflects specific general cultural relations, realities, phenomena, ideas and dreams of people who lived and are living in this period. Regardless of how correctly a literary work reflects reality, it still gives a general idea of the thoughts, beliefs, beliefs, prejudices, values of native speakers. "With proper analysis, it is possible to identify the codes and rules of a real society" (Collie & Slater, 1992, p. 204). On the one hand, as Hanauer (2001) points out, "cultures cannot be perceived as a monolithic, integral unit" (p. 396). On the other hand, Culture represents different personalities who differ from each other in values, beliefs, goals, personal qualities and experience. The task is to assimilate the culture of native speakers not at the level of personality, but from the point of view of different personalities. It is obvious that the artistic text represents a particular culture. However, it is more correct to say that this culture is always considered in a specific social or historical context.

An important task is to organize the process of reading a literary text as a whole. It is obvious that a student who has no experience of reading literary texts in his native language has difficulty learning to read a literary text in a foreign language. Another problem is related to the understanding of a literary text or its decoding. Reading is a type or manifestation of a kind of reflection. The reader must have appropriate basic or general cultural knowledge. At the same time, reading this foreign-language text, the reader fills step by step not only the information gap existing between him and the persons acting in the text, but also the differences existing between them in mentality, lifestyles, biopositions.

In general, the process of perception of any literary text is subjective. At the same time, the reader tries to overcome the subjective perception of reality described in the literary text. The author's subjective ideas, worldview, and stereotypes become the subject of the reader's analysis. Kramshi goes further. He believes that the reader overcomes the "cultural reality" and "cultural imagination" representing the target language

(Kramsch, 2003, pp. 207-210). In fact, in the process of reading, the reader assimilates the general cultural realities inherent in linguists, phenomena, facts, objects, which sometimes, from the point of view of the native language, are reality (or a word is reality, or an object is reality). At the same time, as Kramshi notes, the reader rarely understands the position, the approach of a native speaker. There is a unique gap, a space between two cultures, which Kramsch calls the "third space", which becomes a key term for intercultural communication) (Kramsch, 2000).

In the course of studying general cultural phenomena through a literary text, the key importance is what kind of culture the general cultural realities and phenomena represent, since various definitions of culture circulate, and in accordance with this definition, the subject of research becomes more specific. Quite interesting is the discrepancy according to which cultures can be elite and mass. Elite culture includes everything that makes a person more cultured, that is, history, art, literature. Popular culture includes lifestyle, customs, typical food samples, clothing, and means of movement. It is obvious that general cultural phenomena acquire new characteristics when these definitions are taken into account. Thus, reading originals in high school allows students to study culture, the history of native speakers, various spheres of life, value positions, stereotypes, traditions and customs, ideas about everyday life, religion, beliefs and beliefs, leisure activities, etc. They are able to appreciate and overestimate such concepts as manifestations of national discrimination, stereotypes, forms of identity preservation, social norms, prejudices, attitudes to injustice, manifestations of intolerance, polarization of society, etc.

References

Baker, L., Brown, A. L. (1984). Metacognitive skills and reading. In P. D. Pearson, R. Barr, M. L. Kamil, & P. Mosenthal (Eds.), *Handbook of reading research* (pp. 353-394). New York: Longman.

Beers, K. & Probst, R. E. (2012). *Strategies for close reading*. Heinemann.

Chan, P. K. W. (1999). Literature, language awareness and EFL. *Language Aware-*

ness, 8(1), 38-50.

Collie, J., & Slater, S. (1992). *Literature in the language classroom. A resource book of ideas and activities.* Cambridge: Cambridge University Press.

Coltart, N. (1993). *How to survive as a psychotherapist.* Sheldon Press.

Folomkina, S. K.(2005). *Obuchenie chteniyu na inostrannom yazyke v neyazykovom vuze: Uchebno metodicheskoe posobie* (Teaching of autonomous foreign language reading in technical university: criteria for the selection of textual material, in Russian) (2nd ed.). Moscow: "Visshaya shkola".

Hanauer, D. (1997). Poetry reading in the second language classroom. *Language Awareness, 6*, 1-15.

Hanauer, D. (2001). Focus-on-cultural-understanding: Literary reading in the second language classroom. *CAUCE, Revista de Filologia y su Didactica, 24*, 389-404.

Ishkhanyan, N. B. (1996). *Puti formirovaniya lingvosothiokulturnoy kompetentsii v intensivnom kurse obucheniya inostannomu yaziku (angliiskii yazik v neyazikovom pegagogicheskom vuze)* (Ways of formation of linguistic and sociocultural competence in an intensive course of teaching a foreign language (English language in a non-linguistic pedagogical university, in Russian). (PhD dissertation, M. Lomonosov Moscow State University, Moscow, Russia). Retrieved January 25, 2023, from http://irbis.gnpbu.ru/Aref_1996/-Ishhanyan_N_B_1996.pdf

Kain, D. L. (2003). *Problem-based learning for teachers, Grades 6-12*. (1st ed.). Pearson.

Kramsch, C. (2000). *Language and Culture*. Shanghai: Shanghai Foreign Language Education Press.

Kramsch, C. (2003). From practice to theory and back again. In *Context and culture in language teaching and learning*. Multilingual Matters. https://doi.org/10.21832/9781853596728-002

McKay, S. (1986). Literature in the ESL classroom. In C. J. Brumfit, & R. A. Carter (Eds.), *Literature and Language Teach-*

ing (pp. 191-198). Oxford: Oxford University Press.

Merkish, N. E. (2018). *Tekst inoyazychnoi mediakul'tury v yazykovom obrazovanii* (Culture and language teaching through media, in Russian). *Yazyk I kul'tura (Language and Culture, in Russian)*, *41*, 191-201.

Nosonovich, E. V., & Milrud, R. P. (2017). *Autentichnost kak metodicheskaya kategoriya v obuchenii inostrannomu yaziku* (Authenticity as a methodological category in teaching a foreign language, in Russian). Retrieved December 15, 2022, from http://www.isuct.ru/conf/-antropos/section/4/KIYAN.htm

Peleg, Y., & Shakkour, W. Abu-Rabia, S., (2014). The relation between linguistic skills, personality traits, and language anxiety. *Open Journal of Modern Linguistics, 4,* 118-141. doi: 10.4236/oj-ml.2014.41011

Polushina, L. N. (1995). *Tekstoteka uchebnika kak osnova formirovaniyach sothiokulturnoy kompetentsii* (Textbook text library as a basis for the formation of sociocultural competence, in Russian). (PhD dissertation, Moscow, Russian Federation). Retrieved January 25, 2023, from https://www.dissercat.com/-content/tekstoteka-uchebnika-kak-os-nova-formirovaniya-sotsiokulturnoi-kompetentsii

Saroyan, V. (1986). *Yntir yerker 4 hatorov* (Perfect proses in four volumes, in Armenian). Yerevan: Sovetakan Grogh Publication.

Soter, A. (1997). Reading literatures of other cultures: Some issues in critical interpretation. In T. Rogers, & A. Soter, *Reading across cultures: Teaching literature in a diverse society* (pp. 213-227.). Columbia University: Teachers College Press.

128

Svitlana KHRYPKO, Qi YANG, Volodymyr ZABOLOTNIUK, Igor ZABOLOTNIUK,
Olesia STOLIARCHUK, Olena TADEUSH, Olena LOBANCHUK, Katerina PASKO

SCIENTIST AND TEACHER – TWO FACETS OF BEING A LECTURER OF HIGH SCHOOL IN A POSTMODERN WORLD

Svitlana KHRYPKO [1,] * iD │ Qi YANG [2] iD │ Volodymyr ZABOLOTNIUK [3] iD │

Igor ZABOLOTNIUK [3] iD │ Olesia STOLIARCHUK [1] iD │ Olena TADEUSH [1] iD │

Olena LOBANCHUK [2] iD │ Katerina PASKO [4] iD

1 Borys Grinchenko Kyiv University, Kyiv, Ukraine
2 National Pedagogical Dragomanov University, Kyiv, Ukraine
3 Hetman Petro Sahaidachnyi National Army Academy, Lviv, Ukraine
4 Sumy State Pedagogical University named after A. S. Makarenko, Sumy, Ukraine
* Correspondence
Svitlana KHRYPKO, Postal address 10-57 Sichovykh Striltsiv st., Kyiv 04053, Ukraine
E-mail: s.khrypko@kubg.edu.ua

Abstract: The article is devoted to the problem of the dualistic unity of the values of being a teacher who is both a research scientist and an educator. The specifics of the professional combination of scientific research and practice of live teaching are considered.

The paper comprehends the extraordinary phenomenon of education in the context of the scientific and ideological paradigm of understanding, which is a professional basis for both teaching and research activities. Education is represented as a person's spiritual face, which is formed under the influence of moral and spiritual values, which is the property of its cultural circle. The examples of stereotyped education are proposed, which leads to the idea that an indicator of human educatedness is undoubtedly the worldview and methodological layer of acquired philosophical knowledge, which embodies the spiritual world.

The reality and illusory nature of the fact of the "research point" in the activity of the scientist are reflected and the reflection of the determinants of the problem of "different personalities of scientists" is offered. The issue of teaching authors is singled out as a discourse of style, manners, creativity, content, interpretations, etc.

Keywords: educatedness, teaching, educational activities, students' view, scientific research.

Introduction

The phenomenon of educatedness, as well as the question of the criteria of the scientific worldview, will never leave the plane of discussion and critical analysis. With visual objectivity, the content of these phenomena still tends to the culture of human subjectivity, to the realm of the relative. Educatedness is, to a large extent, an impression (and an impression is a world of the

subjective). Criteria of scientificity are also, as a rule, subjective and value-individual measures of the quality of scientific knowledge. And today, when we may observe worldview reorientation of the youth (Lamanauskas, 2007), proper description and understanding of educatedness in general and in scientific work is even more urgent.

The problems of education, science and philosophy in general are always covered and actualized within one or another worldview-axiological paradigm. After all, "it is the specificity of the author's worldview that outlines the edges of problematic issues, places an emphasis on certain ideas, which, in turn, outline the conclusions and generalizations of scientific research as such. The coherence and interdependence of the values of education, science, worldview and philosophy (as "love of wisdom") is the starting point from which the professional path of a scientist begins" (Khrypko, 2009).

The paradox of the situation is that all discussions are harmonized by the very fact of the existence of a human subjective factor. After all, we should agree with the fact that without the human factor, education loses all meaning. Education is a work of human culture, it is the result of worldview search and mental activity, it is the embodiment of self-education and self-realization, it is a way to oneself and a spiritual image that a person bears into the world and so on. Under any circumstances, the sphere of education is a social sphere and today it attracts increased attention of both scientists (theorists) and practitioners.

Despite all the subjectivity, the issues of education are still urgent in modern globalized world. And, of course, one of the most important parts of the phenomenon of education is an educator, teacher, without whom transmission of knowledge and skills is impossible. Educators make many things, in particular, progress and science possible and leads people to different areas of their further work. A scientist and a teacher are value-focused aspects of the standard of being a high school teacher. A teacher (if he or she is a real educator, not just a representative of other people's thoughts and theories) is a person of high morals and highest echelon. The latter does not allow to stop, slow down, put the so-called "research full stop", and, vice versa, it confuses, tones the scientific search, expands the

content of the professional interests of the educator. The teacher is always in the process of educational search, as well as the scientist is always in the process of scientific search. However, may we state that for teacher, being a scientist is mandatory, or a person may be professional educator without the scientific work?

Considering the problem of interdependence of education, science and worldview, we should pay attention and analyze certain discussion positions, namely:

- what is included into the concept of educatedness;
- what the criteria of education are based on;
- what is the specifics of defining the worldview;
- where is the boundary between traditional and innovative in understanding the scientific worldview;
- where do the illusory and real aspects of the process of forming a scientific worldview as such exist?

All these questions are important to reveal the real scientific views and potential and to answer the question of possible (inter)connection between scientific and educational activities. In addition, we need to trace the reflection of one's unique scientific work in educational process, because without its presence, it may be summarized that education and science are separated in person's life, which may not be confirmed practically, especially when we talk about higher education. So, *the purpose of our article* is to reveal the dualistic unity of the values of being a high school teacher who is both a research scientist and an educator. The survey has been conducted to strengthen theoretical results of the study.

One of the most controversial issues is the criteria of educatedness. Does the fact of getting a diploma guarantee educatedness? Is the fact of employment in an educational institution evidence of recognition of professionalism, professional suitability and, again, educatedness? What kind of person may be called educated at all? There are different considerations on this issue. Some authors' positions on the level of education criteria raise the latter to an almost unattainable height. Postmodern education paradigms often consider a teacher as a high-level intellectual with appropriate creative and critical thinking and, of course, educatedness (Hossieni & Khalili, 2011).

The high level of educatedness (despite all the quality) is almost unattainable for the general public. Rather, it is a criterion of "high educatedness" and high encyclopedic erudition. However, there is a great difference between the presence of knowledge, information, and educatedness. After all, in 20th century, teachers had the monopoly of knowledge, they were the main category who transmitted important information and explained it to others. However, today knowledge is not the monopoly of teachers, it may be found online and there is no need to transfer it in the process of teaching (Japee, 2021). This change not only shifts the worldview paradigm, but also demonstrates that educatedness is not synonym to erudition – almost each person with the Internet connection may attain knowledge, but not each person is educated and intelligent even in modern conditions. The value content of the very idea of educatedness reflects the fact of understanding education as a certain evolutionary action, as a process, as a result of human activity. It is worth separating *at least three points*, which in their content represent a certain resonance of the problem of educatedness and its possible criteria.

First. In itself, the claim to the complete mastery of all scientific knowledge and cultural achievements by an individual is clearly meaningless and may not withstand any criticism. After all, the true perfect mastery of all the achievements of science and culture by each person is generally impossible (Pastoll, 1994). In our opinion, such approach is incorrect, because the arithmetic combination of scientific knowledge will not automatically lead to the fact of achieving the value-conditioned status of true educatedness.

Second. We may agree that the educational potential of each person includes knowledge of languages, natural-scientific and humanitarian knowledge. At the same time, without philosophical knowledge, their entry into the sphere of value consciousness, a person may not be considered educated (whatever special knowledge he or she possesses). Namely philosophical-worldview knowledge is the defining basis on which it becomes possible to fulfill the methodological potential inherent in the very axiological essence of the spiritual experience of an individual. In this context, educatedness is a driving force. This is not only a synthesizing characteristic of the acquired knowledge, but also a high ability to acquire new information. The philosophical core is the core of the worldview, and the scientific worldview is a valuable indicator of educatedness as such. After all, it is possible to effectively implement the methodological component of one's own philosophical culture only on the basis of deep worldview knowledge. On the one hand, philosophical culture at the basic level reproduces the qualifying status of the person, and, on the other, embodies the features of the criterion of educatedness.

In view of the above, we may conclude that the indicator of person's educatedness is undoubtedly the worldview and methodological part of acquired philosophical knowledge, which embodies the fullness of human spiritual world.

Third. The problem of understanding the criteria of educatedness exists quite harmoniously within the theory. The practical plane immediately provokes a conflict, which is embodied in the following resonant questions: who has the right to assess educatedness as such? What is the position, what is the officially documented scientific status or what institution has the real right to the function of assessing the level of human educatedness and most importantly – of the public disclosure of conclusions?

Philosophical culture and education are, in our opinion, mutually determined phenomena that outline the moral, aesthetic, intellectual quality of the spiritual world of a person. Education, especially self-education, may be gained through many ways, like solitude which leads to maturity (Aleksandrova & Khrypko, 2020), but all of them form internal philosophical culture. Characteristically, the understanding of philosophical culture as an indicator of the depth and completeness of the spiritual world of a person has a strong tradition in world philosophy. This is quite clearly seen in the following statements: "Every true philosophy is the spiritual quintessence of its time"; "Philosophy is an epoch grasped in thought" (Hegel); "Philosophy is the living soul of culture", and so on. At the same time, education and spirituality are also interdependent. After all, education is a person's spiritual face, which is formed under the influence of moral and spiritual values, which is the acquisition of his or her cultural circle. The main thing is not the amount of knowledge, but the combination of the latter with personal qualities, the ability to independently manage the knowledge.

Within the framework of our topic, we consider it appropriate to state that educatedness outlines the level of education and produces a stimulus to research, which, one way or another, is the content of the scientific worldview as such. The latter, in turn, embodies the skills of independent work with sources, skills and ability to experiment and engage in information and research activities, in other words, it is about the ability to learn. And this quality is surprisingly effective in our changing world. After all, educational skills help to join the new professional world relatively quickly, if a person is able to learn and even if there is an urgent need to change specialty. Operating with broad worldview knowledge, an educated person is fluent in the modern post-industrial world. He or she is a philosopher by nature and therefore looks at the world with interest and with interest perceives and interprets it. A person lives in a certain world environment and the latter outlines the personal preferences. Human world space, as a rule, reflects human spiritual world. Where a person lives, how he or she lives, what symbolism surrounds him or her, what elements of tradition (intellectual, national, etc.) permeate his or her living space and what first catches the eye from the environment – all this is the core of individual philosophical culture, which embodies personal (and therefore – unique) value-conditioned life experience in the broadest sense.

Science is not a petrified system of knowledge and not a schematic collection of certain theories. To engage in science does not mean to popularize one's capacity for theoretical reasoning. Science is first of all an action, it is a process, it is an intellectual progress, which is aimed at achieving a certain value result. Science is not only a specially cultivated type of cognitive activity, it is a unique phenomenal socially significant sphere of human existence, where the attention has always been, is and will be focused and the goal to which every scientist aspires. The goal is truth. A truth that constantly slips away, to which it is almost impossible to approach, a touch to which borders on discovery and despair at the same time, which a real scientist seeks throughout his or her life.

Scientist, researcher, and educator – these statuses simply may not be incompatible. Given the logic of common sense, they are vectors of a common module, which is the embodiment of a qualitative level of worldview culture of the person. Teacher, educator is a normative professor (Biesta, 2017), the same may be stated about a scientist. Both of them are based on the internal culture, educatedness, wideness of worldview.

In order to perceive and master a previously unknown range of interests, to be able to "enter" any field of knowledge, to integrate into the new professional world and feel comfortable and confident in it (and not in the role of a "random" person) it is important to embody the best examples of education and intellectual culture, which are determined by the quality level of the scientific worldview. The key value of the latter is, in our opinion, the search component, which actualizes the research format of the scientific worldview. After all, the scientific worldview is based on experimental (and this is the main thing) and theoretical knowledge about the world as a whole. And this knowledge should be as close as possible to objectivity, truth, general significance and be characterized by purposefulness, reproducibility, determinism, necessity, efficiency in relation to changes in natural-historical reality. Worldview is not a simple (contrived or real) system of human ideas about the world and person's place in it (the question of systemicity, by the way, is quite debatable). Worldview is, first of all, an element of a person's self-perception and self-determination regarding his or her place in the world and his or her relationship with it. But everyone's world is local, private and even intimate. The human life world does not coincide with the universe. The individual world is only a fragment of the universe, but it is also an expression of the universal features of the latter (despite its own content). That is why the scientific worldview is always an attempt to approach, comprehend, know, explore the phenomenon of the mystery of the universe, its harmony and paradox.

Methodology

To achieve this purpose, we have used general scientific methods, such as analysis and synthesis, as well as hermeneutics and content analysis to work with theoretical sources and analyze the possible connection of scientific and teaching in higher education specifics.

Based on these considerations, the focus of

our scientific empirical research has been students who master humanitarian specialties, namely philosophy and psychology at the Borys Grinchenko Kyiv University. The total number of study participants was 227 Bachelor and Master level students. All participants of the study were informed about its purpose, compliance with the principle of confidentiality due to the anonymity of their answers and expressed their voluntary consent to participate in it. The research was conducted during September-December 2021 using the methods of questionnaires, ranking, quantitative and qualitative data analysis, and at the end, the interpretation and generalization of the received diagnostic data was carried out. Mathematical data processing of the questionnaire was implemented using the Software Package SPSS (version 26.0) by calculating the average and percentage values of diagnostic data.

Results and Discussion

Science and education are phenomena that are characterized by the dualistic nature of appearance and development and, in principle, cannot be considered and studied separately from each other. This tendency is especially noticeable if the problem of unity of scientific researches and educational process is considered in the perspective of intersubjective communication and value-priority correlation of scientific and pedagogical aspects in activity of the separate teacher. After all, the latter is both a scientist and a teacher.

How do these aspects of activity combine?

What aspect is preferred and why?

How are the level of scientific potential and the level of pedagogical skills coordinated?

How are they related: complementary or contradictory, neutral, or disruptive?

Is it possible to be a highly qualified teacher without the tendency to scientific search?

Is it possible to become a real scientist without any teaching skills?

Does the scientific degree guarantee the quality of the teaching potential and vice versa?

These questions (and their derivatives) outline the range of problematic situations in the professional life of a scientist and teacher.

Ideally, a teacher of higher education institution is also a researcher, as he or she is engaged not only in teaching but also in research activities. The content and scope of pedagogical activities of higher education are formed by certain value-based ethical, aesthetic, psychological and other qualities of the human personality, which are reflected in research activities.

The process of teaching forms a special type of thinking, which is manifested not only in pedagogical work, but also in other activities, in particular, in research processes. In a way, it may be argued that the teaching process is a kind of practical perspective of the development of research activities as such. Pedagogical activity is the embodiment of qualitative and subjective manifestation of personal "Self" which, in turn, cannot but affect the specialty, essence and results of scientific work of the scientist.

In addition to the influence of pedagogical activity on the spiritual world of the scientist, there is also the influence of pedagogical thinking of the scientist on the actual research component of his or her activity, in other words, the influence on the process of scientific search. Educational and pedagogical activities may stimulate scientific creativity and scientific inspiration. This is manifested in the fact that the learning process brings the professional thinking of a scientist to a wider horizon, forms a systematic vision of the subject of study and science in general in him or her. There is every reason to state that education is one of the applied aspects, it is a kind of introduction of scientific knowledge, which may become a source of new ideas, methodological decisions, principles, research approaches and aspirations.

Educational and teaching activity is, in a way, a kind of interpretation of scientific knowledge and own scientific experience, especially when it comes to presenting the field of science in which the teacher practically implements his or her research potential and engages in scientific activities. In this process, the content of scientific knowledge, its logical structure, selection methods and principles of material organization, etc. are objectively clarified. All this not so much represents the methodological quality and meaning of scientific work, as is related to the process of scientific creativity. In this context, the problem of determining new ideas, which will gradually outline the framework of scientific novelty of a particular study, becomes particularly relevant. After all, a serious stimulus to scientific

creativity may be new views, conclusions, a new vision of the subject, logical connections and inferences, etc. emerging in the process of presenting the material.

Voicing a certain problem, the teacher, one way or another, discovers for himself or herself previously unrecorded facets of a particular issue, which, of course, stimulates the process of scientific research. Similarly, a non-standard vision of a problem, which encourages its research comprehension, may, in turn, be stimulated by the cognitive activity of the object of teaching, namely, the student audience. Thus, a random line that is not involved in scientific stylistics may radically change the logical line of coverage of a problem, due to the fact that creativity is not only about direct consideration of the problem. It may be the so-called wondering of mind (Simonton, 2021), and the process of teaching stimulates this process and adds new constants into it.

Emphasizing the problem of self-knowledge and self-improvement, Academician P. L. Kapitsa stated: "A real scientist always learns himself or herself while teaching. Firstly, he or she tests the knowledge, because only by clearly and logically explaining to another person, you may be sure that you really understand the essence of the issue. Secondly, when you look for a form of clear coverage of a particular issue, new ideas and hypotheses often appear. Thirdly, the (often awkward) questions that students ask after lectures are extremely stimulating and make teacher look at the phenomena to which they are accustomed to approach in a standard way from a radically new point of view, and this also helps to think more adequately. And, finally, students understand some issues better and, most importantly, more broadly than the teacher. The teacher, as a specialist, approaches this or that problem narrowly, he does not have a broad approach. The student youth has a much broader approach" (Khrypko, 2009, p. 303). Every teacher not long ago was a student with this very "much broader approach".

In this context, it should also be noted that the teacher is still a carrier of theoretical information, and students (due to age psychological factors) are able to instantly "impose" conceptual information on the practical dimension of their own life experience. Dry non-emotional theorizing is almost not accepted by young people. Due to the latter, the teacher in his or her lecture material does not move away from life, does not lose touch between oneself and the younger generation, does not become a detached theorist. It is the educational and teaching activities that have allowed outstanding scientists to bring their scientific work to a certain result. An example of this is the world-famous non-Euclidean geometry of N. Lobachevsky, which is a reflection of his pedagogical activity. Confirmation of this hypothesis is the well-known periodic table of elements by D. Mendeleev, which arose due to the desire of a great chemist to schematically show students the systemic nature of the qualities of chemical elements with the use of accessible and interesting material, etc. The above examples are related, of course, to lives of people inscribed in the history of world science. It is worth emphasizing that their pedagogical activity was directly related to, in fact, research, because both the context and in the content of their pedagogical experience included their own scientific achievements, innovations, results.

The harmonious combination of scientific and pedagogical aspects of the professional life of a researcher and a teacher is suitable for few teachers. But the real influence of the logic of teaching in the content of educational and pedagogical activities on scientific work is manifested not only at such a high level of science and education, because not only the memoirs of luminaries but also the memories of scientists of lower rank show the same results. In our opinion, the scientist, who in his or her scientific life was deprived of even a little experience of pedagogical activity, demonstrates a certain detachment and "theorized dryness" in the style of presenting his or her own scientific work. At the same time, the actualized problem is not as simple and clear as it may seem at first glance. After all, the question of coordination of scientific and pedagogical activities in the life of a particular person, one way or another, depends (and quite seriously) on the status, location, level of accreditation and many other factors related to a particular educational institution. The possibilities of a teacher of a technical school and a teacher of a metropolitan university (with the status of "national") differ more than significantly. Thus, the usual position of a laboratory assistant of any department of a higher educational institution provides much more opportunities (both scientific and career) for a young person (without any teaching experi-

ence) than the position of a senior teacher or methodologist for an experienced and highly professional college or pedagogical school worker. This situation is not normal, especially since it creates a certain stereotypical attitude towards educational institutions with a lower level of accreditation. Such a stereotype generates (particularly in the scientific community, too) a certain arrogant and indulgent attitude to the research component in the activities of secondary special educational institutions.

It is clear that the faculty, department (and similar structural units) in their essential functional purpose is simply impossible without setting and conducting certain specialized research on the basis of their human resourcesю This task is necessary for the development of each university and for the state in general, because without it, no significant technical progress can be achieved (Ognevyuk, 2018b). But the department, faculty, university in general consists of dozens and hundreds of teachers (where everyone has their own aspirations, ambitions, opportunities, professional experience, goals, life and professional positions, etc.). In this context, very rhetorical questions arise, namely: Is every teacher a scientist? May each of the latter be included in their own teaching career and be involved with the same degree of intensity in the research process? Should the research line of an organization's workflow be a priority? Do all types and forms of pedagogical activity require the teacher to be included in the field of scientific research? A priori, in the professional biography there are periods when the scientific component of the activity is pushed to the background. This raises another very important question: how common and, in general, possible is the fact that for a serious circle of high school teachers, due to the specifics of their educational and pedagogical responsibilities, scientific work as such is not necessary? It can be better to do the following – to use energy and time to improve their own pedagogical skills, educational and psychological culture, methodological excellence, professional creativity? The list of such questions may be continued, but the only correct answer to them cannot exist.

In the process of educational activities, the teacher may experience different situations, emotions, working conditions and self-actualization, and so on. Of course, all these factors affect the

priorities of a particular person (and not only in the professional dimension). Thus, realistically possible are the options for the interaction of scientific and pedagogical creativity, when pedagogical activity displaces scientific or, conversely – the opposite situation, when the passion for scientific work displaces pedagogical activity. Quite real is an option of educational and research interaction, which has a very high level of pedagogical inspiration and skill and low level of scientific activity (Khrypko, 2009).

Most likely, in different periods of pedagogical activity the "weight" of its scientific component is different. It seems logical that the first period of educational activity brings to the fore the task of mastering pedagogical skills as such. In this context, the priority is the problem of psychological and professional comfort, the search for one's own "Self" in the chosen specialty, the search for interaction and mutual understanding in the professional team etc. Gradually, given the university's own capabilities and priorities, the issue of involvement in research and scientific growth is becoming more relevant. Later, during the pedagogical work, the ratio of pedagogical and scientific changes many times. Of course, this position tends to be schematic, but still reflects the real life of the teacher. Different constants are in the foreground in the professional activity at different times.

The issue of the uncompromising need to involve a teacher in scientific processes is quite controversial. In this regard, A. A. Kasian noted: "It cannot be said that scientific work is a mandatory element of life for absolutely every high school teacher. This reality may be explained by metaphor. Thus, in figure skating there is a concept of mandatory and free program. Within the mandatory program ("school"), the athlete is obliged to perform clearly defined figures according to a strictly defined scheme, without departure from it, without showing any "arbitrariness", initiative, without creating anything of his own, but only doing what is stated in terms of the program" (Khrypko, 2009, p. 301). With such a somewhat paradoxical comparative approach, Professor A. Kasian concludes that this example "is perhaps an analogue of what in the learning process that may be carried out without the teacher's own scientific activity? At the same time, in a free program there is a space for creativity, for the expression of one's individual

"Self" to create that … which is the product of one's own imagination. This is an analogue to those moments in the activities of the teacher, which are not possible without his or her own scientific work; which will be inferior, second-rate, if the teacher himself or herself is not a scientist (for example, reading special courses, conducting special seminars, leading diploma projects, etc.)?" (Khrypko, 2009, p. 303).

Indeed, the range of scientific interests is (at least, should be) free from clearly defined professional responsibilities. The question of whether or not to engage in scientific work to a large extent should not be an undoubted duty of an employee of a higher education institution. The teacher's scientific interests are a specific reflection of the inner world of a particular person (thus, if the teacher shows, for example, research interest in the problems of humanism, spirituality, morality, it shows that these issues are the content of individual existence, the essence of self).

The above trend may be traced in the content of work of scientific clubs, laboratories, etc. It is difficult to disagree that the connection of the topic of diploma and even term papers with the direction of the teacher's research seems obvious. It should be emphasized that the connection of thematic focus of special courses, special seminars (and other similar forms of organization of the educational process) with the content of the teacher's scientific activity is much less tendentious. In this context, it should be noted that the principles of forming a special course in higher education are insufficiently defined in the policy documents and do not have clear guidelines at the level of professional societies.

It is worth emphasizing that scientific interest is the reason for choosing a special course. That is why special courses should be aimed primarily at improving the professional specialization of students (the forms of specialization include the above-mentioned special seminars, term papers and graduation works, industrial and educational practice, etc.). Special courses, in particular, are designed to promote students' in-depth study of certain branches of science, the acquisition of research skills, which were introduced both in the university and outside of it (Smith, 1977). The effectiveness of such implementation may be ensured only under the conditions of active research work of the teaching staff in the field of

the most urgent issues of the scientific process and only with the help of identifying trends and opportunities of scientific potential of the younger generation.

A characteristic and even unique feature of the system of special courses is its flexibility, mobility, which are the embodiment of a real opportunity to respond quickly to manifestations of new problems and advances in science and social practice. That is why it may be stated that the system of special courses is not rigid and unchanging, it allows and requires constant updating and even reforming. These trends should relate to both the subject of special courses and the content of each of them. We emphasize that the teaching of special courses is the prerogative of highly qualified scientific and pedagogical staff of the university, as well as outstanding scientists, specialists of scientific institutions and organizations invited for this purpose to a particular university.

A special course is a course (elective discipline) and it is not an additional chapter, not an additional section of a particular discipline or a particular science. Its purpose is not just to expand the knowledge of students, not just to expand the horizons of the younger generation, and so on. The special course should be directly related to the future professional activity of the student, therefore, it (special course) should be primarily professionally oriented. Thus, the implementation of such a didactic principle as problematic basis is possible to a greater extent just within the teaching of special courses: problematic lectures are manifested here not only and not so much as a methodological tool, but as coverage and expression of the problematic state of science.

In addition, perhaps the most urgent question is: who has the right and should teach special courses? This question is due to the fact that special courses are taught by any teacher: from assistant to professor. This is unacceptable, at least because the special course is intended not only to prepare students for future professional activities, but also to bring them to the "forefront" of science, acquaint them with its current state, information content, historical and contemporary issues, resonant questions and options for dealing. Through the prism of a special course, the student should feel the "life of science", "spirit of science", "pulse of science" (perhaps for the only

time – because after graduation, few will get directly into the field of science). But not every teacher may provide such a complex coverage of problematic issues, only those who conduct their own scientific work at a high enough level may cope with this task. And only such teachers may attract students to modern science, methodology of scientific research, creative thinking. Basic courses cannot always solve this problem. The special course is personal. "Personal" in this context to a much greater extent reflects the range of scientific interests of the teacher, his or her own studies, their results, style of thinking of the science, individual experience in this field. In addition to the above trends, the content of the special course may go beyond the narrow problem, the solution of which is the scientific task of the teacher; at the same time, the content of the special course still tends to the area of teacher's research activities. Summarizing, we may say that the fundamental difference between special courses and basic courses is that the latter cannot always make students aware of the current state of science, in basic courses, the teacher does not always have a real opportunity to reflect his or her own research and its results. At the same time, not every scientific innovation, not every field of science needs to be reflected in the content of a special course.

It should be emphasized that all of the above fully applies to special courses taught in pedagogical universities. Their purpose is to prepare students for future pedagogical activities based on the achievements of modern science, because without considering today's achievements, society cannot produce new senses and universities may stop their development in modern conditions (Ogneviuk, 2018a). Hence the importance of preparing, above all, special courses on psychological and pedagogical topics arises. In preparing special courses on their profile, special departments have the task not only to make students aware of the current state of physics, biology, history, etc., to show the specifics of research, but also to bring students to such facets of modern science, which are or may be reflected in the content of curricula in the near future. Special courses in social sciences and philosophical disciplines should also have a specialized character in relation to the university or faculty. Professional orientation is implemented through the worldview and methodological functions of the-

se sciences revealing in process of teaching. It should be noted that the preparation of special courses and special seminars, thesis projects and other similar forms of the educational process belong to the field of pedagogical activity, which has recently been called author's teaching.

Until quite recently, in accordance with the activities of a higher educational institutions' teacher, expressions such as "author's lecture", "author's course of lectures", moreover, "author's teaching" have gained popularity (and even a certain fashion). These terms are especially involved and popular in the context of discussing changes that have become relevant in the teaching of the humanities. In such cases, authorship also meant abandoning a generally accepted (approved, mandatory) program, for example, in philosophy, political science, history, etc.

It should be noted that the problem of "author's course" is quite debatable. What does the term "authorship" mean in relation to the learning process? Is the teaching process itself being reformed, is there a broad process of author's teaching that did not exist before? We emphasize that not everything that is now interpreted as "author's teaching" really has such a nature. The concept of "author's teaching" has more than one meaning and more than one sense, because it is multi-vector and, in some way, ambiguous. We believe that there are at least three versions of the understanding of author's teaching, and the material for understanding the problem of author's teaching may be philosophical education.

Undoubtedly, in Ukraine, the teacher today is much freer than before (in the period of nationalization and ideologization of Marxist philosophy in Soviet times) in building the concept of the program, choosing accents in the material, developing one's own course of lectures, choosing recent topics and subjective attitude to classicists of world philosophy. Today, as never before, the teacher has incomparably more opportunities to express one's own "self" in the learning process. Educational activities have become much more creative. The teacher's work has become more interesting. Of course, in the past there were opportunities for teachers to express one's own "self" in educational activities, to reflect the vision of the world, social reality, the content of social science. Another thing is that such opportunities were much smaller, more limited than today.

Thus, "authorship" in one sense is a reflection of the teacher's knowledge, thoughts, his or her "vision" of the world and attitude to it, understanding of the place and role of philosophy in society. It is a reflection of one's own pedagogical potential, one's spiritual world, in other words, one's personality in the educational process. "Author's course" is a representation of one's own "self" in a general sense. The above version of authorship is not separated from any act of teaching, from any teacher. This means that such authorship has always been, is and will always be in the process of teaching. It may only be a question of a greater or lesser degree of its representation in the educational process.

The author's "Self" may be clearly revealed, but it may also be veiled, hidden, noticed only in certain accents. But it should be noted that non-author teaching cannot exist in principle. In any case, the teacher always represents himself or herself in the educational process, and there may be no identical forms. A similar version of authorship is implemented, of course, not only in the teaching of philosophy, but also in the teaching of other sciences in the activities of any teacher.

Thus, we may conclude that authorship in its first sense relates to the activities of each teacher, is implemented into all acts of educational activity. Is it appropriate to call such a version the real authorship (in the sense in which authorship is understood, for example, in literary works)? Probably not. After all, true authorship (author's activity as such) involves the creation of something fundamentally new, the creator of which is a particular person (or team). But not everyone is capable of such activities. At the same time, if we talk about the creative potential of a teacher of philosophy, it is also clear that not everyone may claim the status of creator in terms of development of the content of science.

True authorship in the teaching of philosophy arises when the teacher (and, at the same time, researcher) reflects his or her own scientific achievements in the educational activities. If a teacher conducts an active scientific search (and there are not so much such teachers, despite the need for scientific work in higher education), he or she receives objectively-significant results, recognized by the scientific community, expresses them in the teaching activities, only then this activity may be called author's teaching. It is the

author's teaching only in this case there are author's lectures, author's seminars, and also author's courses of lectures. However, the latter does not occur often. After all, the course of philosophy at the university reflects almost the entire structure of modern philosophical knowledge. It is impossible to conduct scientific work simultaneously in all spheres of modern philosophy, respectively – to express its results of educational activities. Therefore, if we talk about authorship in the teaching of philosophy in terms of its content, the author's course of lectures is rather a unique case in the educational space, but the author's lecture and author's seminar is a reality.

Another understanding of authorship is possible. It is related not to the content of educational material (in this case, philosophy), but to the reflection of the educational activities of the teacher's own results (if any) in the field of higher school pedagogy. Thus, if the teacher is a philosopher, then in parallel with his scientific work in the field of philosophy (or instead of it), conducts research in the field of higher school pedagogy and reflects them in the content of their own pedagogical activities. This teaching option may also claim authorship. At the same time, research in the field of higher school pedagogy is understood not just as a methodical work of a teacher (because everyone should do it, and it is not in the nature of research, although, of course, it may be creative), but as his scientific work, as scientific research in the world of pedagogy, which corresponds to all generally accepted categories of science.

So, we may summarize that teaching is always authorial, if authorship is understood in the first sense. If authorship is interpreted in other significant senses, then not every act of teaching (not every lecture, seminar, moreover, not every course of lectures), may claim the status of author. Not every teacher (no matter how creative in his or her teaching activities they were in terms of selecting material, its structuring, methods, etc.) may be considered as one who teaches the author's course. However, author's teaching approaches reflect the general educatedness and teaching skills due to the fact that they may influence students' motivation, enthusiasm (Hazelton & Haigh, 2010).

The above trends relate to the field of philosophical education most acutely and resonantly.

In recent years, what is called national, or more narrowly, Ukrainian philosophy has literally invaded philosophy as a science and as a subject. This refers to the domestic pre-revolutionary philosophy (or philosophy of the diaspora), which was previously outside the official philosophy of the Soviet era of our history. This is a large layer of non-Marxist, non-materialist philosophy that existed in the Ukrainian mental culture, including the imperial period and the history of the Ukrainian diaspora.

Philosophy of the irrational in general, and religious philosophy in particular, have long been removed from the field of research practice. National philosophy was in some way removed from official culture, because it did not seem to exist in the form of texts, conceptual systems, personalities, personalized ideas, etc. Of course, many ideas and images of national philosophy existed and developed within the framework of official philosophy, especially within non-institutional forms of philosophizing: art, journalism, everyday consciousness, the search for worldview priorities, values, ideals and more. However, it is clear that the exclusivity of the philosophical practice of professionals of the whole layer of our philosophical culture had a negative impact on the development of traditional issues of domestic philosophical thought, on the development of the entire system of philosophical knowledge.

The big positive is that this philosophy has returned and received a new birth, that it is of great interest to both philosophers-professionals, and people who are outside the sphere of specialized philosophical activity. At the same time, there is a great danger in the fact that a powerful flow of new, unknown knowledge has invaded the sphere of established spiritual culture.

These fears are related to the specifics of the existence of any form of philosophy in the world. Philosophy is related to the worldview and, in general, is the content of the worldview consciousness. Worldview is inherent in every person. Therefore, the process of philosophizing is realized in almost all spheres of society, embodied in every human activity, in the life of every person. Philosophy, unlike other sciences, e.g., molecular geometry, the history of the ancient world, is "always at home" and "is suitable everywhere". All people have a certain attitude to it, for many it is desirable, everyone may really have a certain judgment about it. That is why there is an illusion of lightness, simplicity, accessibility of philosophy for everyone. Hegel wrote about these tendencies as follows: "It is necessary for philosophizing to become a serious matter. …As for philosophy, at present there may be a superstition that… everyone may directly philosophize and think about philosophy, because he has a measure for this in the form of his natural mind…" (Hegel, 1959).

The popularization boom that exists around the issue of national philosophy is, of course, objectively justified. A huge array of philosophical texts burst into the realm of public opinion. The attitude to it is partly gullible and superficial. Many people quote, reflect, cover, and write on the issues of national philosophy. There is sometimes a paradoxical situation – a philosopher who has worked professionally, for example, in the theory of knowledge or phenomenology throughout his or her life, suddenly becomes the author of publications and teacher – "specialist" in a completely different field of knowledge. Thus there is a problem of professionalism, or dilettantism in science, in philosophy – a phenomenon that has a destructive effect.

Students' view on "scientist – teacher" dichotomy. Student youth is a social group that will present such important personal qualities as educatedness and intelligence in professional activities in the near future. Based on these considerations, the focus of our scientific empirical research has been students who master humanitarian specialties, namely philosophy and psychology at the Borys Grinchenko Kyiv University. The total number of study participants was 227 Bachelor and Master level students. All participants of the study were informed about its purpose, compliance with the principle of confidentiality due to the anonymity of their answers and expressed their voluntary consent to participate in it. The research was conducted during September-December 2021 using the methods of questionnaires, ranking, quantitative and qualitative data analysis, and at the end, the interpretation and generalization of the received diagnostic data was carried out.

We used the rating method for a detailed study of the instructions of bachelor's students and master's students regarding the qualities of teachers that are important to them, the summarized results are presented in the Table 1.

Table 1.

Rating of Significant Professional Qualities of the Teacher

No.	Teacher's traits	Rating position	
		Bachelor level students	Master level students
1	Educatedness	1	2
2	Emotional balance	4	5
3	Benevolence	5	6
4	Impartiality	3	4
5	Creativity	6	8
6	Methodical competence	2	1
7	Responsibility	9	7
8	Tolerance	8	9
9	Demandingness	10	10
10	Intelligence	7	3

In the process of processing the results of the study, it became clear that the students of both educational levels give the greatest preference to the traditional qualities that make up the core of the professional activity of a teacher of any educational institution, including a university teacher, namely knowledge of the material and the ability to convey it to the listener (education and methodological competence). It is significant that the master's students ranked the teacher's intelligence in the third place, although in the rating of the bachelor's students it appears only in the seventh position. In our firm belief, intelligence as a combination of education and culture is a feature that historically accompanied teachers, was their calling card, and was a basic characteristic of the professional mentality of Ukrainian university teachers. The high assessment of the importance of intelligence for the teacher by the master's students indicates their orientation towards the formation and manifestation of this quality in their own future professional activities.

For both categories of respondents, such a feature as impartiality, manifested in the objectivity of the teacher's attitude and assessment of their educational achievements, turned out to be quite significant. The emotional balance and friendliness of the teacher are significant for bachelor's degree applicants (fourth and fifth ranking positions), while this trait is less significant for master's students (fifth and sixth ranking positions). We assume that in the course of professional training, a certain emancipation from the emotional state of the teacher was formed in the master's students. Different trends can be observed regarding the respondents' assessment of the importance of creativity in the activity of a teacher: students ranked this trait in the sixth position of the rating, and master's students ranked only the eighth. According to their feedback, the mentors' creativity only adds to their educational load, not contributing too much to professional growth. Bachelor's students value the teacher's tolerant attitude towards them somewhat more (eighth position in the rating) than master's students (ninth place in the rating).

The interviewees are not too attracted to such a trait of a teacher as responsibility, which is more valued by master's students (seventh position in the rating) than by bachelor's degree students (ninth position). In the comments, students wrote that this trait is a weak spot for them, so it is perceived condescendingly towards teachers. The trend we identified of increasing importance of responsibility in the view of master's degree holders is favorable, as they can take up teaching positions in the future. And the responsible attitude of a teacher of a higher school teacher to the performance of his official duties is an influential factor in the success of their professional activity. Demandingness closes the range of significance of the teacher's professional traits for bachelor's students and master's students. The low ranking position of this feature in relation to both groups of interviewees can be explained by the orientation of the applicants towards the independent construction of their own educational trajectory, the desire for personal autonomy. A comparison of the responses of representatives of the two educational levels revealed a tendency of a more

critical and mature attitude of master's students, compared to students, to the personal and professional portrait of the teacher.

Since the students of higher education recognize the importance of intelligence as a professionally significant trait of a teacher, it was important to find out what content the respondents fill with the concept of intelligence and its manifestations. The majority of interviewees associate manifestations of the teacher's intelligence with the dyad "knowledge + good manners". Thus, the students testified that education is only a separate aspect, a component of intelligence. Also, in the answers of individual students, patriotism appeared as an expression of the modern intelligentsia. In general, the analysis of the results of the questionnaire made it possible to divide the respondents' answers into three semantic blocks, the names and examples of which are shown in the Fig. 1.
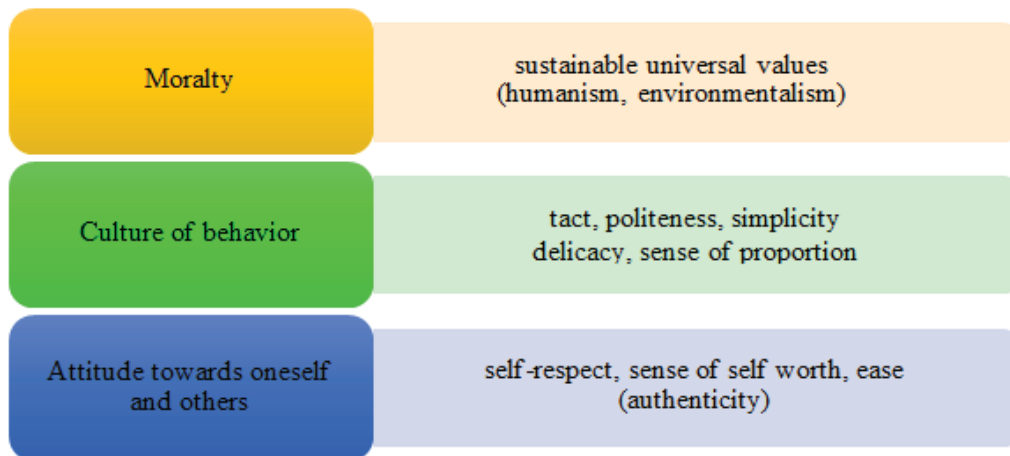
Figure 1. Characteristics of the Teacher's Intelligence Through the Eyes of Students.

As can be seen, the participants of our study who are mastering the humanitarian profession have a fairly meaningful idea of the characteristic features of the teacher's intelligence, since the revealed collective image fully corresponds to the domestic scientific approach to this quality.

In the process of research, it was important to find out how the educational environment of the university contributes to the development of the intelligence of the students. When presenting their vision on this issue, a number of resources of the academic environment of the university are presented. In particular, the interviewees mentioned the content of academic disciplines and extracurricular humanitarian activities that broaden their worldview. The university's mission "To serve a person, community, society" and human values, leadership-service, community, trust, professionalism, spirituality, public identity, freedom, responsibility and diversity, which fully reflect the worldview position of an intellectual, appeared in the answers of the students.

The perception of teachers as examples of intelligence was determined by a separate question: "Do you consider a certain university teacher to be an example of an intelligent personality?", the statistics of answers to which are shown in the Fig. 2.

141
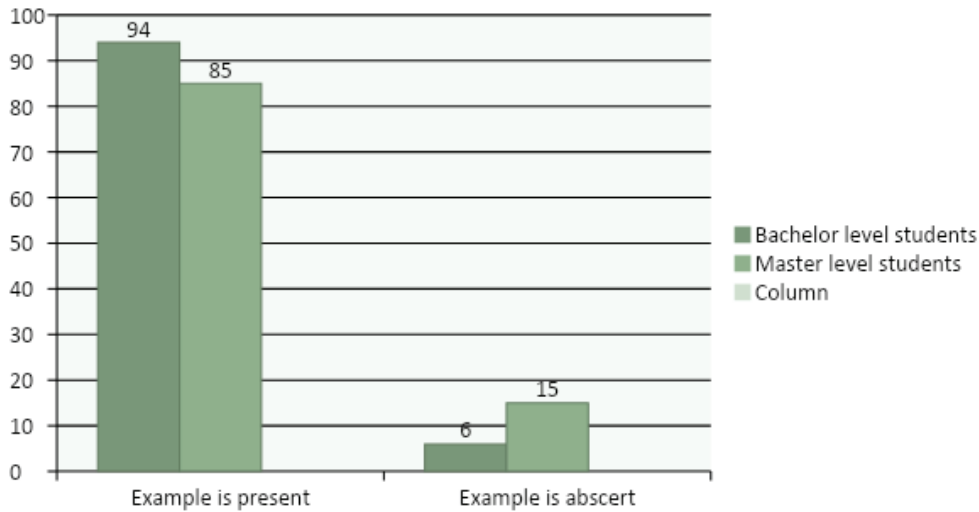
Figure 2. Distribution of Students' Answers Regarding the Perception of the Teacher as a Model of an Intelligent Personality (in % of choices).

As we can see, with the increase in the study period of the students, the number of those who have an example of an intelligent personality among the university teachers decreases. The reasons for this downward trend are the growth of criticality in the analysis of the content and manifestations of intelligence as a personal trait, as well as a more integrated and mature perception of the teacher by master's degree students. We illustrate this thesis with the words of an interviewed master's student: "I began to perceive teachers as individuals, and not only as 'provid

ers' of knowledge".

A novice teacher inevitably faces the dilemma of a successful combination of educational and scientific activities. The success of solving this dilemma is influenced by the instructions about the content of the teacher's activities, which were formed during professional training. They were revealed in the process of our research. The results of clarifying the role of educational and research aspects of a teacher's activity through the eyes of higher education students are illustrated in the Fig. 3.
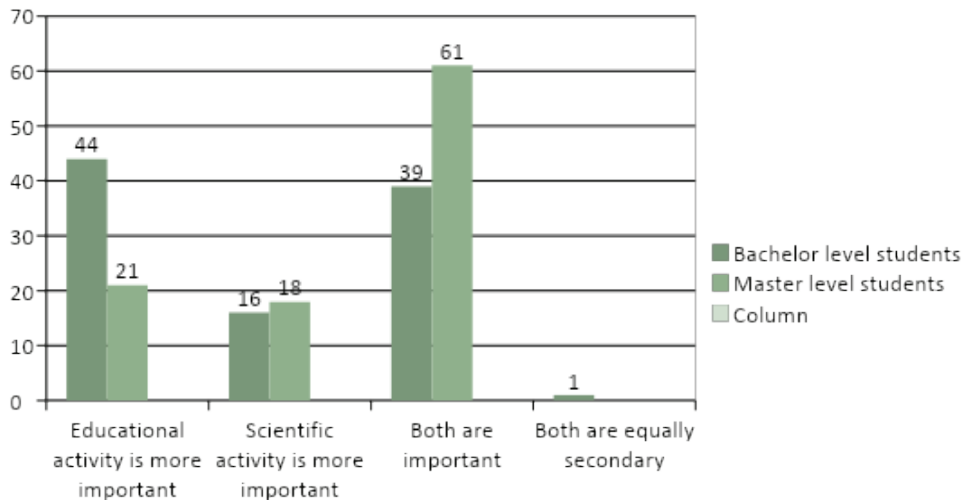
Figure 3. Distribution of Student Responses Regarding the Ratio of Educational and Scientific Activity of the Teacher (in % of choices).

As can be seen from the diagram, significantly more bachelor's students than master's students recognize the greater significance of the teacher's educational activity, justifying their choice with the thesis that teaching, organizing the educational process is the purpose of the teaching profession in general and the teacher of a higher education institution in particular. Among approximately the same number of both samples, the thesis regarding the leading role of scientific activity for the teacher is popular. In the comments, respondents note that research is a means of deepening the teacher's competence, and the results of these studies become a source of further transfer of this knowledge to students.

At the same time, more than a third of bachelor's degree students understand the equal importance of a teacher's educational and scientific activity, while among master's students, this opinion is supported by the majority of respondents. It is significant that it was the master's students who mentioned the importance of involvement of students in joint scientific projects that implement the principle of research-based learning. Only one bachelor's degree student indicated the secondary nature of educational and scientific fields, while insisting that the teacher's priority activity is self-education. Thus, the majority of surveyed students consider the combination of scientific research work and the practice of live teaching to be an important part of a teacher's professional activity.

Conclusion

Summarizing all the above, we may conclude the following. A person who has chosen his or her professional path in a complex, responsible and even, to some extent, sacred educational space, is obliged to have a high level of education, intellectual maturity and to be a representative of the scientific worldview, worldview of researcher, practical person, critic, worldview of a free person, worldview where there is no place for a "dead end", but there is respect for thoughts, respect for the word, for wisdom, and therefore – for philosophy. The world of education should not be an area of the conservative world. A person in the field of education is a person from the axiological world of philosophy, where wisdom and "love of wisdom" are perceived as indisput-

able priorities of the value dimension of one's own professional destiny. The educational space, to a large extent, is simply doomed to the statement and analysis of worldview problems, to their scientific understanding and substantiation.

Of course, the absolute positive is that the world of domestic philosophy has included its rightful values. But their development should be done carefully and respectfully by professionals. We believe that for most philosophers today the main thing is the deobjectification of new knowledge, entering it, without unjustified and hasty attempts to turn this knowledge into a subject of theoretical development. First of all, the task is to study, understand, comprehend it in the context of the national philosophical tradition, in the context of the development of world philosophical thought. It is in this sense that the author's teaching of national philosophy should be manifested for the majority. It is in this dimension that the dualism of being a teacher as an educator and as a scientist-professional becomes possible.

References

Aleksandrova, O., & Khrypko, S. (2020). Solitude as a problem of human's mature choice. *Beytulhikme. An International of Philosophy, 10*(3), 771-785. https://doi.org/10.18491/beytulhikme.1582

Biesta, G. (2017). Education, measurement and the professions: Reclaiming a space for democratic professionality in education. *Educational Philosophy and Theory, 49*(4), 315-330, doi: 10.1080/00131857.2015.1048665

Hazelton, J., & Haigh, M. (2010). Incorporating sustainability into accounting curricula: Lessons learnt from an action research study. *Accounting Education, 19*(1-2), 159-178. doi: 10.1080/09639280802044451

Hegel, G. W. F. (1988). *Hegel selections: The great philosophers' series*. Pearson.

Hossieni, A., & Khalili, S. (2011). Explanation of creativity in postmodern educational ideas. *Procedia - Social and Behavioral Sciences, 15*, 1307-1313. https://doi.org/10.1016/j.sbspro.2011.03.283

Japee, G. P. (2021). New directions in higher

education in the post covid-19 era-global perspective. *Proceedings of the 1st International Conference on Education, Humanities, Health and Agriculture, ICEHHA 2021, 3-4 June 2021, Ruteng, Flores, Indonesia*. http://dx.-doi.org/10.4108/eai.3-6-2021.2310771

Khrypko, S. (2009). *Aksiolohiia osvity v sferi mizh predmetnoho dyskursu: tsinne, mentalne, naukove* (Axiology of education in the field of interdisciplinary discourse: Valuable, mental, scientific, in Ukrainian). Kyiv: National Pedagogical Dragomanov University.

Lamanauskas, V. (2007). Science education as a core component of educatedness. *Problems of Education in the 21st Century (Science Education in a Changing Society), 1,* 5-6.

Ogneviuk, V. (2018a). Ukrainian University at the time of exponential development. *Educological Discourse,* 1-25. https://-doi.org/10.28925/2312-5829.2018.1-2.-1452

Ognevyuk, V. (2018b). Developing education as an opportunity for medium-developed countries in the context of innovative revolution: A case of Ukraine. *Education: Modern Discourses, 1,* 13-23. https://doi.org/10.32405/2617-3107-20-18-1-2

Pastoll, G. (1994). *The concept of educatedness: an analysis of the current perspectives of a population of university teachers on the personal qualities indicative of educatedness, and its implications for university teaching*. (PhD Dissertation, University of Cape Town, Faculty of Humanities, School of Education, Cape Town, South Africa). Retrieved February 10, 2023, from http://hdl.handle.-net/11427/21509

Simonton, D. K. (2021). Scientific creativity: Discovery and invention as combinatorial. *Frontiers in psychology*, *12*, 721-104. https://doi.org/10.3389/fpsyg.202-1.721104

Smith, D. H. (1977). The role of special courses and special teachers. *Improving College and University Teaching, 25*(3), 146-153. doi: 10.1080/00193089.1977.992-7456

READINESS OF PRE-SERVICE TEACHERS TO IMPLEMENT INCLUSIVE EDUCATION

Assel KUDARINOVA [1] (iD) | Akbota AUTAEVA [1] (iD) | Zhanna PAYLOZYAN [2,*] (iD) |

Ainagul RYMKHANOVA [3] (iD)

1 Abai Kazakh National Pedagogical University, Almaty, Kazakhstan
2 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia
3 Karaganda Buketov University, Karaganda, Kazakhstan

* *Correspondence*
Zhanna PAYLOZYAN, 17, Tigran Mets ave. 0010, Yerevan, Armenia
E-mail: paylozyan@gmail.com

Abstract: Inclusive education should ensure the successful socialization of all children, regardless of their psychophysical development and condition. The purpose of the paper was to study the necessary professional and personal competencies of pre-service teachers of inclusive education, as well as to search for methods of forming necessary competencies among students at a university. In this study, we used several general theoretical methods of scientific cognition and information collection. In the course of the study, we examined concepts such as "inclusive education", "pedagogical and psychological readiness", "personal qualities", etc. A set of methods were developed aiming to develop the necessary competencies for pre-service teachers of inclusive education. It was established that working in an inclusive classroom requires a teacher to have a wide range of personal characteristics, as well as pedagogical and psychological readiness to work with children that have different educational needs. The practical significance of the study is conditioned upon the fact that the developed set of methods is ready for use in the pedagogical activity. Thus, it would be effective in the process of formation of the necessary qualities and development of professional and personal readiness of inclusive education pre-service teachers.

Keywords: children with special educational needs, tolerance, psychological training, internal motivation, pre-service teacher, inclusive education.

Introduction

Inclusive education is a process of collaborative education and upbringing of children with special educational needs and neurotypical development. In the process of inclusive education, students with disabilities have the opportunity to succussed in their social and psychological development. Inclusive education is a form of education in which students with special educational

needs have an opportunity to go to school with their brothers, sisters, and neighbors, study classes together with their peers, follow individual learning goals that fit their abilities and needs, and receive the support they need. Inclusive education requires special psychological and pedagogical readiness teachers, not only specially created comfortable conditions for children with special needs (Alekhina et al.,2011; Alekhina & Zaretsky, 2010; Boyko, 1996).

One of the goals of inclusive education is to create a psychologically nurturing educational environment. The socialization of children with special needs with their peers shall be ensured through their interactions, mutual assistance, and support. From an early age, a child with special needs has the opportunity to overcome difficulties, fully experiencing life as a member of society (Derkach & Kuznetsov, 1993; Kuzmina, 1990).

In the process of socialization, the child acquires a new experience, assimilating the rules and norms of behavior of the environment, and also overcomes emerging problematic situations and thereby enters a new stage of development. The task of the educational institution is to ensure the full and comprehensive development of children with different special needs, considering their age, individual characteristics, and educational needs through qualified assistance and support.

The development of an inclusive learning system is a long-term strategy that requires patience, perseverance, continuity, and a comprehensive step-by-step approach for its implementation. The teacher occupies a special place in this system. The efficiency of inclusive education in the traditional educational system depends on the teacher's emotional stability and willingness to accept children with special educational needs. Inclusive education involves the organization of an educational process different from the traditional one, which requires teachers to have a high level of expertise and readiness for professional and personal development (Slastenin, 1982; Kuyini et al., 2020; Šuhajdová, 2019).

In addition, the works of national and foreign authors are devoted to this issue, but this problem is not studied enough in Kazakhstan and needs additional research. There are a few methods for developing the emotional stability, empathy, tolerance, and psychological readiness of teachers

to implement an inclusive educational system. Inclusive education is an educational innovation for Kazakhstan. Each new technology goes through several stages of development, and at the moment it is an implementation stage characterized by spontaneity on the one hand, and on the other − attempts from a scientific standpoint to assess the conditions of readiness to accept the new (Kefallinou et al., 2020; Magnússon et al.; Nagymzhanova et al., 2020).

In pedagogical practice, a central role is played by a teacher whose activity affects the effectiveness of the changes that require a qualitative modernization of the training of future professional teachers in the field of inclusive education. Qualitative revision of the conventional system for pre-service teacher preparation is required for the effective implementation of inclusive education. This transition towards a better quality of education brings up new requirements and higher standards for pre-service teachers to obtain. A necessary condition for achieving high educational results is the psychological readiness of teachers for inclusive practice. Teachers usually have some psychological "barriers": fear of the unknown, fear of harming inclusion for other participants in the process, negative attitudes and prejudices, professional insecurities, resistance to change, and psychological resistance to working with "special" children. This puts the management of educational institutions implementing inclusive principles in front of serious problems in the development of teachers' psychological readiness for the introduction of inclusive education (Koh, 2021; Makoelle, 2020; Paseka & Schwab, 2020; Qiao et al., 2020).

The main professional and personal quality of a pre-service teacher of inclusive education should be the willingness to pedagogically and psychologically support children with developmental challenges and disabilities. This includes also empathy, tolerance, pedagogical optimism, altruism, and responsibility for their priorities and results. The source of their training is the personal qualities of the student, who must be ready for changes and perform work as efficiently as possible. The basis for the education and maintenance of such qualities is the ability to constantly and objectively diagnose personal resources, and to recognize their compliance with the purposeful training of these professional and personal qualities. The necessary professional

and personal assessment is important from the initial stages of preparation of pre-service teachers when they start getting their first impression of the profession.

Materials and Methods

In this study, several general theoretical methods of scientific cognition were used, as well as methods of collecting information. For example, such a method as the analysis was used, the methodology of which consists of dividing the object of study into simpler parts, up to the achievement of its main components, so that it is easier to explain the reaction or behavior of an individual element than many as a whole. The reverse process is the gathering of the components of a single whole and the study of the subject in the unity of its characteristics. This is called synthesis, which is also used in this study. Scientific methods are research methods that allow obtaining new knowledge that integrates or even replaces existing ones, and thus the science is generated. On the other hand, a scientific model is a representation of a phenomenon (in most cases formal) that is used for analysis, description, explanation, and modeling – in general, research, control, and prediction of these phenomena or processes.

This research took place in several stages. The first stage was the selection of the subject – this stage determines the approach by which the research will be conducted. The second stage is a review of the literature on the subject and the selection of sources that will contribute to the research. It is important to check the existence of other works devoted to the same subject, which aspects do they cover, and which aspects were not researched sufficiently, and where is a need for new information. The third step is the substantiation of the study, it is important to understand the purpose of conducting it. This should be justified and have scientific substantiation. The future reader of a paper should understand why time was spent studying this subject. To find a substantiation, it is necessary to answer the following questions: what is the relevance of this subject for the scientific community? What is the significance of this work? The fourth stage was the development of the research issues since before starting the study, it is necessary to formu-

late the problem to which it is devoted. In addition, while justifying the need for the study, it is necessary to clearly understand what should be solved through this study. The fifth stage was to determine the purpose of the study, which should reflect the intentions of the study, as well as what results are expected to be achieved, and what contribution this study will make to a particular area of research. The purpose of the study breaks down into several objectives that are derived from the general study objective, and are further divided into more specific objectives. The sixth stage included the selection of the appropriate methodology for the chosen purpose of the study. At this stage, the following is determined: the type of study, sample questions, data collection tools, and how data will be analyzed. The seventh stage is the actual data collection, which is the result of the conducted research. This is the main stage, the completeness and success of which depend on the correctly implemented previous stages of the study. The latest stage includes the finalization of study results and written representation of the findings.

Results and Discussion

A teacher working with children with special educational needs should be psychologically prepared to accept them. A teacher shall be prepared to create special methodological conditions for children with special needs within the existing system of traditional education. It is important to have the necessary knowledge and skills to develop and implement methods of teaching, and principles of behavior for overcoming and development purposes. The emotional and psychological readiness of a teacher to practice inclusive education is the level of knowledge, skills, and professionalism that allows them to make rational decisions in this educational setting. Psychological readiness is the result of professional training and personal characteristics, and it serves as one of the components for the success of the professional activity (Miller et al., 2020; Boyle & Anderson, 2020).

There is a need to distinguish between the psychological readiness of a teacher for inclusive practice, and cooperation with children with special educational needs, from the inclusive competence of a teacher.

Inclusive competence is the ability to solve professional tasks in the course of inclusive education considering the diverse learning needs of students and ensuring the adaptation of a child with special educational needs to the life of a general educational institution, the atmosphere for its development, and self-expression. Inclusive pedagogical competence includes the following components: motivational, cognitive, and reflexive.

Psychological readiness to cooperate with children with special educational needs is a complex system of development that includes the following interrelated components: motivating, gnostic, functionally active, evaluative, and reflexive. Despite this, the structure of psychological readiness includes the following components: emotional acceptance of children with different types of developmental disorders (acceptance-rejection); willingness to involve children with various forms of disability in classroom activities (inclusive isolation); satisfaction with their learning (Becker & Anselmo, 2020; You et al., 2019).

Thus, we can conclude that one of the fundamental psychological processes affecting the effectiveness of the inclusion of a student in the process of general education, and the effectiveness of the teacher's work, is the psychological acceptance of a child with special needs by the teacher. Emotional acceptance has a professional "barrier" – the teacher psychologically cannot accept a student in whose success he does not have confidence in. The teacher does not know how to evaluate students' performance, or how to test students' knowledge. For the process of successful emotional acceptance of children with special needs by the teacher, teachers need to develop empathy for such a student.

The empathy of a teacher for a student is not only one of the forms of respect but also an indicator of full personal interest in communication, a kind of "work on himself" for a teacher in the difficult process of educating students. Sensitivity is expressed in the ability to look at oneself and the current situation from a side and to evaluate one's actions and behavior when working with children with special needs. The ability to empathize not only increases the relevance of the perception of the "other" but also leads to the establishment of positive and effective relationships with children. The expression of empathy finds an emotional response in the student, and positive relations are established between the child and the teacher. To be emotionally fully prepared for the introduction of inclusive education, it is important that the teacher masters the skills of empathic listening. Empathic listening shows the child that their feelings and experiences are accepted, understood, and interesting to the teacher.

In the long list of teachers' necessary professional qualities, one of the most important qualities is stress resistance. The developed socio-psychological tolerance of the teacher's personality is a factor of social adaptation to stressful situations. Intolerance is mainly caused by personal stereotypes and a negative attitude to interpersonal evaluation. Tolerance is the result of a conscious decision and can be defined as the principle of human interaction with other people, as well as from the readiness to form one's world so strongly and flexibly that it is open to interaction with others (Kuyini et al., 2020; Okech et al., 2021). The development of a teacher's readiness for inclusive educational practice includes the following personal characteristics: a conscious choice of options for their professional behavior; the ability and willingness to select rational means and methods of self-development; the organization of a teacher's activities in a team; the ability to move freely in the system of techniques and methods of pedagogical activity. The criteria of a teacher's readiness for inclusive educational practice can be awareness of the need for innovation; confidence that an innovation adopted for implementation will lead to a positive result; compliance with personal goals of innovation; willingness to overcome mistakes; technological equipment; positive monitoring of teacher's previous experience of inclusive activity; professional reflection skills; necessary knowledge, abilities, and skills; flexibility of thinking and behavior depending on the situation; a propensity for creativity and expectation of the desired pedagogical result already when choosing an impact strategy.

The optimal process of training a teacher's psychological readiness to integrate students can be achieved through the introduction of complementary materials into the academic curriculum of universities that strengthen teachers' interest in inclusive practice, forming their skills of independent acquisition of knowledge, and their use in organizing work with children with special

educational needs. Nurturing tolerance, positive attitude, and empathy for children with special needs reduce psychological stress and create positive motivation to work with children with special educational needs. In the scope of inclusive education, high demands are placed on the teacher's personality, which is not the same for teachers working in traditional educational institutions, so not everyone could be suitable for the job. Psychological readiness for inclusive education implies the development of a certain mindset based on the following values and beliefs:

- children with special needs have the right to study and develop together with so-called neurotypical children;
- co-education should not only help children with special to learn social interaction but also develop empathy, tolerance for others' behavior, as well as other humanistic values in neurotypical children.
- teaching children with special needs together with neurotypical children inevitably leads to special educational complexities, and teachers should be prepared to manage it;
- teaching children with special needs requires separate methodological training – the development, adaptation, and implementation of special programs or educational technologies;
- all children can take part in collaborative group work, while different learning goals can be set for each of them;

The prerequisite for the success of an effective teaching process is the acceptance of children with special needs with their characteristics to help them to achieve their goals.

The development of such a position requires a humanistic worldview, enthusiasm, and self-care skills. Without the latter condition, a teacher working in a complex inclusive environment has a higher risk of getting so-called professional burnout. To prevent emotional burnout, it is necessary to create an informal space where teachers can share both their difficulties and their successes. The format of interactive seminars, clubs, and social study groups. The main purpose of such events is psychological relief, getting rid of anxiety and emotional stress.

In addition, the introduction of an inclusive approach in schools is impossible without the active support of the administration. It is necessary to carry out methodological and psychological training with the team and teachers to bring

all employees to the same understanding and awareness. The development of a single framework for dealing with difficult situations is crucial so that every employee knows what actions to take and to whom to turn.

The main challenges for teachers working with a class in the framework of inclusion are: children with special needs may demonstrate complex behavior that disrupts the learning process, sometimes children may display aggressive behavior towards others, which may pose a threat to the health and well-being of other children; sometimes children may each other by reacting to other's behaviors; parents of children may demand immediate action, up to the removal from the classroom of an uncomfortable student; and also children may not be able to acquire the curriculum at the required extent.

The school must ensure the safety of both the children with special needs and the neurotypical children. In this case, if the child has pronounced behavioral challenges, constantly accompanying the tutor could enable and support the child. Today, tutoring is a specialty that is taught at the psychology faculties of some universities. A tutor can be a person well-known to the child, or his close relative. If behavioral challenges are rare, and so the constant presence of a tutor is not required, an understandable action plan is necessary for everyone to handle occasional situations that may arise. For example, if a child suddenly falls into an affective state, the teacher will need to move the child to a separate room and stay with the child until the child calms down. Children should know that in such cases they should seek help from any adult.

In the course of education, the pre-service teacher must acquire professional values that contribute to the interaction with children with special needs, such as the recognition of the value of the individual regardless of their special needs; focus on the development process of the child, and not only on the educational achievements; awareness of their responsibility as culture shaper; understanding of the creative nature of the teaching profession, which requires great spiritual and energy costs, etc. Through that, mastering the professional competence of a future inclusive teacher embodies the development of the axiological sphere, the education of one's own technical and personal qualities, and the mastery of technical competencies.

In the process of studying at the university, it is necessary to familiarize students with the subject of inclusive education and introduce the inclusive teachers' profession. Students must visit institutions working with inclusive education and see how professionals work. Here problem approach is used, where students work in a group to examine and create descriptions of work experience as inclusive teachers which then they discuss with professionals. Such experience contributes to a greater awareness of important professional and personal qualities and professional competencies needed, which then becomes a prerequisite for self-development. In addition to that, it is important to consider the willingness of students to accept the values of the profession. Different people have different levels of empathy, tolerance, and other components of willingness to help other people, so the approach to studying should be gradual so that perseverance in the development of professional and personal qualities has a cumulative effect.

During the pedagogical practice, students pay attention to the diversity of the teacher's activities, time management, and professional and personal qualities. Based on the gained perception of the practice, students are asked to create essays on one of the topics: "One day in the life of an inclusive teacher", "Portrait of a professional", etc., that structure their thoughts. Students must exchange impressions after visiting institutions where children with special needs study. In some of them, such meetings leave an extremely painful impression, and the exchange of opinions helps to smooth it out. When organizing a discussion, the teacher can use the so-called method of "Circle": participants are arranged so that they can see each other and openly answer questions in sequence. The academic supervisor of the students facilitates the conversation, directs it, and at the same time contributes to it with their knowledge and experience.

The development of professional values is closely related to students' awareness of the conceptual side of the process they study. In this regard, the biographical method is very effective, based on acquaintance with the professional life and activities of famous teachers, doctors, and psychologists who help people with developmental disabilities. During the lectures, the importance of the spiritual and moral qualities of these characters is emphasized. For a teacher working with children with special needs, such qualities as compassion and empathy become a priority. All this can be illustrated by the example of the life and work of scientists and teachers, such as A. N. Graborov, E. K. Gracheva, J. Itard, E. Seguin, and others. Students may be asked the following questions: "Why do You think these people decided to do this?", "What facts from their biography contributed to Your interest in this profession?".

The awareness of pre-service teachers about the tasks and principles of inclusive education, as well as about the motives that encourage them to engage in this professional activity, is increased through meetings with speech\language pathologists and practitioners. A positive attitude towards the future profession is achieved through students' awareness of the role that a teacher can play in the fate of a child with special needs. Therefore, at the initial stage of training, students need to be taught what successes children (adults) with special needs can achieve through timely and high-quality support from specialists and the right environment. This is also possible by visiting educational institutions, watching films ("The Eighth Day", "Wild Child", "School for Everyone", etc.), performances, and discussions.

The process of studying inclusive education shall encompass interactive forms of training, for which it is advisable to discuss historical facts and real observations related to the moral aspects of the profession. For example, it is proposed to express their position on the information in the following passage: "In Germany, the opening of special schools was also met with neither sympathy nor even hostility: do we need special schools for children with disabilities? Do they need to be trained even on a particularly expensive system?", etc.

Psychological and pedagogical literature suggests that the training of a person as a professional is closely related to the development of own personality. Personal space and professional space have an impact on each other. In the process of professionalization, new qualities develop in the human psyche that did not exist before or existed in a different form. The education of professional and personal qualities of a skilled worker in the process of professional training is characterized by unevenness and heterochrony (different times). Heterochrony is a natural time dif-

ference in the development of various important properties, both in terms of speed and depth of their development. The development of professional and personal qualities is directly related to the professional development of the individual, which is considered by most researchers as an integral process of the development of a student's personality, student's motivational and moral spheres, the stage of acquiring basic knowledge, and student's perception of life. The deep meaning of such a process lies in the fact that the external (objective) is transferred to the sphere of individual consciousness and becomes the property of the inner (subjective) world of a person.

A diagnostic complex was developed to help teachers to prepare to work with children with special needs; study themselves; and objectively recognize the personal qualities necessary to master. The diagnostic complex consists of several methods, including the study of communicative and organizational skills; understanding of nonverbal communication; assessment of the degree of empathy of pre-service teacher; display of the level of subjective control of pre-service teacher; determination of self-esteem of the pre-service teacher. It is reasonable to apply diagnostic techniques not only at the initial stages but also at subsequent stages of training to understand the dynamics of the development of professional and personal qualities. Repetitive assessment helps learners to objectively assess their weaknesses and strengths from the standpoint of subjective professional control; to master the psycho techniques of self-management and self-control; when making a decision, to consider not only the results obtained but also psychological effects (well-being, consequences for the teacher's self-esteem, as well as the student's feelings after achieving the goal, etc.).

At various stages of professional training, it is recommended to offer tasks aimed at personal suitability for the chosen profession. For example, to write an essay "Who am I?", "Technology of self-development of tolerance (empathy, mercy, organization, etc.)", or "Describe a few examples of fates known to you (from life experience, literature, other sources), representatives of your profession, successful in their field", "What professional and personal qualities do you want to rely on in your work?", "What personal qualities do you need to develop to be effective in professional activity?". Modern technical means

of teaching make the learning process more informative and visual. Video materials and educational films reflecting behavioral models demonstrate the skills that develop in action, as well as the direct relationship between the teacher and the child, their reaction to their actions, and the educational context in general. Observing the professional behavior of teachers during visits to educational institutions and classroom practice, students get a real picture of the profession and their compliance with the future profession's standards.

The involvement of students preparing to work with children with special needs in social charity events in defense of the rights of people with disabilities (collecting toys, things for orphanages, performing at concerts, performing in special institutions, volunteering, etc.) nurtures a sense of compassion for people with special needs. Exercises and training courses, which are usually conducted in practical classes, play an important role in the development of professional and personal qualities: observation skill, self-observation skill, ability to recognize personality traits of a person, empathy and tolerance ("circle", "let others be different", "Brownian motion", etc.), sensitivity to nonverbal means of communication ("touch", "mood circle", "elbow greeting", "contact", "talking pose", etc.); awareness of one's own and others' individuality, uniqueness and diversity of the human personality types. Most of the listed techniques and exercises can be used with children. Self-observation exercises are a necessary part of maintaining control over the professional development. Such exercises use video recordings of classes, recording lessons on a voice recorder, analysis of classes in which the student's introspection is heard first, and then the analysis of the lesson by his classmates or the supervising teacher. Above mentioned allow one to correctly assess one's internal condition and exercise self-control more effectively.

In pedagogical practice, favorable conditions are created for the intensive development and manifestation of professional and personal qualities. Direct communication with children awakens a sense of empathy, tolerance, altruism, and tact, and teaches patience, restraint, and benevolence. For example, to develop attention, students are given the task of observing a child with special educational needs, recording the results

of their observations in a diary, and, in the end, summarizing them in a psychological and educational description. Teachers of different academic disciplines can set tasks during the practice period: find ways to stop the child's misdeeds, pay attention to the specific features of children's communication in the team, identify the originality of their play, assess the level of activity in the lesson, etc.

When developing special knowledge, special attention is paid to knowledge in the field of didactic, pedagogical, communicative, and methodological activities. A new type of learning is emerging - transformative activity. Didactic work ensures the development of various types of activities for students that correspond to a certain age and includes: the readiness of the pre-service teacher to set general and particular learning goals; the ability to consider the psyche, age, and individual characteristics of students, as well as the characteristics and degree of violation of the possibility of their compensation in the educational process. It also contains step-by-step compliance with special didactic principles, purposeful control of students' cognitive activity, adequate assessment of academic performance, etc. Educational activities are aimed at the personal development of children with special educational needs, instilling in them social and moral values and assisting in the development of positive personality traits. The following special technical skills are required for successful implementation: the ability to analyze the behavior, actions, and reactions of students in various everyday situations, as well as to evaluate and explain them psychologically and pedagogically; the correct choice and application of methods and techniques of education appropriate to the age, compensatory and psychological capabilities of children; their introduction to the culture, etc.

Communication activities are carried out in a trusting relationship with all children while considering the personality and rights of a child with special needs. This is achieved through verbal and non-verbal communication; the ability to prevent and resolve conflict situations; establishing long-term positive contacts with parents to encourage them to work together; assistance in establishing appropriate forms of interaction with the child; maintaining the confidentiality of official information and personal secrets of students. Methodological activities include readiness to set

goals, design of the educational process, its planning, implementation, and diagnostics, as well as the competent assessment and correction of results. Transformative activity includes the search and application of methods and techniques of teaching and upbringing available to a child with special needs and the selection and transformation of educational, didactic, and methodological material per the special educational needs of the student.

According to I. M. Yakovleva, a teacher's readiness to help by offering altruistic and prosocial actions aimed at ensuring the well-being of other people is one of the teacher's most important qualities. Usefulness is the highest manifestation of empathic human behavior. It is considered that the more empathy a person has, the greater his willingness to help. Empathy manifests itself as a teacher's ability to see the situation through the eyes of a child, and as an emotionally warm attitude towards a child with disabilities (Yakovleva, 2009).

Another important personality trait of a teacher working in an inclusive education institution is not just tolerance, which entails a calm and friendly attitude towards the qualities of students. The teacher's educational optimism, and belief in the child's potential play an important role. Therewith, it is important not to overload children with special needs. When working in inclusive pedagogy, the teacher must have high skills of self-control and regulation of his behavior and emotional state. The teacher must be able to react quickly and confidently to stressful situations to make the right decision in emerging conflict situations, both between children, and the teacher and children. When working with children with special educational needs, the sensitivity of teachers, as well as strict confidentiality of information, is of great importance. Yu.V. Shumilovskaya (2011) identifies a creative component among the professionally important characteristics of a teacher working with children with disabilities, which allows the creation of new material and spiritual values and increases the creative potential of children with disabilities.

An inclusive education teacher needs creativity to apply it in various situations and to be able to adapt to new conditions. These skills are formed using the method of analyzing particular situations - known as the case method. The case method is based on the organization of training

interviews where a particular situation is analyzed from different standpoints. During the discussion, the causes of the problem or conflict are identified, measures to overcome them are proposed, their effectiveness is evaluated, and forecasts are made for the further development of the situation. The active interaction of teachers and students allows for attributing the method of situational analysis to interactive teaching methods. It has didactic advantages for the mobilization of students' research activities, their creative abilities, and the individualization of learning within the framework of a group discussion. When using this method, other tasks are also solved: presentation of professional situations; identification of their nature (causes of the problem, motivation of participants' behavior, etc.); development of decision-making competencies, etc. The effectiveness of using this method in teacher training consists of a detailed and effective analysis of specially created typical problem situations in practical classes, in finding solutions, evaluating and predicting the consequences of decisions made. In the practice of using this method, two approaches are usually used: the development of special educational tasks for their subsequent discussion with the student audience and the proposal of typical professional problems as illustrative material to acquire possible problems and solutions.

Thus, the development of inclusive education is a complex, multi-level process that requires scientific, methodological, and administrative resources and support. Teachers and the management of an educational institution, who have adopted inclusive education, need guidance in organizing the educational processes and developing mechanisms of interaction between all participants in the educational process, having the child as the central figure. An inclusive space implies openness and accessibility not only for children but also for adults.

Conclusion

The willingness of teachers to work in an inclusive education environment is one of the most important aspects of the organization and implementation of inclusive education. Teachers implementing inclusive education have to navigate through more complex requirements, which include specific personality traits, knowledge, and skills for designing and ensuring inclusive education. The basic component of psychological readiness to implement the ideas of inclusive education is the motivational sphere of the teacher, which determines the purposeful, conscious nature of the teacher's actions and the potential capabilities of the individual as a professional. The motivational sphere reflects and manifests the most important characteristics of psychological readiness of the pre-service teachers for inclusive practice. Psychological readiness is characterized by a personal and professional (pedagogical) orientation. Those manifest themselves in understanding and accepting oneself and others as a unique unit.

The human factor plays an important role in the implementation and development of inclusive education. In the process of pre-service teachers training theoretical, practical interactive methods are used to build an "ideal teacher" model for students. The developed model contains the following characteristics of the teacher: professional teaching skills; general understanding; mental and physical health; creativity and orientation to innovation; flexibility of thinking and behavior; authority and personal success; striving for self-fulfillment; communication skills; knowledge of individual, gender and age characteristics of students; attention and reflexivity; sensitivity and dexterity; accuracy combined with honesty; altruism and aesthetics; stress tolerance; a sense of humor and measure; diligence and efficiency.

The analysis of scientific, psychological, and pedagogical literature allows identifying the components of teachers' readiness for working in inclusive education environments. Professional and psychological readiness are nurtured through the practical experiences of pre-service teachers, as well as, the use of diagnostic complexes for self-assessment. All together shall represent the necessary qualities of a teacher's personality, with a central orientation toward people as the main value for the teacher.

References

Alekhina, S. V., & Zaretsky, V. K. (2010). *Inklyuzivnyj podhod v obrazovanii v kontekste proektivnoj iniciativy "Nasha*

novaya shkola" (An inclusive approach in education in the context of the projective initiative "Our new school", in Russian). In *Psihologo-pedagogicheskoe soprovozhdenie nacional'noj obrazovatel'noj iniciativy "Nasha novaya shkola" (Psychological and pedagogical support of the national educational initiative "Our new school", in Russian)* (pp. 104-116). Moscow: AST.

Alekhina, S. V., Alekseeva, M. A., & Agafonova, E. L. (2011). *Gotovnost' uchitelej kak glavnyj faktor uspekha inklyuzivnogo processa v obrazovanii* (The readiness of teachers is the main factor in the success of the inclusive process in education, in Russian). *Psihologicheskaya nauka i obrazovanie (Psychological Science and Education, in Russian), 1,* 83-92.

Becker, C., & Anselmo, A. G. (2020). Social model in the perspective of inclusive education. *Revista Conhecimento Online, 1,* 90-108.

Boyko, V. V. (1996). *Energiya emocij v obshchenii: vzglyad na sebya i drugih* (The energy of emotions in communication: A look at yourself and others, in Russian). Moscow: Nauka.

Boyle, C., & Anderson, J. (2020). The justification for inclusive education in Australia. *Prospects*, *49*(3-4), 203-217.

Derkach, A. A., & Kuznetsov, N. V. (1993). *Akmeologiya: Puti dostizheniya vysot professionalizma* (Acmeology: Ways to achieve the heights of professionalism, in Russian). Moscow: Nauka.

Kefallinou, A., Symeonidou, S., & Meijer, C. J. W. (2020). Understanding the value of inclusive education and its implementation: A review of the literature. *Prospects*, *49*(3-4), 135-152.

Koh, Y. H. (2021). Combining adapted physical education with individualized education programs: Building Korean pre-service teachers' self-efficacy for inclusive physical education. *Sustainability (Switzerland)*, *13*(5), 1-14.

Kuyini, A. B., Desai, I., & Sharma, U. (2020). Teachers' self-efficacy beliefs, attitudes and concerns about implementing inclusive education in Ghana. *International Journal of Inclusive Education, 24*(14), 1509-1526.

Kuzmina, N. V. (1990). *Professionalizm lichnosti prepodavatelya i mastera proizvodstvennogo obucheniya* (Professionalism of the personality of the teacher and master of industrial training, in Russian). Moscow: Vyshaya Shkola.

Magnússon, G., Göransson, K., & Lindqvist, G. (2019). Contextualizing inclusive education in educational policy: The case of Sweden. *Nordic Journal of Studies in Educational Policy*, *5*(2), 67-77.

Makoelle, T. M. (2020). Schools' transition toward inclusive education in post-soviet countries: Selected cases in Kazakhstan. *SAGE Open*, *10*(2), 17-22.

Miller, A. L., Wilt, C. L., Allcock, H. C., Kurth, J. A., Morningstar, M. E., & Ruppar, A. L. (2020). Teacher agency for inclusive education: An international scoping review. *International Journal of Inclusive Education, 17,* 1-19.

Nagymzhanova, K. M., Abisheva, K. M., Albekova, A. S., Kapanova, A. K., & Tyazhina, Y. B. (2020). *Formirovanie global'nogo mezhkul'turnogo diskursa mul'tikul'turnoj lichnosti* (Formation of a global intercultural discourse of a multicultural person, in Russian). *Media Watch (Media Watch, in Russian), 11*(3), 475-487.

Okech, J. B., Yuwono, I., & Abdu, W. J. (2021). Implementation of inclusive education practices for children with disabilities and other special needs in Uganda. *Journal of Education and e-Learning Research*, *8*(1), 97-102.

Paseka, A., & Schwab, S. (2020). Parents' attitudes towards inclusive education and their perceptions of inclusive teaching practices and resources. *European Journal of Special Needs Education*, *35*(2), 254-272.

Qiao, X.-F., Ren, Q., Li, X., Li, T.-L., & Mariano, R. S. (2020). Analysis of subjective perception and influencing factors of different inclusive education models among prelingually deaf children with a cochlear implant. *Journal of International Medical Research*, *48*(6), 456-470.

Shumilovskaya, Yu. V. (2011). *Problemy i perspektivy podgotovki budushchih uchitelej tekhnologii k rabote s licami s ogranichennymi vozmozhnostyami* (Problems and prospects of training future technology teachers to work with persons with disabilities, in Russian). *Materialy IV Mezhdunarodnoj konferencii (Proceedings of the IV International Conference, in Russian), 1,* 243-246.

Slastenin, V. A. (1982). *Professional'naya gotovnost' uchitelej k vospitatel'noj rabote: soderzhanie, struktura, funkcionirovanie* (Professional readiness of teachers in educational work: Content, structure, functioning, in Russian). In *Professional'naya podgotovka prepodavatelej v sisteme vysshego obrazovaniya (Professional training of teachers in the system of higher education, in Russian).* Moscow: Publishing house of the Mos cow Pedagogical Institute.

Šuhajdová, I. (2019). Inclusion and inclusive education through the eyes of the majority in Slovakia. *Sodobna Pedagogika/ Journal of Contemporary Educational Studies, 70*(2), 142-158.

Yakovleva, I. M. (2009). *Professional'naya i lichnostnaya gotovnost' uchitelya k rabote s det'mi s ogranichennymi vozmozhnostyami.* (Professional and personal readiness of the teacher to work with children with disabilities, in Russian). *Vestnik MGOPU. Seriya "Pedagogika" (Bulletin of MGOPU. Series "Pedagogy", in Russian), 6,* 140-144.

You, S., Kim, E. K., & Shin, K. (2019). Teachers' belief and efficacy toward inclusive education in early childhood settings in Korea. *Sustainability (Switzerland), 11*(5), 1489.

THE METHODOLOGY FOR EVALUATING THE QUALITY OF SOCIAL-PEDAGOGICAL ACTIVITY IN THE GENERAL EDUCATION SCHOOLS OF THE REPUBLIC OF ARMENIA

Hakob TADEVOSYAN [1, *] iD

1 Khachatur Abovyan Armenian State Pedagogical University, Yerevan, Armenia

* *Correspondence*
Hakob TADEVOSYAN, 17, Tigran Mets ave. 0010, Yerevan, Armenia
E-mail: tadevosyanhakob40@aspu.am

Abstract: The article discusses the need for socio-pedagogial activities in schools of Armenia and the existing problems in this area. The article substantiates the expediency of expanding the content of activities and duties of social pedagogues working in general education schools of the Republic of Armenia, as well as in regional pedagogical and psychological centers. In fact, they are included only in work with children with special educational needs. However, the main content of the work of a social pedagogue in a comprehensive school should be aimed at solving the problems of socialization of all schoolchildren.

In the article, we proposed indicators, standards, a formula combining qualitative and quantitative indicators, which ensure the measurability and objectivity of the assessment of the quality of socio-pedagogical activities.

The article presents the methods for evaluating the quality of social-pedagogical activity in the public schools of Armenia. We have created three standards and the ten criteria for evaluating the quality of social-pedagogical activity. The methodology for assessing the quality of socio-pedagogical activity presented in the article is universal, in the case of adapting standards and indicators, it can be applied in almost all areas of activity of the social pedagogue.

Keywords: social-pedagogical activity, comprehensive school, social pedagogue, quality, method

The study of the problem of socialization of personality in the modern changing world is relevant for various sciences. Philosophical science considers the socialization of personality as the introduction of personality to social norms in the process of upbringing and personal development (Vinogray et al., 2008), the process of assimilation by an individual throughout his/her life of social norms and cultural values of the society to which he belongs (Malyshevsky, 2004). The success of the process of socialization of an individual is due to the effectiveness of the work of

competent specialists. A social pedagogue is such kind of specialist. The activity of a social pedagogue is aimed at guiding the process of socialization of an individual in the ambit of education, social protection and other spheres, socio-pedagogical assistance in solving emerging problems through the implementation of preventive, formative, developmental, educational, rehabilitation, advisory, correctional functions. In RA during 2002-2003 academic year at Armenian State Pedagogical University after Kh. Abovyan the training of personnel with the qualification of a social pedagogue in the specialty "Social Pedagogy" was initiated. Today, in the Republic of Armenia, the positions of social pedagogue have been introduced in various departments of the ministries of Ministry of Education, Science, Culture and Sports and Ministry of Labor and Social Affairs: public schools (but not in all schools), territorial centers of pedagogical and psychological assistance, institutions providing care and protection of children left without parental care - orphanages, boarding schools, day care centers for social support of families and children.

The main purpose of the service provided by a social pedagogue in a comprehensive school is social and pedagogical support in the educational environment, the processes of integration, adaptation of pupils to society, ensuring the success of their socialization, and personal growth (Vasilkova, 2001, pp. 62-65; Almazov et al., 2002, pp. 59-74).

In our various publications, we presented a number of ambits of activity of a social pedagogue, developed the content of the work of a social pedagogue in them - functions, duties, rights of a social pedagogue in various social institutions, directions of socio-pedagogical activity and, in general, justified the need for the formation and development of a management system of socio-pedagogical activity, the possibilities of developing this system in the Republic of Armenia (Tadevosyan, 2008, 2011, 2012, 2016, 2017, 2019).

In recent years, as a result of studying the methodology and features of the work of social pedagogues in the comprehensive school of the Republic of Armenia and regional pedagogical and psychological centers, we have reconstructed the main content of the work of a social pedagogue in a comprehensive school, published by us in

2008, in particular directions, duties, functions, quality assessment criteria (Tadevosyan, 2008, 2011). In our opinion, the latter are not immutable, they need regular revision and reconstruction. This need is due to the changes in the basic principles, directions of state policy in the field of general education, the legislative framework, the content of the state standard of general education, the problems faced by the comprehensive school, the development of the authority of the profession of a social pedagogue in society, the qualitative characteristics of changes in the problems of socialization of schoolchildren.

The main goal of general education is to prepare graduates for independent life in society, orientation in choosing a profession and life path, and ensuring their successful socialization at those age stages. The role of the system of organizing socio-pedagogical activity in a comprehensive school in the socialization of schoolchildren, provision of favorable opportunities for their self-realization in the conditions of modern society, and solving problems related to social and legal protection is great. The effective functioning of this system, in fact, is due to the development of social pedagogy as an independent science, as well as the development of the institution of social pedagogues in comprehensive schools and regional centers of pedagogical and psychological support. The institute of social pedagogues in comprehensive schools of the Republic of Armenia and regional centers of psychological and pedagogical support is still in the stage of development, even formation.

The need to develop the institution of a social pedagogue in comprehensive schools is becoming even more urgent due to the fact that by 2025 the general education system of the Republic of Armenia will switch to universal inclusiveness, since one of the important directions of work of social pedagogues solves the problems of socialization of students with special educational needs. A question arises here: why do we mention that working with children with special educational needs is only one of the areas of work of a social pedagogue in a comprehensive school? In our opinion, it is expedient to expand the content of the activities and duties of social pedagogues working in comprehensive schools of the Republic of Armenia, as well as in territorial pedagogical and psychological centers. In fact, they are included only in work with children with

special educational needs. However, the main content of the work of a social pedagogue in a comprehensive school should be aimed at solving the problems of socialization of all schoolchildren. All schoolchildren, their parents and teachers should be the beneficiaries of their professional influence. It is necessary to reopen the position of a social pedagogue in comprehensive schools and make it mandatory in the staff list.

The content of the activities of social pedagogues in the field of general education, in particular, only duties, is reflected in the resolution 1391-N of the Government of the Republic of Armenia dated October 14, 2010 "On approving the list and description of the positions of pedagogical employees of the state educational institution implementing general educational programs of the Republic of Armenia".

In 2012, the article "Prospects for the development of a system for organizing social and pedagogical activities in a comprehensive school" was published, which formulated the directions of work, problems, rights and obligations of a social pedagogue working in a comprehensive school, and also emphasized the need to develop specific, measurable standards for assessing the quality (Tadevosyan, 2012).

Order of the Minister of Education and Science of the Republic of Armenia dated April 13, 2017 No. 370-N "On approval of the procedure for the provision of services for the psychological and pedagogical support of an educational organization" determines the type, period, duration and volume of supporting services provided for a separate curriculum, where the term and the scope of services of a social pedagogue are presented separately according to the degree of need for special learning conditions.

Based on the above, we come to the conclusion that there is a need to clarify the main content of the work of a social pedagogue in a comprehensive school:

- directions,
- functions,
- responsibilities,
- their rights,
- the criteria for evaluating the effectiveness of that work, which will contribute to the development of the system of organizing socio-pedagogical activities in the comprehensive school.

The content of the work of a social pedagogue in comprehensive school includes the following main directions:

1. the direction of cooperation and joint work in the group of pedagogical and psychological support,
2. direction of cooperation with families of students, parental education,
3. direction of methodological works,
4. direction of research works,
5. direction of joint work with local governments, state and public organizations, social services, employment centers, relevant police departments,
6. the direction of socio-pedagogical work aimed at the development of students' personal growth in accordance with age-related psychological characteristics, the development of social skills and preparation for the next stages of school education,
7. direction of professional orientation of schoolchildren,
8. direction of social and legal protection.

The main functions of the work of a social pedagogue at school are:

1. *Diagnostic and predictive function* (Shakurova, 2007, p. 14). Studies and evaluates the age and individual psychological characteristics of the development of students, the orientation of their personality - interests, demands, the scope of social contacts, living conditions, the reference group, social problems of society, features, the level of upbringing of the child, makes predictions about the social development of students as a result of the diagnostic work on the process, the social policy of the school, the development strategy, the possible results of the programs and projects envisaged by its work plan.

2. *Coordinating-organizing function.* According to the results of diagnostics (taking into account the need for special learning conditions), organizes and promotes various types of socially significant activities, students' leisure, especially focuses on the cultural form of leisure, provides professional orientation, promotes student activity by organizing events of various contents, organizes and coordinates the formation and activities of children and youth clubs, cooperation between schools and socio-pedagogical, medical, edu-

cational, cultural, sports, human rights institutions, social services.

3. Preventive-warning function. In his work, he tries to identify and take into account all the factors influencing the development of the student's personality, predicts their possible negative consequences and applies preventive pedagogical, socio-legal, psychological, economic (indirect) mechanisms, contributes to the creation of a healthy moral and psychological atmosphere at school, the formation humanitarian relations, carries out legal education of students and school staff, teachers.

4. Protective function. Develops and implements programs of socio-pedagogical support for students and their families, functions of legal and social protection of students, works to create a safe environment at school, protects the rights of students both at school and in law enforcement, justice, healthcare, other state and bodies local government. Carries out legal education of students, teachers, parents, work aimed at increasing legal awareness.

5. Socio-pedagogical rehabilitative and corrective function. Conducts explanatory work with schoolchildren and parents, tries to integrate and include students who fall behind in their progress in the educational process, as part of a group of pedagogical and psychological support, participates in the work on correcting and restoring lost social skills, various developmental disorders of children with special educational needs.

6. Research and methodological function (Tadevosyan, 2008). Develops and implements research programs to study socio-pedagogical problems in the field of general education, problems in the work of a social pedagogue, analyzes the results, develops guarantees, recommendations, methodological materials aimed at solving the identified problems, implements them in practice.

A social pedagogue has the following rights in a comprehensive school:
- to participate in the processing of school development programs, school social policy,
- to participate in the creation and joint implementation of programs for the activities of infrastructures responsible for educational work at school,
- to represent and protect the interests and rights of students in the legislative, executive and judicial authorities, in particular in law enforcement and justice authorities (Bagulina, 2011),
- to study the personal qualities of students, their individuality, position in the family, relationships with family members,
- to perform diagnostic work, socio-pedagogical research with different methods and methodologies,
- to require the persons carrying out educational activities in the school to observe the requirements and norms of professional pedagogical ethics,
- to make official inquiries from the state statistical service, the police, sociological centers about socio-pedagogical activities in the school, to analyze, compare and target the provided information in future programs and works,
- to discuss the instructions, recommendations of the school management, if they contradict the requirements of pedagogical professional ethics, and to present the issue for discussion in the pedagogical council.

The main responsibilities of a social pedagogue in a comprehensive school are:
- the formulation and clarification of the main directions of socio-pedagogical work together with the school management,
- the study of socio-pedagogical problems at school, their classification, setting of priorities,
- the development and implementation of measures for the formation of humanitarian relations in schoolchildren and teaching teams,
- drawing up weekly, monthly, quarterly, semi-annual and annual plans for the work of a social pedagogue,
- provision of socio-pedagogical support to students and their families, which will be aimed at preventing and overcoming difficult social situations and conflicts,
- the organization and implementation of parenting education,
- the protection of the interests and rights of students and their families, representing their interests in law enforcement and justice bodies, and other state institutions,
- the participation in the work of the pedagogical and psychological support group at school as a full member,
- active participation in the processes of devel-

oping individual study plans and implementing their content for children with special educational needs in comprehensive schools implementing inclusive education,

- the study of the features of schoolchildren socialization, their adaptation in the social environment, communication difficulties and the implementation of socio-pedagogical works to overcome them,
- consulting schoolchildren, their parents, other school employees on socio-pedagogical issues, their rights and social protection,
- the organization and implementation of socio-pedagogical activities aimed at the professional orientation of schoolchildren,
- the organization of interaction with local governments and state bodies in order to solve the problems of schoolchildren,
- the submission of regular reports to the school administration on the implementation of multidisciplinary work,
- ensuring a high level of professional activity, continuous development of professional knowledge, abilities, skills, improvement of methodological preparation,
- evaluating the effectiveness of their work, compiling and submitting reports to the school management,
- the completion of documents necessary for the work of a social pedagogue in time.

Like any professional activity, the activity of a social pedagogue in a comprehensive school must be tested and evaluated, for which we have distinguished a number of general standards or indicators, which will be more specific when describing the methodology for assessing the quality of socio-pedagogical activity. These criteria are:

- the availability and quality of the work plan of the social pedagogue (weekly, monthly, quarterly, semi-annual, annual),
- the effectiveness of the social pedagogue's work plan implementation,
- the quality and objectivity of the assessment of schoolchildren's needs at the school level,
- the quality of individual educational programs for students with special educational needs,
- the effectiveness of implementation of individual curriculum,
- indicators of socialization and personal growth of schoolchildren during the reporting

period,

- comparison of the content of the moral and psychological atmosphere in the school team, manifested socio-psychological phenomena for the reporting period of activity,
- analysis and comparison of the nature of the relationship between students, their groups, existing problems and the content of the work aimed at solving them during the reporting period of the work of a social pedagogue,
- change in the attitude of schoolchildren and their families to universal and national values, moral and legal norms as a result of the work of a social pedagogue,
- gradual change, development of the involvement of schoolchildren and their parents in various areas of social activity in the school, community, participation in the public life of the community,
- indicators of changes in the attitudes of students and their parents towards the profession of a social pedagogue and his work at school,
- analysis and comparison of social pedagogue competencies in concrete periods,
- framework for cooperation between the school and state, public organizations, social services for the reporting period,
- initiative in the performance of their professional duties,
- the degree of participation in research work, the availability of publications with the data of these studies in scientific journals, newsletters.

However, the mere existence of standards or indicators is still not enough to assess the effectiveness of the work of a social pedagogue in a comprehensive school. It is also necessary to coordinate, regularly study, record the performed works, their results, highlight their shortcomings and omissions, find the causes and correct them.

Working with documents is important in the work of a social pedagogue in a comprehensive school. Among the documents used by a social pedagogue in the course of their activities, medical, psychological and pedagogical characteristics of students, documents on the social status of their families, annual and semi-annual school curriculum, social and pedagogical characteristics of the school team, including the teaching staff, are considered important.

In the comprehensive school, the social peda-

gogue carries out his work in individual and group ways. The choice of the form of work is determined by the set goal, problems, expected results, selected appropriate methods, technologies, individual psychological and group socio-psychological features of the beneficiary, as well as the professionalism of the social pedagogue. Moreover, the social pedagogue can achieve the same goal both as a result of individual and group work.

In a general education school, the following stages of socio-pedagogical activity are distinguished (Nikitina & Glukhova, 2007, p. 120).

1. Preparatory, information-gathering, i.e. diagnostic work stage of socio-pedagogical work. At this stage, the social pedagogue:
   - gets to know the students and their families,
   - establishes contacts and strengthens them with various specialists: psychologists, special pedagogues, doctors, lawyers, as well as subject teachers, members of the methodological association and the parent committee,
   - conducts socio-pedagogical diagnostic work at school, at the place of residence,
   - studies the attitude of schoolchildren and their parents and other professionals towards him,
   - clarifies the forms of cooperation with state and public organizations, outlines ways.

2. The coordination-organizational stage during which the social pedagogue.
   - collects important and valuable information from a professional point of view,
   - studies and evaluates the educational potential, opportunities of school employees and society,
   - draws up current and long-term plans for its work,
   - classifies, analyzes and compares problems that arise in the course of work,
   - develops the mechanisms of the system of social and legal protection of students in this school and ways of their effective functioning,
   - selects suitable or optimal socio-pedagogical technologies,
   - provides social and pedagogical support to the families of students,

   - draws up the necessary documents in the course of its activities.

3. The third stage of the work of a social pedagogue involves:
   - improving the components of professional activity: diagnostic, prognostic, preventive, consulting, rehabilitation, corrective functions,
   - active participation in the work of methodological associations, various groups, social and pedagogical support,
   - study and analysis of the professional experience of colleagues, elimination of defects and gaps,
   - clarification of the criteria and indicators for evaluating the effectiveness of the functioning of the system for organizing social and pedagogical activities in a comprehensive school,
   - assessment of the quality of their professional activities as a result of experimental work,
   - Improving one's own professional qualifications through self-education and active participation in training courses, seminars, round tables and conferences.

As in any ambit of pedagogical activity, and in the case of the formation and development of a management system of socio-pedagogical activity, it is necessary to design measurable, objective criteria and criteria for assessing the quality of socio-pedagogical activity, which, in addition to practical application, have theoretical significance - this is a problem that requires urgent solutions for modern pedagogical science, education system, theories and practices of socio-pedagogical activity. "The quality that has arisen in philosophy since ancient times (it is one of the four fundamental categories of knowledge chosen by Aristotle) is a philosophical category that expresses what is characteristic of all material phenomena and distinguishes them from other phenomena, namely: unity of properties, structuralism, functionalism. As qualitative changes, we consider those changes in the properties and characteristics of things that predetermine significant changes" (Kikel & Soroko, 2008).

In the works of various authors, we find ideas, approaches, individual standards, indicators related to the need to assess the quality of socio-pedagogical activities, the work of a social teacher, examples of conditional, non-expert as-

sessments in individual institutions, but in fact there are no systematic and universal methods that provide expert evaluation by a formula and objective measurability, combining qualitative and quantitative indicators.

The main criteria for the effectiveness of the professional activity of a social pedagogue are: dynamics in the involvement of children and adults in various activities; in a positive change in the level of attitudes of children, adolescents, parents to basic social values, the socio-psychological climate, the satisfaction of children and teachers with the quality of social and pedagogical assistance, the reduction of delinquency by children, and the increase in the authority of a social pedagogue (Sheptenko, 2014).

"The main directions for evaluating the effectiveness of the work of a social pedagogue:

- correlation of existing socio-pedagogical problems and the results of their solution;
- the dynamics of the involvement of children and adults in socially valuable activities;
- the dynamics of changes in the attitude of participants in the educational process to basic social values;
- the dynamics of socio-pedagogical conditions for ensuring the life of the staff of the institution;
- dynamics of the socio-psychological situation in the social environment, microclimate;
- development of social initiative of children and adults;
- the state of documentation of the social pedagogue;
- professional growth of a social educator" (Krasnova, 2004, p. 18).

"The evaluation criteria can be: - the criterion of the content of the socio-pedagogical function; - achievement criterion; - criterion of social stability; - criterion of relationships; - the criterion of consistency" (Shalupina, 2012, pp. 195-198).

From the stance of the development and quality assurance of socio-pedagogical activity, the necessity of assessing the quality of socio-pedagogical activity, creating appropriate methods and tools is emphasized. Research on socio-pedagogical activity and, in particular, ensuring its quality and evaluation criteria in public schools of RA has not been conducted yet.

Designing criteria for assessing the quality of socio-pedagogical activity in public schools of RA, creating a methodology for measuring them, the effective use of the latter in professional work will directly contribute to the development of the system of socio-pedagogical activity in public schools, increasing the effectiveness of solving the socialization problems of pupils.

We presented the methodology we developed for assessing the quality of socio-pedagogical activity in subdivisions of the Armed Forces of the Republic of Armenia and orphanages in the articles titled "Formation and Development of the Management System of Socio-pedagogical Activity in the Units of the Armed Forces of RA and the Methodology for Assessing the Quality of Socio-pedagogical Activity" (Tadevosyan, 2016) and "Methodology for Assessing the Quality of Socio-pedagogical Activity in Orphanages of the Republic of Armenia" (Tadevosyan, 2019). While formulating criteria for assessing the quality of socio-pedagogical activity, the above mentioned articles took into account the purpose of the activities of the Armed Forces, Military service and orphanages, functional duties of officers, direct commanders, specialist educators of orphanages, as well as age, psychological characteristics of beneficiaries of socio-pedagogical services-military personnel/faculty and children left without parental care. Keeping mainly the methodology, in this article we will present the criteria necessary to assess the quality of socio-pedagogical activity in public schools of the Republic of Armenia, criteria that relate to the effectiveness of the activity of a social pedagogue working at school and the socialization of pupils.

The object of social-pedagogical work at public school are pupils, educators, and parents. To assess the socio-pedagogical activity in public school, the effectiveness of the work of a social pedagogue, it is necessary to identify specific, clearly formulated measurable criteria, criteria that will actually ensure the objectivity of the assessment.

As a result of studying social and pedagogical work in public schools, we have identified the following criteria for assessing the quality of activities performed in this direction. The latter can be modified and localized to a certain extent due to the characteristics of the community in which the school operates, the number of students, the thematic focus and type of the school, and other features. The following criteria and

standards can also be used by social pedagogue of territorial pedagogical and psychological centers. In our opinion, the criteria developed by us can be further specified, narrowed in terms of content, and develop separate methods for each of them, contributing to an increase in the level of objectivity of the assessment.

Standard I - Professional training of a social pedagogue and motivation to improve it.

1. the level of pedagogical knowledge of subjects of socio-pedagogical activity carried out at school, their use of modern socio-pedagogical technologies and techniques,
2. continuous professional development of social pedagogues, participation in retrainings,
3. implementation of additional differentiated socio-pedagogical work with children from refugee families who are hard brought up, undisciplined, with deviant behavior, left without parental care,
4. availability, and initiative of the work organization system based on modern technologies of cooperation with the families of schoolchildren, the community, the public,
5. the participation of a social pedagogue in research, scientific and experimental activities, the availability of publications in scientific journals with the data of these studies, the presentation of the results of the latter and recommendations based on them to the school management, the management council, the presentation of reports on these topics at conferences,
6. professional expert activity of a social pedagogue in schools (participation in the practical work of expert commissions, groups, Olympiads, competition jury, creative laboratories),
7. effective cooperation within the framework of a supportive professional team,
8. relevance, quality and effectiveness of socio-pedagogical programs used by subjects of socio-pedagogical activity in schools, in particular by a social pedagogue, the state of document flow,
9. availability and quality of the social pedagogue's work plan (weekly, monthly, quarterly, semi-annual, annual), the effectiveness of their implementation,
10. assessment of the requirements of pupils with special needs and on their basis the quality of

individual curricula, the effectiveness of implementation.

Standard II - Indicators of socialization of pupils in schools and the level of social and legal protection:

1. manifestations of tolerance, camaraderie, mutual assistance, humanism in interpersonal relationships of schoolchildren,
2. the level of legal awareness of schoolchildren, indicators of their observance of order in school, attendance, discipline,
3. the effectiveness of students' adaptation to the school environment, classroom groups,
4. active participation of pupils and their achievements in intellectual and sports and cultural competitions, in amateur activities and sports clubs functioning at school, in the organization of various games, contests, events,
5. pupils' academic performance, motivation to get a profession and a conscious choice of profession,
6. the level of social and legal protection of pupils at school,
7. the level of students' compliance with safety rules, the formation of a safety culture,
8. the presence of a positive attitude of pupils to their life and future,
9. the level of formation of personal qualities established by the state standards of public education as the final results,
10. students' the level of proficiency of computer technology and knowledge of a foreign language.

Standard III - Quantitative indicators of school achievements:

1. indicators of active cooperation of educators-specialists of public schools with state and territorial self-government bodies, territorial pedagogical and psychological centers and other institutions during the reporting period,
2. changes in the degree of involvement of pupils and their parents in various spheres of social activity at school, community, participation in community social life, development,
3. indicators of changes in the attitude of pupils and their parents to the profession of a social pedagogue at school, to his/her work,
4. comparative numerical indicators of discipline violations (including pupil attendance) for the reporting period,

5. the number of cases of violent actions against pupils, physical punishments and the dynamics of decline,

6. the number of substantiated complaints of parents, relatives of pupils and the dynamics of decline,

7. comparative indicators of participation and success of pupils in school, community, national, international subject and other Olympiads, sports and various competitions during the reporting period,

8. the number of students who decided to get professional education and have already chosen the specialty (as a percentage of the total number of pupils),

9. comparison of the moral and psychological atmosphere, socio-psychological phenomena manifested in the school team in the reporting period of activity,

10. analysis and comparison of the nature of relationships among pupils and their groups, existing problems and the content of work to solve them in the reporting period of the social pedagogue's work.

We objectively state that the criteria developed by us for assessing the quality of the activities of subjects of socio-pedagogical activity in public education schools, in particular the social pedagogue, are not evaluated as integral and final. However, they are one step ahead in terms of the education system, assessment of the quality of social and pedagogical work at comprehensive school. Due to the location, type of school (private, public), as well as the development of the processes carried out in it, they are subject to constant addition, content changes and revision. At the same time, it should be noted that they can be adjusted in our further work, in the process of improving the mechanisms for assessing their quality. Moreover, the methodology can be used in the case of education systems operating in different countries, it is only necessary to localize the quality assessment criteria.

Based on the above mentioned criteria and standards developed by us, an expert assessment is carried out on the example of a methodology for assessing the quality of socio-pedagogical activities in military units and orphanages. The numerical, formulaic part of the methodology used in the above areas is preserved here (Tadevosyan, 2016, 2019).

The selection of experts is carried out from the database of competent specialists and experts in the field, formed via a questionnaire survey. The number of members of the expert assessment group is not less than six. The assessment is carried out according to the criteria and their criteria on a ten-point scale. Each criterion is evaluated by experts, and the result is averaged. Then the result is averaged by standards. As a result, the values of the standards are also averaged and the average total effective score is determined. In each case, a score from 1 to 5.8 is considered not to correspond to the required level, from 5.9 to 6.8 -partially corresponding, 6.9 and higher - fully corresponding.

The numerical scores mentioned above can be obtained using the following formula created by us:

$$ATPASPAQI = \frac{S_1 + S_2 + S_3}{3},$$

where S_1 is the average unit of criterion 1, S_2 is the average score of criterion 2, S_3 is the average score of criterion 3, ATPASPAQI (average total productive assessment of socio-pedagogical activity as the quality indicator).

$$S_1 = \frac{E_{1,1} + E_{2,1} + E_{3,1} + E_{4,1} + E_{5,1} + E_{6,1}}{6},$$

$$S_2 = \frac{E_{1,2} + E_{2,2} + E_{3,2} + E_{4,2} + E_{5,2} + E_{6,2}}{6},$$

$$S_3 = \frac{E_{1,3} + E_{2,3} + E_{3,3} + E_{4,3} + E_{5,3} + E_{6,3}}{6},$$

where S_1 is the average of the first criterion, S_2 is the second, S_3 is the third, $E_{1,1}$, $E_{2,1}$, $E_{3,1}$, $E_{4,1}$, $E_{5,1}$, $E_{6,1}$, $E_{1,2}$, $E_{2,2}$, $E_{3,2}$, $E_{4,2}$, $E_{5,2}$, $E_{6,2}$, $E_{1,3}$, $E_{2,3}$, $E_{3,3}$, $E_{4,3}$, $E_{5,3}$, $E_{6,3}$ expert evaluation criteria.

$$E_{1,1} = \frac{c_1 + c_2 + c_3 + c_4 + c_5 + c_6 + c_7 + c_8 + c_9 + c_{10}}{10},$$

where c_1-c_{10} are 10 criteria for each standard (Tadevosyan, 2016, 2019).

We also developed an example of an expert sheet for implementing the methodology.

Expert _____

Date of expertise _____

S.n.	STANDARD 1. Criteria	Evaluation	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
		Total	Average grade (S_1)
	STANDARD 2. Criteria		
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
		Total	Average grade (S_2)
	STANDARD 3. Criteria		
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
		Total	Average grade (S_3)

ATPASPAQI (average total productive assessment of socio-pedagogical activity as the quality indicator).

$$ATPASPAQI = \frac{S_1 + S_2 + S_3}{3}$$

Thus, according to the methodology developed by us, the average value of each criterion is also calculated. This approach makes it possible to identify the component that reduces the effective assessment, and to carry out work to eliminate shortcomings and omissions. We have also developed an expert sheet template. At the same time, the developed methodology makes it possible to identify the true value of each criterion, develop and implement an improvement plan (Tadevosyan, 2016, 2019).

However, the presence of some criteria or indicators is not enough to assess the effectiveness of the work of a social pedagogue in a comprehensive school. It is also necessary to systematize, periodically study, take into account the works performed, their results, identify their shortcomings and omissions, find the reasons and correct them.

Thus, the definition of the order and conditions of socio-pedagogical activity at public schools, the development of the institute of social educator, clarification of its tasks, responsibilities, a clear design of criteria and standards for evaluating the effectiveness of activities and the methodology developed by us to assess the quality of socio-pedagogical activities will increase the effectiveness of socio-pedagogical activities and the processes of education, socialization of pupils, it will point out the prospects for the development of the institute of social pedagogue in schools and will contribute to the formation and development of a system of social and pedagogical activities.

References

Almazov, B. H., Belyaeva, M. A., Bessonova, H. H., et al. (2002). *Metodika i tekhnologia raboty socialnogo pedagoga: uchebnoe posobie dlya studentov visshikh uchebnikh zavedeniy* (Methods and technologies of work of a social pedagogue: Study guide for students of higher education institution, in Russian). (M. A. Galaguzova, & L. V. Mardakhaeva, Eds.). Moscow: Publishing Center "Academy". pp. 59-74.

Bagulina, N. V. (2011). *Metodika raboty social'nogo pedagoga v obshcheobrazowa- tel'noy shkole* (The method of work of a social teacher in a general education school, in Russian). In *"Problemy I perspektivi razvitiya obrazovaniya" materialy I mejdunarodnoy nauchnoy konferencii (Problems and prospects for the development of education: Materials of the I International scientific conference, in Russian)* (Vol. 1, pp. 99-101). Perm: Merkury.

Kikel, P. V., & Soroko, P. V. (2008). *Kratkiy enciklopedicheskiy slovar filosofskikh terminov* (Brief encyclopedic dictionary of philosophical terms, in Russian). (2nd ed.). Minsk: BSPU.

Krasnova, V. G. (2004). *Pedagogicheskie aspekty v socialnoy rabote: uchebnoe posobie* (Pedagogical aspects in social work: Study guide, in Russian). Volgograd: Volgograd State University Publishing House.

Malyshevsky, A. F. (Ed.) (2004). *Philosovsko-terminologicheskiy slovar* (Philosophical and terminological dictionary, in Russian). Kaluga: Publishing Pedagogical Center "Grif".

Nikitina, N. I., & Glukhova, M. F. (2007). *Metodika I tekhnologia raboty socialnogo pedagoga: Uchebnoe posobie dlya studentov pedagogicheskih uchilishch I kolrdjry, obuchayushchikhsya po specialnosti socialnaya pedagogika* (Methods and technology of work of a social pedagogue: Study guide for students of pedagogical schools and colleges studying in the specialty of social pedagogy, in Russian). Moscow: VLADOS.

Shakurova, M. B. (2007). *Metodika i tekhnologia raboty socialnogo pedagoga: Uchebnoe posobie dlya studentov vysshikh uchebnykh zavedeniy* (Methods and technology of work of a social pedagogue: Study guide for students. Higher educational institutions, in Russian). (4th ed.). Moscow: Publishing Center "Academy".

Shalupina, O. N. (2012). *Kriteriy ocenki deyatelnosti socialnogo pedagoga v sisteme dopolnitelnogo obrazovaniya (kluby po mestu jitelstva)* (Criteria for evaluating

the activities of a social pedagogue in the system of additional education (Clubs at the place of residence), in Russian). *Kultura. Dukhovnost. Obshestvo. Nauchniy jurnal na temu: Sociologicheskie nauki, Gumanitarnie nauki (Culture. Spirituality. Society. Scientific journal on the topic: Sociological Sciences, Humanities, in Russian), 1*, 195-198.

Sheptenko, P. A. (2014*). Specifika professionnal'noy deyatelnosti socialnogo pedagoga v usloviyakh selskoy shkoly* (The specificity of the professional activity of a social pedagogue in a rural school, in Russian). *Mir nauki, kultury, obrazovaniya (World of Science, Culture, Education, in Russian), 5*(48), 99-101.

Tadevosyan, H. V. (2008). *Socialakan mankavarjut'yun. Metodakan dzernark* (Social pedagogy. Methodological guide, in Armenian). Yerevan: Arevik.

Tadevosyan, H. V. (2011, April). *Funkcii, obyazannosti I prava socialnogo pedagoga v usloviyakh reform, osushestvlysemykh v obrazovatelnoy shkole* (Functions, duties and rights of a social pedagogue in the context of reforms carried out in an educational school, in Russian). *Jurnal nauchnikh publikaciy aspirantov i doktorantov (Journal of Scientific Publications of Graduate Students and Doctoral Students, in Russian), 4*, 28-30.

Tadevosyan, H. V. (2012). *Hanrakrtakan dprocnerum social-mankavarjakan gorcuneut'yan kazmakerpman hamakargi zargacman herankarnery* (Prospects for the development of the system of organization of socio-pedagogical activities in general education schools, in Armenian*). Mankavarjutyan ev hogebanutyan himnakhndirner, konsorciumi gitakan handes (Problems of Pedagogy and Psychology, Scientific Journal of the Interuniversity Consortium, in Armenian), 3*, 44-51.

Tadevosyan, H. V. (2016). The formation and development of management system of socio-pedagogical activity in the units of RA armed forces and quality assess-

ment methods of socio-pedagogical activity. *Pedagogical Sciences, 5*(72), 39-42.

Tadevosyan, H. V. (2017). *Yerekhaneri khnamqi ev ajakcut'yan kentronnerum socialakan mankavarji koxmic matucvokh carayut'yunneri pat'et'i mshakumy social-mankavarjakan gorcuneut'yan kazmakerpman hamakargi zargacman hamateqstum* (The development of a package of services provided by a social pedagogue in child care and support centers in the context of the development of the system of organization of socio-pedagogical activities, in Armenian). *Mankavarjut'yan ev hogebanutyan himnakhndirner. Mijbuhakan konsorciumi gitakan handes* (*Problems of Pedagogy and Psychology. Scientific Journal of the Interuniversity Consortium, in Armenian) 1,* 69-75.

Tadevosyan, H. V. (2019). *Metodika ocenki kachestva socialno-pedagogicheskoy deyatel'nosti v detskikh domakh RA* (Methodology for assessing the quality of socio-pedagogical activities in orphanages of the Republic of Armenia, in Russian). *Aktualnye problemy sovremennoy nauki (Actual Problems of Modern Science, in Russian), 6*(109), 41-45.

Vasilkova, Yu. V. (2001). *Metodika i opit raboty socialnogo pedagoga: Uchebnoe posobie dlya studentov visshikh pedagogicheskikh uchebnykh zavedeniy* (Methodology and work experience of a social pedagogue: Study guide for students of higher pedagogical education institution, in Russian). Moscow: Publishing Center "Academy".

Vinogray, E. G., Medvedeva, Z. A., Kovaleva, G. P., & Vaskina, O. E. (2008). *Philosophia: slovar osnovnykh ponyatiy i testy po kursu "Philosophia": uchebnoe posobie* (Philosophy: A dictionary of basic concepts and tests for the course "Philosophy": Study guide, in Russian). (Z. A. Medvedeva, Ed.). Kemerevo: KemTIPP.

PHILOSOPHY OF ECONOMICS

THE INTEGRATED REPORTING PHILOSOPHY IN BUSINESS STRATEGY

Armen HAKOBYAN [1, *] iD │ Armen TSHUGHURYAN [1] iD │ Gevorg MARTIROSYAN [1] iD

1 Armenian State University of Economics, Yerevan, Armenia

* Correspondence
Armen HAKOBYAN, Nalbandyan - 128, Yerevan 0025, Armenia
E-mail:
armen_hakobyan@hotmail.com

Abstract: In relation to the reports published by organizations, today not only financial information is required, but also information related to sustainable development. Philosophical approaches of the beneficiaries using the information have changed. Currently, organizations are faced with the task of representing not only the economic interest of an enterprise, but also the contribution of the organization in forming the additional result pursuing sustainable development.

The purpose of the article is to present a new philosophical framework of reports published by organizations, as a result of which philosophical approaches to sustainable development, revised philosophical foundations of business strategy construction were revealed. Recommendations were made in the direction of building a philosophical concept for the dissemination of financial and non-financial integrated reports.

Keywords: philosophy of integrated reporting, integration of financial and non-financial reporting, business strategy for sustainable development, integrative philosophical thinking.

Introduction

Financial statements published by organizations are currently undergoing conceptual reforms. Since organizations report users' view is not only from the perspective of private but also of public interest (Tshuguryan, 2022). Today, high-pitched questions are already being asked in terms of what value the publicly accountable organization creates, how much it contributes to the solution of the environmental, social and effective corporate governance (ESG) problems faced by the public. Today, just being a large taxpayer is not enough for a reporting organization to be valued from a public point of view. In addition to the partial ends of business (increase in profit, in-

crease in profitability, financial stability, etc.), investors, partners of the organization value the solutions to the key problems of sustainable development.

In the last decade, these questions became so intense that the International Council of Accountants (IFAC) set a task of developing international standards for financial statements of organizations, addressed to disclosures of the capabilities of sustainable development of business, projects are already circulating (IFRS-S). In case of application of such standards, organizations will have to present reports aimed at sustainable development in parallel with traditional financial reports, where financial and non-financial information flows will be combined and "environ-

mental protection-social-management" line will be implemented ((ESG) disclosures, risk assessments, opportunity utilization (*Accounting for sustainability: From sustainability to business resilience*, 2018)).

However, the compilation and publication of integrated reports are still related to a number of methodological problems of accounting, such as the recognition, measurement, evaluation and systematic monitoring of sustainable development results in information flows. If the "International Council of Integrated Accounts" currently poses the philosophy of interrelationships between the business activities of organizations and sustainable development, then, at the same time, it might not present the accounting methodology by which the architecture of building the informational bridges of that interconnection would be implemented. In the article, an attempt is made to present the information provision methodology for the formation of combined reports of financial and sustainable development results by organizations from the point of view of accounting.

Framework for Integrated Reporting Philosophy

The business sector has always been accountable for its economic achievements, when the beneficiaries, be they investors, financial investors or managers, were provided with information about the organization's assets, liabilities. share capital, regarding the emerging financial results (Tshuguryan et al., 2022). Nowadays, the objectives of the reports published by the organization have changed, simply going beyond the scope of private interests of the company and serving wider public information requirements.

Today, organizations are considered not only from the point of view of individual operations, as sources of profit formation, but also from the society's perspective, being evaluated as structures that create additional results. If in the recent past the organizations were accountable to the public mainly for the financial results of the business and published financial reports, today the public is already looking at the business in terms of creating an additional result, also pointing towards the sustainable development of the organization of non-financial information. And,

if the business traditionally pursues narrow economic interests and the goals of sustainable development, it leads to the formation of serious environmental protection problems, the weakening of social responsibility, the dusting of human capital and ineffective economic management resources. In this regard, there is an informational requirement to explain what additional values the business creates for the public, how much it contributes to the sustainable development of the environmental, social and administrative spheres in the short and long term.

Integrated reporting makes corporate disclosures a transparent communication tool to improve the effectiveness of management and investment decision-making. They serve as an accountability mechanism to address deficiencies in current accounting systems (*International <IR> framework*, 2021). Organizations prepare many disparate reports, which sometimes lead to an overload of unnecessary information. In addition, accounting information systems are currently criticized for their backwardness, short-term orientation and inclusion of non-core factors that are the main drivers of organizational performance. The requirement for integrated reporting arises from the need to mitigate concerns about sustainable development (*General sustainability-related disclosures*, 2022). Social and environmental problems, the depletion of natural resources and the degradation of the ecosystem require development of reporting mechanisms to be able to support the transition to sustainable management models. Combined reports aim to provide decision makers with perspective and strategic direction information. They encourage decision-makers to consider long-term perspectives for sustainable business development (Bebbington & Unerman, 2020).

The combined reports are called "One Report", which are both a tool and a symbolic representation of organizational commitment to the sustainable development. It has a clear tendency to have a turnaround effect on corporate operations and change the mindset of investors from a short-term orientation to a long-term orientation. They also see integrated reporting as a means of communication for all stakeholders and an opportunity to rebuild trust between business and society (Busco et al., 2020).

Currently, the financial accounting used in organizations, which by the way has been receiv-

ing its reporting regulations according to international standards for almost two decades, is not able to fully satisfy the information requirements of both external and internal stakeholders of business, because it is retrospective in nature and, it records only retrospective results. In other words, the financial accounting system is generally oriented towards the recording of economic activity events and financial results of the past period and does not set goals related to the foreseeable future, which weakens the vigilance of entrepreneurs in the competitive struggle.

Herewith, it turns out that the accounting information published by organizations based on international standards is not only retrospective in nature, but also mainly reflects the financial side of economic activity (Tshughuryan et al., 2022). However, report users also need non-financial information when making decisions.

From the point of view of decision-making, this information is not enough, especially when it comes to the interests of external users of reports and the evaluations of the business competitiveness of companies (Adams & Larrinaga, 2019). As a rule, the traditional financial accountability of accounting is aimed at satisfying the internal interests of the organization, protecting assets, and making decisions aimed at the uninterrupted production process.

For this reason, the accountability of the non-financial results of economic activities addressed to the external users of information is currently not given much attention, while its necessity is felt in the field of decision-making to ensure the competitive positions of organizations. Already, the external beneficiaries of the organization's activity are currently interested not only in the scope of financial reporting indicators, but also in non-financial accountability that encourages sustainable development and strengthening of competitive positions, not only in connection with narrow economic, but also public interests related to the operation. with satisfaction, such as environmental issues, the social sphere, the fulfillment of public obligations assumed by organizations towards the state, solutions to community problems, business behavior towards colleagues, etc. It is for these reasons that the task of organizing the accounting of non-financial results and presenting the corresponding reports arising from it is currently being set (Al Mahameed et al., 2020).

In the framework of the preparation of financial statements according to current international standards, there is no special requirement for organizations to present information on non-financial results of their activities. However, at the same time, the package of annual reports can present not only non-financial information addressed to corporate interests, but also non-financial results pursuing public interests, which are related to the activity of the organization. They are mainly management comments aimed at strengthening the goodwill of the organization among the organization's internal and external stakeholders. For this reason, the non-financial information presented in this way is not systematic and is often presented with the positive aspects of the organization's activity, bypassing the negative manifestations.

In this sense, the current financial accounting system is entering a crisis stage, because perhaps the reports do not fully satisfy the information expectations of internal and external users, both in terms of obtaining non-financial results, as well as a future-oriented target along with the lines of sustainable development. To be more specific, an effective way to overcome this crisis is the compilation and publication of a single, combined report on financial and sustainable development by the organizations, which, by the way, is already beginning to be regulated by international standards (Tshughuryan, 2022)

Today, business trends are already leaving the private sphere and appearing in the focus of the public sphere, forming an integrated thinking of reporting in organizations. It should be noted that the combined reports are not a mechanical integration of private and public motives of business and the results of their access, having on the one hand published traditional financial indicators, on the other hand indicators of sustainable development of business. Moreover, the informational mechanical combination cannot solve the problem of effective decision-making by the beneficiaries of the sustainable development of the business, when there is no integrated thinking based on the systematic evaluations of the consequences of the business (Jorgensen et al., 2021).

Thus, if an organization producing automobiles with an internal combustion engine switches to the emission of electric vehicles, thereby

preventing the emission of dangerous gases and the risks of global warming, then it in parallel creates an additional environmental problem in another organization in relation to the mining of non-ferrous metal ore required for the production of electronic batteries and the consequences of the formation of environmentally harmful tailings arising from it. In other words, an integrated approach to the value chain of the business is shown for the preparation of reports based on sustainable development, considering the business model not only in the internal sphere of the organization's activity, but also in the scope of external socio-economic effects.

Therefore, the accounts compiled based on integrated thinking present information about the interrelated risks related to business operations, the possibilities of their prevention, as well as the possibilities of further management. In our example, the organization will not consider the issue of electric cars only from the point of view of its own business considerations, but will give a comprehensive picture of the intra-organizational and external effects of the release of electric cars. It is what environmental benefits and harms are formed in the value chain of the production of electric cars, how they affect the formation of additional business results of the organization, what are the opportunities for managing the overall risks of the business, for example, replacing electronic batteries with solar batteries installed on cars, etc. Here, too, the assessment of the organization's capabilities is highly fluctuating, in the direction of making and implementing decisions aimed at regulating the future course of development.

In this sense, the integrated concept of reporting has the goal:

- to improve the quality of available information in the environmental, social and governance (ESG) fields,
- to contribute to the formation of a more consolidated report, based on the value chain of the organization's business model (Demir & Min, 2019),
- to identify the organization's ability to create values over time,
- to support comprehensive approach to decision-making and actions aimed at creating value in the short-term, medium-term and long-term perspective (Cho et al, 2020).

Research Methodology

The combined financial and sustainable development report of the business characterizes not only the organization's involvement in effective environmental, social and corporate management programs of public interest, but also presents the process of forming the comprehensive added value related to them. If the added value in the financial statement is characterized by the growth of equity capital as a result of business, then in the combined accounting it is estimated by the resource growth approach. In this case, in the "International framework of integrated reports", the resources for the sustainable development of the business are presented in 6 groups: financial, production, intellectual, human, social, natural, which have a tendency to increase in the foreseeable future, or vice versa.

Traditionally, financial resources are considered a key pillar of business organization, and in combined accounts, they are discussed not only from the point of view of investors' private interests, but also from the perspective of public interests. If investors are convinced that the activity of the organization does not contribute to the sustainable development of business, causing environmental and social problems, then they prefer the public interest to the private one and show a passive investment position, which in practice is called "responsible mutual investment". And, on the contrary, when business objectives also target sustainable development, the involvement of financial resources expands, including not only investors, but also grant providers and change providers. Therefore, when presenting the combined report, the increase in financial capital due to sustainable development will be interpreted being the result of value creation by the organization.

The growth of production resources (buildings, equipment, rolling stock, stocks, etc.) is also qualified in the combined reports as a result of the formation of value by the organization, if the business targets sustainable development. Thus, when the organization modernizes the operating flow lines with the aim of increasing productivity, it mainly pursues private business interests, and when the range of filtering equipment for the prevention of air basin emissions is expanded, then in this case, in the combined report, it is

considered as an organization.

The expansion and use of intellectual resources also creates an opportunity for the creation of added value by the organization. If the obtained patents, creative projects, developed research programs, on the one hand, aim to improve the competitive positions of the organization in the case of their application, on the other hand, the expansion of intellectual potential contributes to the innovative activities aimed at sustainable development, thereby, in the combined reports it is identified as a factor in the formation of surplus value.

The value system of sustainable development also includes the human capital used by the organization. Having a staff endowed with competitive abilities and skills, the organization achieves success in the field of providing quality products or services and occupies a competitive position in the market. However, the continuous expansion of the qualitative composition of human capital enables organizations to develop a creative approach conducive to sustainable development, and, therefore, it is interpreted in the combined reports as a key unit of value creation.

In the course of doing business, organizations form social and partnership capital. In particular, supporting the solution of various social problems of employees, acquiring reliable partners among suppliers, buyers, lenders, organizations strengthen their social capital in external and internal partnership, which plays a decisive role in the process of successful implementation of sustainable development programs. With all this in mind, the continuous expansion of social and partnership capital in the combined reports is viewed by the public as the result of the organization's creation of added value.

Finally, the "International Framework for Integrated Reporting" considers natural use to be a primary factor in sustainable business development. When organizations manage to gradually reduce the water used in the course of business, reduce the exploitation of raw and mining resources, mitigate the risks of air pollution, then they receive their comments in the published combined reports and are evaluated as being created by the organization and pursuing public interest.

Thus, the value system of sustainable development is based on those six pillars (financial, production, human, intellectual, social, natural),

which are also called resource capitals. At the same time, the observation of the combined reports on a long-term basis shows the trends of value creation over time of the listed resources, which are entered in business processes with one value and are output from there with another transformed result value. And if the resource capital transformed as a result of business over time exceeds the resource capital involved, then the management of sustainable development in the organization is considered efficient, and vice versa. Therefore, in combined reports, organizations aim to clearly present the risks that hinder sustainable development during operations and the managerial opportunities aimed at mitigating them.

International standards aimed at combining financial information and sustainable development represent the scope of the relevant disclosures that must be published in the annual reports of companies. However, along with that, the methodological approaches that would allow to quantitatively compare the financial and non-financial indicators are not presented (Alodat et al., 2021).

If in traditional published financial reports all indicators are presented in a dram form and become comparable (expenditure, income, profit, etc.), the non-financial indicators appear in different measures (kg, centimeter, liter, cubic). /meter, etc.), thereby creating difficulties for the measurement of the value arising from the activity of the organization aimed at sustainable development and the presentation of compatibility with financial results in one field (Adams & Larrinaga, 2019).

Perhaps, in the professional literature, the results of the use of resource capital used for the purpose of sustainable development are suggested to be measured by key performance indicators (KPI), but all the same, in the combined reports, these indicators are not simply integrated with traditional financial indicators in terms of their values. However, on the other hand, combined reports are prepared within the framework of accounting and are regulated by the international standards of financial reports - the IFRS-S (sustainability) series, which in turn implies a unified financial and non-financial information. and system accounting.

In this case, a question arises (Amoako & Amoako, 2022). Should accounting through key

indicators (KPIs) just be satisfied with monitoring reports of changes in capital components aimed at sustainable development, or should efforts be made to change this non-financial trend into a financial one and to present indicators of sustainable development and financial results of business with dram metrics in an integrated manner? We propose to move forward onto the second path, which will allow for double registration of non-financial information transformed into the financial and to show a systematic approach to the analysis of combined accounts with an integrated approach. But, how to evaluate non-financial information in monetary terms and then subject it to double-entry accounting?

In order to solve the above-mentioned problem, we suggest, first of all, giving a value measure to the components of business value-creating capital to be included in the report on the financial condition of the organization (accounting balance sheet), renaming it "Comprehensive Report on the Financial Condition". In this case, in addition to the financial and operational capital, the proposed form of the report will also include human, social, intellectual and natural capitals, with the resources of their formation. Therefore, the resources involved in the sustainable development of the business will be recorded in the accounting balance, and the capital managed due to them will be recorded in the passive.

Forming a balance sheet interconnection of assets and sources of their formation for the purpose of sustainable development (see Fig. 1), it will be possible to double register their changes and build an information system in published combined reports. As a result, when presenting the combined reports, integrated philosophical thinking will be used and, thereby, the cause-and-effect relationships of the organization's value creation results and the changes in the involved resources contributing to it will be revealed, which in turn will be an opportunity to comment on the risks of sustainable development and the possibilities of their management.
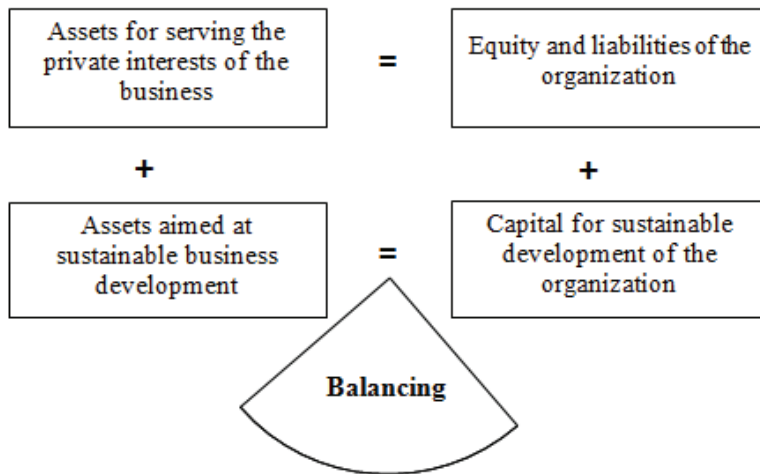
Figure 1. Structure of the Proposed Report on the Comprehensive Financial Condition of the Organization.

When constructing the proposed report on the comprehensive financial condition of the organization, it is necessary to separate the part of the data related to sustainable development from the general business information flows. In the course of economic activity, attracting various resources, the organization uses an incomplete part of them in the directions of sustainable development of interest to the public, but on the contrary, it addresses acquisition of profit for private reasons.

Therefore, when creating reports combined with integrated management, it is a problem to try to separate the information flows related to the involvement of resources directed to the sustainable development of the organization and the results arising from their use to assess the value created by the organization from the point of view of reality.

For this purpose, we suggest using special ac-

counts that will separate and group the information flows related to sustainable development from the general information of the organization's economic activities (see Fig. 2).
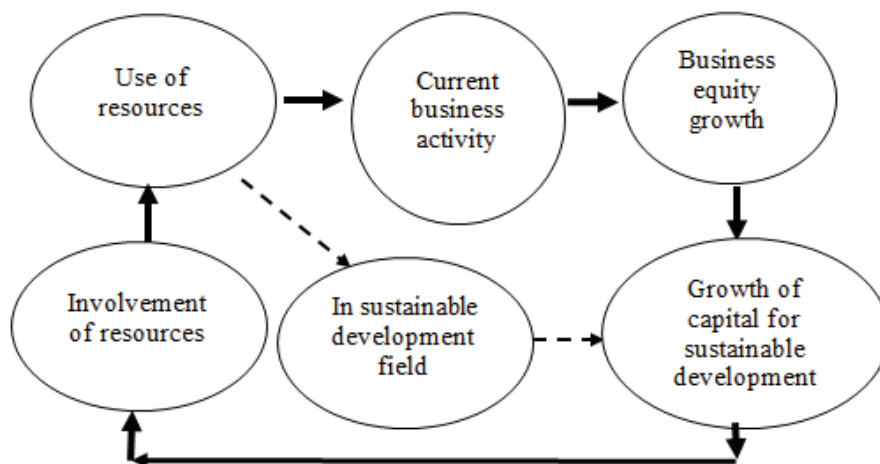
Figure 2. Separation of Information Flows of Sustainable Development from the Business Information on Economic Activity of the Organization.

Conclusion

In the near future, the integrated published reports will be formed and published according to the requirements of international accounting standards (IFRS-S), where it will be clearly presented what findings will be made in the direction of the sustainable development of organizations. Naturally, the problem in this area will be how to measure and account for the results of sustainable development and the resources supporting their formation, which will then be the basis for further reporting findings. Of course, findings related to sustainable development in published reports may be descriptive in nature, without systematic quantitative analysis.

However, we believe that in the end, an international accounting methodology should be formed to combine financial and non-financial business information to present a framework and toolkit of unified approaches to the assessment of sustainable development resources and accountability, not only in terms of disclosures, but also in relation to the ESG concept developed in the course of alternative information-data coordination. It, in turn, will contribute to the systematic analysis of the results of sustainable development based on integrated thinking and the making of effective management decisions aimed at mitigating risks.

For this purpose, it is suggested that the review of the philosophy of presenting the results of the organizations' activities, integrating the financial indicators with the results of sustainable development be conducted. In order to fulfill this requirement, we also propose to separate the results related to sustainable development from the general information flows of economic activity, which will be presented by the findings of the financial and non-financial published integrated reports. Thus, the reports published by the organizations on the results of economic activity will also be shaped by the philosophical interpretations of sustainable development and support for reasonable business strategy making in companies.

References

Accounting for sustainability: From sustainability to business resilience. (2018). *IFAC*. Retrieved February 2, 2023, from https://www.ifac.org/system/files/publications/files/IFACJ3441_Accounting-_for_sustainability_FINALWEB.pdf

Adams, C. A., & Larrinaga, C. (2019). Progress, engaging with organizations in pursuit of improved sustainability accounting and performance. *Accounting, Auditing*

& Accountability Journal, 32, 2367-2394. https://doi.org/10.1108/AAAJ-03-2018-3399

Al Mahameed, M., Belal, A., Gebreiter, F., & Lowe, A. (2020). Social accounting in the context of profound political, social and economic crisis: The case of the Arab Spring. *Accounting, Auditing & Accountability Journal, 34,* 1080-1108. https://doi.org/10.1108/AAAJ-08-2019-4129

Alodat, A., Salleh, Z., Hashim, H., & Sulong, F. (2021). Corporate governance and firm performance: Empirical evidence from Jordan. *Journal of Financial Reporting and Accounting, 20*(5), 866-896.*8,* 34-47 doi: 10.1108/JFRA-12-2020-0361

Amoako, K., & Amoako, I. (2022). Formal and informal sustainability reporting: an insight from a mining company's subsidiary in Ghana. *Journal of Financial Reporting and Accounting, 7,* 45-64. doi: 10.1108/JFRA-12-2020-0368

Bebbington, J., & Unerman, J. (2020). Advancing research into accounting and the UN sustainability development goals. *Accounting, Auditing & Accountability Journal, 33,* 1657-1670. Retrieved February 2, 2023, from https://eprints.lancs.ac.uk/id/eprint/145073/1/AAAJ_AAM_of_Advancing_research_into_accounting_and_the_UN_sustainable_development_goals.pdf

Busco, C., Consolandi, C., Eccles, R. G., & Sofra, E. A. (2020). Preliminary analysis of SASB reporting: Disclosure topics, financial relevance, and the financial intensity of ESG materiality. *Journal Applied Corporate Finance, 32*(2)*,* 117-125. https://doi.org/10.1111/jacf.12411

Cho, C., Kim, A., Rodrigue, M., & Schneider, T. (2020). Towards a better understanding of sustainability accounting and management research and teaching in North America: A look at the community. *Sustainability Accounting, Management and Policy Journal, 11,* 985-1007. doi: 10.1108/SAMPJ-08-2019-0311

Demir, M., & Min, M. (2019). Consistencies and discrepancies in corporate social responsibility reporting in the pharmaceutical industry. *Sustainability Accounting, Management and Policy Journal, 10,* 333-364. doi: 10.1108/SAMPJ-03-2018-0094

Tshughuryan, A. (2022). Conseptual issues of accounting development. *Finance and Accounting Scientific Journal, 1*(9), 31-44. Retrieved February 2, 2023, from http://iatc.am/pub/Journal_2(10)_2022.pdf

Tshughuryan, A., Hakobyan, A., Grigoryan, L., & Bayadyan, A. (2022). The philosophy of assets fair value presentation in financial statements. *WISDOM, 24*(4), 152-158. https://doi.org/10.24234/wisdom.v24i4.962

PHILOSOPHY OF ART

SHAKESPEAREAN EPTONYMS OF BIBLICAL ORIGIN

Iryna KAZYMIR [1] iD │ Oksana HALAIBIDA [1, *] iD │ Hanna KRYSHTALIUK [1] iD │

Iryna SVIDER [1] iD │ Natalia FRASYNIUK [1] iD

1 Kamianets-Podilskyi Ivan Ohiienko National University, Kamianets-Podilskyi, Ukraine

* Correspondence
Oksana HALAIBIDA, Ohiienko st., 61, Kamianets-Podilskyi 32302, Ukraine
E-mail: halaybida.oksana@kpnu.edu.ua

Abstract: The article considers the issue of understanding the nature of eptonyms (phraseological units that are implicitly connected to the author who coined them, have deep meaning and recognizable character) in the plays of Shakespeare. The purpose of the research is in giving insight into the semantic-structural process of eptonymization and explaining how the transformed phraseological units become intertextual elements with double character (express the author's individual concept and simultaneously have the reference to the Bible). The theoretical and methodological basis of the research is the pragmastylistic and discursive paradigm. The method of double application proposed by L. P. Diadechko enabled the trace of eptonym coining. The findings suggest that some phraseological units of biblical origin become eptonyms through the process of derivation and modulation, employing the strategies of adaptation, addition or omission, substitution of some components, contamination of several phraseological units. Shakespeare's deep knowledge of the Scripture enabled him to make use of biblicisms in his writing to actualize the emotional, aesthetic, and thematic richness of his works. Further application of the research outcomes is promising for investigating the Shakespearean eptonyms of ancient origin.

Keywords: eptonym, phraseological unit, transformation, contamination, double application, Bible, biblicism.

Introduction

Speakers of the language accumulate a certain amount of knowledge, which is sufficient for the emergence of excerpts of popular texts (so-called intertexts) that have not only national significance, but become universal, understandable, and generally accepted. A great number of these language units are phraseological units, and among them especially stand out phraseological units of biblical origin which are often marked by the term biblicisms (Andreichuk & Karamisheva, 2000; Dzera, 2018; Ocheretna et al., 2022; Yermolenko, 2001; Zorivchak, 2006). As "the Bible has been an integral part of the history of Western philosophy" and "Biblical texts were

themselves philosophical" (Cauchi & Kulak, 2015, pp. 491, 494), these phrases have a universal, socio-philosophical context. They have become an important constituent of the international phraseological fund and are widely represented in literary languages.

The influence of the Bible on the works of writers is undeniable. Different authors use biblical phrases and contexts in different ways trying to achieve a definite communicative-pragmatic influence on the audience. Hence, there is the possibility of interpretation and modulation of these phrases depending on the author's knowledge and perception of the text of the Bible. Identifying how the writers coined their own original set expressions is important for understanding how their general knowledge and worldview reflect the discursive aspects of language phenomena.

Shakespeare is considered to be one of the most productive authors of the aphoristic fund of the English language. Many phraseological expressions in his works have the Bible origin. But not all of them were directly cited from the Bible. Some of them underwent transformations and are widely used by native speakers. Such expressions are called eptonyms – phraseological units of synergetic character which combine individual-authorial and socio-cultural components. These language units are characterized by relative stability, reproducibility, emotional and expressive character, semantic integrity and relative motivation.

The objective of our research is to identify and analyze Shakespeare's eptonyms of biblical origin in order to understand the sources of extension of the phraseological fund of the English language. To achieve this objective we are to fulfil the following tasks:
1. to identify biblical phraseological expressions in the plays by Shakespeare and their counterparts in the text of the Bible;
2. to trace the mechanisms of Shakespeare's eptonyms' formation.

Literature Review

The consideration of phraseology of biblical origin is in the scientific interests of many researchers who in recent decades have enriched phraseological studies by analyzing the system-

functional characteristics of biblical idioms (Andreichuk & Karamisheva, 2000; Dzera, 2018; Marx, 2000; Yermolenko, 2001). The texts of the Holy Scripture became an inexhaustible source of idiomatic material for the English language (Dzera, 2018).

Biblical elements have different interpretations in modern linguistics. They may be interpreted as phraseological units recorded in the text of the Bible that have a syntactic structure of a phrase and whose semantic unity dominates over the structural separation of the components that form the whole (Andreichuk & Karamisheva, 2000, p. 56). O.Dzera calls biblical intertextual elements biblemes (Dzera, 2018, pp. 62-63). S. Yermolenko actually limits biblical phrases to stable word-combinations that have acquired the status of phraseological units: "Biblicisms are expressions from the Holy Scriptures that are used in literary language, in particular in fiction and journalistic styles, with the aim of creating verbal and artistic images" (Yermolenko, 2001, p. 23).

We support the idea of R. Zorivchak (2006) who defines biblicisms as words and phrases (in the broadest sense of the term, including proverbs and sayings) which, taken from the biblical text, are widely used in speech, everyday life, and literature (p. 103).

The use of biblical elements in Shakespeare's writing was researched by E. Gray (2018), H. Hamlin (2013), Hassel & Clark (2015), S. Marx (2000), R. Noble (1970).

E.Gray (2018) states that Shakespeare intentionally employed biblical elements in his plays to add deeper levels of meaning and implications for audience members (p. 2).

R. Noble (1970) draws attention to masterful manipulation and skillful employment of biblical material in Shakespeare's writings (p. 22). Rather than merely alluding to biblical stories or historical episodes, Shakespeare far more frequently "quotes or adapts biblical phrases" with the specific purpose of strengthening the audiences' emotional reaction and deepening their investment in the dramatic storylines, making extensive biblical knowledge crucial to experiencing the emotional and thematic richness of his works (Gray, 2018, p.6).

Consequently, as it is acknowledged by Noble, Shakespeare not only quoted but also skillfully adapted biblical elements, creating some

phrases which, having their biblical origin, are connected implicitly with the playwright's authorship. These phrases are called eptonyms.

L. Diadechko (2002) difined eptonyms as recurrent quotation-like utterances, which can be traced back to the name of their real or alleged author (p. 144).

On the material of Germanic languages studies, the problem of eptonyms is considered, first of all, within the framework of the theory of quotation and integrated interdisciplinary studies (Arnold, 1990; Dzera, 2018). Ivanova (2011) mentions eptonyms as a source of extention of the phraseological fund of the language. They were actively studied in the aspect of semantics and linguistic axiology (Berkova, 1990), derivational features (Diadechko, 2002), structural and functional characteristics (Koval & Koptilov, 1975), cognitive semantics (Andreichuk & Karamisheva, 2000). There are separate studies of biblical eptonyms (Lysenko & Kulchytska, 2010). But structural-semantic characteristics of Shakespearean eptonymical fund of biblical origin have not found detailed coverage in the works of linguists and have become the object of our research.

Methodology

In our research we employed the method of phraseological description with elements of distributive and transformational analysis, synthesis and comparison. The descriptive method (observation, generalization, interpretation, classification, oppositional reception) is used for the research of:

1. procedures for collecting factual material taken from phraseographic sources, paremiological publications, and works of fiction;
2. description of the characteristics of the studied phenomena;
3. their systematization and classification;
4. interpretation of structural and semantic features of phraseological units;
5. analysis of the functioning of the studied units at a certain stage of language development.

We also applied a functional method with elements of contextual-interpretive analysis which is developed within the framework of the pragmatic paradigm and involves the study of language in action, in the process of functioning,

taking into account the nature of language units and phenomena.

A special method of double application proposed by L. P. Diadechko (2002) is used in our study. This method consists of two stages: the first is the superimposition of a prototype (a text fragment taken from the original source) on a language unit that is easily constructed or is already present and known in the literary language, the second is the superimposition of phraseologism on the prototype.

The first stage constitutes the formal and substantive features of the prototype, ensuring its eptonymic character.

The second stage reveals the specificity of the eptonym as a secondary nominative unit with an internal form that comes from the source text. The use of the double application method can determine objective criteria for distinguishing, on the one hand, eptonyms and idioms, and on the other – eptonyms and homonymous language formations which are not marked by authorship.

Participants

The material of our research is biblical phraseological units of the plays by Shakespeare selected from phraseological and quotation dictionaries (Kunin, 2005; *Oxford Dictionary of Idioms*, 2004; *Oxford Dictionary of Phrase and Fable*, 2006; *Oxford Treasury of Sayings and Quotations*, 2011; Ratcliffe, 2012; *The Wordsworth Dictionary of Bible Quotations*, 1995; *Webster's New Explorer Dictionary of Quotations*, 2000). Citations from the Bible are based on the sample of the Geneva Bible as it was both the most recent to Shakespeare's birth and the most influential on his writings. First published in 1560, the Geneva Bible became the most popular English version of the Bible for much of the next century (Hamlin, 2013, p.12).

Eptonym as a complex and multifaceted phenomenon is considered in our study both traditionally within the framework of phraseology and according to modern concepts of precedent and intertextuality. Eptonyms are understood as reproducible words/phrases/sentences (in particular, aphorisms, maxims, and sententia) that implicitly appeal to the concept "author" and tend to get phraseologized through derivational processes and the gradual loss of associative

connection with their real author or precedent text (Onishchenko, 2021, p. 22).

In our case, there are many phraseological expressions of Shakespeare, which have a biblical origin. However, as a result of evolution and active social familiarization, these expressions can act as eptonyms. The eptonyms, as author-based units, "are a result of interaction of their authors and speakers – both language personailties, producing and reproducing the utterances" (Onishchenko et al., 2021, p. 1360).

In the English language studies, eptonyms were not considered as a separate object and traditionally were included in quotation or phraseological dictionaries. So, we referred the phrases to the eptonym corpus if:

- they function in at least three quotation dictionaries (*Oxford Treasury of Sayings and Quotations*, 2011; Ratcliffe, 2012; *Webster's New Explorer Dictionary of Quotations*, 2000; *The Wordsworth Dictionary of Bible Quotations*, 1995);
- they are found in phraseological dictionaries (Kunin, 2005; Kyrpych & Barantsev, 2005; *Oxford Dictionary of Phrase and Fable*, 2006; Siefring, 2004).

In the process of eptonymization, a rather important factor is the "strong position" of the relevant quotation in the original text, the selection of which is based on a psychological basis (Diadechko, 2002, p. 105; Onishchenko, 2009). The specificity of the prototype of the eptonym occurs due to the superimposition of two objects: first, it is an applied object, in the role of which the prototype acts – a fragment from a well-known linguistic and cultural author's text; secondly, the basic object on which the superimposition occurs, which is structurally equivalent to the prototype of the phenomenon of the national language as a result of the selection of nominative fund units and typical constructions.

Results and Discussion

D. Crystal (2008) wrote that "from Shakespeare we learn how to explore and exploit the resources of language in original ways, displaying its range and variety in the service of poetic imagination" (p. 232).

The English Bible was "the most fundamental and universal" of all Shakespeare's "sources" (Ryken, 2010, p. 2). In the plays of the English playwright we find examples of his word for word idiom quotations from the Scripture and idiomatic derivations (a process of forming new idioms from the existing ones) (Kvetko, 2009, p. 25).

Thus, in the comedy "A Midsummer Night's Dream" (Act 3, Sc. 2) we find the phraseological expression *apple of one eye's*. In one of the episodes, the elf's king Oberon drops a love elixir on the eyes of Demetrius, who was asleep at the time, with the words:

Flower of this purple dye, hit with Cupid's archery, sink in apple of his eye (Shakespeare, 2022). This expression occurs on the pages of the Old Testament (32:10): *he led him about, he taught him, and kept him as ye apple of his eye* (*Geneva Bible*, 1560), Parable (7:5):

"Keepe my commandnents, and thou shalt lieu, and mine instruction as the apple of thine eyes" (*Geneva Bible*, 1560). The phrase is borrowed from the Bible without any changes.

In the tragedy "Hamlet" (act 3, scene1) W. Shakespeare uses another biblical phrase – *Woe is me!* (*Oxford English Dictionary*, 1989, p. 476). After talking to Hamlet, Ophelia says in despair: *"O, woe is me, to have seen what I have seen, see what I see!"* (Shakespeare, 2022).

The expression has a biblical origin and occurs in the texts of such Old Testament authors as Job (10:15) Isaiah (6: 5), Micah (7: 1) (*Geneva Bible*, 1560), and others. The prophets proclaim, "Woe is me!" in moments of sinfulness of human nature. In addition, this expression is found in the New Testament epistles of Paul.

So, in the plays of Shakespeare we find examples of accurate quotations of the Scripture, but in most cases, the author uses biblical phrases, and forms new idioms from the existing ones, employing "shortening, extension, conversion and analogous formation" (Kvetko, 2009, p. 24). Shakespeare makes various changes in both structure and semantics, which indicates the free use of biblical vocabulary and phraseology by the English playwright.

Thus, in the tragedy "Macbeth" (act 1, scene 2), the nobleman Ross greets the king with the words:*"God save the King"* (Shakespeare, 2022).

In "Richard II" (Act 4, scene 1) the king him-

self remembers with sorrow how those who betrayed him once rejoiced at his ascending the throne with the words *"God save the King"*.

This phrase comes from the First Book of Kingdoms (10:24): *"And all the people shouted and said, God save the King"* (*Geneva Bible*, 1560).

The expression also appears in the Second and Fourth Books of Kings, as well as in other Old Testament texts: *"And when Hushai the Archite David's friend come unto Absalom, Hushai said unto Absalom, God save the King, God save the King"* (Samuel 16:16) (*Geneva Bible*, 1560).

We also find this expression in the national anthem of Great Britain: *"God save the King"* (possible variant "the Queen") (*Oxford English Dictionary*, 1989, p. 526).

At the same time, in his works, Shakespeare freely uses this phraseological unit, adding certain changes to its component composition. In the first part of "Henry IV" (Act 1, scene 2) the cynic Falstaff tells the future monarch: *"when thou art king, as, God save thy grace, majesty I should say, for grace thou wilt have none"* (Shakespeare, 2022). In this case, the author substitutes the second part of the phrase with *"thy grace"* and thus creates a play on words. In this case, the pun function of Shakespeare's eptonym is actualized, by substituting the lexical constituent of the idiom, Shakespeare achieves stylistic and communicative-pragmatic effect, expressing evaluation of the artistic reality.

In the second part of the same chronicle (Act 1, Scene 2) we record biblicism *sackcloth and ashes* (meaning "in complete remorse") (*Oxford English Dictionary*, 1989, p. 333): *the young lion repents not in ashes and sackcloth, but in new silk and old sack* (Shakespeare, 2022).

In the analyzed passage, the prince repents without sprinkling his head with ashes and without wearing his rough clothing made of hair and wool, which emphasizes his insincerity and comical shade of the description. We consider the basis of this Old Testament phraseological unit is the phrase from the Book of the Prophet Daniel (9: 3), which describes the sorrow of the Jews:

"And I turned my face unto the Lord God, and sought by prayer and supplications with fasting and sackcloth and ashes" (*Geneva Bible*, 1560).

Shakespeare uses the verb *repent*, which is found in the Book of Job (42:6): *Therefore I abhor myself, and repent in dust and ashes* (*Geneva Bible*, 1560).

Falstaff's remark also sends us to the New Testament. In the Gospel of Luke (10:13) we find:

"Woe be thee, Chorazin! Woe be to thee, Bethsaida! For if the miracles had been done in Tyre and Sidon, which have been done in you, they had a great while ago repented, sitting in sackcloth and ashes" (*Geneva Bible*, 1560).

Therefore, the expression used by Shakespeare is a kind of author's "fusion" of three biblical phrases that describe the situation: the Old Testament *in sackcloth and ashes, repent in dust and ashes* and the New Testament *(repent, sitting) in sackcloth and ashes*. In this case, we observe the process of contamination, a "combination of the structural elements of two linguistic units which is based on their structural similarity or identity, functional or semantic proximity" (Yartseva, 1990, p. 238).

The phrase *to wash one's hands (of smth)* is usually associated with the New Testament. As a free combination we find this phrase in the Gospel of Matthew (27:24):

"When Pilate saw that he availed nothing, but that more tumult was made, he took water and washed his hands before the multitude, saying, I am innocent of the blood of this just man; look you to it" (*Geneva Bible*, 1560).

However, what Pilate does in front of the people is the ritual of washing hands, which is also described in the Old Testament (Deut. 21: 6-7):

"If one be found slain in the land, which the LORD thy God giveth thee to possess it, lying in the field, and it is not known who hath slain him, then thine Elders and thy Judges shall come forth, and measure unto the cities that are round about him that is slain. And let the Elders of that city, which is next unto the slain man, take out of the drove a heifer that hath not been put to labour, nor hath drawn in the yoke. And let the Elders of that city bring the heifer unto a stony valley, which is neither eared nor sown, and strike off the heifer's neck there in the valley. Also the Priests, the sons of Levi shall come forth, and by their word shall all strife and plague be tried. And all the Elders of that city that come near to the slain man, shall wash their hands over the heifer that is beheaded in the valley;

And shall testify, and say, our hands have not shed this blood, neither have our eyes seen it" (*Geneva Bible*, 1560).

The rite is performed if the killer of a person was unknown. In Shakespeare, this expression is used in the tragedy "Macbeth" (act 5, scene 1):

Doctor: "What is she does now? Look, how she rubs her hands".

Gentlewoman: "It is an accustomed action with her, to seem thus washing her hands: I have known her continue in this a quarter of an hour".

Lady Macbeth: "What, will these hands ne'er be clean? ...Here's the smell of the blood still: all the perfumes of Arabica will not sweeten this little hand" (Shakespeare, 2022).

In this case, in contrast to the biblical text, it is appropriate to mention the metaphorical nature of not only the rite, but also the phrase itself, which emphasizes the heroine's desire to be cleansed of a heavy sin.

The author uses this expression in the historical chronicle "Richard II", in which one of the central themes is the impossibility of atonement for treason. King Richard, whose murder prompted Bolingbroke to repent, warns the vassals (act 4, scene 1):

"Though some of you with Pilate wash your hands… And water cannot wash away your sin" (Shakespeare, 2022).

However, in the same play (act 5, scene 6) we find the author's fusion (contamination) of biblical phrases *to wash one's hands* та *have blood on one's hands*. The expression *have blood on one's hands* originates from the Book of Hezekiah (23:37):

"For they have played the whores, and blood is on their hands, and with their idoles haue they committed adulterie and have also caused their sonnes, whome they bare unto me, to passé by the fire to be their meate" (*Geneva Bible*, 1560).

This phraseological unit functions in the English language in a variant that is fixed in the phraseological dictionary by O.V. Kunin (2005): *have somebody's blood on one's own head / hands* (p. 910).

We repeatedly find examples of Shakespeare combining different phraseological units in his dramas. For example, in one of the episodes of the play "Henry IV" (part 2, act 1, scene 2), the admirable Falstaff plays on the words of the Chief Justice about his intention to become a

doctor for him: *"I am as poor as Job, my Lord, but not so patient"* (Shakespeare, 2022).

In the line *"I am as poor as Job, my lord, but not so patient..."* appears the phraseologism *as poor as Job* (*Oxford Dictionary of Phrase and Fable*, 2006). Thanks to the use of the adjective *patient*, we are talking about the fact that the second phrase is implicitly meant here – *as patient as Job*.

Shakespeare contaminates two idioms into one (as in the previous case, combines idioms with a common component, simultaneously using clipping).

In the play "Richard II" (act 3, scene 4) there is a phrase *The Fall of Man* (*Oxford English Dictionary*, 1989, p. 685), changed by the playwright. Outraged by her husband's news, the queen exclaims:

"Thou, old Adam's likeness, set to dress this garden, how dares thy harsh rude tongue sound this unpleasing news? What Eve, what serpent, hath suggested thee to make a second fall of cursed man?" (Shakespeare, 2022).

In Shakespeare this expression looks like this: *a second fall of cursed man*, thus we observe extension of phraseological unit: two new components are added – *second* and *cursed*.

I that very extract, the queen calls the gardener from whom she hears bad news – *old Adam's likeness*, emphasizing the sinfulness of human nature (he is like sinful Adam).

The basis of Shakespeare's phrase is the phraseological unit the *Old Adam* (*Oxford English Dictionary*, 1989, p. 137), which comes from the New Testament (Paul's Epistle). For example, the Epistle to the Romans (6:6): *"that our old man is crucified with him"* (*Geneva Bible*, 1560).

The set expression *old man* is also found in the Epistle to the Colossians (3:9) and Ephesians (4:22). But the author certainly takes us to the Old Testament, hinting at the guilt of the hero. Adam decided to break God's commandment, and the gardener dares to speak about the defeat of his master and, moreover, considers he deserved it.

In his plays, Shakespeare transforms (modulates, using sense development) entire biblical quotations, adding new meaning to them. An example may be found in one of Hamlet's lines (Act 2, Scene 2), when he declares:

"What a piece of work is a man! How noble in reason! How infinite in faculty! In form and

moving how express and admirable! In action how like an angel! In apprehension how like a god! the beauty of the world! The paragon of animals! And yet, to me, what is this quintessence of dust? Man delights not me: no, nor woman neither, though by your smiling you seem to say so" (*Oxford English Dictionary*, 1989, p. 659).

Shakespeare's phrase *What a piece of work is a man!* comes from the biblical text, although Shakespeare significantly changes (modulates) the phrase. This is indicated by the statement in the Book of Job (7:17):

"What is man, that thou doest magnify him, and thou settest thine heart upon him?" or from Psalm (8:4) David asks:*"What is man, say I, that thou art mindful of him…"*.

Of course, the heroes turn to this eternal philosophical problem for different reasons, they have different grounds: Job complains about his troubles, David thanks the Creator for everything he created and made, and Hamlet expresses his skepticism about the greatness of man. In the latter case, it no longer looks like a question from Hamlet, but simply a desire to understand who he is and what he was created for, that is, he has his own opinion, his own view.

Some biblical idioms, while preserving their form and component composition, are presented in the plays of Shakespeare with a slightly different meaning. So, for example, in "The Comedy of Errors" (act 3, scene 2), while describing his admirer, the servant Dromio complains to his master about her profuse sweating. Antipholus advises him to remedy the situation with water. Dromio declares:

"No, sir, 'tis in grain; Noah's flood could not do it" (Shakespeare, 2022).

Shakespeare uses the phrase *Noah's/The Flood* ('universal flood'), which corresponds to the physical cleansing of an individual, while the flood was supposed to clean the earth of all human sins.

Noah's name and a hint on the Old Testament story associated with him also appear in the comedy *Twelfth Night*. Convincing the untalented Sir Andrew of his niece's favor, Sir Toby and his servant Fabian declare (Act 3, Scene 2):

Fabian: I will prove it legitimate, sir upon the oaths of judgement and reason.

Sir Toby Belch: "And they have been grand-jury-men since before Noah was a sailor (Shake

speare, 2022).

On the one hand, the characters try to persuade Sir Andrew to stay, showing how long reason and judgment can serve people. On the other, there is a hint that this is how they honored the great flood, which was a kind of retribution from God for the moral fall. It therefore served no pious purpose, as indeed in this case, for Sir Toby beguiles and fools Andrew by promising to marry his niece to him, while he himself uses his money.

One can recall the biblical episode and biblicisms derived from it: *Noah's Ark* (*Oxford English Dictionary*, 1989, p. 632) and *Noah's/The Flood*.

In addition, there is an allusion to a fragment of the New Testament (Gospel of Matthew 24:38): "*...until the day that Noe entered into the ark*" (*Geneva Bible*, 1560).

As we can see, some Old Testament phraseological units are not used directly in Shakespeare's plays, but the author masterfully plays with their meaning, uses semantic contamination and modulation of different phrases from the Bible, thereby reviving in the minds of readers these set expressions themselves.

In the comedy "Love's Labour's Lost" (act 1, scene 2), Don Adriano de Armado is worried that he is a prisoner of love, because he has been conquered by a girl of low rank and not noble origin. After considering his feelings, Armado declares: *"yet was Solomon so seduced, and he had a very good wit"* (Shakespeare, 2022).

The phrase conveys the meaning of the expression: *wisdom of Solomon* (*Oxford English Dictionary,* 1989, p. 422), which comes from the title of the Book of Wisdom of Solomon, and on the other hand – from the text of the New Testament (Gospel of Matthew (12: 42):

"the queen of the south shall rise up in the judgement with this generation, and shall condemn it: for she came from the uttermost parts of the earth to hear the wisdom of Solomon".

Shakespeare not only uses transformed biblical idioms, but later, as the research shows, he creates his own, which turn into eptonyms over time. So, for example, in the drama "The Merchant of Venice" we find an eptonym: *Daniel come to judgment*, which has become widely used in the English language.

The meaning of the eptonym is defined in the phraseological dictionary as *wise judge* (*Oxford*

English Dictionary of Phrase and Fable, 2006, p. 272). We note that it was the apocryphal story of Susanna who was slandered by the elders, which provided the basis for the reception of Daniel as a perceptive judge.

In Shakespeare's play, the old usurer Shylock is unable to resist the young Portia, disguised as a judge, who is trying to save her lover's companion. She receives a comforting compliment from the cruel and vengeful old man when she acknowledges his legal right to the ugly debt of the bill (a pound of meat) before effectively disarming Shylock with her arguments against him (Act 4, Scene 1):

Shylock: *"A Daniel come to judgement! yea, a Daniel! O wise young judge, how I do honour thee!"* (Shakespeare, 2022).

In the comedy "Twelfth Night" (act 2, scene 5), Sir Andrew sends a rather strange insult to the butler Malvolio, who pretends to be a powerful nobleman: *"Fie on him, Jezebel"* (Shakespeare, 2022).

Thus, when his disobedient wife introduced the worship of the Phoenician god Vaal into the country, it was readily accepted by her wicked husband (Third Kings 16). Jezebel made every possible effort to destroy all the prophets of the Lord. In addition, by her order, Nafuwei, the owner of the vineyard, was stoned to death for refusing to give it to Ahab.

In the etymological dictionary, the noun *jezebel* is recorded as a common name in the following meaning: *"has given her name for all time a fierce old woman"* (Shipley, 1948, p. 430).

This word was used to describe women with bad character. In the Oxford English dictionary, *jezebel* is interpreted as a "wicked, impudent or abandoned woman" (Oxford English Dictionary, 1989, p. 232).

In the time of Shakespeare, Jezebel was perceived as something bad, swearing, and could be addressed to both men and women.

Shakespeare's eptonym *out-Herod Herod*, which means to surpass Herod himself, becomes known from the biblical scene about Herod, the leader of Judea, who ordered the killing of male infants. We find it in Shakespeare's text of the tragedy "Hamlet":

I would have such a fellow whipped for o'erdoing Termagant: it out-Herods Herod: pray you, avoid it (Shakespeare, 2022).

Thus, Shakespeare uses the strategy of coin-

ing new words on the basis of adaptation.

Conclusion

A number of English eptonyms have a Biblical origin and are associated with the name of Shakespeare. The writer vastly employed Biblical phrases in his plays and often transformed them using the strategies of substitution, contamination, shortening, extension, and modulation of their structural elements. Such phrases were quoted and acquired cultural significance but at the same time appealed to the concept of their author/text. They became eptonyms.

Focusing on the semantic realization of phraseological meaning in speech contributes to the identification of the mechanism of meaning generation. Eptonyms, as transformed idioms, have a powerful pragmatic effect, they make it possible to express the additional sense that the idiom in its traditional usage cannot express.

The biblical origin of certain expressions of Shakespeare serves as an anticipatory context. Therefore, we can conclude that based on our research, the expressions that have a biblical origin, namely *A Daniel come to judgment; What a piece of work is a man!; to out-Herod Herod,* not only function as eptonyms thanks to the precedential personality of Shakespeare, but also contain an anticipatory biblical context. Energetically strong and aesthetically acceptable, they become linguistic signs of dialogical and intertextual relations. Biblicisms foreground the evaluative, linguistic, and aesthetic effect of the fiction text and have a pragmatic influence on the readers when the audience is well-versed in Scripture. The thematic breadth and universality of the writer's life and philosophical generalizations, the importance of his creative heritage for both English and world cultures contribute to the frequent appeal to the eptonyms of Shakespeare. The results of the research can be used for studying eptonyms of ancient origin in the works by Shakespeare.

References

Andreichuk, N. I., & Karamysheva, I. D. (2000). *Bibleizmy z tochky zoru kohnityvnoi semantyky* (Biblicisms from the point

of view of cognitive semantics, in Ukrainian). *Visnyk Derzhavnoho universytetu "Lvivska politekhnika". Problemy linhvistyky naukovo-tekhnichnoho i khudozhnoho tekstu ta pytannia linhvometodyky* (*Bulletin of the Lviv Polytechnic State University. Linguistic problems of scientific, technical and artistic text and issues of linguistic methodology, in Ukrainian), 381*, 55-58.

Arnold, I. (1990). *Stilistika sovremennogo angliyskogo yazika (stilistika dekodirovaniya)* (Stylistics of the modern English language (Stylistics of decoding), in Russian). Moscow: Prosveschenie.

Berkova, O. V. (1990). *K opredeleniyu ponyatiya "krylatoe slovo"* (To the definition the concept of "winged word", in Russian). In *Obschaya stilistika: teoreticheskie i prikladnyie aspektyi* (*General stylistics: Theoretical and practical aspects, in Russian)* (pp. 100-111). Kalinin: Kalinin State University Publishing.

Cauchi, M., & Kulak, A. (2015). Biblical philosophy: An introduction. *Sophia, 54*(4), 491-496. doi:10.1007/s11841-015-0501-1

Crystal, D. (2008). *Think on my words: exploring Shakespeare's language*. New York: Cambridge University Press.

Diadechko, L. P. (2002). *Krylatye slova kak obyekt lingvisticheskogo opisaniya: istoriya i sovremennost* (Winges words as an object of linguistic study: history and modernity, in Russian). Kiev: Kiev University Publishing.

Dzera, O. V. (2018). *Biblema yak odynytsia bibliinoho intertekstu: perekladoznavchyi pidkhid* (Bibleme as the unit of the biblical intertext: Translation studies approach, in Ukrainian). *Naukovyi visnyk DDPU imeni I. Franka. Seriia "Filolohichni nauky". Movoznavstvo* (*Research Journal of Drohobych Ivan Franko State Pedagogical University. Series "Philological Studies". Linguistics, in Ukrainian), 9*, 61-67.

Geneva Bible. (1560). Retrieved February 5, 2023, from https://archive.org/details/TheGenevaBible1560/page/n23/mode/2up

Gray, E. (2018). *The Bard and The Word: The influence of the Bible on the writings of William Shakespeare*. (Master's Theses, University of Tennessee at Chattanooga). Retrieved February 5, 2023, from https://scholar.utc.edu/cgi/viewcontent.cgi?article=1140&context=honors-theses

Hamlin, H. (2013). *The Bible in Shakespeare*. Oxford: Oxford University Press.

Hassel, Jr. R., & Clark, S. (2015). *Shakespeare's religious language: A dictionary*. Bloomsbury Arden Shakespeare.

Ivanova E.V. (2011). *Leksikologiya i frazeologiya sovremennogo angliyskogo yazyka* (Lexicology and Phraseology of Modern English, in Russian). Saint Petersburg: Philological Faculty of St. Petersburg State University: Academy.

Koval, A. P., & Koptilov, V. V. (1975). *Krylati vyslovy v ukrainskii literaturnii movi: aforyzmy, literaturni tsytaty, obrazni vyslovy* (Eptonyms in the Ukrainian literary language: Aphorisms, literary quotations, figurative expressions, in Ukrainian). Kyiv: Higher School.

Kunin, A.V. (Ed.). (2005). *Bolshoy anglo-russkiy frazeologicheskiy slovar* (Big English-Russian phraseological dictionary, in Russian). Moscow: Zhivoi Yazyk.

Kvetko, P. (2009). *An outline to English phraseology*. (3rd ed). Trnava: Univerzita Sv. Cyrila a Metoda.

Kyrpych, L. V., & Barantsev K. T. (Eds.). (2005). *Anhlo-ukrainskyi frazeolohichnyi slovnyk* (English-Ukrainian phraseological dictionary, in Ukrainian). Kyiv: Znannia.

Lysenko, O. M., & Kulchytska, O. I. (2010). *Dosvid leksykohrafichnoi fiksatsii frazeolohichnykh bibleizmiv: diakhronichnyi aspekt* (Experience of lexicographic fixation of phraseological biblicalisms: diachronic aspect, in Ukrainian). *Naukovi zapysky Natsionalnoho universytetu "Ostrozka akademiia". Ser. Filolohichna* (*Naukovi zapysky (Scientific notes of the National University "Ostroh Academy". Philology, in Ukrainian), 14,* 396-404. Ostrih: Ostrih Academy.

Marx, S. (2000). *Shakespeare and the Bible*. Ox-

ford: Oxford University Press.

Noble, R. (1970). *Shakespeare's Biblical Knowledge and Use of The Book of Common Prayer as Exemplified in the Plays of the First Folio*. New York: Octagon Books.

Ocheretna, O., Karpova D., Kostromina O., & Kharkova H. (2022). English biblicisms in colloquial speech and a literary text: looking for the right interpretation. *WISDOM, Special Issue 2(3),* 206-216. https://doi.org/10.24234/wisdom.v3i2.628

Onishchenko, N., Smoliana, T., & Miroshnychenko M. (2021). Eptonyms in German: An attempt of typological distinction (On the example of maxims and aphorisms). *Theory and Practice in Language Studies, 11*(11), 1359-1370, doi: https://doi.org/10.17507/tpls.1111.03

Onishchenko, N. A. (2009). *Pretsedentna osobystist yak chynnyk formuvannia eptonimnoho fondu (na materiali aforyzmiv Y. V. Gete)* (Precedent personality as a factor in the formation of the eptonym fund (based on the material of the aphorisms of J.V.Goethe), in Ukrainian). *Visnyk Kharkivskoho natsionalnoho universytetu. Ser.: Romano-hermanska filolohiia. Metodyka vykladannia inozemnykh mov (Bulletin of the Kharkiv National University: Series: Romano-Germanic Philology. Methods of Teaching Foreign Languages, in Ukrainian), 848,* 72-77. Kharkiv: Constanta.

Onishchenko, N. A. (2021). *Rozvytok eptonimichnykh oznak u nimetskomovnykh tsytat (na materiali tematychnoi hrupy "Covid-19")* (The development of eptonymic signs in German language quotations (Based on the material of the thematic group "COVID-19"), in Ukrainian) *Visnyk Kharkivskoho natsionalnoho universytetu imeni V. N. Karazina. Seriia "Inozemna filolohiia. Metodyka vykladannia inozemnykh mov"* (The journal of V. N. Karazin Kharkiv University. Series: Foreign Philology.

Methods of Foreign Language Teaching, in Ukrainian), 93, 22-30. doi: 10.26565/2227-8877-2021-92-03

Oxford Dictionary of Idioms (2004). Oxford: Oxford University Press.

Oxford Dictionary of Phrase and Fable (2006). Retrieved February 5, 2023, from http://surl.li/csibr

Oxford English Dictionary (1989). Oxford: Clarendon Press.

Oxford Treasury of Sayings and Quotations (2011). Oxford: Oxford University Press.

Ratcliffe, S. (2012). *Little Oxford Dictionary of Quotations*. Oxford: Oxford University Press.

Ryken, L. (2010). Shakespeare and the Bible. In B. Batson (Ed), *Word and Rite: The Bible and Ceremony in Selected Shakespearean Works* (pp.1-22). Cambridge Scholars Publishing.

Shakespeare (2022). *The complete works of William Shakespeare*. Retrieved February 5, 2023, from http://shakespeare.mit.edu/

Shipley, J. T. (1948). *Dictionary of Word Origins*. New York: Philosophical Library.

Siefring J. (Ed.). (2004). *Oxford dictionary of idioms*. Oxford: Oxford University Press.

The Wordsworth Dictionary of Bible Quotations (1995).Wordsworth Editions Ltd.

Webster's New Explorer Dictionary of Quotations (2000). Federal Street Press.

Yartseva, V. N. (Ed.). (1990). *Lingvisticheskiy entsiklopedicheskiy slovar* (Linguistic encyclopedic dictionary, in Russian). Moscow: Sovetskaya Entsiklopediya.

Yermolenko, S. (Ed.). (2001). *Ukrainska mova. Korotkyi tlumachnyi slovnyk linhvistychnykh terminiv* (The Ukrainian language. A brief explanatory dictionary of linguistic terms, in Ukrainian). Kyiv: Lybid.

Zorivchak, R. P. (2006). *Bibleizmy v nashomu movlenni* (Biblical idioms in our speech, in Ukrainian). *Krymska Svitlytsia (Crimean room, in Ukrainian), 38,* 103-104.

PHILOSOPHY OF LANGUAGE

SEMANTIC AND FORMAL IMAGE OF CONCEPTS RELATED TO "SENSORY PERCEPTIONS" PRESERVED FROM THE INDO-EUROPEAN LANGUAGE IN THE DIALECT AREA

Mher KUMUNTS [1, 2, 3, *] (iD) | Inga MARGARYAN [1, 3] (iD) | Lusine NERSISYAN [2, 3] (iD)

1 National Academy of Sciences of the Republic of Armenia, Language Institute named after Hrachya Acharyan, Yerevan, Armenia

2 Goris State University, Goris, Armenia

3 Syunik Armenological Research Center, Goris, Armenia

* Correspondence
Mher KUMUNTS, Syunik st., 134/6, Goris, Syuniki marz, 3201, Armenia
E-mail: mherkumunts@gmail.com

Abstract: Syunik and Artsakh (Kharabagh) are the greatest dialectical areas in the Armenian language which has a rich vocabulary. In the dialectical vocabulary there are large number of words of Indo-European origin which are missing not only in other dialects but also in many languages of Indo-European origin. One of the problems of comparative linguistics is that etymological studies do not pay much attention to dialectical vocabulary. The study of the words of the thematic group "Sensory Perceptions" can provide important material on the religious-philosophical issues of the peoples living in the historical area. An attempt was made to study the old words of the dialect area of Syunik and Artsakh, which refer to "sensory perceptions".

In this work a new dialectical work is being etymologized: shapaghwith the meaning "1.Reflexion, flash, 2. Ra-diant, bright, shiny" which has a different phonetical and semantical version in the Armenian translation of the "Bible": shagh-paghp.

An attempt was made to check the word simultaneously and to discover its perception in the most ancient examples of the translation of the Bible by using the historical-comparative method.

Often, through the etymology of archaisms preserved in the language, valuable information is revealed about the religious-philosophical understandings of the ancient world.

Keywords: dialect area of Syunik-Artsakh, sensory perception, thematic (lexical-semantic) group, etymology, vocabulary, "Bible", translation.

Introduction

Studies related to sensory perception are includ

ed in various fields. Since ancient times, sensory perceptions have been the center of attention of mankind. For example, in the Indian religious-

philosophical system, sense perceptions have been one of the important understandings of logic and epistemology. In fact, one of the religious-philosophical concepts is that sensory perception arise due to contact between the senses and their objects. If we express it graphically, we will have the following picture:
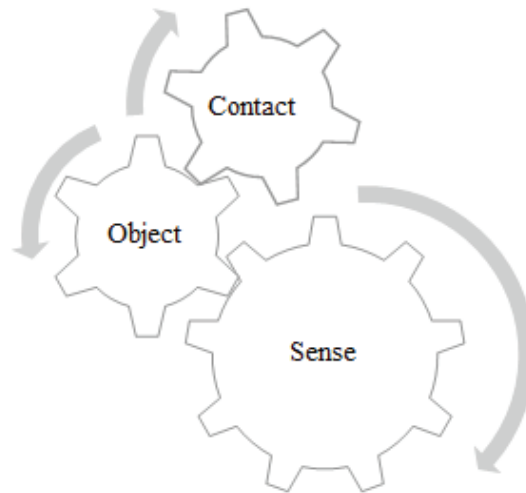
Our goal is to find out how people philosophically understood sensory perceptions thousands of years before us, what verbal means were there to express them. It is also interesting how the words related to sensory perception were used in the Indo-European layer of the proto-Armenian language, from where it directly passed to the dialect area of Syunik and Artsakh.

The Armenian language mainly inherited Indo-European words related to smell, taste, sight, hearing and other sensory perceptions. Compared to the ancient Armenian language, they are mainly reflected in partial shifts in the Syunik-Artsakh dialect group: 'as smell' - *vēt (v$^{\breve{e}}$ēt)(վէ́տ (վ^{k}էտ))*, and in secondary forms, such as *bitter, feel, prickly*, in contrast to absent forms in independent use, with compounds: *anĕskam (անըսկամ)* 'without any feeling'; *tĕṛnachür (տրռնաճ̌ն̈ր)*, 'bitter water', *kĕrmĕrakhayt' (կրրմրրախայթ)* 'redfish'[1].

The dialect group does not have the words *hunch' (հունչ)* 'sound' and *lur (լուր)* 'news'. They were probably pushed out when their replacement words *säs (սաս)* 'voice' *and khäbär (խաբար)* 'news' started entering in the Armenian language.

The word *gol (գոլ)* 'hot, warm' is new in the dialect. Goris dialect does it have *tĕkuch'i (թըքուչ̌ի)* ' little hot, hot, warm', the origin of which remains unknown. Is it related to the word tak' (տակ) 'hot', cf. *tak'anal > tĕk'anal (տա-քանալ > թըքանալ)* 'to warm up'?

In the semantic field of *sensory perceptions*, there are not many borrowings that are synonymous with words with Indo-European connection.

Here is the general image: *imanal (իմանալ)* 'perceive by the senses; sense', *vēt-vēt anēl (վէտ-վէտ անէլ)* 'smell', *vēt anēl (վէտ անէլ)* 'smell', *vĕtvētēl (վրտվէտէլ)* 'smell', *vēt (վէտ)* (Hovhannisyan, 1979, p. 59) 'smell', *lak (լակ)* 'weakened and spoiled eggs', *mĕkhkēl (մրխկէլ)* 'taste', *yĕ$^{\breve{e}}$shnēl (յր^{k}շնէլ)* 'taste', *ham aṛ'nēl (համ առնէլ)* 'taste', *ham ōnil (համ օնիլ)* 'taste', *k'ēmk' (քէմք)* 'taste', *ham (համ)* 'taste', *k´aghts'ĕr (քաղցրր)* 'sweet', *ĕnali (ընալի)* 'salt', *t't'ō (թթo)* 'sour', *kĕtsō (կրծo)* 'acid', *lu kēnal (լու կէնալ)* 'listen quietly', *lĕsēl (լրսէլ)* 'to listen', *lĕsēli-k' (լրսէլի-ք)* 'hearing', *pänts'ür (պանցն̈ր)* 'loud', *tēsnal (տէսնալ)* 'see', *ashk(av) anēl (աշկ(ավ) անէլ)* 'to wink', *tĕsnēlik (տրսնէլիք)* 'wink', *ts'uyts' tal (ցույց տալ)* 'show', *ĕrvĕts'nēl || irevts'ĕnēl*

---

[1] A type of fish from the Vararakn River.

(որվրցրնել || իրեվգրնել) 'show', *irvial || ěrval (իրվիալ || ըրվալ)* 'show', *shap'agh (շափաղ)* 'shine', *p'aylēl (փայլել)* 'shine', *p'aylun (փայ-լուն)* 'bright', *shap'aghshap'agh (շափաղ-շափաղ)* 'bright', *lusěvēr (լուսըվէր)* 'light (in color)', *mět'ēn (մըթէն)* 'dark (in color)', *ěghu-vōt'un (ըղունվօթուն)* 'dark', *mōk' (մօք)* 'dark', *dēghin (դէղին)* 'yellow', *hōp' (հօփ)* 'touch', *pēnd (պէնդ)* 'solid', *hastat (հաստատ)* 'solid', *p'ap'uk (փափուկ)* 'soft', *mēghmě (մէղմը)* 'soft', *měghmēgh (մրղմէղ)* 'soft', *khüt' (խ̈ուտ̈ը)* 'rough; uneven', *kōklik (կօկլիկ)* 'smooth', *sōklik (սօկլիկ)* 'smooth', *tap'(lak) (տափ-(լակ))* 'smooth', *sōr (սօր)* 'sharp', *kēch (կէճ)* 'wet', *t'ats' (թաց)* 'wet', *těmkats (տրմկած)* 'wet, damp', *t'irma (թիրմա)* 'wet, damp', *t'iṛchēl (թիրչել)* 'wet, damp', *shaghēl (շաղել)* 'wet, damp' (> *shaghli-maghli (շաղլի-մաղլի)*) (Kumunts, 2022, p. 289))*, ch'ōr (չօր)* 'dry', *ts'amak' (ցամաք)* 'dry'*, chērm (ճէրմ)* 'hot, warm', *chērmě (ճէրմը)* 'hot, warm', *ts'ōrt (ցօրտ)* 'cold', *hōv (հով)* 'cold', *sěk'ěṛtnēl (սըքրրթնել)* 'cold', *p'ěnt'ē/i (փընպէ/ի)* 'dirty, soiled', *k'ěndzěṛot (քընձըռոտ)* 'dirty, soiled' < *(s)k(h)end-* 'jeghqel; to cleave' (Jahukyan, 1965, p. 311).

Methods

A. Using historical and comparative method, we try to reveal 1. level of sensory perception, 2. level of mind perception, 3. level of understanding of intelligence, 4. semantic change of sensory perceptions in the periods of language development and in the historical territory of Syunik and Artsakh. For all of that, we took as a base the vocabulary and the lexical group expressing "sensory perceptions" included in it with the cross-temporal linguistic state.

B. With the help of the historical method, we tried to compare the linguistic facts preserved in the dialect area, the realities in time and movement, the changes undergone historically. Using the comparative method, we examine the words, comparing them with other facts, in particular with the corresponding facts of related languages, restoring ancient

(especially prescriptive, not attested by written sources) language states or individual forms. The main task of the historical-comparative method is to identify the genealogical commonalities in the languages, thereby to confirm the that these languages are in the same tribe, to restore the ancient language states that are at the basis of the mentioned generalities.

Discussion

1. Supposed Dialectical Words of Indo-European Origin

P'ěshashel (փրշաշել) - The word "moisture to pass, to dry slowly, dried up, moisture withdrawn" is not particularly familiar to other dialects of Armenian. It has an accidental resemblance to Persian *pushesh* (پُوشش) 'cover, veil, covering'. It is paralleled not only with the versions derived from the radix **sp(h)ei-* 'qashel, to pull': Greek σπάω, σπῶ (**spə-sō*), which has many semantic meanings, but also 'to pull; to absorb', Icland *speikja* 'to dry' German *spik* 'land', Norwegian 'dry; smoked', Latin *tenuis* 'still wet', etc. (Pokorny, 1959, p. 982). The dialectical version is mostly close to Greek formation with the suffix *-ash* 'having the property of something' (cf. *sour*) or, less likely, by reduplication of the radix. Goris dialect *p'ishashēl, p'ěshäshēl (փիշաշել, փրշaĭ2el)* 'to dry a little (piece, day, etc.)', *orě p'ishäshēl (որը փիշaĭ2el)* 'to pass the morning spray'.

Armenian *gog (գոգ)* is derived from the word **ghogho-* 'hug, concave' and other meanings, one of the dialect variants of which is *kōklik (կօկլիկ)* 'smooth', from which *kuklěganal (կուկլրգանալ)* 'to become neat, tidy'. Probably, the fact that the meaning of 'flat' is not attested in languages was considered: *kuklěganal (կուկլրգանալ)* 'to tidy up, smooth out', *kuklig^yěts'nēl (կուկլիգ́ րցնel)* 'to tidy up'.

In connection with the word *kōklik (կօկլիկ)*, *sōklik (սօկլիկ)* is also used separately. This word outwardly seems to be a phonetic version of the root *kok (կոկ)*. The meanings of the word *sōklik (սօկլիկ)* are: *sōklik (սօկլիկ)* 'smooth; trimmed, well-groomed', *sōklik'/k k'ar*

(սոկլիք/կ քար) 'smooth and round stones, pebbles of a river, lake', *sōklikanal (սոկլիկանալ)* 'to smoothen', *sōklikacnēl (սոկլիկացնէլ)* 'to smoothen', etc. This word in form and meaning begs: **kaghlo-* 'small round stone', also: 'hail; round stone; pebble' with sound **kʹoghlo-* (with suffix -ik), cf. Greek *κάχληξ* 'stone; gravel' (Pokorny, 1959, p. 518).

The external and semantic similarity of the words *koklik* and *soklik*, we believe, has often created confusion, and *soklik* has been considered a duplicate of *koklik* with the change of *s*. Not only in conversational versions, but also in fiction literrature, these words are mostly used in relation. *"Ամէ՛ ն ինչ կշռող խոհեմութիւնը / Կոկլիկ ու սոկլիկ, մի՛շտ շրջահայաց…"* *"The prudence that weighs everything / very clean, always circumspect…"* (Sevak, 1959). It is likely the radix *sōk tal (սոկ տալ)* 'to slip, to slip' comes from the same radix that H. Acharyan mentions only Gazakh dialect: 'to crawl' (Acharyan, 1913, p. 977). In the sense of "to crawl" it is similar to the formations of the dialect group *sĕlkĕhēl (սըլկըհէլ)*, *sĕlkhēl (սըլկհէլ)* 'to slide, slip, crawl', *sĕlkĕhot (սըլկըհոսո)*[2] 'slimy, smooth', whose literary version is *sogh (սող)* 'to crawl' of unknown origin (Jahukyan, 2010, p. 686).

Of course, the perception of the words *koklik (կոկլիք)* and *soklik (սոկլիք)* as repetitions of one general meaning (the initial sound of the second component changes to *s (ս)* (Abeghyan, 1965, p. 182)) does not contradict the word formation rules of the Armenian language. However, the composition does not contradict the general form of relationships made up of synonyms, similar words or antonyms, such as: *armank'-zarmank' (արմանք-զարմանք)*, *ahel-jahel (ահել-ջահել)*, *olor-molor (ոլոր-մոլոր)*, *amp-zamp (ամպ-զամպ)*[3], etc. (Vardanyan, 2010, pp. 129-130).

It is difficult to say whether *kōklik (կոկլիք)* is a derivative of *sōklik (սոկլիք)*, taking into account the semantic differences between the words *koklik (կոկլիք)* and *gog (գոգ)*, because *koklik (կոկլիք)* is more common, and the word *soklik (սոկլիք)* is used separately in the vocabulary of the Goris dialect region. Moreover, in the vocabulary of the dialect group there are also: *sut'likanal (սութլիկանալ)* 'to flatten', *sult'lĕlkĕts'nēl (սուլթլըլկըցընէլ)* 'to make flat' *sut'lik (սութլիք)* 'smooth', *sut'ul tal (սութուլ տալ)* 'to slide', *sak'ul (սաքուլ)* 'smooth', which are probably from *sayt'-, kok- sokl- (սայթ-, կոկ- սոկլ-)* are dialectal variants of radix created by assonance and phonetic shifts.

Thus, keeping in mind the general principles - the presumption of the words *koklik (կոկլիք)* and *gog (գոգ)* originating from the same root, as well as the existence of an independent basis of the word *sōklik (սոկլիք)*, 'flat', we put the words *kōklik (կոկլիք)* and *sōklik (սոկլիք)* under common concepts as Indo-European words derived from the root and semantically stabilized. Probably, *sōt'lik (սոթլիք)* means 'slimy; of sotlik stones…' (Amatuni, 1912, p. 595).

2. About the Translation and Examination of the Word "Shaghpaghputyun" of "Bible"

H. Acharyan does not have a final conclusion about the origin of the word *shaghp'aghp' (շաղփաղփ)*. With the opinions of other he mentioned that it is like an Arabic word *salfa* 'slanderous, inclined to fight, quarrelsome woman' (Acharyan, 1977, p. 490).

The words *shaghp'aghp'-shaghp'aghp'aban*[4] (as a newfound word in "Yaysmawurk'" (religious book)) had been examined by V. Hambardzumyan. He mentioned and presented one important consequence about the meaning of word: 'shaghp'aghp' in different words "*(շաղ-փաղփաբան) շաղփաղփի՛ այլանձն խոսքի մէջ*" (Avetikean et al., 1979, p. 462) which is mentioned in "New dictionary book in the Hai-

---

[2] Also: Goris dialect: 'to tidy up, to groom; to caress', *sĕghi-sĕghi (սըղի-սըղի)* 'type of game' (sliding sticks on the ground).

[3] For example, A. Margaryan consider the form with the proposition *-z (-զ)* (Margaryan, 2015, pp. 22-23). As a subtextual word, *zamb (zamp) (զամբ (զամպ))* 'snow piled on the mountain' (Mkrtchyan & Khachatryan, 2016, p. 190).

---

[4] There is also *shaghp'ap' (*"And because shaghpap, different existence of Assyrian language…" *("Եվ քանզի շաղփափ, այլատարազ գոյ լեզուն ասորի…")* (Akinean, 1953, p. 279).

gazian language", but he did not present the question of the origin of word: "That radix is not examined in the Armenian language⁵, although there were some suppositions" (Hambardzumyan, 1998, p. 71).

According to L. Khachatryan the word *shaghp'aghp' (շաղփաղփել)* in the Armenian language is a complexity formed with the repetition of radix and augmentative. It is included in the list of words for which it is not possible to find out bases (ingredients of radix) (Khachatryan, 2020, p. 203, 2018, p. 197) with the analyse of expression plan.

The semantic and structural values of word *shaghp'aghp'(ut'iwn) (շաղփաղփ(ություն))* were separated for examination: *shaghp'aghp'aban (շաղփաղփաբան)* 'talkative, charlatan', *shaghp'aghp'akan (շաղփաղփական)* 'talkative, delirious, odd', *shaghp'aghp'ank' (շաղփաղփանք)*, *shaghp'aghp'ut'iwn (շաղփաղփություն)* 'idle talk, prattling', *shaghp'aghp'umn (շաղփաղփումն)* 'to rave', *shaghp'aghp'ot (շաղփաղփոտ)* 'idle talker', etc. (Khachatryan, 2020, p. 204).

With the combination of possible forms in Syunik-Artsakh dialectical group we will try to bring dialectical items to the field of genealogical examination of the word.

In the dialectical group the word *shap'agh (շափաղ)* 'glare' with the means 'shimmery, shining' is being put with Arabic loans (Sargsyan, 2013, p. 567), but we think that it is the dialectical version of (Greece σπληδός 'ash', Latin *splendeō* 'shine, shimmer'): *give shap'agh, do shap'agh (շափաղ տալ, շափաղ անել)* 'to shine', *do shap'agh-shap'agh (շափաղ-շափաղ անել)* 'to shine', *shap'aghshap'agh (շափաղշափաղ)* 'shiny', formed with Indo-European **(s)p(h)el-* 'shine' radix s > sh and derived from sound that of course, corresponds to

the forms with the same radix in the dialectical group: *pogh (պող)* 'coal cut red fire, spark from the fire' (comparison: *pogh-pogh>to pĕspĕghal (պող-պող > պրսպրղալ)), pĕlpĕlal (պրլպլ-լալ)* 'to shine, flash', and also other options presented in Armenian language: *pĕlpĕlal (պրլպրլ-լալ)* 'to shine' Van, Mush, Tbilisi, Costandnupolis dialects, etc. (Jahukyan, 1965, p. 319): comparison shine Indo-European **sphel-* 'to glitter' (Jahukyan, 2010, p. 757). The option *p'aghp'aghil (փաղփաղիլ)* of this word is noted among the native words with the Greek word φάλος (Acharyan, 1979, p. 475).

Coming to the synthetic examination of the word used in the Armenian bibliography and its dialect version, we can mention that there is no question of adding anything in the case of external parallels: comp. *shap'agh-Shap'aghp' (շափաղ-շաղփաղփ)*, which is one of the common cases of word change caused by repetition *(p'etur - t'ep'uṛ (փետուր-թեփուռ)),* from which - *t'ĕp'ṛĕp'in (թրփռէփին).* The meaning expressed in Old Armenian is problematic. In that sense we can suppose:

A. The word translated from the Bible appeared among stylistic and semantic transformations as "ordinary irony", "when the word or phrase of a positive idea is spontaneously used in a negative sense" (this phenomenon is also observed in Arabic parallels), then inverted. the meaning has become common: the word has been separated from its original meaning. In this case, the source of the meaning has been preserved: 'to express brilliant thoughts → to shout, to glorify, to gossip, to rave' (comparison: *wise bag, the thought shone, the thought arose, said something, shine, etc, which have also negative sense in the stylistic functions and situation*). We can not say whether the meaning of 'to glitter (word or thought)' has become 'nonsense' under the influence of other languages (with semantic copying), or has it passed to the literary language from the speaking sphere, where such formations are commonly spread (It refers to the turn of the word meaning (Arakelyan et al., 1979, pp. 179-180), which was especially observed during the historical development of the language vocabulary. "There are many [such] words whose common meanings are different in the old and new languages. But the old meanings of words are not usually forgotten, but kept with the new ones,

---

⁵ G. Jahukyan (2010) does not have any opinion about the origin of the word: the question is limited in verbal evidences (p. 580), but he brings examples under the word-article *p'ayl (փայլ): p'aylel, p'ayliwn, p'aylun, p'aylatsun, p'aylatsu, paylakn, p'aylakatel, p'aghp'aghun, p'aghp'agheal, p'aghp'il, p'oghp'oghenēj, p'oghp'oghal (փայլել, փայլիւն, փայլուն, փայլա-ծուն, փայլածու, փայլակն, փայլակատել, փաղ-փաղուն, փաղփաղեալ, փաղփիլ, փողփողենէջ, փողփողալ)* (p. 757).

and not only in different dialects, but often in the same dialect and literary language" (Abeghyan, 1965, p. 138)).

We cannot deny the possibilities of common Nostratic basics with Arabic (especially when 2 words are associated: *salfa* 'slanderous, inclined to fight, quarrelsome woman', and *šafak* 'shiny') but we will not discuss this question because it is beyond of the scope of our study.

B. It is obvious that the word 'to chatter, to brag' is not the original, genealogical meaning of the word. It is obvious from the translations of "Bible"[6]. The Greek version of the "Bible" corresponds to homonyms: *λῆρος* which is considered to be Indo-European *lā-* or *lē-* (*leh₂-* 'howl, yell') naturally derived from the consonant, Armeniancomparison: *lal (լալ)*, and *λῆρος* 'gold ornament on women's clothing' (Beekes,

2010, p. 858), the origin of which is unknown and the connection with the meaning 'dung' is impossible. We see that this homonyms have the different bases the second of which has a connection with the word *σπληδός* 'ash' *(σπ-ληδός)*, the origin of which is also instable: (comparison: Latin: *splendeō (s-plendeō)* and Greek: *λάμπω* 'brightness'). The conclusion to this second opinion is that the Armenian translators of the "Bible" were familiar with the homonyms of the Greek original *(λῆρος)* (Bible Hub, n.d.); and a new contextual-verbal word has been created (Marutyan, 2000, pp. 219-221) in the context of the phrase *'shaghp'aghp'ut'iwn bank'n"* ("*շաղփաղփութիւն բանքն"*, the meaning of which is indeed indefinite out of context or "approximately determined" (Shenskiy, 1959, p. 153), but in the vocabulary it remains close to the original meaning. And it is not accidental Ch. Elikot's comment for English readers. "*Idle tales. (idle tales "λῆρος")* - the Greek word so given (translated) is not found anywhere else in the New Testament. It is used for severe trifles and half-predicted barbarism" (Ellicott, 2015, 24:11).

In the Armenian reality, the word *shaghap'aghp' (ut'iwn) (շաղփաղփ(ութիւն))* was later used or with the same meaning, as evidenced by the original Armenian template, "*...As a testimony to the women who told this. and appeared to them a rave* (Tatevatsi, 1740) («*...որք պատմեցին զայս առաքելոցն. եւ երեւեցան շաղփաղփութիւն բանք նոցա»*) either the original meaning "*...and the others, they seemed to be idle tales…*" («*...եւ այլք թէ` առաջի մեր թուալեցաւ. այսորքիք շաղփաղփութիւն երեւէին բանքն»*), and out of the phrase "*Now, perhaps, you are not deceived by their idle tales*" (Kivleserean, 1930, p. 205) («*Արդ` ոչ երեւի ի ձեզ մոլար խաբէութիւն շաղփաղփութեան նոցա»*).

3. Words Whose Indo-European Relationship Pending, Dialect Variants Uncertain

Is it possible that the word *yĕ̄shnēl (յրէշնէլ)* is one of the forms derived from *hash(an)ēl (հաշ(ան)էլ)*, with the literal meaning of *yĕ̄shnēl (յրէշնէլ)* 'to mold, to dry' that H. Atcharyan, then A. Margaryan placed among Per-

---

[6] In order not to overload the work, we do not bring the Armenian translation versions, but it should be noted that the word under consideration in them also gave rise to a misunderstanding, for example: "…the words were like to dreams…", "…they considered absurdity their histories…", "…the words are considered as absurdity…", etc. There are many works on the translation of the "Bible", the language chosen for the Armenian translation, the translation period, the translators, and other circumstances related to the translation (For the detailed examination of this see: (Ter-Movsisean Arch., 2018, p. 319)). Our task is only the examination of the word *"shaghp'aghp'ut'iwn"* ("*շաղփաղփութիւն"*): we took the word from the translation of Rev. Hovhanny Zohrapean of the "Bible The New and Old Testament", 24:11. (Armenian E-Bible: Classical Armenian - English Concordance - http://212.34.228.-170/bible_28E/) American King James Version - "And their words were seemed as idle tales and they were not believed", The Scriptures (ISR 1998) – "And their words were seemed as absurdity and they did not believe it", with the comparison of the original translation Aramaic "Bible" in Plain English – "And these words appeared as insanity in their eyes and they did not believe them", Amplified "Bible" - "But their report seemed to them like idle talk and nonsense, and they would not believe them" and etc. (Bible Hub, n.d.). From the translation of the bible of R. Young (1863): *idle talk* phrase (p. 62), later became widespread (This meaning translated from the Bible was brought to explain the meaning of the German word *"tand", idle talk* – "Toy, trifle, invention" (Kluge, 1891, p. 358)), which is the translated version of *λῆρος* 'Idle talk, absurdity; gold ornament on a women's robewhich' corresponds to the Hebrew (also Arabic) text meaning 'vain talk, idle talk (to silence people), empty talkers, liars, false prophets' (Gesenius, 1939, p. 95), comparison: *λῆρος* 'gossip, stupidity, stupidity, pure stupidity, you create (phrase.); worthless object, trifle, stupidity, gold object for women' (Bailly, 1935, p. 1188).

sian borrowings "اشنه *ušna*(?) 'water or tree moss', (Acharyan, 1913, p. 295; Margaryan, 1975, p. 528) "lichen 'peat moss'" (Rubenchik, 1970, p. 91). Prefix *-y (-ɩ)* may have resulted from the decline of *a (ա)*: *ha > hě > yě (հա > հը > ɩը)*, which is not a regular phenomenon in the dialect group. As it can be seen, the words *hashel (հաշել)* and *yěˀshnēl (ɩɲˡʒել)* have diverged in form and meaning, and the latter has preserved its original meaning in a different field of use. Let's bring some dialectal examples: *yěōghoshnak > yēg-yěˀsh-n-ak (ɩɲɲoʒնակ > ɩեɳ-ɩɲˡʒ-ն-ակ)* 'smelling mold caused by oil on cheese', *yěshnaham (ɩɲʒնահամ)* 'taste of mold', *yěshnavěˀt (ɩɲʒնավɲˡտ)* 'smell of mold', *yěshněkalil, yēshnil (ɩɲʒնɲկալիլ, ɩեʒնիլ)* 'to mold', cf. in the compound form: *p'ěrp'-ēshně (փɲɲփ-ēʒնɲ)* 'mold'. In this sense, the dialect group also has also *tsaghkēl (ծաղկել)* 'to flower', flowered bread, etc., which we do not include in the list in order not to deviate from the general approach. We are not sure about the words coming from the same radix, so we put it in a reticence.

4. Some Additions about Already Etymological Words

The word *ttu (թթու)* 'sour' is missing from G. Jahukyan's (2010) list, but among the words with origin Indo-European: **(s)teuə- *tu-tuo->* 'sour' (p. 266). The old form has been preserved not only in Georgian - tutubo "a plant", but also in Syunik-Artsakh dialects - *ttōlavash (թթoʅավաʒ)* 'sour plant to eat'.

There are words that preserve the original meaning, which is not particularly common in other versions of Armenian. On of these words is *hup-hpel (հnւպ-հպել)*: Indo-European **ub-* 'to press': *hop tal (հoփ տալ)*. The word that stands out with the frequency of usage also has: 'to suppress; to finish weaving; to harass, to force; to criticize; to put in order; to lead, to win; to eat and drink greedily' etc.

The word *kakō/ugh (կակɩo/nւղ)* 'soft' is not included in G. Jahukyan's list, probably because of its uncertain origin. The information included in the "Armenian etymological dictionary" (Jahukyan, 2010) is **gag-* 'round thing, ball' and a

suffix **ul*, which, however, is less probable (Jahukyan, 2010, p. 357). Dialectal forms: *kakugh || kakōgh (կակnւղ || կակɩoɲ)* "soft; fragile; appetizing, pleasant; mild; delicate', from here; *kakōgh damarě pěrnēl (կակɩoɲ դամարɲ փɲɲնɲⱥ)* 'to persuade; to soften', *kakōgh k'ōl (կակɩoɲ քoʅ)* 'gentle' (said of a person with a mild character), etc., they suggest that *-ugh (-nւɲ)* is not a suffix, but part of the reduplication of the radix, *kugh - kugh (կnւɲ - կnւɲ)*, with interactive phonetic change of vowels: *kakugh (կակnւɲ)*.

From the word *tap' (տափ)*, the dialect group has the *tap'lak (տափʅակ)* 'flat' (Kumunts, 2019, pp. 126-130) from the radix (**doph- || *deph-* 'to beat, crush') the meaning 'smooth', with which the word is included in the thematic group.

Native Indo-European **khuto- (k(h)eu-t-)* 'hit, push' (Jahukyan, 2010, p. 347) also has 'obstacle, pit' in the dialect group, from there *khut ᵛup'ōs (խnւɟᵛnւʃʰoս)* 'bumpy place'.

5. Dialect Words of Unknown Origin Related to Thematic Group

Some words related to the semantic group remain dependent or pose controversial questions, such as: *ělěp'acha (ɲʅɲփացա)* 'rainy and humid weather; festering and open wound', *těroskh (թɲɲroսխ)* 'heavily moistened, swollen and soft from moisture; wall swollen from moisture', *kěntěvērēl (կɲնⱥɲɲʅⱥɲⱥ)* 'calm down or ease (precipitation, pain)'

Conclusions and Statistics

1. The largest of the Armenian dialect groups, the inter-dialect group of Karabakh-Shamakhi, has preserved in its vocabulary such words from the Indo-European period of the pre-Armenian language that are absent not only in the dialects and written versions of Armenian, but also in many Indo-European languages.
2. The number of words in the thematic group "Sensory perceptions" is 64, which is 62% of the same semantic group in Armenian, 118%

in Indo-European. It means that the dialect area of Syunik-Artsakh is the direct bearer of the Indo-European heritage.

3. Through the main layer of the dialect vocabulary, the lexical composition was stabilized and enriched, the dialects developed mostly independently, but did not go out of the framework that outlines the dialectal and phonetic features characteristic of the common Armenian.

4. It is obvious that the word *shaghp'aghp'* (*շաղփաղփ*) in the Armenian translation of the "Bible" is one of the complications formed by "radix-augmentative", 'appeared differently in speech' (*'այլատարազ ի խոսս'*), was considered to be of unknown origin.

5. We think that the word *shaghap'aghp'* (*շաղփաղփ*) (sha (-gh-) p'agh) (*շա(-ղ)-փաղ*) has been preserved in the Syunik-Artsakh dialectical vocabulary, s*hap'agh* (*շափաղ*) (shapaghshapagh) (*շափաղ-շափաղ*), which is descended from Indo-European **(s)p(h)el-* from the radix `shine' with a lower vowel: Indo-European **saphal-* : s/shapagh[p] (*ս/շա-փաղ[փ]*).

6. Probably the form Greek. *λῆρος* is also a modified version with a lower vowel, which is paralleled by Latin *splendeō (s-plendeō)* and Greek *σπληδός (σ-πληδός)* words with the meaning 'shine'. Variations are also preserved in the Armenian dialects: *pōgh-pōgh>pĕspĕghal, pĕlpĕlal (պող-պող > պըսպրղալ, պըլպրլալ)* to 'shine'.

7. **(S)p(h)el-* Indo-European versions derived from the radix 'shine' are similar to Arabic: *salfa* 'slanderous, inclined to fight, quarrelsome woman', *šafak* 'shining, shiny', and in particular, *shapyugh (sapphire)* 'precious stone', which is spread in many languages, especially Indo-European, Greek. *σά πφειρος*, old Russian. *санъфиръ*, French *saphir*, Latin *sapphires*, Italienz *affiro* and etc., which is considered to be of Assyrian origin (Acharyan, 1977, p. 506), in the new

Assyrian: *юқáнда зáрқa* (Shumanov, 1993, p. 192).

8. Luke 24:11, the message of Jesus resurrection, was understood not only in Old Armenian but also in other languages by the translators of the Bible. 'It was as a fabulous appearance', 'caprice', 'fantasy' in the Iranian version: 'as a dream', in Arabic - 'joke'. And the word *shaghaghp'ut'iwn (շաղփաղ-փություն)* in the Armenian translation was generally understood in different versions, in particular, 'deceptions and delusion', Latin, Assyrian, Arabic 'these word'. It is possible that the Armenian translators chose a version 'different in word' – *"shaghp'aghp'ut'iwn bank'n"* (*«շաղփաղփություն բանքն»*) - with the parallel of Greek. *λῆρος*.

9. It is possible that the word created for stylistic purposes *shaghaghputyun [bankn] (շաղփաղփություն [բանքն])* ('glittering, surprising [word]') was separated from the connection andwore the independent usage, which is observed in the later pages of Armenian literature: *Shaghp'aghp'aban, shaghp'aghp'akan, shaghp'aghp'ank', shaghp'aghp'ut'iwn, shaghp'aghp'umn, shaghp'aghp'ot (շաղփաղփաբան, շաղ-փաղփական, շաղփաղփանք, շաղ-փաղփություն, շաղփաղփումն, շաղ-փաղփոտ).*

10. We think that the words *shaghp'aghp' (շաղփաղփ), shaghap' (շափաղ), shaghakrat (շաղակրատ)* are different in the origin. The latter is being used rarely in the sense of "idle talk" and is being connected with the base: *Slant(sheg) -*sqel-"* 'to bend' (Acharyan, 1977, pp. 508-509), which is considered to be the radix of the word *shaghaghel (շաղաղել)* 'bend, change'. H. Acharyan, however, in the article *"shaghap-el" (՛շաղաղել)'* brings with another original example *shaghp'aghp'e* (Acharyan, 1977, p. 488) *shaghp'apēl (շաղփաղփէ).*

Table 1.

Summary of the Thematic Group "Sensory Perceptions"[7]

1	2	3	4	5	6
According to C. Buck (English)	N	D.-^SA	?/?^SA	According to G. Jahukyan (Arme-nian)	According to Syunik-Arts'akh (Dialects of Syunik-Arts'akh)
15.11. Perceive by the Senses; Sense (sb.)	1.	-	-	15.11. (Զ-գամ) z-gam	(Ան)ըսկամ (an)ĕskam
	2.	-	-	(Իմանամ) imanam	Իմանալ imanam
15.21. Smell (vb. subj.)	3.	-	-	15.21. (Հոտոտիմ) hototim	Վէտ-վէտ անէլ vēt-vēt anēl
15.22. Smell (vb. obj.)	4.	-	-	15.22. (Հոտ հարկանեմ) hot harkanem	Վէտ անէլ vēt anēl
15.23. Smell (sb. subj.)	5.	-	-	15.23. (Հոտոտելիք) hototelik'	Վրսվէտէլ vĕtvētēl
15.24. Smell (sb. obj.)	6.	-	-	15.24. (Հոտ) hot	Վէտ vēt
15.25. Good Smelling, Fragrant	-	-	-	15.25. Good Smelling, Fragrant	-
15.26. Bad Smelling, Stinking	-	-	-	15.26. Bad Smelling, Stinking	-
	7.	Բ.	-	15.261. (Լակ) lak	Լակ lak
	8.	-	?	(Թաւշկանամ) t'awshkanam	-
15.31. Taste (vb. subj.)	9.	-	-	15.31. (Մզլիմ) mglim	Մըխկէլ mĕkhkēl
	10.	Բ.^ՍԱ	?^ՍԱ	(Աշան) ashan	Յըէշնէլ yĕēshnēl
15.32. Taste (vb. obj.)	11.	-	-	15.32. (Համ առնում) ham aṛnum	Համ առնէլ ham aṛnēl
	12.	-	-	15. 321. (Համ ունիմ) ham unim	Համ օնիլ ham ōnil
15.33. Taste (sb. subj.)	13.	-	-	15.33. (քիմ-ք) k'im-k'	Քէմք k'ēmk'
15.34. Taste (sb. obj.)	14.	-	-	15.34. (Համ) ham	Համ ham
15.35. Sweet	15.	-	-	15.35. (Քաղցր) k'aghts'r	Քախցրր k'aghts'ĕr
15.36. Salt (adj.)	16.	-	-	15.36. (Աղի) aghi	Ընալի ĕnali
15.37. Bitter	17.	-	?	15.37. (Դառր) daṛĕ	Տըռն(աճիւր) tĕṛn(achür)
15.38. Acid, Sour	18.	-	-	15.38. (Թթու, թթու) t't'u	Թթո ttō
	19.	-	-	(Կծու) ktsu	Կըծո kĕtsō
15.41. Hear	20.	-	-	15.41. (Լսեմ) lsem	Լու կէնալ lu kēnal
15.42. Listen	21.	-	-	15.42. (Անսամ) ansam	-
	22.	-	?^ՍԱ	(Մռեմ) mṛem	-
	23.	-	-	(Լսեմ) lsem	Լրսէլ lĕsēl
15.43. Hearing (sb.)	24.	-	-	15.43. (Լսելիք) lseli-k'	Լրսէլիք lĕsēli-k'
15.44. Sound (sb.)	25.	-	-	15.44. (Հունչ) hunch'	-
	26.	-	-	(Լուր) lur	-
15.45. Loud	27.	-	-	15.45 (Բարձր) bardzr	Պանցրրն pänts'ür
15.51. See	28.	-	-	15.51. (Տեսանեմ) tesanem	Տէսնալ tēsnal
	29.	Բ.	-	(Հիսնիլ) hisnil	-

---

[7] In the first section of the table (1) we put the words that are included in the thematic group "sensory perceptions" and are of Indo-European origin. The group of words is composed according to K. Buck's (1988) list, which is still being revised by authors engaged in comparative linguistics (pp. 953-1016). It is also developed by the University of Texas at Austin. In the second section (2) we put the total number of words. The third (3) section mentions the existence of words in Syunik and Artsakh dialects (D. (dialect - բարբառ) ^-SA (Syunik-Artsakh)), the fourth section (4) mentions which of these words are doubtful (?/?) for Syunik and Artsakh dialects (^SA (Syunik-Artsakh)), in the fifth section (5) is given ս։he list of words of Indo-European origin in Armenian compiled by G. Jahukyan (History of the Armenian language (pre-historical period) (Ja-hukyan, 1987, pp. 111-157, 261-262, 204-222)), the sixth (6) part contains the Indo-European words that have been pre-served in the dialects of Syunik and Artsakh. The words marked in light color are missing in Armenian.

15.52. Look (vb.), Look at	30.	-	-	15.52. (Յ-ականեմ) y-akanem	Աշկ(ավ) անել (ընցնել) ashk(av) (ĕnts'ĕnēl)
	31.	-	?	(Զղմեմ) dzghmem	-
15.53. Sight (subj.)	32.	-	-	15.53. (Տեսանելի-ք) tesanelik'	Տըսնելիք tĕsnalik'
15.54. Sight (obj.), Look (obj.), Appearance	33.	-	-	15.54. (Տես(-իլ)) tes(-il)	-
	34.	-	-	(Երեւ-ոյթ) erew-oyt'	-
15.55. Show (vb.)	35.	-	-	15.55. (Յուցանեմ) ts'uts'anem	Ցույց տալ ts'uyts' tal
	36.	-	-	(Երեւեցուցանեմ) erewets'uts'anem	Ըրվեցնել ‖ իրեվցնել ĕrvĕts'nēl ‖ irēvts'nēl
5.56. Shine	37.	-	-	15.56. (Երեւիմ) yrewim	Իրվիալ ‖ ըրվալ irēval ‖ ĕrval
	38.	-	-	(Փաղփաղիմ) p'aghp'aghem	Շափաղ shap'agh
	39.	-	-	(Փողփողեմ) p'oghp'oghem	-
	40.	-	-	(Փայլեմ) p'aylem	Փայլել p'aylēl
15.57 Bright	41.	-	-	15.57. (Փայլուն) p'aylun	Փայլուն p'aylun
	42.	-	?սա	(Փաղփուն) p'aghpun	Շափաղշափաղ shap'aghshap'agh
15.61. Color (sb.)	-	-	-	15.61. Color (sb.)	-
	43.	-	-	15.611. (Խայծ) khayts	-
	44.	-	? սա	(Խայտ) khayt	(Կրրմըրա)խայտ (kĕrmĕra)khayt
	45.	-	-	(Բղէտ) bghēt	-
15.62. Light (in Color)	46.	-	-	15.62. (Լուսաւոր) lusawor	Լուսըվէր lusĕvēr
15.63. Dark (in Color)	47.	-	?	15.63. (Մութ(ն)) mut'(n)	Մըթէն mĕt'ēn
	48.	-	?	(Աղաւտ) aghawt	Ղղուվօթուն ĕghuvōt'un
	49.	-	?	(Նսեմ) nsem	-
	50.	Բ.	?	(Մուգ) mug	Մոք mōk'
15.64. White	-	-	-	15.64. White	-
15.65. Black	-	-	-	15.65. Black	-
15.66. Red	51.	-	?	15.66. (Բոսոր) bosor	-
15.67. Blue	-	-	-	15.67. Blue	-
	52.	-	-	(Բիլ) bil	-
15.68. Green	-	-	-	15.68. Green	-
15.69. Yellow	53.	-	-	15.69. (Դեղին) deghin	Դեղին dēghin
15.71. Touch (vb.)	54.	-	-	15.71. (Հպիմ) hpim	Հօփ hōp'
15.72. Feel (vb.), Feel of	-	-	-	15.72. Feel (vb.), Feel of	-
15.73. Touch (sb. subj.)	-	-	-	15.73 Touch (sb. subj.)	-
15.74. Hard	-	-	-	15.74. Hard	-
	55.	-	-	(Կարծր) kartsr	-
	56.	-	-	(Պինդ) pind	Պէնդ pēnd
	57.	-	-	(Տրամ) tram	-
	58.	-	-	17.741. (Հաստ-ատ) hast-at	Հաստատ hastat
	59.	-	?	(Մազդ) mazd	-
15.75. Soft	60.	-	-	15.75. (Մեղկ) meghk	-
	61.	-	?	(Փափ-ուկ) p'ap'uk	Փափուկ p'ap'uk
	62.	-	-	(Մեղմ) meghm	Մէղմը mēghmĕ
	63.	-	-	(Մղմեղ) mghmegh	Մըղմեղ mĕghmēgh

15.76. Rough	64.	Բ.	-	15.76. (Քեռթ(ա-փոթիկ)) k'eṟt'(a-p'r't'ik)	-
	65.	-	-	(Քրփ(շտուն)) k'ṟp'(shtun)	-
	66.	-	-	(Դերբուկ) derbuk	-
	67.	-	-	(Խութ) khut'	Խնïթ khüt'
15.77. Smooth	68.	-	-	15.77. (Ողորկ) voghork	-
	69.	Բ.	-	(Լիժ) lizh	-
	70.	-	?սա	(Կոկլիկ (գոգ)) koklik (gog)	Կօկլիկ kōklik
	71.	-	?սա	(Սոկլիկ) soklik	Սօկլիկ sōklik
	72.	-	-	(Տափ) tap'	Տափ(լակ) tap'(lak)
15.78. Sharp	73.	-	-	15.78. (Սուր) sur	Սօր sōr
15.79. Blunt, Dull	74.	-	-	15.79. (Բութ) but'	-
15.81. Heavy	-	-	-	15.81. Heavy	-
15.82. Light (in Weight)	-	-	-	15.82. Light (in Weight)	-
15.83. Wet, Damp	75.	-	-	15.83. (Գեջ) gej	Կէձ kēch
	76.	-	-	(Թաց) t'ats'	Թաց t'ats'
	77.	-	-	(Թէն) t'ēn	-
	78.	-	-	(Նայ) nay	-
	79.	-	-	(Տամուկ) tamuk	Տրմկած tĕmkats
	80.	-	-	(Թրմեմ) t'rmem	Թիրմա t'irma
	81.	-	-	(Թրջեմ) t'rjem	Թիրշէլ t'iṟch'el
	82.	-	-	(Շաղեմ) shaghem	Շաղէլ shaghēl
	83.	-	-	15.831. (Հիւթ) hiwt'	-
15.84. Dry	84.	-	?	15.84. (Չոր) ch'or	Չոր ch'or
	85.	-	?	(Ցամաք) ts'amak'	Ցամաք ts'amak'
	86.	-	-	(Ազազուն) azazun	-
	87.	-	?	(Ոստին) vostin	-
15.85. Hot, Warm	88.	-	-	15.85. (Ջեր) jer	-
	89.	-	-	(Ջերմ) jerm	Ճէրմ chērm
	90.	-	-	(Գոլ) gol	-
	91.	-	-	(Գաղջ) gaghj	-
	92.	-	-	(Ջերմն) jermn	Ճէրմը chērmĕ
15.86. Cold	93.	-	-	15.86. (Ցուրտ) ts'urt	Ցորտ ts'ōrt
	94.	-	-	(Հով) hov	Հօվ hōv
	95.	-	-	(Ոյծ) voyts	-
	96.	-	-	(Կաղաւեմ) kaghawem	-
	97.	Բ.սա	?սա	(Սրրթնէլ) sqr't'nēl	Սրրըրթնէլ sĕk'ṟtnēl
15.87. Clean	98.	-	-	15.87. (Ջինջ) djindj	-
	99.	Բ.	?	(Կլնդրիկ) klndrik	-
15.88. Dirty, Soiled	100.	-	-	15.88. (Կոկր-ոտ) kokr-ot	-
	101.	-	-	(Փնթի) p'ĕnt'ē/i	Փրնթէ/ի p'ĕnt'i
	102.	-	-	(Բրոր) bror	-
	103.	-	-	(Քնձռոտ) k'ndzṟōt	Քրնձըռոտ k'ĕndzĕṟōt

Table 2.

Statistics

A numbered unit	According to C. Buck (English)	Dialect		Controversial		According to G. Jahukyan (Armenian)	According to Syunik-Atts'akh (Dialects of Syunik-Arts'akh)
		Arm.	S.-A.	Arm.	S.-A.		
15.1	2	0	0	0	0	2	2
15.2	6	1	0	1	0	6	5
15.3	8	0	1	1	1	11	11
15.4	5	0	0	0	1	8	4
15.5	7	1	0	1	1	15	10
15.6	9	1	0	5	1	11	6
15.7	9	2	0	2	2	21	11
15.8	8	1	1	4	1	29	15
15. That's all	54	6	2	14	7	103	64

References

Abeghyan, M. (1965). *Hayots lezvi tesutyun* (Theory of the Armenian Language, in Armenian). Yerevan: "Mitq" Publication.

Acharyan, H. (1913). *Armenian Provincial Dictionary* (Hayeren gavaṛakan bararan, in Armenian), ("Eminian Ethnographic Collection", Vol. T). Tbilissi: Oriental Languages of Lazarian Seminary.

Acharyan, H. (1977). *Hayeren armatakan bar'aran* (Armenian root dictionary, in Armenian). (Vol. 3) (2nd ed.). Yerevan: Yerevan State University Publication.

Acharyan, H. (1979). *Hayeren armatakan bar'aran* (Armenian root dictionary, in Armenian). (Vol. 4) (2nd ed.). Yerevan: Yerevan State University Publication.

Akinean, vrd. H. N. (1953). *Matenagrakan hetazotut'iwnner (k'nnut'iwn ev bnagir)* (Bibliographic researches (Examination and original), in Armenian). (Vol. E). Vienna: Mkhitarean Publication.

Amatuni, S. (1912). *Hayots' baṛ u ban* (Armenian word and thing, in Armenian). Vagharshapat, Ejmiadzin.

Arakelyan, V. D., Khachatryan, A. H, & Eloyan, S. A (1979). *Zhamanakakic hayots' lezu* (Modern Armenian language, in Armenian). (Vol. I). Yerevan: "HSSH GA" Publication.

Avetikean, G., Siwrmelean, Kh., & Awgerean, M. (1979). *Nor baṛgirk' haykazean lezwi* (New dictionary book in the Haigazian language, in Armenian) (Vol II). Venice: *Tparan i Srboyn Ghazaru.*

Bailly, M. A. (1935). *Dictionnaire Grec-Français*. Paris: Lib. Hachette,.

Beekes, R. (2010). *Etymological Dictionary of Greek*. (Vol. II). Leiden-Boston: Brill.

Bible Hub (n.d.). *Online bible study suite*. Retrieved February 5, 2023, from https://biblehub.com/

Buck, C. D. (1988). *A Dictionary of selected synonyms in the principal Indo-European languages (A contribution to the history of ideas)*. Chicago & London: University of Chicago Press.

Ellicott, Ch., J. (2015). *Ellicott's Bible Commentary*. (Vol. 3). Delmarva Publications. Retrieved February 5, 2023, from https://books.google.am/books?id=5NndCgAAQBAJ&lpg=PT990&dq=Idle%20tales%20Ellicott&hl=hy&pg=PT990#v=onepage&q=Idle%20tales%20Ellicott&f=true

Gesenius, W. (1939). *A Hebrew and English Lexicon (With an appendix containing the Biblical Aramaic, based on the lexicon)*. Oxford.

Hambardzumyan, V. (1998). *Norahayt baṛerĕ "Haysmawurk''-i mech'* (Newfound words in "Yaysmaurk", in Armenian). *Ejmiatsin Journal, 14*(E), 66-72.

Hovhannisyan, L. (1979). *Baṛayin hnabanut'yunnerṛ Ggarabaghi barbaṛum* (Lexical archaism in Karabakh dialect, in

Armenian). *Lraber hasarakakan gitut'-yunneri (Bulletin of Social Sciences, in Armenian), 9*(52), 52-60.

Jahukyan, G. (1965). *Hay barbaṛagitut'yan ne-ratsut'yun* (Introduction to Armenian dialectology, in Armenian). Yerevan: NAS RA Publication.

Jahukyan, G. (1987). *Hayots' lezvi patmutyun (nakhagrayin jamanakashrjan)* (History of the Armenian language (Prehistoric period), in Armenian). Yerevan: USSR Academy of Sciences H. Language Institute named after Acharyan.

Jahukyan, G. (2010). *Hayeren stugabanakan baṛaran* (Armenian etymological dictionary, in Armenian). Yerevan: Asoghik.

Khachatryan, L. (2018). *Krknavor bardut'yunneri dzaynadardzov ev hert'agayut'yamb tipern Astvatsashunch matyanum* (Types with the sound of repeated complications and in sequence in the Bible, in Armenian). *Banber hayagitut'yan (International Journal of Armenology), 3*(18), 194-206.

Khachatryan, L. (2020). *Kakhyal armatneri barakazmakan arzhekĕ grabari bayakan bardut'yunnerum (ĕst Astvatsashnch'i tvyalneri)* (The word-formation value of dependent radixes in the verbal complications of Old Armenian (according to the Bible), in Armenian). *Banber hayagitut'yan (International Journal of Armenology, in Armenian), 2*, 195-208.

Kivleserean, B. (1930). *Islamĕ hay matenagrut'ean mech'* (Islam in the Armenian bibliography, in Armenian). Vienna: Mhitaryan Presse.

Kluge, F. (1891). *An etymological dictionary of the German language* (J. Davis, Trans). London: George Bell & Sons.

Kumunts, M. (2019). *Aksel Bakuntsĕ ev nor grakan hayerenĕ (ĕst Ḱarmrak'ar" vepi)* (Axel Bakunts and the new literary Armenian (According to the novel "Red Stone", in Armenian). In *Hayots' lezun anarat pahenk', Gitazhoghovi nyut'er (Step'anakerti "Grigor Narekats'i hamalsaran")) (Let's keep the Armenian language intact, Proceedings of the conference "Grigor Narekats'i University", in Armenian)* (pp. 115-132). Stepanakert: Armav.

Kumunts, M. (2022). *Krknavor bardut'yunneri kazmman eghanaknerĕ Syunik-Arts'akh barbaṛayin taratsk'um* (The ways of formation of redublicatives in the Syunik-Artsakh area, in Armenian). In *Proceedings of the International Conference Karabakh-Shamakhi or Far Northeast Interdialect Group. Current Situation, Trends and Challenges* (pp. 288-304). Yerevan: Publishing House of the Hrachya Acharyan Language Institute of the RA National Academy of Sciences.

Margaryan, A. (1975). *Gorisi barbaṛĕ* (Goris dialect, in Armenian). Yerevan: Yerevan State University Publication.

Margaryan, A. (2015). *Stugabanut'yunner* (Etymologies, in Armenian). Yerevan: Yerevan State University Publication.

Marutyan, A. (2000). *Hayots' lezvi vochabanut'yun* (Stylistics of the Armenian language, in Armenian). Yrevan: Nairi Publication.

Mkrtchyan, E., & Khachatryan, L. (2016). *Hayots' lezvi patmut'yan dasĕnt'ats', Grayin zhamanakashrjan* (Armenian language history course. Writing period, in Armenian). Yerevan: Zangak Publication.

Pokorny, J. (1959). *Indogermanisches etymologisches*. Francke Verlag, Bern: Wörterbuch, München.

Rubenchik, Yu. A. (1970). *Persidsko-russkij slowar'* (Persian-Russian dictionary). (Vol I). Moscow: Russkij yazyk.

Sargsyan, A. (2013). *Gharabaghi barbaṛi baṛaran* (Dictionary of the Karabakh dialect, in Armenian). Stepanakert: Artsakh State University.

Sevak, P. (1959). *Anharc pataskhan* (No question answer, in Armenian). Retrieved February 5, 2023, from http://sevak.am/poem/%D4%B1%D4%BF%D4%B1%D5%86%D5%8B%D4%B4-%D4%B2-%D4%B5%D5%90-%D4%B1%D5%8D%D4%B5%D5%84/%D4%B5%D5%86%D5%80%D4%B1%D5%90%D5%91-%D5%8A%D4%B1%D5%8F-%D4%B1%D5%8D%D4%BD%D4%B1%D5%86

Shenskiy, N. M. (1959). *Ocherki po russkomu slovoobrazovanoy i leksikologii* (Essays

on Russian word formation and lexicology, in Russians). Moscow: Uch'petgiz.

Shumanov, V. V. (1993). *Russko-assiryskij slovar'* (Russian-Assyrian dictionary, in Russian). Saint Petersburg: "Pras-Astra".

Tatevatsi, G. (1740). *Girk' k'arozch'ut'ean vor koch'i dzmeṛan hator* (Book of preaching winter volume, in Armenian). Constantinople. Retrieved February 5, 2023, from https://digilib.aua.am/book-/1476/%D4%B3%D5%AB%D6%80%D6%84%20%D6%84%D5%A1%D6%80%D5%B8%D5%A6%D5%B8%D6%82%D5%A9%D5%A5%D5%A1%D5%B6%20%D5%B8%D6%80%20%D5%AF%D5%B8%D5%B9%D5%AB%20%D5%B1%D5%B4%D5%A5

%D5%BC%D5%A1%D5%B6%20%D5%B0%D5%A1%D5%BF%D5%B8%D6%80?term=%D5%BF%D5%25

Ter-Movsisean Arch., T. M. (2018). *Patmut'iwn Surb grotc' haykakan t'argmanut'ean* (History of Sacred Armenian literary, in Armenian). Mother See of Holy Etchmiadzin.

Vardanyan, G. G. (2010). *Zhamanakakits' hayereni anvanakan verlutsakan bardut'-yunnerĕ* (Analytical recurrent complexities of modern Armenian, in Armenian). Yerevan: Lingva.

Young, R. (1863). *The Holy Bible: Containing the Old and New Covenants, literally and idiomatically translated out of the original languages.* Edinburg, Dublin, London: A. Fullarton.

PHILOSOPHY OF LAW

ONTOLOGICAL GROUNDS OF INTERNATIONAL LAW

Guzel AZNAGULOVA [1, *] (iD) | Dmitry PASHENTSEV [1] (iD)

1 Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russian Federation

* Correspondence
Guzel AZNAGULOVA, 34, B. Cheremushkinskaya str., Moscow, 117218, Russian Federation
E-mail: agm09@mail.ru

Abstract: International law being a complexly structured, hierarchically organized and multi-aspect political and legal phenomenon has dialectical interconnection with universal material and spiritual culture, its past, functioning and development trends and it has human existence as its deep sensational basis, which represents centuries-old civilized togetherness of peoples and nations between them and has specific significance in a specific historical era. Therefore from the cognitive-aware and subject-essential viewpoints international law shall be treated as a form of international relationships, covered by law – i.e. international relationships are the object of regulation of international law and should be considered as a dynamic phenomenon or a consecutive process which represents universal motion principle when its certain status.

International law is a dialectical process of a single causal chain of social phenomena which spreads through time and space. The main feature of implementing its basic principles (defined ontologically as universal) relates legally to the field of "oughtness" as a moral onus of subjective will of sovereign states. It is principally difficult to establish fair international relationships upon observance of interests of international relationships subjects as it is impossible to develop a uniform and extensive scale of moral values that are common for all states.

Keywords: international law, ontology and gnosiology of international law, state will, public interests, international legal system, principle of dialogue, interaction between international and national law.

Introduction

International law represents itself as a phenomenon of political and legal reality that is essentially different from national law with regard to the way of formation and implementation mechanisms. The basic grounds that lie at the root of international law determine its subject matter or essence that spreads through global space. At the same time the ontology of international law is determined by a number of principles that lie beyond the sphere of law and are associated with

axiological essence of interaction between the subjects of international relationships. The key idea of international law itself is the principle of dialogue, based on equality and subject-to-subject interaction model. The dialogue-based nature of international norms, laid down at their creation and further ratification, determines the ontology of international law. This ontology presumes consequent implementation of a number of basic principles that are then embodied in concluded international treaties of binding nature due to the mutual will of their subjects. This principally distinguishes the ontology of international law from the relevant parameters of effective national public law. At the same time they are similar in terms of expressed public interest, which is implemented through legal mechanisms. The comprehension of ontological grounds of international law requires a consecutive analysis of origins and basic stages of its genesis, including the evolution of doctrinal concepts. In the context of modern geopolitical transformations and complication of international relationships the revelation of essential characteristics and ontological grounds of international law is seen as valuable for the needs of doctrinal validation of its transformation into an efficient system able to operate in new conditions.

Methodology

The methodological basis of this study is represented by the principles and approaches of post-nonclassical science, which is based upon the interdisciplinary synthesis that implies using methods of various research spheres. The methodology of constructivism is used as well according to which legal regulation of international relationships gains its specific features not only due to objective development of their subjects, but also due to existing scientific approaches and concepts that construct the relevant type of legal regulation by the means of description and evaluation. Therefore a major contribution to the conceptualization of ontological grounds of international law is made by modern theoretical legal science, synthesized with the philosophy of law.

The research process features the dialectic laws which enabled considering the ontology of international law from the viewpoint of unity and struggle of opposites, showing its contradictive nature in the context of multidirectional processes that flow in the space of interstate interaction.

The formal legal and historical methods allowed researching dynamics of international legal norms and their implementation in the changing political and legal reality. The comparative method allowed making diachronic comparison of the development of international legal doctrine on various historical stages of implementation.

Main Study

The formation of dialogue-based ontological grounds of international law occurs along with the genesis of its norms. The well-known historical evidence of existing peace treaties in XXI B.C. between city-states of Mesopotamia and later – between ancient state-like formations from Mediterranean to Eastern Asia that preempted the emergence of jus gentum in Rome in III-II B.C. and are usually treated in science as a result of international trade relationships development – represents an amazing confirmation of close interconnection in relation to processes of origination of international law and global civilization which are the essence of human existence.

Biological and social aggregation of individuals while moving to the future covers past and present along the way and from the viewpoint of time serves as both abstract and certain, giving birth to various social phenomena. As primary and self-sufficient existence it serves as a deep substantial ground for material and spiritual life, including international law – which is a hierarchically structured, multifold and systematized political and legal phenomenon.

In frames of dominating gnoseological approach to the social phenomena international law gains a relatively independent existence and becomes an object of epistemological studies. Therefore, in the context of cognitive-aware and subject-essential approaches international law should be treated as a form of international relationships covered by law – i.e. international relationships are the object of regulation of international law and should be considered as a consecutive process which represents universal motion principle when its certain status in a specific timeline is actually the reality and an element of an integral causal chain. The possibility of treat-

ing the origins of international law like that is based upon the fact that the state itself serves as the most significant form of manifestation and demonstration of human existence.

That is why the genesis of international law should be considered taking into account the principle of historicism and the vector of its development will in the future determine the application of philosophical phenomenological methods and the scientific development of vital aims, which should reflect the essence of public policy covering all spheres of human, social and public activities. This factor determines unbreakable connection and the unity of policy, internal and international law that are constitutionally connected with the phenomenon of international relationships.

It is generally accepted that human society appears along with the transition to productive labor, while the genesis of world community originates from the activities of sovereign states, which inevitably affect each other's interests – so here is the source of infinite contradictions between states. International activities of states are vicarious in two aspects. Firstly, they are affected by means and mechanisms used by states in international communication. Secondly, they are influenced by relationships between states which form along with their interactions. So it becomes necessary to understand international relationships according to social and moral determination of a human being in nature and society (Malakhov & Aznagulova, 2021). We still have no such understanding – the market fundamentalism which has invaded the whole world, has turned a human being into an omnivore consumer of goods services and uncontrollable amounts of information with some far-reaching consequences i.a. the loss of historical memory, mind manipulation, renunciation of state identity, etc. i.e. the radical transformation of all human mental performance (Malakhov, 2020).

There are several paradigms in place to describe international relationships: geopolitical realism (which is equal to geopolitics in essence), liberalism, globalism (adjacent to radicalism).

There are certain philosophical concepts that bring forward rational ideas on justification of international relationships based on moral and ethical principles, primarily – the Immanuel Kant teachings on categorical imperative. However the practical implementation of those rational moral studies are opposed by obstacles born by pluralistic and market-based world view, which prioritizes personal interests and ignores moral and justice virtues.

It is widely believed that at the origins of geopolitical realism stood Italian politician of Early Middle Ages N. Machiavelli. In the times of fragmentation in Italy, the fall of religious consciousness, the loss of sovereignty on one side and the development of natural sciences medicine, arts and book printing on the other side it became necessary to reassess human existence, the ideas of motherland and strong independent state. The social and historical determination of political and legal views of N. Machiavelli looked like independence of state and its will from morals and the domination of state interests over the interests of citizens. He deemed that the interest is the one and only motive of human actions, while the comprehension of state or public interests is the task of science and politics taking into consideration the realities of political life. Therefore – the prosperity and strengthening of the state as well as its deterioration and collapse is determined upon the comprehension of state interests. Being an advocate for strong powerful state authority Machiavelli accepted using all possible means in order to reach final goals, including power but not morals. He deemed that politics is absolutely free of morals. He didn't consider human rights in politics as well as rejected civil obligations and human dignity.

In domestic legal science the most complete and independent analysis of Machiavelli's academic heritage from the viewpoint of state management and idealization of state interests within the beliefs of late XV-early XVI centuries was carried out by a famous lawyer A. S. Alekseev. He stated that "Machiavelli considered political matters not from a single-sided perspective of a practicing politician, but studied phenomena of public life in correlation with all influencing factors. He didn't reject morality, but instead saw moral norms as a must for a politician. He saw human virtues as the basic requisite for human coexistence and with steel logic proved the deteriorating impact of despotism upon national moral system, while the republic was seen as the only form which could mitigate varying social interests, secure wealth of the citizens and lead the way to moral enlightenment" (Alekseev,

2015, p. 9).

The attracting power of Machiavelli's ideas nowadays is that along with strengthening of state as a political status of a feudal state he drafted lines of world order – the world based on ideas of motherland, national sovereignty, freedom and equality.

The ideas of Kant concerning international law and international relationships have become more popular in the legal science of the recent decades. In his works "Metaphysics of morals" (1797) and "Perpetual Peace: A Philosophical Sketch" (1795) Kant has for the first time elevated international law to the level of philosophical interpretation in a wide context of social phenomena with the central idea of respecting human rights unconditionally.

While not rejecting the possible use of military force in international affairs, in contrast to traditions of political realism and geopolitics Kant moves to the foreground the rule of law, moral laws and the power of diplomacy. As a coherent advocate for the domination of law in mitigating contradictions Kant instead of balance of powers promotes the priority of legal norms, which should define the balance of powers of international law subjects.

The term "interest" is widely used in communication in order to describe various moments of all spheres of human activity. However no common theory of interest exists. Gnoseological roots of this issue are represented in a succinct formula of Hegel (1977): "the moment of subjective singularity and its activity is interest. Nothing can be fulfilled but the interest" (p. 321). In order to understand Hegel's formula we should consider that by the means of activity the subjective by nature content gains external manifestation in the objective world; in other words activity has transition of subjective into objective as a main goal. Therefore the unity of subjective and objective in entirety, determined by activity and allowing inner mutual transitions is of great interest. This duality represents the basic difficulty of categorically interpreting the concept of interest (Zdravomyslov, 1964, p. 6).

Seeing interest as a social phenomenon and concept is specific to philosophical and political teachings since the very early ages. The teachings allow us concluding that the presence of interest is a vital part of human and social essence and their very existence. Thus while ele-

vating the idea of motherland above law and morality N. Machiavelli (2014) deemed that "since we talk about the interests of the motherland – we should not think about whether the relevant decision is fair or unfair, merciful or merciless, praised or shameful, so we should put aside all deliberation and accept the decision which contributes to saving life and preserving freedom" (p. 642), i.e. he sees public state interests as an absolute determinant of politics and law as well as criterion for their assessment. We may also presume that the founding father of the concept of state interest is the distinguished French politician and military man of the early XVI cardinal Richelieu (2008), who wrote: "State interests should be the only target for leaders and their councilors, or they should at least pay close attention to them to place them above all private interests" (p. 211).

The reality is determined upon the high hierarchical level of the significance of interest in the system of internal social relationships in the context of human rights transposed to the international level, where the rational combination of various interests faces a hard to solve contradiction between the absolute state sovereignty and the constitutionalization of effective international law, which is represented in dialectical counteraction between sovereign states in geopolitical activities. Therefore in order to analyze the issue if the interest we underline the significance of the relevant multi-aspect concept as a determinant factor of doctrinal setting of its analysis through the scope of worldview positions as well as approaches and means of practical implementation of geopolitical targets of sovereign states, which are woven into the whole system of modern international relationships with its main component – preservation of peace and security in the global world and the protection of human rights and freedoms. The main lesson of the world history is that the state being a subject of international relationships finds itself and its certain historical existence in fulfilling its own multifaceted interests and goals. The emerging question on the boundaries of legal regulation concerning relationships on the international arena is a subject matter of phenomenological studies.

The need to address general philosophical statements is determined by the fact that the law, being treated with regard to its special features only in conjunction with a certain idea (freedom,

justice, equality, supremacy, etc.) and saving its connection with philosophy in its united social and moral origins, gains universality. Only beyond the limits of legal methods the borders of legal perception may be defined, while the sense and essence of general philosophical concepts and categories may be defined through the scope of legal materia. N. I. Matuzov (1985) mentioned: "Interests gain complex and multifaceted manifestation in law at the stages of its geneses and formation as well as in the processes of functioning and implementation. They are reflected not only in the legal norms but also in all derivative phenomena – legal relationships, subject rights and obligations, enforcement acts, legal status of a person, rule of law, legal order, etc. Therefore the problem itself gains multifaceted and multi-aspect nature… Beyond politics, beyond the interests and will of the dominant class the law as a legal phenomenon is unimaginable" (pp. 76-78).

A vital distinctive feature of the international relationships is the lack of constitutional supreme power that would stand above the subjects of international relationships in comparison to internal relationships within the state, where the state itself is the supreme power. Therefore, since sovereignty is an integral feature of states – their rights in international communications are relevant due to the special will of those states. Thus the implementation of the international law principles, determined as general is legally related to the field of oughtness in contrast to obligations, provided directly in international legal acts is related more to the field human morality as onus. That is why the phenomena of good will and trust between states have great significance in international communications.

The ontological ground of international law is a set of so-called basic principles – general widely accepted norms of international law, which are considered in doctrine as universal, thus having supreme legal power while other international acts an internationally-significant actions of subjects must conform with them (Lukashuk, 2005, pp. 296-324).

Universality as a philosophical matter and as a moment or as a side of a subject or a phenomenon in logical sequence may be dialectically revealed only within a triad "singular-special-universal". In dialectical teachings of Hegel universal (common) determines the unity of sepa-

rate singularities. The category of special is a method and instrument of summoning singular phenomena into universal unities and it determines the hierarchy of political and legal phenomena that play the leading role in regulation of relationships (Spirkin, 2011, p. 368).

Special, which from the viewpoint of international law may be recognized as the will of a certain sovereign state to implement and protect national interests should be treated as a unity of singular and universal – while universal represents a relatively stable combination of features and properties of a finite number of separate phenomena. Therefore the actual existence of universal as an object of reality is different from its concept (Hegel, 1975, p. 174). It is important that the boundaries between singular, special and universal are mobile (Kerimov, 2008, p. 197). It means that singular and universal comprise interactive unity by the means of special, which is manifested in international law as conformity between certain international legal acts and general principles of international law.

As Hegel (1990) notes, "the principle of international law as universal, which itself and for its own sake should be significant in relationships between states means (in contrast to special content of positive agreements) that treaties which serve as grounds for state obligations between each other must be fulfilled. However , since the relationships between states are based upon the principle of sovereignty… the mentioned universal definition remains as oughness" (p. 366). The lack of precise determination of relationships between states represents differences between gnoseological and epistemological aspects of interstate connections. Gnoseological analysis has international relationships as an object, which emanates from state activities and is not dependent upon sovereign will. Therefore, international treaties being subjective in nature are actually objective in their contents. The object of epistemological approach is the knowledge on international communication, so they are essentially different in their existence – i.e. if international relationships as a gnoseological object of international law exist independently, the knowledge thereof don't exist apart from the subject of perception.

In conclusion of international treaties oriented towards the establishment, regulation or cessation of legal connection or international relation-

ships – objective and subjective matters gain language expression with the use of definitions and eventually equalize – that is why one of the key issues in the science of international law is the interpretation of international treaties.

Substantial contents of international treaties (as vital legal basis of subjects interaction on international arena) is only represented by coincidental parts of separate unities i.e. the complex sphere of national interests , therefore it is less multifaceted than national society (Hegel, 1990, p. 36).

In international treaties the fulfillment of interest by one party immediately triggers execution of obligations by the other party and vice versa. That is due to the fact that in frames of international treaties the special will of parties equalizes with their universal will and creates a unity of a kind becoming substantial basis of the mentioned unity (Hegel, 1990, p. 207). Within the scope of the theory of interests powers may be seen as an opportunity to fulfill interests based on the relevant legal obligation.

Russian law scientist N. M. Korkunov (2013) wrote: "Various interests, being the content of social life are closely interconnected with each other, while legal relationships are based on the collision of those interests and are not seen as separate or detached, but make a whole" (p. 142). This statement is directly related to the field of international communication. It is worth mentioning that contradictions which inevitably arise from the conflict of interests of law subjects have according to Kant positive effect as they contribute to the development of international relationships upon being solved.

There is no reason to oppose morality and politics. Their correlation with law is clearly illustrated in legal science. Moral and ethical foundations of a nation, persisting in traditions and customs which are recognized as a source of law are being reflected in the national legal system.

International and national law is not a dichotomous division of law – moreover some lawyers see international law as an extension of national law. However international law, having closest connection with the public international policy has its own special features in relation to morality.

Firstly, the ethical unity of mankind means that nations endeavor to reflect moral values that are supported by the state in their national policies. However due to the principal inability to accept a single measurement scale in the theory of moral values, the relevant deliberations become abstract and masquerade true interests and goals, which is specific to modern western countries.

Secondly, the state international policy is intended to secure political, economic, spiritual, linguistic and other national interests, i.e. it must be effective from the viewpoint of implementing state interests on international arena. Therefore international policy becomes more and more pragmatic. In frames of geopolitics, international law is closely associated with politics and interests of sovereign states which becomes a reason for opposing morality and international law. However this point of view is not entirely true since one of the most important sources of law is a custom, which originates from morality and ethics. Reducing the origins of international communication customs to the principle of self-preservation would vulgarize Darwin's teachings and reject human social and ethical essentials. In national law the ethical origins of law is an obvious fact (Maltsev, 2015). According to Kant both international and national law are parts of the united system of law. That is why the state finds its law not in abstract, but in certain existence, while the moralizing approach may not serve as a principle of its activities. The view on alleged non-law in the mentioned opposition "rests predominantly upon the surface of concepts of morality, nature of the state and its relation to the moral viewpoint" (Hegel, 1990, p. 368).

Thirdly in frames of the unleashed hybrid war it becomes necessary to elaborate the theory of state interest and develop scientifically based state interests in modern conditions. The principle of historicism doesn't lose its relevance in this context, so it's necessary to ethically reconsider historical legal heritage (Pashentsev, 2021, p. 229), including laws of Mesopotamian kings, Indian Arthashastra, ancient Greek and Roman laws.

We can conclude that the state interest is reflected in legal acts of both international and national law. Features of reflecting this interest is determined by a number of factors, including technological development (Pashentsev, 2020).

The metaphysical principle of permanent materia development in relation to international law

as a complex social and political form of motion actualizes the issue of analyzing internal and external interactions in international legal system which plays the main role in the genesis of internal changes occurring along with qualitative transformation of hierarchical order and relationships between functionally associated parts. International law is a result of interaction between states. Those interactions, occurring in the international environment as an objective process of sharing all-human values represent a common cultural phenomenon in world progress and one of the aspects of law activity and whilst having social comprehension of objectively significant matters of stable and fair world order as basis of its existence are determined by fundamental development regularities and subjective factors of coordinating interests and special will of active subjects.

National legal systems are not separate and secluded phenomena. They exist and function as components of a single whole system which includes international law and are impacted not only by internal processes. The legal system of society, being a complexly organized system is an open one and it constantly interacts with other social systems and international law; on each historical development stage it comprises unity in the structure of social reality being a part of a whole and plays the role of significant factors in social dynamic stability. Therefore the formation of a system-structural unified image of legal reality (legal world image) may only be achieved by revealing essential and sustainable connections, their features, the sophisticated study of the impact of internal processes as well as variety of world phenomena, in the course of which certain relationships emerge objectively that represent the correlation of their essentials in the general theoretical context.

From the pragmatic viewpoint it is interesting to consider the creation of new interaction forms between international and national law via institutional, social-economic and political mechanisms that do not contradict international law for the fulfillment of state interests and goals.

Taking into account that the existence may be revealed in its interaction and motion, we should note the following peculiarities of modern international law:

1. The notable activation of discussions in legal science between the advocates of Kant's theo-
ry on global civil order and "realists" who presume social and ontological domination of power upon law. The notions of the latter originate from ideas of Carl Schmitt on "large territories" and international law, which have Nazi focus. His works, written in thirties – before the World War II served as justification for Nazi German conquest;

2. The redefinition of legitimacy of international treaties due to withdrawal of one or several states;

3. The shift in the balance of powers, which sets new hierarchy and triggers transformation of the international legal system. Even J. Soros (2021) had to acknowledge: "Maybe my statement will sound shocking, but the United States have turned into the largest obstacle on the way of establishing the rule of law in international relationships" (p. 424);

4. The acknowledgment of state sovereignty as a lasting value in international communications – while the major part of world jurisdictions are oriented towards strengthening their sovereignty, some EU member states wobble: on one hand they failed to adopt a uniform European convention – the common EU Constitution, on the other hand they are apparently solid in supporting color-coded revolution on post-soviet territories;

5. The use of power without its humanitarian-based and ethical assessment and humanitarian feedback, which intensifies contradictions and their dangerous aggravation;

6. The emerging trends to increasing advocacy of sovereign states to the ideas of state sovereignty transform the balance between national and international law, bringing the principles of national law to the foreground. Generally accepting the supremacy of the UN Charter and other relevant basic international legal documents, the states subject to multilateral treaties according to the Vienna Convention on the Law of Treaties 1969 often utilize stipulations for political and other reasons;

7. The practice of international relationships shows strengthening tendencies of utilizing coercive power (provided by international law) by western states for personal profit. Acknowledging that "coercive power is an organic part of prerogatives and obligations specific to state power in the field of international relationships" (Martens, 2018, p. 303)

we should consider it from the philosophic and legal viewpoints.

Breaking terms of an agreement by action or omission as well as failure to comply with terms – does already serve as coercion, which begets contradictions as a source of Hegel's development concept. The emerged contradiction is solved by a formula "coercion beats coercion" (Hegel, 1990, p. 142). Therefore it cannot remain totally (by its formal determination by law, while the action like second coercion is needed) in the field of its determination in law as defined by it but finds necessary expression in actions as the second coercion. Therefore, the first and the second coercion always remain in dialectic interconnection in conditions of their present existence. The causal connection between coercions may be intermediated by a third subject or several subjects due to the special will of which and because of their actions objective conditions of breaking the agreement terms may arise. So it is necessary and rational for the state to coerce in relation to the intermediate subject. "The attribution of an exclusive coercion power to the state is seen as very important for the whole social life" (Korkunov, 2013, p. 240).

Therefore the coercive power is "objectively a system of legal norms that must be observed by the state as a member of international community while protecting the state's legitimate interests and rights" (Martens, 2018, p. 203). It is known that the West utilizes this right as well as sanctions in order to apply political pressure on certain states while masquerading true interests with deliberations on democracy and human rights. "The United States aim to interfere with inner affairs of other countries in order to force them to follow the rules which they hesitate to follow… The current advocacy of the US to the principle of unilateral actions in international business may endanger the safety of the whole world. At the same time, the US could easily become a strong positive power" (Soros, 2021, p. 17). Along the recent two decades and the formation of a multipolar world order international norms are being more and more ignored;

8. More relevance is given to the activities of Russia and its friendly states aimed at pre-serving the status of the UN Charter and other basic international legal acts and international law in general – in contrast to unilateral activities, primarily the US-specific activities after the dissolution of the USSR and the Warsaw treaty. E. M. Primakov (2015) stated : "the right of veto, which may be utilized by the permanent members of the UN Security Council surely hinders American hegemony. But in such conditions the US stake on the NATO as an alternative to the UN. NATO has ceased being a European regional organization – it spreads far beyond European boundaries" (pp. 142-143). Western actions undermine the basis of international law and world order, established after World War II.

Conclusion

International law, emanating from international communication of sovereign states based upon equal dialogue represents a complex, multifaceted and hierarchically organized political phenomenon. From the philosophical viewpoint it reflects the level of culture in the civilized development of world nations, and from the positivistic point of view – the great variety of state interests gains practical expression in it. At the same time the alignment of those interests occurs on the basis of agreement and compromise, which serves as an ontological principle of international law.

The acknowledgment of values and ideals, provided by generally accepted principles and norms of international law by each state, the creation of normative and institutional mechanisms of their implementation at the national level serves as a ground for the "dialogue of civilizations" and actually represents the main political and legal content of the interaction process between national and international law. It is within that content the existence of international law unfolds.

References

Alekseev, A. S. (2015). *Makiavelli kak politicheskiy myslitel'. Sistematicheskoye izlozheniye politicheskogo ucheniya Makiavelli. Kak i pri kakikh usloviyakh slo-*

zhilis' filosofskiye i politicheskiye voz-zreniya Makiavelli (Machiavelli as a political philosopher. Systematic exposition of Machiavelli's political teachings. How and under which conditions have been composed Machiavelli's philosophical and political views, in Russian). (2nd ed.). Moscow: Lenand.

Hegel, G. W. F. (1975). *Nauka logiki* (Science of logic, in Russian). In Ye. P. Sitkovskiy (Ed.), *Entsiklopediya filosofskikh nauk (Encyclopedia of philosophical sciences, in Russian).* (Vol. 1). Moscow: Thought.

Hegel, G. W. F. (1977). *Filosofiya dukha* (Philosophy of spirit, in Rssian). In Ye. P. Sitkovskiy (Ed.), *Entsiklopediya filosofskikh nauk (Encyclopedia of philosophical sciences, in Russian).* (Vol. 3). Moscow: Thought.

Hegel, G. W. F. (1990). *Filosofiya prava* (Philosophy of law, in Russian). (D. A. Kerimov, & V. S. Nersesyants, Trans. & Eds.). Moscow: Thought.

Kerimov, D. A. (2008). *Metodologiya prava: Predmet, funktsii, problemy filosofii prava* (Methodology of law: Subject, functions, problems of philosophy of law, in Russian). (4th ed). Moscow: Saratov State University.

Korkunov, N. M. (2013). *Lektsii po obshchey teorii prava* (Lectures on the general theory of law, in Russian). (8th ed.). Moscow: Book on Demand.

Lukashuk, I. I. (2005). *Mezhdunarodnoye pravo. Obshchaya chast': uchebnik* (International law. General part: Textbook, in Russian). (3rd ed.). Moscow: Volters Kluver.

Machiavelli, N. (2014). *Gosudar'* (The prince, in Russian). Moscow: EKSMO.

Malakhov, V. P. (2020). *Teoriya pravosoznaniya: monografiya* (Theory of legal consciousness: Monograph, in Russian). Moscow: UNITI DANA.

Malakhov, V. P., & Aznagulova, G. M. (2021). *Problema pravoponimaniya v usloviyakh tsifrovoy real'nosti* (The problem of legal understanding in the conditions of digital reality, in Russian). *Vestnik MGPU. Seriya "Yuridicheskiye nauki" (Lawbulletin of MGPU, in Russian), 2,* 37-44.

Maltsev, G. V. (2015). *Nravstvennyye osnovaniya prava: monografiya* (Moral foundations of law: Monograph, in Russian). (2nd ed.). Moscow: NORMA.

Martens, F. F. (2018). *Sovremennoye mezhdunarodnoye pravo tsivilizovannykh narodov* (Modern international law of civilized peoples, in Russian). (Vol. 2, V. A. Tomsinova, Ed.). Moscow: Zercalo-M.

Matuzov, M. N. (1985). *A. I. Ekimov. Interesy i pravo v sotsialisticheskom obshchestve* (Interests and law in a socialist society, in Russian). *Pravovedeniye (Jurisprudence, in Russian), 5,* 76-78.

Pashentsev, D. A. (2021). *Istoricheskiy opyt pravovogo regulirovaniya mezhnatsional'nykh otnosheniy v Rossiyskoy imperii* (Historical experience of legal regulation of interethnic relations in the Russian Empire, in Russian). *Voprosy istorii (Questions of History, in Russian), (12)*5, 229-236.

Pashentsev, D. A. (2020). *Sistema prava Rossii v usloviyakh perekhoda k novomu tekhnologicheskomu ukladu* (The system of law in Russia in the context of the transition to a new technological order, in Russian). *Vestnik MGPU. Seriya: Yuridicheskiye nauki (Lawbulletin of MGPU, in Russian), 4,* 32-38.

Primakov, E. N. (2015). *Rossiya. Nadezhdy i trevogi (Russia. Hopes and fears, in Russian).* Moscow: Centrpoligraf.

Richelieu, A. J. P. (2008). *Politicheskoye zaveshchaniye, ili Printsipy upravleniya gosudarstvom* (Political testament, or principles of state administration, in Russian). (L. A. Sifurovoy, Trans.; L. L. Golovina, Ed.). Moscow: Ladomir.

Soros, G. (2001). *Otkrytoe obshhestvo. Reformiruja global'nyj kapitalizm* (Open society: Reforming global capitalism, in Russian). Moscow: Non-Profit Foundation "Support for culture, education and new information technologies".

Spirkin, A. G. (2011). *Filosofiya: uchebnik* (Philosophy: Textbook, in Russian). (3rd ed.). Moscow: Yurayt.

Zdravomyslov, A. G. (1964). *Problema interesa v sotsiologicheskoy teorii* (The problem of interest in sociological theory, in Russian). Leningrad: LGU.

THE LEGAL PATTERN IN THE RATIONAL PICTURE OF LAW

Nikolai CHERNOGOR [1] | Alexander EMELYANOV [1] | Maksim ZALOILO [1,*]

1 Institute of Legislation and Comparative Law under the Government of the Russian Federation, Moscow, Russian Federation

* *Correspondence*
Maksim ZALOILO, 34 B. Cheremushkinskaya str., Moscow, Russian Federation, 117218
E-mail: z-lo@mail.ru

Abstract: The modern rational picture of law needs to expand the conceptual, categorical and cognitive tools. To this end, the article introduces such categories as "regulatory cycle", "regulatory crisis", "legal pattern", "rational picture of law" into legal circulation and legal discourse. With their help, it is proposed to monitor changes in public attitudes to emerging threats and risks, the prevention of which requires legal regulation.

As the conducted research has shown, this toolkit should be based on the category of "legal pattern", which allows to explore intuitive legal understanding, the structure of a legal norm, an unformalized sample of lawful behavior, as well as phase transitions from intuitive legal understanding to a legal norm representing the form-content of positive law, from a legal norm to an unformalized sample of lawful behavior, from such a sample to the legal code.

The presented tools make it possible to avoid the current instability, social and legal crisis phenomena arising in connection with the overlapping of rational and real components of the picture of law, as well as many "regulatory cycles" leading to "regulatory crises".

Keywords: rational picture of law, regulatory cycle, regulatory crisis, legal pattern, behavior model, legal behavior.

Introduction

Currently, there is an articulation of a new legal discourse that reinterprets key concepts and methodological approaches in the theory and philosophy of law. This became especially noticeable during the period of significant changes that modern legal science has undergone. First of all, it should be said about the change of the methodological paradigm and the picture of law determined by it. If earlier there was a system of well-established approaches and an unambiguous understanding of the fundamental terms defined by the Marxist-Leninist methodological paradigm, then in the modern period of methodological diversity it is no longer necessary to talk about uniformity. At the same time, there is a question of continuity in the development of philosophical-legal and legal thought, the preservation of all that was advanced before, ensuring a balance between early rational achievements and new legal reality, the results of scientific and

technological progress.

It is important to focus on the connection that exists between the formation of a rational picture of law and the crisis of modern legal science, more precisely, the regulatory crisis underlying the latter. By itself, the crisis of the legal science does not arise. It only serves as a reflection of the crises associated with social regulation, in general, and law as its universal form, in particular. At the same time, regulatory crises should not be considered by themselves, but as an element of the regulatory cycle. In turn, the analysis of regulatory cycles needs to establish the phenomenon of a legal pattern.

Results and Discussion

In verse 39 of chapter 6 of the Gospel of Luke, there is a parable about the blind: "...He also told them a parable: can a blind man lead a blind man? won't both of them fall into the pit?". The piece of the Dutch Renaissance artist P. Brueghel the Elder was also devoted to this biblical plot. It is from this plot, taken as a metaphor, that we would like to begin considering the rational picture of law. Indeed, it is not given to a blind person to see what is around him. However, with the help of a stick, he can very effectively form an appropriate image that allows him to move around. In this regard, how can we not recall Bulgakov's Voland, who, during a conversation at the Patriarch's Ponds, referring to Berlioz, points out that a person "...cannot say at all what he will do tonight..." (Bulgakov, 1984, p. 5), thereby emphasizing the fundamental impossibility of a person to manage anything, including management by himself. It is difficult not to agree with this argument, knowing that soon Berlioz will have his head cut off, since Annushka has already spilled oil on which he will slip. However, the inability to know one's future is compensated for by various social regulators, one of which is law. It is the law that we compare with the blind man's stick. Just as a blind person, using it and forming an image of the surrounding reality with its assistance, acquires the opportunity to move, so human society through the law is given the opportunity to develop systematically, overcoming various challenges and threats, assessing the risks caused by them and forming behavioral models that can prevent these risks.

A person is forced to adapt to his environment. However, as Kudryavtsev (1982, p. 7) rightly noted, it is unlikely that this definition of human behavior can be considered sufficient, especially if we take into account the fact that biologists determine animal behavior in approximately the same way. In his opinion, it is necessary to take as a basis those definitions of behavior that take into account the role of consciousness and other qualities of the human personality. Reasoning in this way, he further recognizes legal behavior as a kind of social behavior of an individual, expressed in public relations regulated by the norms of law, referring to the following signs of such behavior: control over the consciousness and will of a person; normative certainty; being under the control of the state; the ability to generate legal consequences (Kudryavtsev, 1982, pp. 37-39).

This approach is shared by most scientists. For example, developing it, some pointed out that it is possible to influence people's behavior by legal means only through the establishment of obligations, permits and prohibitions, calling them the "omnipresent trinity" and emphasizing that it is from them that the primary layer of legal matter is woven (Alekseev, 1999). In turn, others wrote that "each immediate goal, being fixed in specific rules of conduct, expresses the tasks of legal regulation in a given period of the historical development of our society and is a necessary step, link in the chain connecting it with a long-term goal, which, in turn, is a means, period, stage on paths to the ultimate goal (Kerimov, 2001, p. 375).

Thus, defining the nature of the relationship between human behavior and law, it is necessary to point out that the very essence of the development of human society as a system in which it is considered not as a simple collection of individual representatives of the biological species Homo sapiens sapiens, but as something integral, involves collective awareness of various threats, assessment of the risks caused by them, acceptance of measures to prevent the latter.

Taking into account the above, it is necessary to point out the intensification and acceleration of crisis phenomena in modern society. This circumstance, as a rule, causes an appeal to the problems of legal regulation in order to assess its effectiveness and productivity (Khabrieva &

Tikhomirov, 2015; Zaloilo, 2019b; Tikhomirov, 2022). At the same time, at present, the causes of certain problems in this area, such as the complexity of regulatory tools and the inconsistency of the national nature of the law with globalization and regionalization of markets, may seem exceptional for the current moment. However, in the historical retrospective, the law has repeatedly and previously faced similar problems. The most important reason of the current instability and similar crises in the past is related to the "regulatory cycle". This concept allows us to track the change in attitude to a particular threat, the prevention of which requires legal regulation: from ignoring it through its awareness and zero tolerance to its acceptance. Ignoring the threat entails negative social consequences. Zero tolerance to the threat hinders social development in a certain direction. Acceptance of the threat presupposes the election of such regulatory tools, which on the one hand minimizes the negative social consequences associated with the corresponding threat, and on the other hand provides the society with an opportunity for further development.

The transition from one stage of the regulatory cycle to another is always caused by some kind of crisis, within which public awareness occurs: during the transition from the stage of ignoring to the stage of awareness and zero tolerance – of the threat itself and the risks partly caused by it; during the transition from the stage of awareness and zero tolerance to the stage of acceptance – of the overwhelming totality of risks associated with this threat as well as the impossibility of further social development in a certain direction without abandoning zero tolerance to the corresponding threat. It should be noted that each of these processes can be quite long, as a result of which the corresponding crisis can acquire a permanent character.

The most striking example of recent times is the regulatory cycle associated with the simultaneous complication and internationalization of financial instruments, which cause the redundancy of lending. This threat has always accompanied the development of the financial system (Chernogor et al., 2021), primarily being associated with the risk of the emergence of various financial pyramids. In this regard, it is enough to recall the scheme implemented in 1920 by Charles Ponzi. Its essence was that investors were paid "income" from the proceeds from new investors. At the same time, payments for invested funds up to 50% per annum were promised. It should be noted that the average market rate at that time was about 5%. Such high payments were explained by the presence of a secret plan of currency speculation, which should provide the necessary profit. As a result, the scammers managed to collect about $ 8 million in a short time, which were simply appropriated by Ponzi himself and his accomplices.

Despite all the evidence of the threat under consideration, it was actually ignored until the first half of the last century. Only the Great Depression pushed the leading (in economic development) countries, primarily the United States, to search for legal tools to prevent it. So, in the United States, in order to improve the banking system at a speed unprecedented up to that time, the Glass-Steagall Act was prepared, signed by the President on June 21, 1933. Its main provisions, assuming the separation of banks into commercial and investment, the establishment of significant restrictions for the former, were aimed at strengthening the stability of the banking system and preventing financial crises. For a long time, he determined the nature of banking in the United States and was a model for building other national banking systems. Only on November 12, 1999, US President Clinton signed the Gramm-Leach-Bliley Act (hereinafter – GLBA), which annulled the operation of the Glas-Steagall Act, thereby ending the 66-year history of strict regulation of commercial banks and actually legally caused the mortgage crisis that occurred almost ten years after that.

However, initially the GLBA gave an unprecedented boost to the growth of the banking sector. Thus, in 2002-2004, the availability of loans in the United States increased due to significant foreign investment, mainly from Asian countries with rapidly developing economies and oil exporting countries, as well as the low level of interest rates in the United States at that time. At the same time, in retrospect, it can be stated that banks understand that their excessive lending during this upswing was carried out at such rates that proved unable to cover possible risks, which subsequently led to a crisis compared with the Great Depression and, according to some researchers, has not ended to date. Such a reaction of participants in economic relations is very typi-

cal and is a consequence of their unwillingness to take on the very threat of the corresponding risk (Tobias, 2010, pp. 24-28).

It should be pointed out that the redundancy of lending, due to the complexity and internationalization (currently – globalization) of financial instruments, is primarily based on the motives that guide individual financial institutions in their activities. The longer the period of growth in the banking sector lasts, the younger and less experienced its representatives occupy senior positions in credit institutions, and, consequently, begin to be responsible for the formation of the loan portfolio. There have simply been no failures in their careers yet, and as a result they tend to underestimate possible threats and risks. In turn, the law is the tool that allows us to compensate the lack of personal experience by consolidating the collective (public) experience.

Summing up the interim results, first of all, we would like to draw attention to the fact that the threat discussed above – the complication and internationalization of financial instruments, which cause excess lending, is at the stage of its realization. Numerous problems causing the incompleteness of this process have led to the acquisition of a permanent nature by the corresponding regulatory crisis, which is evidenced, for example, by the rejection of the ideas underlying the Glass-Steagall Act. This act has not been reformed taking into account its positive impact on the American and global economy. It was simply canceled, which resulted in a new financial crisis that began with the 2007 mortgage crisis in the United States, and its actual manifestations were the bankruptcies of Silicon Valley Bank and Signature Bank.

Secondly, human society has been constantly confronted with numerous regulatory cycles since its inception, the manifestations of which are, on the one hand, regulatory crises, one of which was discussed above as an example, and, on the other hand, various regulatory tools that appear as a result of overcoming of regulatory crises. The most elementary regulatory tool can be recognized as the institution of "taboo", which even in primitive society served as a means of awareness of a certain threat and its prevention through the establishment of zero tolerance to it. The undoubted merit of modern jurisprudence is the allocation of the category of "legal norm" and the construction of a system of law on its

basis.

It should be noted that this category, to one degree or another, underlies any modern legal system. Without awareness of the legal norm, it is impossible to recognize law as a universal social regulator. Only the underlying idea made it possible to overcome the casualness of social regulation of past periods of social development. However, each legal family has its own construction that determines the interaction of individual legal norms and ensures the unity of the law, preventing its fragmentation (David & Joffre-Spinosi, 1998).

In relation to Russian law, this construction was formed as a result of a long scientific discussion that began in 1938 and ended in 1982. It assumes, depending on the subject and method of regulation, the unification of legal norms into institutions and branches of law (hereinafter referred to as the industry model). However, due to the adoption and entry into force of the current Constitution of the Russian Federation, the industry model has lost its completeness and logical consistency, which is due to the following circumstances. This model, characteristic to Soviet law, was based on the denial of everything private in law (Lenin, 1964, p. 389) and the denial of the concept of separation of powers (Lenin, 2020). However, it is these prerequisites as basic principles (equality of all forms of ownership and separation of powers into legislative, executive and judicial) that have formed the basis of modern Russian constitutional regulation. In addition, recently there has been a general complication of public relations, as a result of which the very understanding of law has deepened, including in terms of building its system.

Taken together, these circumstances necessitate the revision of the industry model, the active phase of which has begun in recent years. Its examples are the emergence of the concept of cyclic normative arrays in law (Khabrieva, 2019, pp. 5-18; Zaloilo, 2019a, pp. 16-24), as well as the rejection of the industry model in the formation of the nomenclature of scientific specialties for which the degrees of doctors and candidates of law are awarded.

However, in the context of the formation of a rational picture of the law, its consideration exclusively through a set of legal norms seems insufficient. The formation of this picture is facilitated by the consideration of "regulatory cycles"

realized in a certain period of time, taken in their systemic unity. At the same time, in order to establish systemic links between these cycles, the modern legal science needs additional cognitive tools. This toolkit is based on the phenomenon of the legal pattern.

Recently, among domestic and foreign scientists, the category of "legal pattern" has become popular in the study of various regularities of legal regulation. Thus, a legal pattern is understood as: a means of determining the legal form (Tretyakov, 2022, pp. 182-209); a means of convergence of the theory of law and the doctrine of communication, or Luhmann's system theory (Ladeur, 1999); content of regulatory legal arrays (Nesterov, 2020, pp. 11-16); the external form of legal information that is formed in a person's mind as a result of a purposeful expression of will (Ivanskiy, 2013, 2014, 2016a, 2016b); a certain element of the legal system (Lebedev, 2022a, 2022b); etc. At the same time, the content of this category as a whole remains uncertain, and its application is situational.

According to the author's opinion, the legal pattern should be considered, on the one hand, as a phenomenon, and, on the other hand, as a process. As a phenomenon, a legal pattern is an integrative concept that allows, within the framework of a single scientific category, to present: an intuitive legal understanding; a legal norm or institution, presented both as a text of the law and a certain logical structure; an unformalized sample of lawful behavior, acting as an expression of legal consciousness. As a process, the legal pattern allows us to explore the transition from an intuitive legal understanding to a legal norm representing the form–content of positive law, from a legal norm to an informal sample of lawful behavior, from such a sample to a legal code, that is, a means of overcoming of a regulatory crisis that compensates the insufficiency of personal experience of individual subjects of law due to a behavior model presented in a formalized (legal norm, institute of law) and in an informal view.

Conclusion

Based on the above, we can draw the following several main conclusions.

One of the ways to present a rational picture of law is to establish systemic links that exist between different regulatory cycles.

The introduction of the category "regulatory cycle" by the authors into scientific circulation allows us to track the change in attitude to a particular threat, the prevention of which causes the need for legal regulation. The "regulatory cycle" also allows us to track the attitude of society to a particular threat from ignoring it through zero tolerance to its acceptance.

The regulatory crisis is a turning point in the regulatory cycle, when there is awareness of the threat and its acceptance. This is a very long, sometimes permanent, process within the framework of social development.

Social development involves the implementation of an indefinite set of regulatory cycles. Their specific number is directly related to the number of threats faced by a person and society. At the same time, the acceptance of one threat may give rise to new ones, which will also need their awareness.

The currently accepted ideas about the legal system through a set of legal norms combined into institutions are not sufficient to build a system of links between regulatory cycles. The modern legal science needs additional cognitive tools to establish them. According to the author's opinion, the basis of this toolkit should be the category of "legal pattern", considered as a phenomenon and process.

Acknowledgement

References

Alekseev, S. S. (1999). *Pravo: azbuka – teorija – filosofija. Opyt kompleksnogo issledovanija* (Law: ABC – theory – philoso-

phy. Comprehensive research experience, in Russian). Moscow: Statut.

Bulgakov, M. A. (1984). *Master i Margarita* (Master and Margarita, in Russian). Moscow: Sovremennik.

Chernogor, N. N., Emelyanov, A. S., & Zaloilo, M. V. (2021). *"Dolgovye krizisy" v mirovoj istorii i kognitivnost' pravoporjadka: retrospektivnaja refleksija* ("Debt crises" in world history and the cognitiveness of the legal order: a retrospective reflection, in Russian). *Voprosy Istorii (Issues of History, in Russian), 5*(2), 70-81.

David, R., & Joffre-Spinosi, K. (1998). *Osnovnye pravovye sistemy sovremennosti* (The main legal systems of our time, in Russian). Moscow: Mezhdunarodnye otnoshenija.

Ivanskiy, V. P. (2013). *Metodologija issledovanija prirody pravovoj real'nosti "Ja" (chast' 1)* (Research methodology of legal nature of "the inner man" reality (Part 1), in Russian). *Administrativnoe pravo i process (Administrative Law and Process, in Russian), 12*, 60-67.

Ivanskiy, V. P. (2014). *Metodologija issledovanija prirody pravovoj real'nosti "Ja" (chast' 2)* (Research methodology of legal nature of "the inner man" reality (part 2), in Russian). *Administrativnoe pravo i process (Administrative Law and Process, in Russian), 1*, 65-70.

Ivanskiy, V. P. (2016a). *K opredeleniju cheloveka kak sub'ekta prava XXI veka skvoz' prizmu informacionno-kvantovoj koncepcii prava (chast' 1)* (Revisiting notion of the man as a subject of law of XXI century in light of information and quantum law conception (part 1), in Russian). *Administrativnoe pravo i process (Administrative Law and Process, in Russian), 1*, 48-53.

Ivanskiy, V. P. (2016b). *K opredeleniju cheloveka kak sub'ekta prava XXI veka skvoz' prizmu informacionno-kvantovoj koncepcii prava (chast' 2)* (Revisiting notion of the man as a subject of law of XXI century in light of information and quantum law conception (part 2), in Russian). *Administrativnoe pravo i process (Administrative law and process, in Russian), 6*, 70-75.

Kerimov, D. A. (2001). *Metodologija prava (predmet, funkcii, problemy filosofii prava)* (Methodology of law (Subject, functions, problems of philosophy of law), in Russian). (2nd ed.). Moscow: Avanta+.

Khabrieva, T. Ya. (2019). *Ciklicheskie normativnye massivy v prave* (Cyclic normative arrays in law, in Russian). *Zhurnal rossijskogo prava (Journal of Russian Law, in Russian), 12*, 5-18.

Khabrieva, T. Ya., & Tikhomirov, Yu. A. (Eds.). (2015). *Nauchnye koncepcii razvitija rossijskogo zakonodatel'stva* (Scientific concept of development of the Russian legislation, in Russian). (7th rev. and suppl. ed.). Moscow: Jurisprudence.

Kudryavtsev, V. N. (1982). *Pravovoe povedenie: norma i patologija* (Legal behavior: Norm and pathology, in Russian). Moscow: Nauka.

Ladeur, K.-H. (1999). *The theory of autopoiesis as an approach to a better understanding of postmodern law from the hierarchy of norms to the heterarchy of changing patterns of legal inter-relationships.* San Domenico, Italy: European University Institute Badia Fiesolana.

Lebedev, M. Iu. (2022a). *Printsip sudebnoi zashchity kak vektor razvitiia sovremennogo rossiiskogo grazhdanskogo sudoproizvodstva (chast '1)* (The principle of judicial protection as a vector of development of modern Russian civil proceedings (part 1), in Russian). *Vestnik grazhdanskogo protsessa (Herald of Civil Procedure, in Russian), 1*, 264-284.

Lebedev, M. Iu. (2022b). *Printsip sudebnoi zashchity kak vektor razvitiia sovremennogo rossiiskogo grazhdanskogo sudoproizvodstva (chast '2)* (The principle of judicial protection as a vector of development of modern Russian civil proceedings (part 2), in Russian). *Vestnik grazhdanskogo protsessa (Herald of civil procedure, in Russian), 3*, 160-189.

Lenin, V. I. (1964). *Polnoe sobranie sochinenij*

(The complete works, in Russian). (5ᵗʰ ed., Vol. 44). Moscow: Gospolitizdat.

Lenin, V. I. (2020). *Gosudarstvo i revoljucija* (State and revolution, in Russian). Moscow: AST.

Nesterov, A. V. (2020). *O cifrovyh pravah i ob'ektah cifrovyh prav* (On digital rights and the objects of digital rights, in Russian). *Pravo i cifrovaja jekonomika* (Law and digital economy, in Russian), *1*, 11-16.

Tikhomirov, Yu. A. (Ed.). (2022). *Pravovoe upravlenie v krizisnyh situacijah* (Legal management in crisis situations, in Russian). Moscow: Prospekt.

Tobias, F. R. (2010). *Prichiny mirovogo finansovogo krizisa: nepravil'noe vosprijatie riskov, oshibki politiki, ogranichennaja racional'nost' bankov* (Causes of the global financial crisis: Incorrect perception of risks, policy errors, limited rationality of banks, in Russian). *Predprinimatel'skoe pravo. Prilozhenie "Biznes i pravo v Rossii i za rubezhom"* (Business Law. Appendix to the Journal "Business and Law in Russia and Abroad", in Russian), *2*, 24-28.

Tretyakov, S. V. (2022). *Trudnosti interpretacii koncepcii sub'ektivnogo prava M. M. Agarkova* (The complexities of M. M. Agarkov's concept of subjective right, in Russian). *Vestnik grazhdanskogo prava* (Civil Law Review, in Russian), *3,* 182-209.

Zaloilo, M. V. (2019a). *Ciklicheskiĭ pravovoĭ massiv kak netipichnoe pravovoe javlenie v uslovijah cifrovizacii* (Cyclical legal array as an atypical legal phenomenon in the conditions of digitalization, in Russian). *Rossijskoe gosudarstvovedenie* (Russian state studies, in Russian), *1*, 16-24.

Zaloilo, M. V. (2019b). *Operezhajushhij harakter pravotvorchestva i problema sinhronizacii pravovogo regulirovanija* (Anticipatory nature of law-making and the problem of synchronization of legal regulation, in Russian). *Zhurnal rossijskogo prava* (Journal of Russian Law, in Russian), *9*, 20-29.

RESTORATIVE JUSTICE-BASED LAW FORMULATION ON CORRUPTION CASE: A PHILOSOPHICAL ANALYTIC

Fahrudin FAHRUDIN [1] | Absori ABSORI [1] | Khudzaifah DIMYATI [1] |

Kelik WARDIONO [1] | Arief BUDIONO [1, *] | Hirwan Jasbir JAAFAR [2]

1 **Universitas Muhammadiyah Surakarta, Surakarta, Indonesia**

2 **Universiti Malaysia Perlis, Perlis, Malaysia**

* Correspondence
Arief BUDIONO, Pabelan Street, Kartasura, Surakarta, Indonesia
E-mail: ab368@ums.ac.id

Abstract: In Indonesia, corruption has been going on for a long time. It has touched almost all sectors of societal life. So far, there are already efforts to eradicate the act of corruption, though they are working very slowly. There are inadequate legal instruments to eradicate corruption. Thus, to resolve this, the restorative justice philosophy should be applied. The restorative justice approach is not impossible to be applied in punishing corruption perpetrators in Indonesia. The research problem of this paper is: How is the application of restorative justice as an implementation of the ultimum remedium in the effort to recover state financial assets as a method to punish corruption perpetrators? This was normative legal research with philosophical and conceptual approaches. Results show that the application of restorative justice as an implementation of ultimum remedium to return state financial assets to punish corruption perpetrators may be implemented by strengthening norms on returning state losses. This can be carried out by changing the sanction of fines from an additional sanction into a principal sanction. Then, to anticipate perpetrators who cannot repay those losses, the concept of forced labor may be applied to punish corruption perpetrators.

Keywords: state financial losses, asset recovery, corruption, restorative justice, Indonesia.

Introduction

The rife occurrences of corruption, especially those perpetrated by state establishers make society have stigmatic stereotypes. The meaning of the *culpe poena par esto adagium* is far from the essence of legal reformation, which demands law enforcers return to the objective of the law, i.e., bringing justice and happiness to every citizen according to the principle of equality before the law. Demands on the seriousness of the government in handling the crime of corruption in Indonesia have grown stronger than ever, especially after the surfacing of news on some law enforcing apparatus that were suspected of committing despicable actions, namely extortion and

misuse of power (Damanhuri, 2016, pp. 8-9).

Most Indonesians have already understood their rights and obligations. Thus, there are more dynamic demands on the ease and efficiency of services in the public and administrative sectors. Both the central and the regional governments have made efforts to undergo improvements in various sectors. But in practice, the interaction between society and the public service sector of the government still brings about issues. This is due to the unfinished holistic bureaucratic reformation that encompasses the institution, business process, public service, human resource, investment procedure, access to justice, as well as governmental goods and service procurement (Hamzah, 2014, p. 19).

These sectors are still thick with deviances or misuse of power due to a lack of integrity, a career system, and a payroll system that is not based on performance. Apart from that, there is no arrangement for performance management or minimum service standards. This situation is worsened by societal behavior that likes to instantly complete tasks. This is a reality in the public service sector that must be prevented and fixed. Its solutions must be found. If not, it will influence the public perception of corruption crime, seeing that preventive sectors are highly linked to public services that directly touch society and business actors (Hamzah, 2014, p. 19).

A deviation behavior of state establishers that harms society or individuals includes bribery, which is divided into active bribery or giving bribes *(actieve omkoping)* and passive bribery or receiving bribes *(passieve omkoping)*. Other deviation behavior include gratification; extortion in office *(knevelarij, extortion),* and even participating in *leveransir* and partners, while the official concerned is related to the work, either as a budget manager, budget user, budget user authority, or commitment-making official. Even though it does not bring financial or economic losses to the state or society or individuals, these things are deemed as corruption by the law (Surachman, 2020, p. 47).

Corruption has penetrated into sectors in government, even to the heart of high-level powers, such as the arrest of the head of the constitutional court or the minister of state. Corruption in Indonesia is currently being carried out in congregation and not alone, it is carried out systematically. Legislators such as the House of Representatives who were assumed to have good intentions in formulating regulations turned out to be shamelessly committing or being involved in criminal acts of corruption. In this abnormal condition, skepticism towards positive law (rule skepticism) eventually won a place in the hearts of the Indonesian people. Skepticism exists because the public has high expectations in efforts to eradicate corruption but cannot be fulfilled by these positive legal norms (Shidarta, 2013, pp. 93-95).

It cannot be denied that corruption is a crime. According to Moeljatno (1987) that crime is an act that harms society because it is an act that harms the values that society wants to maintain. This means that corruption is a disgraceful thing in people's lives and norms (p. 82).

Corruption is disgraceful in the eyes of the whole society. The act of corruption is opposed to the norms, habits and social aspects of the community, which means that it is considered reprehensible by society. Acts of corruption do not bring concrete benefits. This last view departs from the theory of teleology which positions good deeds solely from consequences, which means that if they bring benefits then they are considered good (Shidarta, 2006, p. 43).

Corruption does not only happen in Indonesia but also in Malaysia or other countries in the world, both industrial and developing, have also been struck by rampant issues of corruption. In Indonesia, corruption has been going on for a long time. It has touched almost all sectors of societal life. It seems that the corruption in Indonesia has reached what Robert Klitgaard (2005) calls the corruption culture (pp. 82-85). Here, Klitgaard does not mean to say that it is the essence of the culture's existence or that all Indonesians commit corruption thus making it difficult to fight in any way. He means that the conducive situation and permissive behavior of society on the crime of corruption have caused corruptive behavior in society. Klitgaard means that corruption is a culture because it is deemed as a normal thing in daily life, where to speed up an affair, people usually give "facilitation money" or "cigarette money" *(bakshish* system*)*. They may also provide facilities and gifts (Alatas, 2012, p. 36).

Soren Davidsen (2006) stated that:

"...Rather than being an aberration, corruption has been a core norm of Indonesia's political economy for decades…"

"...Corruption, of course, existed before the new order regime; but hierarchical, systemic corruption became one of the central features of the new order political economy..." (p. 25).

Kimberly Ann Elliot (1997) stated that corruption may happen due to systematic political changes that weaken or destroy not only the social and political institutions but also the legal institution (p. 49). Sheldon S. Steinberg and David T. Austern stated that corruption is part of the behavior carried out by government apparatus individuals or other people for different reasons but they have the same goal. It is an unethical action that damages the structure of a good government (Steinberg & Austern, 1990, p. 63).

Because of that, we must take note of Barda Nawawi Arief's (1998) opinion that philosophically, it is not the eradication of the corruption itself that needs to be done, but there needs to be the eradication of "causes and conditions that cause corruption to happen" (pp. 77-78). The eradication of corruption through criminal law enforcement is only a symptomatic eradication. Meanwhile, the eradication of uses and conditions that cause corruption is a causative eradication (Hoefnagels, 1993, p. 85).

So far, there are already efforts to eradicate the act of corruption, though they are working very slowly due to technical factors, conflicts of interest, and governmental politics. At the same time, the process of creating new acts of corruption runs very quickly under ever-complex and systemic methods. In other words, corruption eradication runs like arithmetic series while corruption production runs like geometric series. Therefore, there is an ever-widening gap (Wijayanto & Zachrie, 2009, p. 27).

This gap means that there are many unhandled cases of corruption. Corruptors still undergo their actions as they are aware that the chance to get caught or to be punished is relatively low. As a consequence, corruption slowly spreads to all sectors of life. With the passage of time, a certain tipping point is reached and the Indonesian nation is made aware of the results of a four-decade survey which showed that the Indonesian justice sector is ranked first as the most corrupt country of 14 Asian countries.

Some factors make the justice system in Indonesia have the lowest rank in handling corruption, namely the low morality of law enforcing apparatus, corrupt political culture, society's apathy, the criteria and processes of recruiting law enforcing apparatus that is not very transparent, as well as the state's low political will in eradicating justice mafia.

From the aspect of legal instruments, the efforts to eradicate corruption are still not adequate (Abdurofiq, 2016, p. 63). Thus, to resolve this, the restorative justice philosophy should be applied. The restorative justice approach is not impossible to be applied in punishing corruption perpetrators in Indonesia. The restorative justice principles are actually the Indonesian nation's main pattern in resolving legal issues in its society that should righteously be delved into and implemented in the Indonesian positive laws.

Based on the background described above, the research problem of this paper is: How is the application of restorative justice as an implementation of the *ultimum remedium* in the effort to recover state financial assets as a method to punish corruption perpetrators?

Research Method

This was normative legal research with philosophical and conceptual approaches. Considering that this research stemmed from normative research, most of the data and legal materials used referred to secondary data that encompassed primary legal materials, consisting of various reviews, jurisprudence, and conventions associated with the legal formulation of recovering state assets that experienced losses due to corruption based on the restorative justice (Waluyo, 2011, p. 18). Normative-perspective legal materials were used specially to analyze legal materials concerning the restorative justice-based law formulation of recovering state assets that experienced losses due to corruption. Based on their binding power, they are classified into primary legal materials, secondary legal materials, and tertiary legal materials (Soekanto, 2012, p. 52).

Discussion

The handling of criminal actions, including corruption, currently emphasizes the retributive justice approach. This approach emphasizes criminal sanctions (*primum remidium*) that often fail in preventing or eradicating crimes including

corruption. Much research has proven that there is no correlation between the imposition of severe criminal sanctions with a decrease in crime rates. But on the contrary, it gave birth to new varieties of crime.

The definition of corruption in the 2002 Big Indonesian Dictionary is "misappropriation or embezzlement of state funds (companies and so on) for personal or other people's interests". Meanwhile, the World Bank defines corruption as "the abuse of public office for personal gain". Study of the language of corruption, stated by Andi Hamzah as "corruption comes from the Latin, namely *corrumpere* which is then accepted by many European languages: in English it becomes the word *corruption* or *corrupt*, in French it becomes the word *corruption* while in the Netherlands it is called *corruptive* (*korruptie*). It is from the Dutch language that the word is absorbed into Indonesian to become *corruption* (Hamzah, 2005, p. 59).

Corruption has become a trait that cannot be said to be a good deed from the point of view of the values of the life of the nation and state as a whole everywhere. Corruption has had an impact on the morality of every individual's life, and the action from that is that everyone wants to return to good morality. The emergence of moral awareness to fight corruption begins with moral awareness and human stance towards it. The fact that corruption is recognized as an act that is not good has led to resistance to this corruption.

If the applicable Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption is profoundly analyzed, the target of the lawmakers is to make the law-enforcing apparatus work optimally to return the losses to the state. The indictment and prosecution apparatus involved in law enforcement against the crime of corruption include the Police Force, Attorney, and the Commission for Corruption Eradication.

These three apparatuses must work under the framework of an integrated criminal justice system, even though there are overlaps in their authorities. The main goal of this law is to return corrupted assets. The criminal justice system that emphasizes the retributive justice approach does not fulfill the goal of the lawmakers as it does not optimally return the financial losses of the state. The Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption as well contains some stipulations that become obstacles in applying restorative justice. This makes the return of state financial losses suboptimum.

In the journey to eradicate the crime of corruption to return state financial losses, in giving *ratio decidendi* to their decisions, the Judge Assembly already dares to be "out of the box", as judges gave more attention to the interests of achieving justice between perpetrators and victims (restorative justice) (Ferry, 2014, p. 63). The eradication of the crime of corruption in various countries is in essence based on the spirit to save state assets, even though it is carried out by applying various methods. Thus, the law on corruption eradication must be designed so that it can facilitate comprehensive and systematic efforts to eradicate corruption to achieve that goal. The norms on corruption eradication must be formed and arranged with strong and accurate bases in representing that goal, both in terms of its philosophy as well as in terms of the theories used (Suharianto, 2016, p. 18).

For philosophy, the study of law is not just evaluating the texts contained in a legal regulation, but more than that is how the law is implemented properly so that the enforcement of the law runs well. The applicability of good law is the fulfillment of the philosophical aspect, namely what is aspired together and applied in everyday life, then the fulfillment of the social aspect, namely the acceptance of community law, and the last is the existence of a juridical aspect, namely the philosophy of expecting the law to be applied to all (Gusfira & Hafiz, 2021, pp. 147-148).

Looking at philosophy, the core of what is being sought is the eradication of corruption that is effective and achieves the target with the greatest benefit, because what eradication of corruption will be more beneficial if the proceeds from corruption return to the state treasury and benefit the community. In the eradication of corruption, the parties that can carry out the eradication of corruption are all elements of society. It is impossible to eradicate corruption if society is still permissive towards corruption such as giving bribes in the case of speeding tickets, entering campuses, even for selecting government employees. Every member of society must have an understanding that this is a bad trait (Mulyadi, 2007, p. 72).

The current norms on corruption eradication in Indonesia that are stipulated in Law on the Criminal Act of Corruption which was amended into the Law on the Change of the Criminal Act of Corruption and Law No. 8 of 2010 on the Prevention and Eradication of the Crime on Money Laundering (the Law on Money Laundering) have not yet systematically reflected the great goal of corruption eradication, i.e., protecting state assets by making corruption perpetrators return state losses. The Indonesian law on corruption eradication still embraces the retributive justice paradigm in sanctioning corruption perpetrators. Because of that, the sanctioning of corruption perpetrators is separated from all goals except one, i.e., retribution (Firmansyah, 2018, p. 25).

Corruption is very difficult to prove because officials who commit acts of corruption are very good at destroying evidence or creating situations where no traces of their actions are left behind. To overcome these problems, Bertens (2004, p. 2) suggests that the burden of proof should be reversed. If an official or former official has substantial wealth that cannot be accounted for based on income or legitimate business ventures and he is suspected of receiving bribes while carrying out his duties, this can already be considered as sufficient evidence to show his guilt.

Historically there has been great tolerance for white-collar crimes, especially corruption, when compared to crimes in general, especially crimes on the streets such as robbing, killing, stealing, and so on. In fact, from a legal point of view, some forms of white-collar crime fall into the category of civil law or administrative offenses only, and are not criminal acts (Miller et al., 2005, p. 231),

Punishment for perpetrators of white-collar crimes is an interesting subject of discussion among philosophers. This perhaps stems from a philosophical issue regarding corruption itself, moreover the stigma that views corruption not as a crime but rather as an administrative, procedural violation. There are three theoretical approaches to punishment for perpetrators of white-collar crimes, namely: the theory of retributive punishment (compensation), the theory of deterrence punishment (prevention), and the theory of rehabilitation.

Further, the retributive justice principles that emphasizes the physical imprisonment of corruption perpetrators rather than recovering the impacts of that crime shows that the Indonesian norms on corruption eradication state that the return of state financial assets does not eradicate one's sanctions as perpetrators of corruption crime. Article 4 of the Law on the Criminal Act of Corruption which was amended into the Law on the Change of the Criminal Act of Corruption states that the return of state financial assets or state economy does not eradicate the punishment of corrupt criminal perpetrators as aforementioned in Article 2 and Article 3 of the Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption. This shows that the Indonesian law on corruption still perceives that the wrongdoing or sins of criminal perpetrators may only be compensated by suffering. Thus, as stated by Kant and Hegel, the legal perspective is directed to the past (backwards-looking), rather than the future which is a characteristic of the retributive justice theory.

Meanwhile, the view of deterrence pays more attention to future actions of perpetrators of corruption. Controversy has developed whether punishment can be used as an effort to deter criminals in the future. There are those who argue that harsh punishment can create a deterrent effect and enable the perpetrator not to repeat his crime. However, like the idea of retributivist theory, relying only on one aspect of punishment raises doubts about whether it will succeed in overcoming corruption crimes.

Even though imprisonment has no function at all and even though it makes the situation of criminal perpetrators worse, such a paradigm of corruption eradication still views the crime of corruption as a single standing event where there is a wrongdoing that must be given accountability and that with mere physical imprisonment of perpetrators, that issue of crime can be resolved (Remmelink, 1993, p. 600).

The existence of Article 4 of the Law on the Criminal Act of Corruption which was amended into the Law on the Change of the Criminal Act of Corruption is inspirited by the retributive justice paradigm surely shows that corruption eradication in Indonesia does not direct to the main focus, which is saving the state finance. Moreover, in several cases, it has been shown that the fines in the formulation of articles in the Law on

Corruption Eradication are already not equal to the losses experienced by the state due to the event of corruption. On the other hand, the formulation of some articles in that law prioritizes sanctions in the form of imprisonment and fines that are no longer relevant to the current development of international law.

Rather than snatching the freedom of corruption perpetrators by imprisoning them, the state should focus on recovering the lost state assets due to corruption. Apart from that, the state also needs to think about ways to make corruptors work in sectors they are experts on. Then, the profits from that work are confiscated by the state for a certain period. Apart from recovering the losses due to criminal actions, the advantage of this concept is that it can also manifest other aims of sanctioning, i.e., giving a deterrent effect and fixing the perpetrators' behavior.

The deterrent to acts of corruption is mostly according to the public considering that corruption is an extraordinary crime that has a broad impact on the lives of many people. Of course, acts of corruption have consequences or sanctions that are also extraordinary. Some countries even apply the death penalty to people who commit acts of corruption. Several other countries disagreed with the consideration that humans are noble creatures who should not take other human rights to life (Bramanto, 2020, pp. 80-81).

The criminal justice system that has so far been applied in cases of corruption in Indonesia is retributive justice. But what is expected is restorative justice, which is a process where all involved parties in a certain crime come together to resolve the issue of how to handle the impacts in the future. This is because, in the perspective of restorative justice, criminal actions violate human rights and hurt interpersonal relationships. The application of restorative justice certainly depends on what legal system is applied in a state. One cannot force the application of restorative justice if the legal system does not allow it. Thus, it can be said that the restorative justice principle is a choice in designing a legal system of a state. Even if a state does not embrace it, it is not impossible to apply restorative justice principles to achieve legal justice, legal certainty, and legal benefit (Sukardi, 2012, p. 16).

Concerning the sanctioning system, there are legal bases for the imposition of sanctions for people who violated the law. The first is the law violation. It is a *condition sine qua non* (a condition that must exist). The second is that what can be punished is law violations that cannot be abolished using other methods. These sanctions must be a last resort *(ultimum remedium)*. Indeed, there are objections to every criminal threat. Anyone with common sense will understand it without further explanation. But it does not mean that threats of sanctions will be nullified. Even so, there must be a consideration for the benefits and losses in the threats of sanctions so that they can truly become efforts of recovery. It must also be made sure that this "disease" does not become worse (Rusianto, 2015, p. 35).

Andi Hamzah is of the opinion which states that not all complicated issues in society should be bestowed to the criminal law to find its solution. It is better for other legal sectors to resolve it beforehand *(ultimum remedium)* if the criminal law is only perceived as a special sanction law, i.e., only imprisonment (as criminal law does not only encompass imprisonment). The term *remedium* must not only be viewed as a facility to recover legal violations that occurred or as compensation for losses. But it must be viewed as a facility to appease the chaos that happened in society. This is because if law violations are left alone, they may breed arbitrary actions. Because of that, the use of criminal law must be a last resort (*ultimum remedium*) as its use must be limited (Hamzah, 2014, p. 26).

The concept of restorative justice in sanctioning perpetrators of corruption crimes does not eradicate criminal sanctions. But it emphasizes the imposition of sanctions that prioritize efforts to recover the impacts of a crime. According to Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption, corruption is a criminal action that brings great losses to the state's finance and economy. It hinders national development and growth that require high efficiency.

It is further stated in the consideration of that law that corruption crime is deemed as a violation of the socio-economic rights of the wider society. Thus, corruption is categorized as a crime that requires extraordinary methods of eradication. Because of that, the regulation of compensatory money and fines as sanctions are an effort to return the state's financial losses. All laws on corruption in Indonesia have actually

regulated the issue of compensatory money as sanctions (Prayitno, 2020, p. 47).

Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption regulates the issue of compensatory money as sanctions. Article 18 clause (1) letter b of this law states that all corruption perpetrators may be imposed with additional sanctions where they must pay compensation money with the same amount as the corrupted wealth. There is a small development in this law, where the stipulations on compensatory money are already quite strict. If the money is not repaid within the period of one month, the perpetrator may immediately be executed by sanctioning him to imprisonment. This sanction of imprisonment has been determined in the judicial decision, where its length cannot exceed the maximum threat of imprisonment of the principal sanction.

Even so, the restorative justice concept has not fully been implemented in that regulation. Law on the Criminal Act of Corruption that was amended into the Law on the Change of the Criminal Act of Corruption regulates that in a decided-upon case, there is already a limit for payment which is a month. If the perpetrator fails to pay the compensatory money, his wealth can be confiscated by the attorney. Then, the confiscated wealth can be auctioned to cover the compensatory money whose amount is according to the verdict of the court that has permanent binding power. If the perpetrator does not have enough wealth to pay the compensatory money, he will be sanctioned with imprisonment with a length that cannot exceed the principal sanction of imprisonment. This norm shows that the return of state assets is only an additional sanction rather than a principal one. Thus, in cases where the perpetrator cannot return these state losses, the solution is sanctioning him to additional imprisonment apart from obligating him to serve his principal punishment.

In the restorative justice approach, the return of state assets should be considered to become a principal sanction. This is because if the recovery of state assets remains as an additional sanction, there is a chance for judges to decide on a subsidiary sanction or subsidiary imprisonment if the perpetrators fail to return the losses. From the perspective of restorative justice, if the perpetrators cannot return those losses even though all of their wealth has been auctioned away, rather than imprisoning them, it is better for the state to empower the corrupt perpetrators by making them undergo forced labor according to their expertise. This is because, in essence, corruptors are people with good skills. The profits from this forced labor will be confiscated by the state to cover the state losses that the perpetrators cannot repay.

The development of this concept in the law on corruption eradication may restore the state losses that were stolen through corruption. On the other hand, with this sanctioning concept, there are many benefits in the aim to punish a perpetrator of a crime. With the non-negotiable obligation to return the compensatory money, a perpetrator will work under the mercy of the state to produce money to recover the losses that occurred due to his actions.
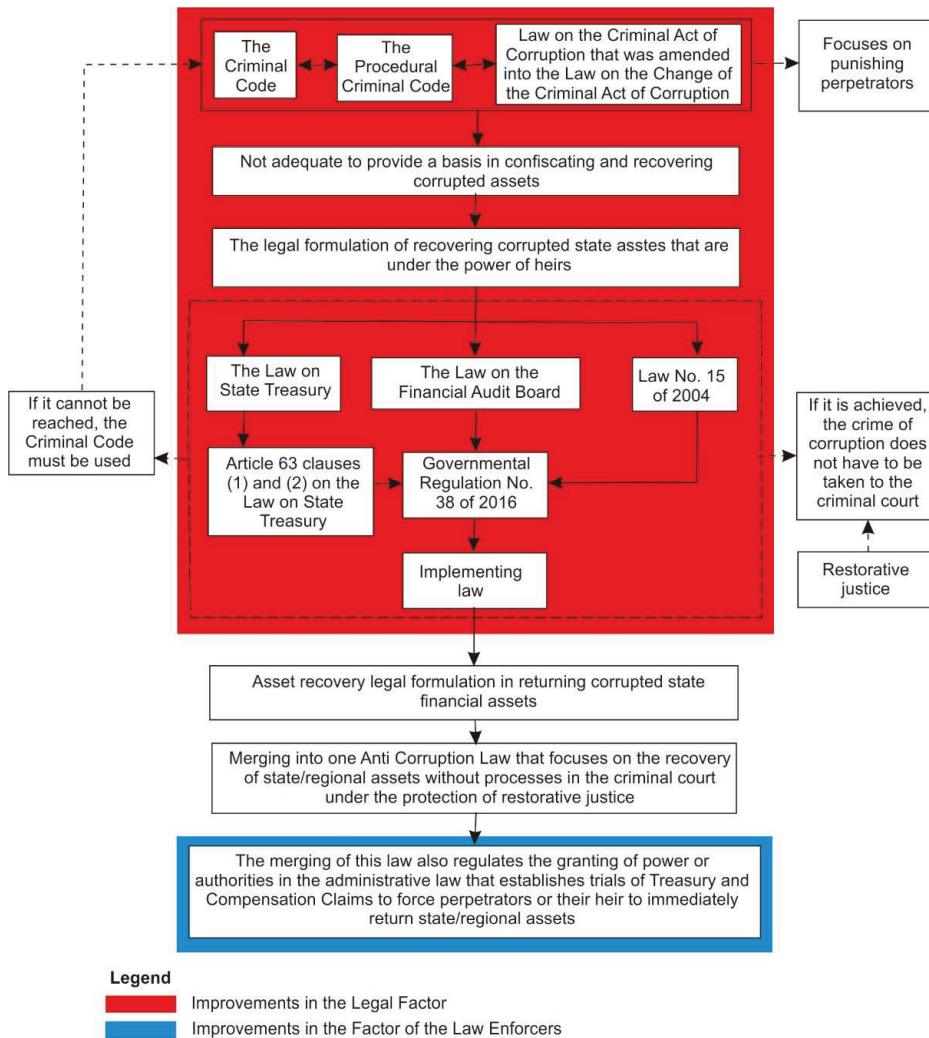
Figure 1. Asset Recovery Legal Formulation as Part of the Solution.

Based on these weaknesses, in the future, there need to be regulations at the level of the law that combines the legal regulations in handling corruption such as the omnibus law concept by eliminating its weaknesses as stated above. The focus must be the return of state assets rather than punishing or sanctioning perpetrators under the protection of restorative justice. This law also regulates the granting of power or authority to law enforcers in the administrative law by establishing trials of Treasury and Compensation Claims to force perpetrators or their heirs to immediately recover the state/regional losses. The formulation of a holistic and integrated Anti-Corruption Law that focuses on recovering state assets is hoped to minimize corruption and increase the recovery of state financial assets due to corruption.

Based on the fundamental change in society's perspective on an action that is prohibited or threatened with punishment, as well as how the criminal law works as a solution to that situation, the law is no longer a mere system of norms and logic or a system of behaviour. But the law must be viewed as a value system. Thus, legal practitioners may explain the direction, goal, and philosophical, sociological, and juridical reasons behind the formation of a norm or a law. Just by perceiving the law as a system of value, legal practitioners may make accurate and wise legal actions in managing all social events in society. The only philosophical foundation in Indonesian law is Pancasila (the Five Principles) which is the philosophy of the Indonesian nation's life (Yunus et al., 2019, p. 52).

In line with the Ratification of the United Na-

tions Convention against Corruption with the Law on UNCAC, the international criminal law has been updated by adopting the following restorative approaches:

a. Statuta Roma which has recently been approved creates an International Criminal Court that contains several restorative stipulations, including the formation of a unit of victims and witnesses, giving authority to the Court for the hearing process, and considering the personal interests of victims when applicable. It contains a mandate that determines principles concerning restitution, the recovery of losses, and other efforts of reparation for the victim, and a mandate to determine a trust fund to give benefits to the victims and their families.

b. The United Nations Convention Against Corruption (UNCAC) in 2003 adopted restorative justice as regulated in one of its articles, namely Article 37 on cooperation with law-enforcing authorities.

From some referential materials issued by the United Nations and the Council of Europe as explained above, it can be seen that the aspect of recovery, rather than the prosecution or imprisoning processes, is prioritized. Recovery must be defined as the return of victims' rights through compensation by perpetrators and giving the perpetrators their right to be reaccepted in society. This process is carried out through an open, honest, just, balanced, holistic, and binding agreement that can create a deterrent effect without prosecution or imprisoning processes. The restorative approach has recovery and prevention effects. This approach may be carried out through a quick and cheap process, to decrease the piling of criminal cases in the general court.

Conclusion

Based on the discussion above, it can be concluded that the application of restorative justice as an implementation of *ultimum remedium* to return state financial assets to punish corruption perpetrators may be implemented by strengthening norms on returning state losses. This can be carried out by changing the sanction of fines from an additional sanction into a principal sanction. Then, to anticipate perpetrators who cannot repay those losses, the concept of forced labor

may be applied to punish corruption perpetrators. With this concept, it is hoped that corruption perpetrators who generally live comfortably will feel scared. Thus, they become willing to pay the fines as a way of returning state assets. The retributive justice paradigm that became a legal basis for eradicating the crime of corruption is not relevant to the main goal of the law on corruption eradication in Indonesia. The spirit to restore state assets must be based on the restorative justice paradigm that orients towards recovering the impacts of corruption, rather than focusing on imprisoning its perpetrators.

References

Abdurofiq, A. (2016). *Politik Hukum Ratifikasi Konvensi PBB Anti Korupsi di Indonesia* (Legal Politics of the ratification of the united nations convention on anti-corruption in Indonesia, in Indonesian). *Jurnal Cita Hukum*, *4*(2), 187-209. doi: 10.15408/jch.v4i2.4099.

Alatas, S. H. (2012). *Sosiologi Korupsi, Sebuah Penjelajahan Demon Data Kontemporer* (Sociology of corruption, a journey to contemporary data, in Indonesian). Jakarta: LP3ES.

Arief, B. N. (1998). *Strategi Kebijakan Nasional dalam Pemberantasan Korupsi di Indonesia dan Analisis terhadap Undang-Undang Nomor 3 Tahun 1971* (National policy strategy in eradicating corruption in Indonesia and analysis on law No. 3 of 1971, in Indonesian). Jakarta: Kencana.

Bertens, K. (2004). *Sketsa Sketsa Moral* (Moral sketch, in Indonesian). Yogyakarta: Kanisius

Bramanto, R. Y. (2020). Perspektif filsafat hukum terhadap sanksi tindak pidana korupsi. *Morality: Jurnal Ilmu Hukum*, *6*(1), 80-81

Damanhuri, D. S. (2016). *Korupsi, Reformasi Birokrasi dan Masa Depan Ekonomi Indonesia* (Corruption bureaucratic reformation, and the future of Indonesia's economy, in Indonesian). Jakarta: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia.

Davidsen, S. (2006). *Curbing corruption in In-

donesia 2004 - 2006 a survey of national policies and approaches. Washington, D.C.: United States-Indonesia Society.

Elliot, K. A. (1997). *Corruption and the global economy*. Washington: Institute for International Economics.

Ferry, H. (2014). *Kerugian Keuangan Negara dalam Tindak Pidana Korupsi* (State financial losses in the crime of corruption, in Indonesian). Yogyakarta: Thafa Media.

Firmansyah. (2018). Implementasi Restorative Justice dalam Pemidanaan Pelaku Tindak Pidana Korupsi (The implementation of restorative justice in sanctioning perpetrators of corruption crime, in Indonesian). *Jurnal Dinamika Hukum*, *2*(6), 14-25.

Gusfira, H., & Hafiz, A. (2021). *Peranan Hukum dalam Perspektif Filsafat Terhadap Pemberantasan Korupsi* (Legal role and philosophy perspective to corruption eradication, in Indonesian). *Maqasidi: Jurnal Syariah dan Hukum, 1*(2), 147-148

Hamzah, A. (2005). *Pemberantasan Korupsi: Hukum Pidana Nasional dan Internasional* (Corruption eradication: National and international criminal law, in Indonesian). Jakarta: Raja Grafindo Persada

Hamzah, A. (2014). *Korupsi di Indonesia Masalah dan Pemecahannya* (Corruption in Indonesia: Issues and solutions, in Indonesian). Jakarta: Gramedia Pustaka Utama.

Hoefnagels, G. P. (1993). *The other side of criminology*. Holland: Cluwer Deventer.

Klitgaard, R. (2005). *Membasmi Korupsi* (Eradicating corruption, in Indonesian). Jakarta: Yayasan Obor Indonesia.

Miller, S., Roberts, P., & Spence, E. (2005). *Corruption and anti corruption: An applied philosophical approach*. New Jersey: Pearson Education.

Moeljatno, M. (1987). *Azas-Azas hukum pidana (Foundation of Criminal Law)*. Jakarta: Bina Aksara

Mulyadi, L. (2007). *Tindak Pidana Korupsi Di Indonesia: Normatif, Teoritis, Praktik dan Masalahnya* (Corruption crime in indonesia: Normative, theory, praksis and problems, in Indonesian). Bandung: Alumni

Prayitno, K. P. (2020). *Aplikasi Konsep Restorative Justice dalam Peradilan Tindak Pidana Korupsi di Indonesia* (Analysis of the restorative justice concept in the trials of corruption crime in Indonesia, in Indonesian). Yogyakarta: Genta Publishing.

Remmelink, J. (1993). *Hukum Pidana, Komentar Atas Pasal-Pasal Terpenting dari KUHP Belanda dan Padanannya dalam KUHP Indonesia* (The Criminal Code, comments on important articles in the Dutch Criminal Code and its equivalent in the Indonesian Criminal Code, in Indonesian). Jakarta: PT. Gramedia Pustaka Utama.

Rusianto, A. (2015). *Tindak Pidana & Pertanggungjawaban Pidana: Tinjauan Kritis Melalui Konsistensi Antara Asas, Teori dan Penerapannya* (Criminal action and criminal liability: A critical review through the consistency between principles, theories, and its application, in Indonesian). Jakarta: Kencana.

Shidarta, S. (2006). *Moralitas Profesi Hukum* (Morality of legal profession, in Indonesian). Bandung: Refika Aditama

Shidarta, S. (2013). *Konsep Malum in Se dan Malum Prohibitum Dalam Filosofi Pemberantasan Korupsi* (The concept of Malum in Se and Malum Prohibitum in corruption eradication philosophy, in Indonesian). *Masalah Masalah Hukum, 42*(1), 88-96.

Soekanto, S. (2012). *Pengantar Penelitian Hukum* (Introduction to legal research, in Indonesian). Jakarta: Universitas Indonesia Press.

Steinberg, S. S., & Austern, D. T. (1990). *Government, ethics and managers*. Washington: Praeger.

Suharianto, B. (2016). Restorative Justice dalam Pemidanaan Korporasi Pelaku Korupsi demi Optimalisasi Pengembalian Kerugian Keuangan Negara (Restorative justice in corporate sanctioning of corruption perpetrators to optimize the return of state financial losses, in Indonesian). *Jurnal Ilmu Hukum, 5*(3), 421-

438.

Sukardi. (2012). Perspektif Hukum Refleksif terhadap Konsep Restorative Justice dalam Pembaharuan Hukum Pidana (The perspective of reflexive justice in the renewal of the criminal law, in Indonesian). *Jurnal Ilmu Hukum Ammana Gappa*, *20*(2), 15-34.

Surachman, E. (2020). *Kendala Penanganan Korupsi, Kolusi dan Nepotisme (KKN) Sebuah Pergulatan Teori dan Makna* (Obstacles in handling corruption, collusion, and nepotism: a fight between theory and meaning, in Indonesian). Bandung: PT. Citra Aditya Bakti.

Waluyo, B. (2011). *Penelitian Hukum Dalam Praktik* (Legal research in practice, in Indonesian). Jakarta: Penerbit Sinar Grafika.

Wijayanto, & Zachrie, R. (2009). *Korupsi Mengorupsi Indonesia* (Corruption corrupts indonesia, in Indonesian). Jakarta: Gramedia Pustaka Utama.

Yunus, N. R., Anggraeni, R. D., & Reski, A. (2019). The application of legal policy theory and its relationship with rechtsidee theory to realize welfare state. *Jurnal Adalah: Buletin Hukum Dan Keadilan*, *3*(1), 1-6.

PHILOSOPHICAL AND LEGAL FOUNDATION OF THE STUDY OF LEGAL INTERPRETATION TECHNIQUE

Igor KOZHOKAR [1] | Konstantin SIGALOV [2, 3, 4, *] | Ekaterina RUSAKOVA [3]

1 Institute of State and Law of the Russian Academy of Sciences, Moscow, Russian Federation

2 Moscow University of the Ministry of Interior of the Russian Federation named after V. Ya. Kikot, Moscow, Russian Federation

3 Law Institute, Peoples' Friendship University of Russia (RUDN University), Moscow, Russian Federation

4 All-Russian Institute of Advanced Training of the Ministry of Internal Affairs of Russia, Moscow, Russian Federation

* Correspondence
Konstantin SIGALOV, 3 Fir street, mkrn. Aviation, Domodedovo, Moscow region, 142007, Russian Federation
E-mail: sigalovconst@mail.ru

Abstract: The article deals with the philosophical and legal foundations of legal interpretation technique. In particular it is pointed out that in spite of the fact that the legal interpretation is an integral procedure realized within the framework of law implementation (especially - law enforcement), at the same time it has its own meaning and due to this fact deserves a separate scientific attention. Legal interpretation is aimed not simply at clarification of the meaning of normative or other prescriptions, but at finding out the actual will of the legislator. It is pointed out that, contrary to the "classical" postulates of legal interpretation, the source material for interpretation is not only the texts of normative legal acts. It is clear that in the countries of the Anglo-Saxon legal family interpretation is aimed at clarification of general principles, legal trends, which are reflected in the judicial precedents on similar cases. However, in the countries of the Romano-Germanic legal family there is also a significant shift of reference points towards the analysis not only of the normative text, but also of judicial practice.

Keywords: philosophical foundations, interpretation of law, legal technique, the will of the legislator, legal regulations.

Introduction

Interpretation at the level of "basics of law" is a combination of two interdependent procedural components: understanding the meaning of the interpreted act "for oneself" and explaining the meaning of this act for others.

The evolution of the theoretical and legal doctrine of interpretation testifies to the presence in the history of the development of scientific thought of very lively discussions about the object of "clarification" and "clarification". The main discussion unfolded in the following semantic vein: when interpreting a rule of law, what does the interpreter strive to understand - the will of the rulemaker or the meaning of the normative prescription? G. F. Shershenevich (1903) noted that it is important for the interpreter to find out what is expressed in the rule of law, and not what the rulemaker wanted to express. The opposite position was defended by E. V. Vaskovsky (1913), who noted that the interpreter must find out the meaning of words and the expression that its creator gave to the interpreted

231

rule of law (p. 29).

At a later time, the designated scientific concepts were replaced by others - dynamic and statistical. Synthesizing these two scientific concepts, A. F. Cherdantsev (2002) rightly noted that it is important both to maintain stability and formal certainty of law, and to take into account the adaptation of law to life (p. 16).

Both procedural components - clarification and clarification - are called interpretation, but this is far from the only special term applied to interpretation. For example, it is often referred to as "legal hermeneutics". The need for interpretation, which arises every time in the process of law enforcement, is due to the abstract nature of the regulations, their status as "normative generalizations". It has become an axiom in jurisprudence that the rules of law are designed for repeated application, are not personalized, embrace many variations within a specific life situation (Baitin, 2005, pp. 207-208). At the same time, when formulating legal norms, the legislator proceeds from the need to operate with the most concise formulations. This leads to the objective need to "decipher" the regulations.

Carrying out cognitive activity, the interpreter passes from ignorance to knowledge and reproduces the true picture of the objective world.

When interpreting a normative act, the interpreter relies not only on the normative text, but also on his own legal knowledge, legal experience, and legal culture. Therefore, interpretive activity is the pinnacle of legal skill. It is gratifying that among theorists there are those who, in their scientific developments, specifically focus on the interpretative legal technique (Babaev et al., 2000, p. 82). Anticipating the formulation of the concept of "interpretative legal technique" by identifying its features, A. V. Parfenov (2015) notes its independence, complex structural nature, focus on obtaining reliable information about the content of the interpreted act, objectification in a specific result, determinism by the level of development of the legal doctrine and society as a whole (pp. 575-579).

We believe that interpretive activity as a kind of legal activity is an ordered set of intellectual and mental operations that provide clarification and clarification of the meaning of the interpreted act in order to identify the true will of the legislator, reflected in the interpreted norm. Legal interpretation activity includes textual, dogmatic

and meta-legal analysis of law and is objectified in interpretive acts.

Methodology

Modern theoretical science is replete with approaches to quantitative and meaningful ways of interpretation. In the classical theoretical and legal interpretation, five main ways of interpretation are distinguished: grammatical, logical, special legal, systematic, historical. Each of these methods is predetermined both by the object of knowledge, which is normative prescriptions, and by its own unique specificity, due to the peculiarities of the applied field of knowledge (for example, philology, philosophy, logic, jurisprudence, history, etc.). According to the fair remark of L. S. Yavich (1961), interpretation is a process that is the opposite of rule-making: for example, if a rule-maker, creating a rule of law, moves from the historical, socio-economic and other conditions that determined its adoption to the text of a normative legal act (Yavich, 1961).

The grammatical way of interpretation is often referred to differently: "verbal", "linguistic", "philological", "textual", etc. However, the indicated variations regarding the name of the method do not affect its meaningful toolkit. It is based on the analysis of the signs of the written speech of the standard-setter. The grammatical analysis of the legal text precedes the legal interpretation activity in each case of legal interpretation. This is natural, taking into account the fact that a legal text is, first of all, a text expressed in a known system of alphanumeric coordinates.

In grammatical interpretation, the interpreter studies the "letter of the law", focusing on the grammatical, punctuation, syntactic, morphological and other features of the text under study. So, first of all, the grammatical form of the words used in the rule of law is clarified, including case, number, gender, type, person, etc. After – punctuation marks, allied and introductory words are subject to analysis. With the help of this method of interpretation, the interpreter finds out the semantic parameters of the legal norm, which in turn makes it possible to identify the will of the legislator, expressed in the specific content of the interpreted norm of law.

When using grammatical interpretation, the interpreter should be guided by the following

rules.

First: if in the text of a normative act the legislator directly indicates the meaning in which a certain concept should be understood, then such an indication should be followed. Here we are talking about the understanding of the terms in respect of which the legislator expressed an unambiguous position, indicating, for example: July 1998 No. 155-FZ "On internal sea waters, the territorial sea and the adjacent zone of the Russian Federation".

Second, if there is an act of official interpretation in relation to the concept being interpreted, then the interpreter should proceed from the meaning set forth in such an act. For example, paragraph 5 of the Decree of the Plenum of the Supreme Court of the Russian Federation dated October 18, 2012 No. 21 "On the application by courts of legislation on liability for violations in the field of environmental protection and nature management" notes: "Under other grave consequences in relation to article 246 of the Criminal Code of the Russian Federation, understand, in particular, such a deterioration in the quality of the environment and its components, the elimination of which requires a long time and large financial costs (for example, mass diseases or death of wildlife, including fish and other aquatic biological resources; destruction of conditions for their habitat and reproduction (loss of feeding grounds, spawning and wintering pits, disruption of migration routes, destruction of food base); destruction of flora objects, resulting in a significant reduction in the number (biomass) of these objects; land degradation)".

Third: when interpreting, it is necessary to clarify the literary meaning of the concepts under study, if the legislator has not directly indicated the need to perceive a particular concept in a different meaning. This means that the implementation of grammatical interpretation should be associated with the use of dictionaries and other similar literature.

Fourth: when interpreting the meaning of a legal term, one should take into account the meaning that the developers of the relevant draft gave it at the time of the issuance of the interpreted act. The dynamics of social development predetermines a rapid change in approaches to the understanding of certain concepts, phrases, expressions. However, despite this trend, the interpreter must be guided by the meaning originally laid down in the rule of law.

Fifth: if the meaning of a term differs in industry specifics, then the meaning of such a term proposed by the legislator is not relevant for other branches of legislation and such a meaning cannot be arbitrarily projected onto other branches (institutions) of law. Thus, such a projection is especially unsuccessful when it comes to comparing the meanings of identical terms used in private law and public law branches of legislation. Such failure is predetermined by the difference in the main methods, as well as the principles that determine the model of legal influence within the framework of individual branches of legislation. Thus, civil law experts dealing with the problems of guilt in civil law are very impressed with the criminal law theory of guilt, but its blind "transfer" from the public sphere to the private sphere is doomed to failure.

Sixth: if the concept being interpreted is foreign, that is, borrowed from foreign legal orders, then the primary meaning is that given to it in the native language. Russian legislation tends to receive some legal constructions from European legislation. This predetermines such a legal and technical way of presenting legal terms, which involves designating a concept with a Russian-language term, followed by an indication of its foreign name. For example, an escrow agreement, a financial lease agreement, etc.

Seventh: if there are technical terms in a legal act, then their interpretation should be handled by specialists from the relevant technical fields.

Eighth: in the event of a conflict between the etymological and semantic meaning of the concept being interpreted, priority should be given to the second. This is due to the fact that the semantic meaning of a concept reflects a timely understanding of the interpreted term, and since the legislator is forced to be guided by just such an understanding, it is the semantic meaning that is reflected in the text of the normative act.

The eighth rule can be demonstrated with another interesting example. Thus, civil law widely uses such legal terms as "individual" and "legal entity". At the same time, the generic concept of these terms is the word "face", the etymological meaning of which refers us to parts of the human body. However, this meaning has nothing to do with the semantic meaning of the studied legal terms that are used by the legislator.

The basis of the logical interpretation, as well

as the grammatical one, is the text, which sets out the interpreted rule of law. Logical interpretation involves the use of a wide arsenal of logical tools, including the laws and rules of formal logic. For example, such a logical-grammatical device as the transformation of a sentence is widely used. The result of applying this method of interpretation is the clarification of the logical organization of the analyzed norm.

Main Study

In the process of implementing the interpretive legal technique, certain logical techniques especially proved themselves on the positive side, which led to popularization. These methods include:

a) logical transformation: updated in the event of a discrepancy between the meaning of the normative establishment and its grammatical form of objectification. So, within the framework of a logical transformation, the interpreter gets the opportunity to restore all parts of the normative sentence; to deduce from it the consequences determined by logical connections; by means of deductive reasoning, deduce particular consequences from the general position; by inductive thinking from particular premises to formulate a general conclusion, etc (Kashanina, 2008);

b) inferences from definitions. Legal definitions, that is, normative prescriptions containing the definition of concepts for their further use in the appropriate meaning, are a convoluted judgment. So, by "expanding" this judgment, the interpreter receives information about the generic and specific features of the interpreted concept. This information, in turn, makes it possible to apply a wide instrumental arsenal of logic, including analyzing the detected features, finding out the actual scope of the concept, comparing the interpreted concept with related concepts, etc.;

c) conclusions by contradiction, excluding one of two opposing judgments;

d) bringing to the point of absurdity. This logical technique works as follows: a presumably false thesis is taken as the basis of reasoning, which is brought to the point of absurdity, which confirms its status of "falsity";

e) the law of the "excluded third": allows you to

make sure that with two opposite inferences, one of them is true and there can be no "third" inference;

f) the law of "sufficient reason": allows you to verify the truth of the conclusion due to the discovered sufficient reason.

Systemic (or "systematic") interpretation is intended to clarify the relationship of the interpreted rule of law with other rules of the same act, the rules of other related acts, as well as with general normative prescriptions and legal principles. Such a mental operation makes it possible to take into account the place of the interpreted rule of law in a normative act, in the branch of legislation, in the legal system as a whole. It is worth emphasizing that a systemic interpretation is inevitable, which is predetermined by the systemic nature of law as a whole. Thus, the unification of norms into institutions, sub-sectors and industries is due to the same systemic nature, the presence of stable links between the norms of law that form normative regulation not in isolation, but only in interconnection with each other.

The systemic interpretation is updated in the context of the interpretation of the rule of law, which is of a referential or blanket nature. In this case, the appeal to other rules of law is an essential condition for understanding the meaning of the interpreted rules.

E. V. Vaskovsky (1997), discussing the rules for applying a systemic interpretation, noted that, first of all, the norms that are in a state of "closest connection" with the interpreted one should be analyzed, and then the norms that are in a logical connection with the interpreted one (p. 64).

Systemic interpretation is carried out on the basis of the following principles - guiding ideas that predetermine the appropriate type of interpretation:

1. the principle of interdependence of norms: the interpreted norms to be interpreted must be considered in a systemic unity;

2. the principle of consistency: requires the interpreter to consistently study legal regulations, following the logic of the legislator;

3. the principle of priority: involves taking into account the legal force of the interpreted acts, if there are several of them. The meaning of this principle is that priority in interpretation should be given to an act that has greater legal force. This is especially true in the case of detection of mutually exclusive regulatory pre-

scriptions, that is, the detection of conflicts between acts of different legal force;

4. the principle of completeness: implies taking into account the diversity of meanings of concepts and legal prescriptions used in interpreted or related acts;

5. the principle of considering the context: it is used in the interpretation of concepts, the meaning of which requires clarification of their contextual meaning.

Historical interpretation seems at first glance to be secondary, in demand "according to the situation." On the one hand, this is true: not in every legal interpretation there is a real need to refer to it. On the other hand, in those cases where the interpreter nevertheless resorts to such a method of interpretation, it may have a constitutive character. This is determined by the fact that the adoption of certain norms of law is due to a specific life situation, current economic, social and political agendas.

With regard to historical interpretation, it is worth noting the importance of analyzing the explanatory notes to the bill of the interpreted normative act. This is due to several reasons. Firstly, the explanatory note usually indicates specific historical reasons that prompted the legislator to develop an appropriate body of norms. Secondly, explanatory notes are written, as a rule, by specific rule-makers-authors of the relevant bill. Therefore, analyzing the explanatory note prepared by them, the interpreter actually finds out the will of the legislator "first hand".

The main methods used in the framework of historical interpretation include: studying the preamble of a normative act (if any), researching the history of the adoption of the relevant legal norms, comparing existing norms with those originally drafted, comparing existing norms with previously valid ones, but no longer in force.

The culmination of the interpretation is associated with a special legal interpretation, which is characterized by reliance on special legal knowledge, practical experience, and doctrinal views. In some cases, part of such knowledge can be found in the text of the interpreted normative act, for example, in its first articles containing legal definitive tools. However, this is clearly not enough to implement this type of interpretation: it is important, as S. S. Alekseev, his own "baggage" of legal knowledge, owned by the inter-

preter. We are talking about the formed ideas regarding the majority of legal structures, the main industry rights and obligations of the participants in the relevant relations, legal facts, legal liability, etc.

The special legal interpretation has not been sufficiently studied. It is believed that it is immanently connected with legal terms, legal constructions, etc. In the scientific literature, attention is drawn to the fact that in the field of legislative stylistics there is its own language of laws as a special style of speech (Lazareva & Sukhov, 2015).

Thus, the legal interpretation technique is concentrated mainly within the framework of the methods of interpretation, which include grammatical, logical, special legal, systematic, historical.

Any subject can be an interpreter. However, the results of the interpretation are strictly correlated with the legal status of the interpreter. According to this criterion, the interpretation can be presented in a dichotomous classification - official and unofficial. Within each of these types of interpretation, additional varieties are distinguished. Thus, the official interpretation is differentiated into normative and causal, while the unofficial interpretation is differentiated into doctrinal and special. The official interpretation is a mandatory indication of the only correct meaning of a legal norm and the best way to implement it. The obligatory nature of acts of official interpretation implies the need for both their study, reading, and application in the event of a situation described in the relevant act (Lazarev, 1972).

Turning to the normative interpretation, which is a kind of official interpretation, a number of remarks should be made. Firstly, the normative interpretation is characterized by a number of features: general obligatory, non-personalized, repeated application, etc. (Voplenko, 1976, p. 12). Secondly, the normative interpretation is differentiated into authentic and legal.

Authentic interpretation differs in that it comes from the body that adopted the relevant interpreted act. Consequently, with an authentic interpretation, the publishing body explains the meaning of the normative prescriptions formulated by it. Authentic interpretation is distinguished by the following properties: general obligation, creative orientation, closeness to law-

making, auxiliary character, hierarchical subordination.

A legal interpretation is an official interpretation that does not come from the authoring authority of the relevant normative guidance, but from another authority to which such authority has been delegated.

The second type of official interpretation, along with the normative one, is the casual interpretation. A feature of the casual interpretation is its strictly targeted nature: such an interpretation is designed for a single application in relation to specific individuals. Most often, causal interpretation is associated with the issuance of a law enforcement act.

In the dichotomous classification - official and unofficial - the unofficial interpretation occupies a secondary place, since it is not mandatory and does not have legal force. The scientific literature offers signs of this type of interpretation. Among them: a private subject (individuals, legal entities), the absence of coordination ties between these subjects, voluntary implementation, limited understanding of the interpreted norms, a free form of presentation, a focus on the implementation of educational, cognitive, orientation functions, etc. It is customary to differentiate unofficial interpretation into mundane, professional and doctrinal. So, the ordinary interpretation is distinguished by a non-professional subject, his lack of special legal knowledge, situational interpretation. Unlike the usual professional interpretation comes from persons with professional legal education and (or) professional legal experience. Such an interpretation is distinguished by rational content and strictly correlates with the level of legal culture of the interpreter. The result of professional interpretation can be objectified in written (electronic) form. Finally, the third kind of informal interpretation - doctrinal - is carried out by legal scholars, scientists and research centers. This interpretation is embodied in comments, monographs, dissertations, scientific articles, etc. Such an interpretation is distinguished by rational content and strictly correlates with the level of legal culture of the interpreter. The result of professional interpretation can be objectified in written (electronic) form. Finally, the third kind of informal interpretation - doctrinal - is carried out by legal scholars, scientists and research centers. This interpretation is embodied in comments, monographs, disserta-

tions, scientific articles, etc. Such an interpretation is distinguished by rational content and strictly correlates with the level of legal culture of the interpreter. The result of professional interpretation can be objectified in written (electronic) form. Finally, the third kind of informal interpretation - doctrinal - is carried out by legal scholars, scientists and research centers. This interpretation is embodied in comments, monographs, dissertations, scientific articles, etc.

The result of the interpretation is a concretizing judgment about the interpreted rule of law, the functional purpose of which is to clarify its actual content. The results of interpretation are also determined by the type of interpretation chosen by the interpreter in terms of volume. Here we mean the ratio of the literal text of the interpreted norm of law and the actual content of the relevant norms. Thus, three types of interpretation according to the specified criterion are known: literal, disseminative, restrictive.

The greatest demand is for a literal interpretation, which makes it possible to understand the exact meaning of the literal expressions reflected in the interpreted rule of law. Not surprisingly, this kind of interpretation is also called "adequate". With regard to extensional interpretation, its result is a broader interpretation of legal prescriptions than the content of the literal meaning of the interpreted text. Restrictive interpretation, on the contrary, narrows the meaning of the interpreted rule of law, but only in order to clarify the real will of the legislator. Qualifying the pervasive and restrictive types of interpretation as "atypical" types of interpretation, N. N. Voplenko proposed the following rules for their application. These types of interpretation are not permissible in the following cases: in the case of a direct indication of this in a rule of law or an act of official clarification; in relation to exclusive rules of law providing for special conditions of legal regulation; regarding the sanctions of legal norms, etc (Voplenko, 1978, pp. 58-65).

One of the sharply debatable aspects of legal interpretation of legal technique is the question of its composition. The system of means of interpretive technique, according to A. V. Parfenov (2015), includes three subgroups: "general social (including language and its main units), special legal (including legal definitions, legal constructions, legal principles, legal presumptions, legal fictions, legal axioms, etc.) and technical (tangi-

ble information carriers - texts of regulations, monographs, dissertations, scientific articles, etc.) (p. 581). The proposed classification of legal and technical means of law interpretation technique requires additional argumentation. Its imperfection is due, as it seems to us, to the confusion of the concepts of "object" and "subject", "form" and "content". This calls into question the scientific value of such a classification, although the proposed by A. V. Parfenov's reasoning on this point certainly enriches the theoretical doctrine.

The applied potential of law interpretation activity increases significantly in case of objectification of the results of such activity. Therefore, in the context of this scientific research, attention should be focused on legal interpretative acts-documents. Such acts include acts of official interpretation, which are the final document of the corresponding type of interpretive activity. Obviously, when preparing such acts, the entire set of tools of legal interpretation of legal technique is updated.

Acts of official interpretation are characterized by the following features: state obligation, formality, hierarchy, clarifying orientation, etc (Miroshnikov, 2000, pp. 90-92). Revealing signs of interpretive acts, V. N. Kartashov (2005) noted the following: the generic sign of interpretive acts is a legal act, and the specific signs are authoritativeness, official character, procedural and procedural form of acceptance, conditionality by the competence of the issuing subject, the presence of both general and personal explanations (pp. 394-395). In addition to those listed by V. N. Kartashov (2005) signs, acts of official interpretation include the following characteristic features: consistency, activation of legal and other social consequences, a specific form of information expression, etc (Sharonov, 2004, pp. 37-48).

Determining the place of interpretive acts in the system of legal documents, V. K. Babaev and V. M. Baranov (1997) notice that these acts have a concretizing functional load. Following the indicated legal scholars, N. N. Voplenko (1976) emphasizes the auxiliary significance of acts of official interpretation, the content filling with organizational and auxiliary rules for understanding the current legislation, as well as the significance of the indicated acts for ensuring the effectiveness of law enforcement activities (p. 35).

Indeed, the underestimation of acts of official interpretation leads to defects in the law enforcement process.

Conclusion

The problems of legal interpretation of legal technique, which is used in acts of official interpretation, are poorly studied at the doctrinal level. The available scientific research in this regard is concentrated mainly on the features of the structuring of acts of official interpretation. However, this aspect of legal technique has not been sufficiently studied in reality. Despite the fact that all the legal and technical means, methods and rules discussed above are also relevant for acts of official interpretation, their specific legal and technical features should be especially emphasized. For example, acts of official interpretation are often provided with appendices, references, footnotes and other organizational and auxiliary material.

It is worth noting that one of the most common legal and technical techniques widely used in acts of official interpretation is a paraphrase, which allows you to express the meaning of interpreted legal prescriptions in other words, synonyms (Gubaeva, 1996).

The internal attributes of the act of official interpretation suggest structured text, dividing it into semantic parts. The external attributes of the specified act include an indication of the type of document (decree, definition, order, information letter, review, etc.), its specific name, designation of the author of the official interpretation, date of adoption and registration number. These details together form the "title" of the act of official interpretation.

Thus, the legal interpretation act is a means of objectifying the results of interpretive activity. The dichotomous division of interpretation into official and unofficial makes it possible to predict the "legal status" of a law-interpreting act. In this sense, acts of official interpretation are a kind of legal acts that have the following specific features: universally binding, formal certainty, hierarchy, explaining the functional purpose, auxiliary nature, etc. including appendices, references, footnotes), compliance with internal (including structuredness) and external ("title" of the act) attributes.

Acknowledgement

References

Babaev, V. K., & Baranov, V. M. (1997). *Obshchaya teoriya prava* (General theory of law, in Russian). Nizhny Novgorod: NYUI MVD Rossii.

Babaev, V. K., Baranov, V. M., & Tolstik, V. A. (2000). *Teoriya prava i gosudarstva v skhemakh i opredeleniyakh* (Theory of state and law in schemes and definitions, in Russian). Moscow: YUrist'.

Baitin, M. I. (2005). *Sushchnost' prava* (sovremennoe normativnoe pravoponimanie na grani dvuh vekov). (Essence of law (Modern normative legal understanding on the verge of two centuries), in Russian) Moscow: *Izdatel'skii dom "Pravo i gosudarstvo"*.

Cherdantsev, A. F. (2002). *Tolkovaniye prava i dogovora: v 2 ch*. (Interpretation of law and contract: In 2 volumes, in Russian). (Vol. 1.). Moscow: YuNITI.

Gubaeva, T. V. (1996). *Slovesnost' v yurisprudentsii* (Literature in jurisprudence, in Russian). (Doctoral dissertation, Kazan State University, Russian Federation). Kazan. https://rusneb.ru/catalog/00019-9_000009_000195621/

Kartashov, V. N. (2005). *Teoriya pravovoy sistemy obshchestva: uchebnik: v 2 tomakh* (The theory of the legal system of society: Textbook: In 2 volumes, in Russian). (Vol. 1). Yaroslavl': Yaroslavl State University.

Kashanina, T. V. (2008). *Yuridicheskaya tekhnika* (Legal techniques, in Russian). Moscow: Eksmo.

Lazarev, V. V. (1972). *Primeneniye sovetskogo prava* (Application of Soviet law, in Russian). Kazan': Izdatel'stvo Kazanskogo universiteta.

Lazareva, O. V., & Sukhov, N. I. (2015). *Yuridicheskaya tekhnika: uchebnik* (Legal technique: Textbook, in Russian). Saratov: Publishing House of the Saratov State Law Academy.

Miroshnikov, E. G. (2000). *Ofitsial'noye tolkovaniye prava i yego znacheniye v deyatel'nosti organov vnutrennikh del* (Official interpretation of law and its significance in the activities of internal affairs bodies, in Russian). (PhD dissertation, Academy of Management of the Ministry of Internal Affairs of Russia, Moscow, Russian Federation). Retrieved Februart 3, 2023, from http://www.dslib.net/teoria-prava/oficialnoe-tolkovanie-prava-i-ego-znachenie-v-dejatelnosti-organov-vnutrennih-del.html

Parfenov, A. V. (2015). *Yuridicheskaya tekhnika: kurs lektsiy* (Legal technique: a course of lectures, in Russian). (V. M. Baranov, Ed.). Nizhniy Novgorod: Nizhegorodskaya akademiya MVD Rossii.

Sharonov, A. N. (2004). *Sushchnost' i predely (sfery) deystviya aktov ofitsial'nogo yuridicheskogo tolkovaniya (Problemy teorii i praktiki)* (The essence and limits (forms) of the action of acts of official legal interpretation (problems of theory and practice), in Russian). (PhD dissertation, Yaroslavl State University P. G. Demidova, Yaroslavl', Russian Federation). Retrieved Februart 3, 2023, from http://www.dslib.net/teoria-prava/suwnost-i-predely.html

Shershenevich, G. F. (1903). *O primenenii norm prava* (Application of legal norms, in Russian), *Journal of the Ministry of Justice, 1,* 34-82.

Vaskovsky, E. V. (1913). *Rukovodstvo k tolkovaniyu i primeneniyu: dlya nachinayushchikh yuristov* (Guide to the interpretation and application: For beginning lawyers, in Russian). Moscow: Brat'ya Bashmakovy.

Vaskovsky, E. V. (1997). *Rukovodstvo k tolkovaniyu i primeneniyu zakonov* (Guide to the interpretation and application of laws, in Russian). Moscow: GORODETS.

Voplenko, N. N. (1976). *Ofitsial'noye tolkovaniye norm prava* (Official interpretation of the rules of law, in Russian) Moscow:

Yuridicheskaya literatura.

Voplenko, N. N. (1978). *Sledstvennaya deyatel'- nost' i tolkovaniye prava* (Investigative activity and interpretation of law, in Russian). Volgograd: NIiRIO.

Yavich, L. S. (1961). *Problemy pravovogo regu- lirovaniya sovetskikh obshchestvennykh otnoshenii* (Problems of legal regulation of Soviet public relations, in Russian). Moscow: Gosyurizdat.

VLADIK NERSESYANTS'S PHILOSOPHICAL AND LAW THEORY

Valentina LAPAEVA [1] | Anna NERSESYANTS [1, *]

1 Institute of State and Law of the Russian Academy of Sciences, Moscow, Russian Federation

* Correspondence
Anna NERSESYANTS, 10 Znamenka str., Moscow, 119019, Russian Federation
E-mail: nersesancanna@gmail.com

Abstract: Firstly, this article considers the main aspects of the libertarian legal approach to the understanding of law developed by Soviet and Russian philosopher of law Vladik S. Nersesyants.

Secondly, the article shows the contributions of this philosophical and law doctrine to the development of the world philosophy of law and its importance for the improvement of Russian legal theory and practice.

Thirdly, the article substantiates the thesis that the libertarian approach to the understanding of law is a logical rationalisation of the jusnaturalist tradition of law understanding as an expression of equality in human relations as reinterpreted by Nersesyants by looking at the efforts in rationalizing the jusnaturalist doctrine reflected in the history of the development of philosophical and law thought from the beginning of the Modern Era.

Fourthly, the article pays special attention to the analysis of the concept of civilism as a new post-socialist social system developed by Vladik Nersesyants on the basis of the libertarian approach to the understanding of law. Therefore, the article reveals the content of this concept related to the law approach to the desocialisation of the former socialist property that creates the basis for the formation of a new system of law.

Keywords: Vladik Nersesyants, philosophy of law, libertarian legal understanding, legal positivism, jusnaturalism, essence of law, principle of formal equality, concept of civilism.

Introduction

Current law and political situation in Russia beginning with the collapse of socialism and the start of the post-socialist transformation of all spheres of public and state life in the country requires a deep philosophical and law understanding. Indeed, in the philosophical abstractions of law, "behind the external conditionality, it is about the most important and essential things in the life of every individual and society: freedom, justice, equality" (Nersesyants, 2006,

p. 64). Therefore, from the very beginning of the post-socialist transformations, and especially after the adoption of the Constitution of the Russian Federation in 1993, the prospects for the legal development of Russia were associated with a change of the system-centric positivist doctrine of the Soviet model to the human-centric type of law understanding.

With all the abundance of the most diverse (often ill-conceived) concepts of law that still compete within the framework of the modern Russian philosophy of law, the most serious claims to the status of a general doctrinal approach are made by three types of law understanding that are most consistent in their theoretical and methodological basis: legal positivism, different versions of the jusnaturalist doctrine, and Vladik Nersesyants's libertarian law theory. Along with these approaches developing in line with classical rationality, the so-called post-classical concepts of law focused on non-classical theories of knowledge, which are often described as integrative, have become quite popular. And although these concepts in some cases contribute to the multidimensional perception of law phenomena, it turns out upon closer examination that they, in fact, do not integrate the classical types of law understanding, but lean towards one of them. Where they deviate from classical rationality, they often shift away from rationality in general, which seems to be methodologically incorrect if only because law is the quintessence of the rational principles of social life.

That said, the differences between Soviet-style positivism, in one respect, and the jusnaturalist doctrine and libertarian law theory, in the other, are ideological in nature. Human-centric and system-centric ideologies apparently seem to collide. In the world as a whole, the long-running dispute between supporters of positivism and jusnaturalism is no longer ideological in nature, since the positivists, having long and painfully fended off accusations of theoretical complicity with Nazism, have brought their concepts in line with liberal values. In contrast, Soviet positivism had no experience of such a "purgatory", meaning one should therefore not hope for its transformation towards the liberal concept of "soft positivism".

As for jusnaturalism, the absence of a clear theoretical distinction between law and morality, which is characteristic of this approach, significantly complicates its application in Russia, since it is difficult to overcome the claims of the state to express the requirements of public morality within the framework of a system-centric type of legal culture. Therefore, Russia needs a legal doctrine that offers a theoretically clear and practical criterion for measuring individual freedoms based on the principle of formal equality, derogation from which (even towards morality) leads to arbitrariness. The libertarian law theory developed by Vladik Nersesyants and analysed in this article meets these requirements fully.

Main Milestones of the Biography and Creative Path of Vladik Nersesyants

Vladik Sumbatovich Nersesyants (2 October 1938 - 21 July 2005) was a Soviet and Russian academic and expert in the philosophy of law, the theory of law and state, and political and legal doctrines. He was founder of the *libertarian legal type of legal understanding* as an independent discipline within the framework of the philosophical understanding of law and author of the *libertarian legal theory of law* and the concept of *civilism* as a post-socialist social regime.

Vladik Nersesyants was born in Stepanakert in the Nagorno-Karabakh Autonomous Region of the Azerbaijan SSR into an Armenian family. In 1941, his father was arrested on charges of hostility to the Soviet regime, only to presumably be shot a year later. This event undoubtedly influenced Vladik Nersesyants's choice of his main research (philosophical and legal) area and left an imprint on his attitude towards the Soviet regime and the Communist Party, of which he was not a member for reasons of principle. After his father's arrest, the family was forced to move to Yerevan, where, in 1955, Vladik Nersesyants graduated from school with a gold medal. After an unsuccessful attempt to enrol at the Lomonosov Moscow State University Faculty of Philosophy (documents were not accepted from the son of "the people's enemy"), he entered the Lomonosov Moscow State University Faculty of Law by hiding the fact that his father had been repressed. In 1961, he graduated from the Faculty of Law with honours and joined the Ivanovo Region bar association. Vladik Nersesyants worked as a lawyer (initially in the regional and

later in the city bar association of Ivanovo) for several years, during which time he prepared his PhD dissertation at Lomonosov Moscow State University on the topic "Marx's Critique of Hegel's Philosophy of Law during Marx's Transition to Materialism and Communism" under the supervision of Professor S. F. Kechekyan, which he successfully defended in 1965. Choosing such a topic allowed Vladik Nersesyants, by paying tribute to the study of Marxism, to pay special attention to the study of Hegel's philosophy of law, which he regarded as the pinnacle of world philosophical and legal thought.

After defending his dissertation, he worked for several months as a junior researcher at the All-Union Research Institute of Soviet Legislation under the Ministry of Justice of the USSR, and then moved to work for the Soviet State and Law journal. From 1970 until his death, Vladik Nersesyants worked at the Institute of State and Law of the Academy of Sciences of the Soviet Union (later known as the Russian Academy of Sciences). In 1975, he defended his doctoral dissertation on the topic "Hegel's Political and Legal Theory and Its Interpretation". In 1994, Vladik Nersesyants became a corresponding member of the Russian Academy of Sciences and in 2000 became an academician of the Russian Academy of Sciences.

Vladik Nersesyants is the author of more than 350 scientific works (including 16 individual monographs and textbooks), as well as three collections of poems ("At the Crossroads of Timelessness", "Moods", and "Creations").

The author's main scientific works include "Hegel's Philosophy of Law: History and Modern Times", "Socrates", "Hegel: Political Works", "Political Teachings of Ancient Greece", "Hegel", "Law and Statute", "Plato", "Our Path to Law. From Socialism to Civilism", "Law – the Mathematics of Freedom", "Philosophy of Law", "History of Political and Legal Doctrines", "Jurisprudence. Introduction to the General Theory of Law and the State", "Hegel's Philosophy of Law", "General Theory of Law and State", and "The National Idea of Russia in the Historical Quest for Equality, Freedom, and Justness. The Civilism Manifesto".

Vladik Nersesyants was co-author and editor-in-chief of a number of major collective works, including "History of Bourgeois Constitutionalism", "History of Law: England and Russia",

"World History of Political and Legal Thought", and "Political and Legal Values: History and Modern Times". He participated in the preparation and publication of such sources of legal thought as "Hegel. Political Works", "The Digests of Justinian", "The Saxon Mirror", was a co-author of "New Encyclopedia of Philosophy" – the first and so far the only academic philosophy encyclopedia published in post-Soviet Russia within which he published the articles "Law" and "Philosophy of Law".

For several years, he was Chairman of the Russian Section of the International Association for the Philosophy of Law and Social Philosophy, a member of the Scientific and Coordinating Council for Social Sciences under the Vice-President of the Russian Academy of Sciences, and a member of the editorial board of the Philosophical Heritage series. He was engaged in educational and teaching activities, successfully training 10 PhD.

Vladik Nersesyants began his scientific journey as an expert in political and legal doctrines, deep knowledge of which later allowed him to propose his own philosophical and legal theory based on an independent approach to understanding law that was different from other types of legal understanding developed in the context of world philosophical and legal thought. The starting point in the formation of this approach was the *concept of the distinction between law and statute*. In the mid-70s of the last century, the formulation of this problem, which has a long tradition in world philosophical and legal thought, met with sharp criticism from the majority of Soviet legal theorists. This is because this approach, firstly, was out of tune with the official legal doctrine equating law and statute, and secondly, was fundamentally different from the so-called broad understanding of law, supporters of which tried to mitigate the legist rigorism of official legal understanding. Moreover, Vladik Nersesyants interpreted *law as a form of freedom*, which made his approach particularly unacceptable.

After defending his doctoral thesis, he began to express his scientific views more actively in his public statements. However, he was unable to publish his article on this topic in the Soviet State and Law journal for a long time. His 1977 article "Law and Statute: Their Distinction and Correlation" received negative reviews from two leading

legal theorists. In 1979, the Soviet State and Law journal held a round table on the topic "On the Understanding of Soviet Law", which marked a new milestone in the development of Soviet jurisprudence associated with the newly opening opportunities for serious scientific discussions on the problems of legal understanding. In his speech at the round table, Vladik Nersesyants (1979) put forward theses that were fundamentally important for his approach regarding "the correlation of freedom, law and statute", law as "a form, norm and measure of freedom", "law designates the sphere, boundaries and structure of freedom", regarding the role of statute as a form of expression of the measure of freedom, etc. (pp. 70-71). He did not focus on the difference between his concept and the broad legal understanding, but simply noted its logical inconsistency (Nersesyants, 1979, p. 72).

In 1983, Vladik Nersesyants published his book "Law and Statute" in which he considered the philosophical and legal tradition of distinguishing between law and statute on the basis of an extensive amount of historical material. Only after this book had been published did Vladik Nersesyants (1983, pp. 26-35) go ahead and publish his policy article "Law: A Diversity of Definitions and Unity of the Concept" in the Soviet State and Law journal. A significant part of the article is devoted to polemics with L.S. Yavich, who singled out "different essences of law", and S.S. Alekseev, whose views Vladik Nersesyants described as not extending beyond legal positivism. From that time onwards, Vladik Nersesyants almost wholly avoided discussions with colleagues, choosing rather to focus on the presentation and explanation of his own theory.

Vladik Nersesyants's Libertarian Law Theory

In the years following the dissolution of the Soviet Union, Vladik Nersesyants would go on to give a detailed philosophical and law justification for his approach to understanding law, which he described as a *libertarian legal type of law understanding*. According to the author, this term, first, indicates that law includes (ontologically, epistemologically and axiologically) freedom. Law, he believed, is not just a form of freedom, but the only possible form of existence and

expression of freedom in public life, and the understanding of law as a form of freedom is an instrument for understanding the whole variety of legal (and, therefore, non-legal and anti-legal) phenomena. The adjective "legal" means that people's freedom in their public life is associated only with law and is possible only in a legal form. This term emphasizes the fact that freedom, being an immanent sign of law, is not a form of expression of moral or religious principles.

The main difference between the libertarian lawl approach and legal positivism and the natural law doctrine is related to the interpretation of the problem of the *correlation between essence and phenomenon in law*. Legal positivism, which equates law and statute, is well known to deny the existence of any essential feature of law that expresses the specific nature of law as a special social phenomenon. As for jusnaturalism, it considers the natural law essence as something self-sufficient not requiring any external forms of manifestation. "In other words", Vladik Nersesyants (2006) writes, *"natural law is the equivalence of essence and phenomenon, being and existence"*. Natural law concepts that criticise legalism for denying the objective essence of law fall into the other extreme – "into the denial of the need to express the essence of law in the form of a generally binding legal phenomenon established by the state – a legal law (positive law corresponding to the essence of law)" (p. 60). In contrast to these two approaches, "each of which in its own way breaks the necessary connection between the essence and the phenomenon in law", in the libertarian law concept, "the relationship between the law essence and the law phenomenon in the context of the distinction between law and statute is necessary and covers all legally and logically significant variants of the relationship between law and statute" (Nersesyants, 1998, p. 7).

It is the recognition of the existence of its own essence that distinguishes law, on the one hand, from arbitrary power in the form of statute, and, on the other hand, from the norms of public morality and religion, that is, a kind of "visiting card" of libertarian law theory. In this context, Vladik Nersesyants (2002) understands the essence of law as the *principle of formal equality* expressed through "the unity of three essential and mutually supportive properties (characteris-

tics) of law – the universal equal measure of regulation, freedom and justice" (p. 4). As the author explained, the concept of freedom includes equality (people are free, that is, independent of each other, only to the extent that they are equal to each other), and this, in turn, means that freedom is immanently linked to justice expressed through equality. From the standpoint of this approach, justice is a result of applying an equal measure to the actual diversity of relations in order to arrange them in such a way that ensures equality in freedom. Law expresses people's freedom precisely because it speaks and acts in the language and measures of equality (in this sense, Vladik Nersesyants defined law as "the mathematics of freedom").

The dialectical unity of essence and phenomenon in law is represented by *law statute* (in the broad sense of the concept of "statute", which includes precedent and legal custom). Vladik Nersesyants's interpretation of law as a law statute (that is, a phenomenon expressing the essential law principle of formal equality) is based on the recognition of the *conceptual unity of law and state* as a unity of normative and institutional forms of freedom. When Vladik Nersesyants speaks about the state that establishes or authorises a law statute and ensures its implementation by means of state coercion, he describes the word "state" not as a form of organization of public power that has means of coercion, but as a law form: he uses the concept of "state" to describe a system of power organised on the basis of law that creates law and obeys law in its actions.

In summary, it can be said that from the standpoint of the libertarian law approach, *law is defined as a system of norms of positive law meeting the requirements of the principle of formal equality as an equal measure of freedom that is ensured by the likelihood of state (in a broader sense covering international law, governmental) coercion.*

In Soviet times, Vladik Nersesyants's philosophical and law concept was acutely criticised by numerous adherents of legal positivism, with the main accusations, which were essentially ideological in nature, being that his approach to law leads to the destruction of socialist legality, since it allegedly justifies the refusal to comply with non-legal statutes. It is telling that such critical attacks continued even during the post-

Soviet period (Syrykh, 2008, p. 510), which clearly indicates the intensity of their polemics. In modern time, the other critical statements deserve more attention, as they, with varying degrees of politeness, cast doubt on the claims of the author of the libertarian law understanding to an independent position in world philosophical and law thought.

One of the areas of criticism is most expressively represented in the works by O. V. Martyshin, who calls into question the novelty and independence of the libertarian law theory. The whole difference between the natural law approach and the libertarian concept, according to O. V. Martyshin (2002), consists only "in the criteria or in the understanding of law: for "jus-naturalists", it is a set of specific principles equated with justice, and for "libertarians", it is a single principle of formal law equality". Inasmuch as one may agree with this statement, it is not clear why the author believes that there is no significant difference between theories based on a "set of concrete principles" (meaning the absence of a fundamental, essential principle) and an approach to understanding law based on a single, that is, essential principle of law. He argues that Vladik Nersesyants's interpretation of law as an equal measure of freedom does not bring anything new to the concepts of law developed by I. Kant and G. Hegel. However, he readily admits that 'the statement 'law is freedom' does not represent a single or comprehensive definition of law, neither for Kant nor for Hegel" (p. 9), and regarding I. Kant, he also specifically stipulates that "Kant understands the principle of equality quite differently from Vladik Nersesyants" (pp. 10-11).[1]

More substantive arguments of a critical nature are given by E. V. Timoshina (2018). Ac-

---

[1] It is telling that, against all logic, O. V. Martyshin believes that the philosophical understanding of law that reveals the essence of law "is intended only for philosophers and those who create laws, giving them a criterion for distinguishing between legal and non-legal phenomena" and "every competent lawyer and every citizen who refers to the protection of their interests regards the essence of law as an opportunity to resort to its enforcement" (Martyshin, 2002, pp. 10-11). It is against this background that he considers "legal literacy" as a refusal to understand the essence of law, and the citizens' ability to protect their interests is determined by their ability to involve mechanisms of state coercion for these purposes.

cording to her, Vladik Nersesyants's theory should be attributed "to the tradition of natural law, towards the development of which his theory has made outstanding contributions" (p. 82). In her opinion, libertarian law theory can be characterized as a monistic deontological anthropocentric theory of natural law with historically changing content. The key here is the attribution of Vladik Nersesyants's theory to the natural law approach, that is, the denial of the author's claims to developing an independent type of law understanding.

Agreeing with the assessment of Vladik Nersesyants's theory as a monistic, deontological, and anthropocentric approach, it should first be noted that from the author's own point of view, the doctrine of natural law (unlike libertarian theory) is not at all monistic. Vladik Nersesyants (2006) wrote that according to jusnaturalist ontology, the existence of law "is represented in two opposite forms: as a genuine existence (the existence of natural law) and as a non-genuine existence of law (the existence of positive law)" (p. 59). The consequence of this gap between natural and positive law "is the law dualism inherent in the jusnaturalist approach, that is, the assumption of the parallel existence and simultaneous operation of both natural law and positive law".[2]

However, E. V. Timoshina believes that Vladik Nersesyants reduces his analysis to archaic variants of jusnaturalism that "mainly belong to the ancient version of the natural law approach" and does not take into account the fact that the more modern versions of this doctrine are often monistic in nature. However, recognizing that philosophical and legal thought has paid a great deal of attention to the search for universal rational principles of law starting from the beginning of the Modern Era, Vladik Nersesyants believed that although it led the philosophy of law away from classical and logically consistent

jusnaturalism, movement in this direction did not completely remove it beyond this approach.

Regarding such philosophical and law doctrines as neo-Kantianism, neo-Hegelianism, phenomenologism, existentialism, intuitionism, etc., he wrote that their supporters (who often did not consider themselves jusnaturalists) "did not take" law to mean "natural law", but "as one or another version of "philosophical law" ("idea of law", "correct law", etc.)" (Nersesyants, 2006, pp. 787-788). These teachings, as Vladik Nersesyants emphasised, involve theoretical constructions based on various principles and values (such as freedom, justice, equality, human dignity, truth, etc.) when none of these values rises to the level of a universal and essential principle. Otherwise, the supporters of the corresponding approach should have interpreted these law principles and values as modifications of the essential principle, and not as principles equivalent to it. Consistent progress in this direction would lead, as the author emphasized, to overcoming the natural law approach itself. This is what Vladik Nersesyants (2006) meant when he noted that "the entire past and modern philosophy of law, except for the libertarian law concept..., represents some variants and versions of the jusnaturalist philosophy of law" (p. 50).

However, the main indicator that a particular theory does not go beyond the jusnaturalist type of law understanding is not its dualistic nature at all, but the absence of a clear distinction between law and morality as essentially different phenomena. It is this dividing thesis fundamental to libertarian law understanding that is disputed by E. V. Timoshina when she relates Vladik Nersesyants's theory to the natural law approach. In her opinion, the principle of formal equality only seems to be free from morality but in fact "presupposes certain moral assumptions: it is based on the reciprocity of recognition and respect for freedom. The recognition of another person's freedom is an ethical act (action) without which formal equality would not be possible and therefore one can speak about its own moral grounds" (Timoshina, 2018, p. 75).

Meanwhile, according to Vladik Nersesyants, the reciprocity of recognition and respect for freedom is not a "moral assumption" at all, but a prerequisite for *law* communication, that is, the ability inherent in the nature of humans as rational beings to perceive other people as equal

---

[2] Vladik Nersesyants (2006) recognized that "law dualism" is *partially* overcome (italics by the authors) in those philosophical and law concepts that, while remaining within the framework of natural law concepts, at the same time interpret natural law as a philosophical idea of law, as a philosophical concept of law, etc. "However," he noted, "even in these philosophical concepts, the corresponding idea of law, etc., is not brought to the concept of law statute (to a consistent legally formalised concept and the construction of positive law corresponding to the objective essence of law)" (p. 93).

subjects and communicate with them based on the law principle of formal equality. In the genesis of law, reciprocity as a genetic feature of human nature formed in the course of biosocial evolution acted as an independent source of the law principle with a corresponding essence. The ability to reciprocate led to the principle of retribution expressed in the Law of Talion, and the Golden Rule of normative regulation in its negative formulation ("Don't do unto others what you don't want done unto you"), and Kant's Categorical Imperative (which, in Vladik Nersesyants's interpretation (2006), appears as a *"modification of the principle of formal law equality"* (p. 623), and increasingly developed modern manifestations of the law principle of formal equality as an essential component of the law statute. After all, if we consider law as a phenomenon with a special essence, we proceed from the fact that this phenomenon is identical to itself, that is, it expresses its essence at all stages of development, starting from the moment of its inception (Nersesyants, 2004, pp. 232-233).

The difficulty faced by various interpreters of the non-positivist (essence-oriented) approach to the differentiation of law and morality proposed by Vladik Nersesyants lies in the fact that the tradition of recognising the generic unity of these phenomena established in philosophical and law thought is sanctified by I. Kant, who proceeded from the fact that morality and law are based on "one and the same practical law of freedom, differing from each other in that from the law perspective, they concern external actions (including their maxims), and from the moral perspective, they themselves become the determining basis of actions, serving as a pure obligation" (Guseynov, 2018a, p. 11). However, in his interpretation of the German philosopher's teaching, Vladik Nersesyants (2006) came to the conclusion that Kant's Categorical Imperative is one of the manifestations of the principle of formal equality and that, therefore, his "concept of the morality of law has a legal meaning and is significant for the philosophy of law precisely because and insofar as this morality itself is essentially legal" (p. 623). By the way, a similar view of the problem (although not expressed in such a categorical form) can be traced in the works of some philosophers. A similar position was held, for example, by German philosopher G. Simmel, who considered the moral law proposed by I. Kant as "a

force external to the individual and suppressing him, depriving him of individuality and responsibility" (Apresyan, 2021, p. 22), which, in terms of its impact on a person, is close to positive law. Well-known Russian expert in Kant's work E. Yu. Soloviev (1992), noting that in I. Kant's interpretation, "from the very beginning, the individual's morality has the sense of law capacity," asks the highly logical question: isn't Kant's ethics at all "not ethics, not an analysis of morality, but a full-fledged theory of law consciousness?" (p. 187).

Fundamentally different approaches to the *strategy of law development* are hidden behind the purely theoretical, at first glance, discrepancies between libertarian and natural law theories in the interpretation of the relationship between law and morality. If we assume that law as a system of human rights expresses certain moral universals, we will be forced (whether we want it or not) to link law with the ideas about these values that have been developed in the most law developed countries and regions of the world. This approach focuses on bringing the Russian legal system to the level of universal world standards of human rights and freedoms given to it from the outside in the formation of which Russia has not participated. Moreover, such standards appealing to basic moral universals in practice appear in the form of universal human values that are given a generally significant law character. In contrast, Vladik Nersesyants's libertarian law theory proceeds from the need for priority provision of institutional forms of freedom, that is, the creation of appropriate national institutions of a state governed by the rule of law. Based on this, there is now a need to develop a system of law that best suits Russian realities to meet the requirements of formal equality as the basis for coordinating the legitimate interests of all participants in legal communication. These differences between the two approaches are even more pronounced at the level of international legal relations. It is for these reasons that libertarian law theory is also rejected by those who believe that the formulation of moral universals and universal human values on which national and international law should be based is the prerogative of the chosen peoples who have created a culture of the law type.

It is also worth paying attention to the criticism of the libertarian law theory from the sup-

porters of the communicative law understanding[3], who consider law as a means of communication conditioned by the socio-historical context. So, for example, according to I. L. Chestnov (2021), the shortcomings of the libertarian lawl theory include the fact that it does not disclose the "historical and socio-cultural contextuality of the determination of the content of justice" and it lacks a "mechanism for determining justice" (p. 265). As for contextuality, it is worth recalling the words of Vladik Nersesyants (1996) that "different stages of the historical development of freedom and law in human relations have their own scale and measure of freedom, their own circle of subjects and relations of freedom and law, in a nutshell, their own content of the principle of formal equality" (p. 12). He gives concrete analyses of the historical and socio-cultural context of the development of freedom and law in many works, for example, in the monograph "Law and Statute", or in the monograph "Our Path to Law. From Socialism and Civilism" (relating to the socialist and post-socialist periods of Russian history), in the "Civilism Manifesto", etc. As for the fact that Vladik Nersesyants did not have any mechanism for determining justice, it is obvious that in a state governed by the rule of law (and he spoke specifically about this state), the mechanism for developing a just, that is, legal, solution is a democratic procedure of law formation during which quite concrete law-forming interests carrying the historical and socio-cultural contextuality of real life are coordinated on equally just principles.

Despite the ongoing criticism from various sides, Vladik Nersesyants's libertarian law theory has now occupied a firm position in the Russian philosophy of law. Nevertheless, as we rightly noted, this theory is "luckier to be mentioned than to be understood" (Grafsky, 2006, p. 159). It is indicative in this regard that there exist very serious disagreements with a number of concepts of Vladik Nersesyants's theory among the authors who position themselves as its supporters. This is partly because the libertarian

type of law understanding was in basic terms developed by Vladik Nersesyants back in the socialist period when the pathos of striving for freedom as the antithesis of arbitrary power attracted a number of researchers who were focused, rather, on the political and economic theory of neoliberalism in the spirit of L. Mises, F. Hayek, M. Friedman, and J. Buchanan substantiating the relationship of human rights with the free market economy. From these positions, they basically deny the law nature of social justice and the law nature of social state and do not recognise the theoretical relationship between the libertarian law understanding and the concept of civilism (Lapaeva, 2012, p. 377-392).

In this regard, it should be noted that the essence of such a neoliberal approach to understanding justice was most clearly and frankly formulated by F. Hayek (2006), who noted that people agree to "enforce uniform compliance with those rules that have significantly increased the chances of everyone to satisfy their needs, but they have to pay for it with the misfortune of unmerited failure for individuals and groups" (p. 239). This thesis, of course, could not be shared by Vladik Nersesyants (2006), for whom "unmerited failure" is injustice that goes beyond law. The social policy of the state meant to overcome such injustice to the extent that society, at this stage of development, can afford it, will, in his opinion, be of law nature if it does not go "beyond the boundaries of law compensation", that is, does not lead "to the emergence of privileges that violate law" (p. 509). Therefore, the compensatory principle[4], as one of the concretisations of the principle of formal equality, is a law principle that distinguishes public or private charity from the social policy implemented by the state within the boundaries of law. The amounts and directions of such compensation are the result of a decision taken within the framework of a democratic parliamentary procedure that is aimed at coordinating legitimate social interests.

---

[3] By the way, Vladik Nersesyants's theory does not exclude the recognition of law as a communication tool: for him, law is a means of communication carried out on the basis of formal equality of the parties.

[4] This approach echoes a number of theoretical constructions proposed by supporters of radical democracy (left-wing Western political philosophy) who interpret the idea of such legal compensation in the context of the "principle of democratic equivalence" (Laclau & Mouffe, 1985, p. 183).

The Concept of Civilism as a New
Post-Socialist Social System – the Author's
Development of a Libertarian Approach
to the Understanding of Law

In Soviet times, when revealing the principle of
legal formal equality as a trinity of equal meas-
ure, freedom and justice, Vladik Nersesyants
emphasised freedom and did not pay particular
attention to the topic of justice. After the collapse
of socialism, his prime task was to unmask the
arbitrariness of the new post-Soviet power which
manifested itself in the violation of justice in the
transformation of property relations. During the
post-Soviet period, Vladik Nersesyants devel-
oped this topic mainly in the context of the con-
cept of civilism (from Latin civis – citizen) as a
post-socialist system that could develop in the
country as a result of the legal desocialisation of
public property. In contrast to the hasty write-off
of socialism from the accounts of history in
which the powerful beneficiaries of post-socialist
transformations are interested, Vladik Nerses-
yants proposed a fundamentally different vision
of Russia's future prepared through the real and
only possible, in his opinion, socialism which
was implemented in its most complete form in
the USSR.

Vladik Nersesyants (1989) wrote that the
transition from socialist equalization to law, from
consumer property to individualized property,
that brings real profits and incomes should be
universal and should apply to all members of
society in accordance with the principle of uni-
versal legal equality (p. 3). Socialism, he be-
lieved, was not at all a tragic mistake of Russian
history, but a natural stage in the dialectical de-
velopment of mankind from capitalism as a soci-
ety based on private property, through socialism
as a complete denial of private property (anti-
capitalism), to a new social system based on a
new type of property – individual, that is, per-
sonalized, but at the same time not private, prop-
erty of every citizen of the country.

From the standpoint of this approach, all citi-
zens of the country are equal heirs of the former
public property. The concept of civilism was not
accepted by domestic (Chetvernin, 2003, pp. 46-
47) and foreign (Sproeder, 2004, pp. 35-38) lib-
erals who considered it one of the many versions
of pro-communist egalitarianism. Against this
background, social practices followed the most

illegal path of the so-called insider (and, in fact,
nomenclature-criminal) privatization, thereby
predetermining the extreme degree of illegitima-
cy of large property and blocking the normal de-
velopment of the country. It is not that this pri-
vatization was carried out in violation of the laws
in force at that time. And it is not that privatiza-
tion has resulted in an oligarchic form of owner-
ship of the main means of production. It is not
even that the oligarchs appointed by the govern-
ment have not become effective owners. The
main thing is that the *very idea of the resocializa-
tion of socialist property through its privatization
was initially non-law idea.* Vladik Nersesyants
pointed out that in a post-socialist country, legal
privatisation (that is, denationalisation of proper-
ty by transferring it to private individuals based
on the understanding of law) is impossible in
principle, since the socialist state represented by
the party-state nomenclature was not the owner
in the legal and economic senses of the concept
and therefore had no right to transfer it to private
hands at its own discretion.

As such an informed expert as the Chairman
of the Constitutional Court of the Russian Feder-
ation V. D. Zorkin (2021) put it, "it is privatisa-
tion, the manifestly unfair (and therefore non-
law) nature of which is recognised even by its
beneficiaries, that has become one of the main
causes of excessive social stratification and ex-
tremely uneven distribution of the burden of
economic reforms implemented in the country"
(p. 153). The problem of the legitimisation of
property that has come about as a result of privat-
isation, he writes, "will one way or another have
to be solved, and solved not behind the scenes,
but as part of a broad democratic discussion,
more precisely, within a model for finding a so-
lution which Vladik Nersesyants once described
as a kind of "social contract on property" (Zor-
kin, 2021, p. 163). The expected deterioration of
the economic situation of the broad masses in
Russia will inevitably put the idea of a more eq-
uitable distribution of social wealth on the agen-
da by reviewing the results of privatization.

Importance of Vladik Nersesyants's
Libertarian Law Theory for the Law
Understanding of Modern Trends in
Social Development

Is currently taking place that many workers are

losing their former connection with the state as a result of their transition into the ranks of the precariat (Standing, 2011). Moreover, in the foreseeable future, the advancing automation and robotisation of production processes will most likely force many of them out of their jobs altogether. All this significantly weakens the position of workers in the social contract underlying modern legal statehood and therefore undermines the foundations of law and order. The situation is aggravated by the ongoing processes of polarisation of the world's middle class (Milanovich, 2014), which is the main bearer of law and democracy, work ethics, etc.

From the point of view of the *concept of law statute* underlying the libertarian law approach that proceeds from the idea of the conceptual unity of law and a state governed by the rule of law, this weakening of the law nature of the state leads to the replacement of law regulation with regulators that are of an entirely different nature. This conclusion can be illustrated by the example of the idea of universal basic income that is now replacing the ideology of the social contract on the social state between representatives of labor and capital that dominated in the twentieth century. This is about guaranteeing each person (regardless of age, wealth, social status, etc.) a stable financial income necessary for life. This idea is currently being actively discussed all over the world, including Russia. For example, during the COVID-19 epidemic, when the governments of many countries allocated monthly disbursements towards helping their citizens without any conditions and targeted differentiation, there was a sharp surge in its actualization.

At first glance, the idea of universal basic income may seem to fit well into Vladik Nersesyants's concept of civilism. However, this view is erroneous (Lapaeva, 2021a, pp. 99-113). Unlike Russia, which, as a result of enormous efforts and sacrifices, has done the tough work of socializing property, developed countries have not created any prerequisites for the law transformation of the private property of individuals into the individual property of each citizen. Therefore, the guaranteed income of their citizens is just a fixed monetary allowance that comes about from the charitable offerings of owners to the benefit of non-owners. In Russia, however, if the concept of civilism is implement-

ed, civilian property will be exactly property (that is, income-generating property) in the law sense of the concept. Most importantly, it will be a qualitatively new property that is individual in its nature, without being private property, and that corresponds to the new inherent and inalienable right of ownership of each citizen to a specific share of the national heritage.

Another problem outlined above is the danger of dehumanisation of public life, and in the future – of people themselves as the final outcome of technological development. The most "advanced" technologies are now those related to human genome editing (Lapaeva, 2021b, pp. 4-35). Various approaches to the normative regulation of the creation and application of these technologies are concentrated in bioethics, where each problem is a complex tangle of intertwined legal, moral, and religious components. And if science and practice do not have a clear criterion for highlighting legal principles, it is impossible to offer a generally valid legal solution to the problem. There is no such criterion in bioethics, since it grew out of medical deontology and is guided in its legal aspects by the theories of natural law, which get along very well with the declarative and recommendatory international regulation dominating in this area at the "soft law" level within which legal norms in their very nature are combined with moral and religious regulators.

However, it has recently become increasingly obvious that "soft law" does not cope with the normative regulation of the creation and application of biotechnologies. The task of building full-fledged international legal regulation in this area of relations, long set by the world medical and biological community, needs to be addressed. The philosophy of law will be able to contribute to the solution of this problem only if it is able to properly distinguish law from moral and religious norms. And this can be done only based on the libertarian law theory, which, unlike the natural law doctrine, does not dissolve in public morality and religion, and unlike positivism, is not ethically neutral. Rather, it offers its own ethical principle, that is, its own principle of distinguishing between good and evil: good for law is equality in freedom, and evil is inequality in the form of any arbitrariness, including acting in the form of moral or religious requirements.

Conclusion

The libertarian approach to the understanding of law, which was the result of the author's comprehension of the achievements of world philosophical and legal thought, the experience of socialist lawlessness, and the difficulties of the first decades of the post-socialist development of Russia, fully confirmed its importance as a theoretical and methodological tool for studying law reality and, above all, as a criterion for distinguishing between law and arbitrariness in the legal form of. In recent years, criticism of this approach (especially sharp in the Soviet period) has significantly diminished. The libertarian law theory has taken a prominent place in both scientific and educational literature. The dissemination of this approach in Russian jurisprudence is also facilitated to an appreciable extent by the fact that the Institute of State and Law of the Russian Academy of Sciences holds annual all-Russian philosophical and law readings in memory of Vladik Nersesyants on the basis of which an entire series of collections of scientific papers has been published.

The concept of civilism, which is still to be accepted by society and even the scientific community of Russia, has not lost its relevance. As the impossibility of any normal option of Russia's return to the once interrupted capitalist path of development is being revealed and world capitalism itself is entering a state of systemic crisis in an increasingly deeper way, the general public is now faced with the task of searching for some other, new future.

Russia's participation in this discourse is now significantly hampered by a number of circumstances, the main one of which is most likely that in Russian society, as academician A. A. Guseynov (2018b) rightly noted, "there's no real aspiration for the future understood as a qualitative renewal of life forms. That is, we've lost the taste for historical existence, the interest in our historical existence. ...It is as if... we do not want a future in which there will be no violence, social injustice. ...In short, we must admit: we have problems with the future" (p. 244). The theory of civilism offers its own version of the post-socialist and post-capitalist future in which the idea of social justice takes a qualitatively new law form. Vladik Nersesyants himself was sure that the dialectics of world history, with its powerful charge of historical optimism, would sooner or later bring the idea of civilism to the surface of public life.

References

Apresyan, R. G. (2021). *Ideya moral'noi universal'nosti v istorii filosofii* (The idea of moral universality in the history of philosophy, in Russian). In *Uniwersal'nost' v morali* (Universality in morality, in Russian) (pp. 86-123). Moscow: Sandra.

Chestnov, I. L. (2021). *Kontsept "spravedlivosti" v post-sovetskom obshchestve* (The concept of "justice" in the post-Soviet society, in Russian). In *Spravedlivost' v postsovetskom* pravoporyadke (Justice in the post-Soviet legal order, in Russian) (pp. 257-267). Moscow: Yurlitinform.

Chetvernin, V. A. (2003). *Vvedeniye v kurs obshchey teorii prava i gosudarstva* (Introduction to the course of the general theory of law and state, in Russian). Moscow: Norma.

Grafsky, V. G. (2006). *Integral'naya (obshchaya, sintezirovannaya) yurisprudentsiya kak teoreticheskoye i prakticheskoye znaniye* (Integral (general synthesized) jurisprudence as theoretical and practical knowledge, in Russian). In *Nash trudnyy put' k pravu. Materialy filosofsko-pravovykh chteniy pamyati akademika V. S. Nersesyantsa (Our difficult path to law. Materials of philosophical and legal readings in memory of Academician V. S. Nersesyants, in Russian)* (pp. 140-167). Moscow: Norma.

Guseynov, A. A. (2018a) *Moral' i pravo: liniya razgranicheniya* (Morality and law: A demarcation line, in Russian). *Lex Russica, 8,* 7-22. doi: 10.17803/1729-59-20.2018.141.8.007-022

Guseynov, A. A. (2018b). *Vystupleniye na panel'noy diskussii 13-kh Mezhdunarodnykh likhachevskikh chteniy* (Speech at the panel discussion of the 13th International Likhachev Readings, in Russian) (pp. 243-244). Saint Petersburg: St. Petersburg Humanitarian University of

Trade Unions

Hayek, F. (2006). *Pravo, zakonodatel'stvo i svoboda* (Law, legislation and freedom, in Russian). Moscow: IRISEN.

Laclau, E., Mouffe, Ch. (1985). *Hegemony and socialist strategy towards a radical democratic politics*. London-New York: Verso.

Lapaeva, V. V. (2012). *Tipy pravoponimaniya: yuridicheskaya teoriya i praktika* (Types of law understanding: Legal theory and practice, in Russian). Moscow: Russian Academy of Justice.

Lapaeva, V. V. (2021b). *Pravo tekhnogennoy tsivilizatsii pered vyzovami tekhnogennoy degumanizatsi*i (The law of technogenic civilization in the face of the challenges of technological dehumanization, in Russian). *Pravo. Zhurnal vysshey shkoly ekonomiki* (*Law. Journal of Higher School of Economics, in Russian*), 3, 4-35. doi: 10.17323/2072-8166.2021.3.4.35.

Lapaeva, V. V. (2021a). *Ideya bezuslovnogo bazovogo dokhoda i kontseptsiya tsivilizma: razlichiya v filosofsko-pravovykh osnovaniyakh* (The idea of an unconditional basic income and the concept of civilism: differences in philosophical and legal foundations, in Russian). *Gosudarstvo i pravo (State and Law, in Russian*), 6, 99-113. doi: 10.31857/S-102694520015042-7

Martyshin, O. V. (2002). *O libertarno-pravovoy teorii prava i gosudarstva* (On the libertarian legal theory of law and the state). *Gosudarstvo i pravo (State and Law, in Russian), 10,* 5-16.

Nersesyants, V. S. (1979). *O ponimanii sovetskogo prava* (On the understanding of Soviet law, *in Russian*). Sovetskoye *gosudarstvo i pravo (Soviet State and Law, in Russian), 7,* 56-74.

Nersesyants, V. S. (1983). *Pravo: mnogoobraziye opredeleniy i yedinstvo ponyatiya* (Law: Variety of definitions and unity of the concept). Sovetskoye *gosudarstvo i* pravo *(Soviet State and Law, in Russian), 10,* 26-35.

Nersesyants, V. S. (1989). *Zakonomernosti formirovaniya i razvitiya sotsialisticheskoy sobstvennosti* (Patterns of formation and development of socialist property). Vestnik Akademii nauk *(Bulletin of the Academy of Sciences of the USSR, in Russian), 9,* 3-13.

Nersesyants, V. S. (1996). *Pravo - matematika svobody* (Law is the mathematics of freedom, in Russian). Moscow: Lawyer.

Nersesyants, V. S. (1998). *Hegelian philosophy of law* (Hegel's philosophy of law, in Russian). Moscow: Lawyer.

Nersesyants, V. S. (2002). *Filosofiya prava: libertarno-yuridicheskaya kontseptsiya* (Philosophy of law: Libertarian legal concept*, in Russian*). *Voprosy filosofii (Questions of Philosophy, in Russian), 3,* 3-15.

Nersesyants, V. S. (2004). *Obshchaya teoriya prava i gosudarstva* (General theory of law and state, in Russian). Textbook for universities. Moscow: Norma.

Nersesyants, V. S. (2006). *Filosofiya prava* (Philosophy of law, in Russian). Textbook for universities. Moscow: Norma.

Soloviev, E. Yu. (1992). *I. Kant: dopolnitel'nost' morali i prava* (I. Kant: Complementarity of morality and law, in Russian). Moscow: Science.

Sproeder, A. (2004). *Stichwort Zivilismus. Geschichtskonstruktion und politisches Programm in der Rechtsphilosophie von V. S. Nersesjans* (The keyword is civilizm. Historical construction and political program in the legal philosophy of V. S. Nersesjans, in German). In *Russische filosofie na de perestrojka* (Russian philosophy of perestroika, in German) (pp. 35-38). Hamburg.

Standing, G. (2011). *The Precariat: The new dangerous class*. London: Bloomsbury.

Syrykh, V. M. (Ed.) (2008). *Problemy teorii gosudarstva i prava* (Problems of the theory of state and law, in Russian). Textbook for high schools. Moscow: Russian Academy of Justice.

Timoshina, E. V. (2018). *Razdelitel'nyy tezis libertarno-yuridicheskoy teorii i osnovaniya deystvitel'nosti prava* (Separation thesis of libertarian legal theory and the foundations of the validity of law, in Russian). *Trudy Instituta gosudarstva i prava RAN (Proceedings of the Insti-*

tute of State and Law of the Russian Academy of Sciences, in Russian), 13(4), 57-82.

Zorkin, V. D. (2021). *Desyat' lektsiy o prave* (Ten lectures on law, in Russian). Moscow: Norma.

MUHAMMADIYAH ORGANIZATION'S ADVOCACY IN INDONESIA: PERSPECTIVE OF TRANSCENDENTAL JUSTICE

Fanny Dian SANJAYA [1] | Absori ABSORI [1] | Khudzaifah DIMYATI [1,*] |

Kelik WARDIONO [1]

1 Universitas Muhammadiyah Surakarta, Surakarta, Indonesia

* Correspondence
Fanny Dian SANJAYA, Universitas Muhammadiyah Surakarta, Pabelan Street, Kartasura, Surakarta, Indonesia
E-mail: fannydiansanjaya@gmail.com,

Abstract: Legal advocacy in the form of legal aid is crucial for all people as the bad application of law enforcement ironically leads to a condition where the law spoils some groups while simultaneously marginalizing others in society. Muhammadiyah, one of the largest Islamic organizations in Indonesia provides legal aid based on transcendental values to enforce one of its pillars, which is obeying all of Indonesia's laws and regulations. Methods: This research was carried out using the normative empirical method by combining the normative and empirical legal research methods through a judicial case study. This legal aids on the philosophical thougt to help the citizen without violates the rule of law. Result and Discussion: The laws applied for judicial review include laws on Oil and Gas, Hospitals, Social Organizations, and Water Resources. This legal aid emphasizes divine values sourced from religious teachings and philosophies to became a base of action. Legal aid etymologically means the effort to achieve virtues without violation, this means no need a vandalism at al. Conclussion: Transcendental justice-based legal aid is also a basis on how the positive law on legal aid applies with the basis of the values of ethics, morals, and transcendence.

Keywords: advocacy, legal aid, transcendental justice, muhammadiyah, Indonesia.

Introduction

Access to justice is emerging as an important contemporary legal topic, both in national and international law. In international law, access to justice norms provided rights to individuals both within the context of but also (and arguably even more notably) outside the classical human rights regimes of the famous multilateral treaties such as the International Convention on Civil and Political Rights (ICCPR) or the European Convention on Human Rights (ECHR) (Gruodyte & Kirchner, 2012). Advocacy means defense that is carried out in various sectors, including the polit-

ical, social, economic, cultural, health, and legal sectors. In law, advocacy is known as legal aid.

The Republic of Indonesia's 1945 Constitution Article 1 clause (3) states, "Indonesia is a legal state". This means that it acknowledges protection of the human rights. Legal aid is a human right that is universally stipulated in IC-CPR Article 16, which states, "Everyone shall have the right to recognition everywhere as a person before the law". Legal acknowledgement and protection are manifested by the legal state in the form of access to justice and equality before the law.

Advocacy concerns politics and change; values and beliefs; as well as awareness and knowledge. It influences authorities on issues concerning the people, especially the marginalized ones. Advocacy builds a strong democratic organization to make authorities liable. It increases people's skills and knowledge of how power works (Miller & Covey, 2005, pp. 11-12). Legal advocacy or legal aid is more than advocacy on criminal, civil, or state administrative cases, as these cases are an excess of the legal regulation formation that ignores justice values, leading to bad law enforcement.

In the Indonesian positive law, there are three legal aids with different definitions, legal protection, and sources of funding. These legal aids are: (1) legal aid for the poor, regulated in the Law on Legal Aid (LLA), funded by the State Budget through the Ministry of Law and Human Rights and allocated for the poor and the needy; (2) pro bono legal aid, regulated in the Law on Advocacy (LA), funded by advocates for those who require legal aid; and (3) pro deo legal aid, regulated in the Law on Judicial Power (LJP), funded by the State Budget through the Supreme Court. The LLA Article 1 number 1 defines legal aid as a legal service given freely by legal aid providers to legal aid recipients. LA Article 1 number 2 states that legal services are provided by advocates by providing legal consultation, legal aid, representing, accompanying, advocating, and carrying out other legal actions for clients. LJP regulates legal aid in Article 56 clause (1), which states that everyone involved in a case has the right to legal aid. These three legal aids help people obtain their rights to be assisted by an advocate freely.

The government tried to handle the issue of advocates' unwillingness to help the poor due to a lack of economic profit by issuing Law No. 16 of 2011 on Legal Aid. Through this law, the state provides funds for the advocate that provide legal aid for the poor. Unfortunately, this creates new issues as the requirements are difficult to fulfill (Raharjo et al., 2016). For instance, the aid beneficiaries must attach a document which states that they are poor, issued by the Head of the Village, the Police Investigators, the Attorney, the Court, and the State Corrective Institution. In reality, many people with legal issues are not poor, but they have no money to pay for the advocates' honorariums. Thus, they cannot obtain letters stating that they are poor. The legal aid regulated in the positive law cannot reach people with no legal awareness.

The state does not maximally organize the application of legal aid for poor people and it is not evenly distributed to the regions. This is because many poor people do not understand their access to legal aid (Kusumah & Wijaya, 2019). In many poorer countries, justice is inaccessible to a large number of people simply because they are unaware of laws and legal institutions, not to mention specific legal rights. In such situations, it is not just a question of having access to legal representation; access to justice initiatives must first address this lack of knowledge by bringing basic legal awareness or legal literacy to the general population (Arifin, 2016).

Legal aid policy and its practices in Indonesia are not optimally conducted, both economically and structurally, to provide equitable access to justice for the poor. Some proposals may be submitted to guarantee the fulfillment of equal access to justice, namely:

1. Extending the scope of legal aid to not only be for those who are economically poor, but even to those who are structurally poor.

2. Sufficient budget allocation. The average number of cases that need to be assisted by a legal aid scheme in any court can annually be estimated. The number of appropriate incentives for lawyers who provide legal assistance can be calculated. The amount of budget allocation to support the achievement of equitable access to justice can be determined then by these two things. The right to access justice is a part of human rights, so local governments are responsible to allocate the budget to fulfill that human right in their regions.

3. Organization management of legal aid that

supports the achievement of the objectives. Legal aid should be obliged, not only to legal aid institutions but also to professional advocates when they are appointed.

4. The formalistic requirements to obtain a legal aid scheme should be directed to the terms that substantively support the achievement of the goals or the objectives to provide legal aid, such as only the institution or professional advocate who has applied legal aid program activities would have an incentive of legal aid fund. Terms of legal incorporation, accreditation, and permanent office, can become facultative requirements.

5. The quality of legal aid services and the implementation of the performance should be evaluated based on the client or recipient's investigation. Unused legal aid funds can be prevented by implementing the proposal principle, where there is a case, there is the incentive

6. Coordinative and facilitative institutional support. Since legal assistance is also given in the judicial process, the role of law enforcement institutions in the implementation of legal assistance should also be provided in the legal aid provision to support the more comprehensive and coordinative implementation (Sundari, 2014).

The failure to provide adequate legal aid takes an enormous toll not only on the poor but also on the public as a whole. The absence of adequate representation and the subsequent denial of access to public resources imposes significant social and economic costs on society (Young, 1991). Institutionally, legal aid organizations aim to guarantee legal aid recipients' constitutional right to access justice according to the principle of the same position in the face of the law. Article 2 of the LLA states that it aims to create an effective, efficient, and liable justice. But LLA states that legal aid is only given to the poor, which unfortunately fails to touch all incompetent, legally blind, marginalized, and *mustad'afin* (weak) people. The current legal aid is incapable of creating justice for all justice-seekers. The current LLA does not regulate legal aid mechanisms to examine regulations under the law or the constitution, even though the issued legal products are discriminative and they violate the nation's ideals.

Even though legal aid organizations have organizationally been accredited and verified by the government, legal aid is still applied by the advocates under them. The advocate profession has a core role in the application of the LLA. Thus, legal issues in this profession influence the application of legal aid. The nobility of legal aid organizations depends on the advocates' nobility. Law No. 18 of 2003 on Advocates (LA) Article 1 number 1 defines advocates as people that professionally provide legal services, within or outside of trials. All litigation and non-litigation legal aid of legal aid organizations are carried out by advocates.

However, some advocates violated their oaths and code of ethics. Indonesia Corruption Watch (ICW) released 22 advocates that were involved in corruption cases from 2005 to 2018 (Saputra, 2018). Legal violations by advocates influence the provision of legal aid. It also decreases people's trust to access legal aid.

These issues happened due to moral degradation. Morals or ethics are the basis of law. The lack of them can result in bad actions of individuals, groups, or state officials (Rahardjo, 2008, p. 227). The next phenomenon is the arrival of legal practitioners along with large capital, following the development of globalization and modern capitalism. Megalawyering started in the US, which colored that country's modern corporative legal practice with strong organizational segments. With their great organization, structure, and capabilities, some mega lawyers, legal firms, and colleagues expanded their geographic reach through the information access and network of contacts that allowed the seeking of suitable local partners. Thus, mega law firms build national and international organizations.

Marc Galanter states that mega lawyering is no less than capitalism in the lawyering practice. Legal practice is no longer a purely legal job, but it opened doors for services towards the capitalist economy. The law and business sectors combined to form a new lawyering model (Jackson, 2021). Galanter states, "The legal profession emphasizes business facilities rather than striving to ease the suffering of humans and help people." Therefore, Indonesia is clearly facing a great challenge as it strives for "Pancasila legalism" (legal practice based on Indonesia's five pillars) that is filled with moral contents, rather than

"liberal legalism" that supports capitalism and liberalism (Rahardjo, 2003, p. 52).

Neutral and objective legal aid is crucial to face liberalism and capitalism-based paradigms in the legal formulation. There is no guarantee of the legal aid's quality even though it is based on the positive law. Even so, as implementers of legal aid, advocates should stay true to their oath, with states that they will not carry out corruption, collusion, and nepotism in their work. They will act honestly, fairly, and responsibly based on law and justice. They will provide advocacy or legal aid to cases that are part of their profession's responsibility as an advocate.

The profession of an advocate is based on the spirit of helping people seek justice. Artidjo Alkostar states that so that advocates' *officium nobile* is guaranteed, advocates should be honest, brave, intelligent, persistent, and patient in their work (Yuwono, 2011, p. 33). In carrying out their profession, advocates need organizations, associations, teams, or alliances with the same goals to provide legal aid. The legal aid provided is based on transcendental justice sourced from the advocates' oath (religious values), advocates' code of ethics (moral values) and organizational vision and missions. It aims to balance out corporative legal practices based on modern capitalism. One of these advocate associations is the Law and Human Rights Assembly of Muhammadiyah which strive for the interests of fellow Muslims to access justice *(Pimpinan Pusat Muhammadiyah*, 2019, p. 7).

Methods

This research was carried out using the normative empirical method by combining the normative and empirical legal research methods through a judicial case study. Researchers collected data from surveys, observations, and interviews. The data included regulations that govern legal aid. These data were then analyzed using the philosophical approach. The researchers analyzed data on Muhammadiyah's legal aid in the form of applications for judicial review on laws that were deemed to violate the 1945 Constitution by Indonesia's Constitutional Court. It is hoped that this article can provide an alternative legal aid from the perspective of transcendental justice.

Results

Muhammadiyah was born with three identities, namely *tajdid* (reform), *da'wa amr ma'rūuf* (promoting good), and *nahy munkar* (preventing evil) movements. *Tajdīd* movement was inspired by the teachings of Prophet Muhammad on the importance of having a reformist to revitalize religion at every course of history and civilization. The *amr ma'rūf* and *nahy munkar* movement is a commitment to implement the Qur'anic teachings on the responsibility of groups of the *umma* (community). It aims to promote good and prevent evil to attain happiness and welfare (Baidhawy, 2015a). Muhammadiyah is a socio-religious organization focusing on the importance of employing a modern and rational understanding of Islam (Baidhawy, 2015b). In this case, legal aid essentially is a committed struggle against injustice for peaceful and prosperity (Al-Hamdi, 2013). It is a way of striving (*jihad*) with all efforts, based on the Qur'an, Chapter Al-Ankabut (The Spider) verse 69: "As for those who struggle in Our cause, We will surely guide them along Our Way. And Allah is certainly with the good-doers".

Such aid is based on transcendental values that are in line with the norms of the constitution. Legal aid contains the struggle to aid the weak, where the state must prioritize their protection to manifest justice (Arizona & Chandranegara, 2017). Such programs were pioneered in Muhammadiyah during the leadership of Prof. Muhammad Sirajuddin Syamsuddin as the General Manager of the Head of Muhammadiyah Center from 2005 to 2015. In 2009, experts of various disciplines found that in reality, some legal regulations violated the ideals written in the Preamble of the 1945 Constitution. Inspired by the actions of Kyai Haji Ahmad Dahlan (the founder of Muhammadiyah) in fixing the direction of prayer in mosques, these experts wanted to fix the nation's direction so that it is according to the 1945 Constitution. An effort to this is striving to achieve justice for the people through legal aid.

For Muhammadiyah, the followers and or members of this organization must revive the spirit of reform as its branding image since the beginning to formulate a theologically more firmed basis for Islamic moderatism (Hilmy, 2013). Muhammadiyah strived to increase the spirit of reform through efforts of law and human

rights enforcement *(Pimpinan Pusat Muhamma-diyah*, 2019, p. 27). Syaiful Bakhri, Head of the Muhammadiyah Legal Assembly as well as the head of the material review team stated that his team found 115 laws that violated the constitution. Most of those problematic laws are Post-Reformation legislative products. But it was impossible to review the whole material (The Republic of Indonesia's Constitutional Court, 2015b).

Muhammadiyah keeps on reviewing laws that are deemed to violate the 1945 Constitution to uphold sovereignty, justice, and welfare (Syamsudin, 2014, p. 134). Departing from that review, in Muhammadiyah's One Century *Muktamar* (Great Meeting) in Yogyakarta, Muhammadiyah established "Constitutional Jihad" to review laws that violate the 1945 Constitution. Constitutional Jihad is a legal aid from Muhammadiyah for Indonesians to achieve sovereignty, justice, and welfare.

The Muhammadiyah legal aid was carried out based on the power of the Head of the Muhammadiyah Center to the Assembly Team of Law and Human Rights to test laws against the 1945 Constitution at the Republic of Indonesia's Constitutional Court. These were the legal aid carried out by Muhammadiyah that were granted by the Constitutional Court from 2010 to 2020:

1. *Number 36/PUU-X/2012 (Judicial Review of Law No. 22 of 2001 on Oil and Gas (Republic of Indonesia's State Fascicle of 2001 No. 136, Republic of Indonesia's Additional State Fascicle No. 4152).*

One of the Applicant's Legal Standing was that Applicants I to IX incorporated legal subjects in Indonesia that generally aimed to form a civilized societal order or the true Islamic society *(al-mujtama' al-madani)* through various efforts in assisting, developing, advocating, and renewing society in the sectors education, health, social services, societal empowerment, national political roles, etc. The demand for review on *a quo* articles in the Law on Oil and Gas was the organization's mandate to create a truly Islamic society through the enforcement of the constitution, as reflected in the Articles of Association and/or Deed of Establishment (Syamsudin, 2014, p. 11). The Basis and Core of the Application were that the Indonesian nation has legal ideals (rechtsidee) in the life of the society, nation, and state, which is the Preamble of the 1945 Constitution. It directs the life of the Indonesian nation to build an independent, sovereign, just, and prosperous state.

The Preamble of the 1945 Constitution contains Pancasila, which is the source of all legal sources in Indonesia. Its five pillars are: (1) Belief in the one and only God, (2) Just and civilized humanity, (3) The unity of Indonesia, (4) Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives, (5) Social justice for all people of Indonesia. Indonesia's 1945 Constitution is inspirited by Pancasila which is the foundation of the constitution. From the perspective of Indonesia, the formation of law is the explanation of the Pancasila into legal regulations. Thus, any law that violates Pancasila has betrayed the values of religion, nationality, plurality, social justice, and the one-ness of law. From the start, the Law on Oil and Gas caused controversies as it was not inspirited by Pancasila.

The formation of the Law on Oil and Gas was based on the international demand to reform the energy sector. This reformation included reforming the price of energy and the institutional reformation of energy management. Energy reformation does not only focus on the efforts to revoke subsidies on gasoline but also to permit international corporations to expand their oil and gas businesses in Indonesia.

A form of international demand was carried out through the Memorandum of Economic and Finance Policies (IMF Letter of Intent) on January 20th, 2000. It concerned the monopoly of the oil and gas industry that was deemed to cause rampant inefficiency and corruption at that time. Thus, the Law on Oil and Gas was issued in 2001 to accommodate foreign pressures and interests. Thus, the monopoly of oil and gas management through the State-Owned Business Enterprise in Law No. 8 of 1971 which was a symbol of state enterprise in oil and gas management shifted. It changed into the corporate oligopoly concept due to the formation of the Law on Oil and Gas.

International interests that infiltrate all political considerations taken in the Law on Oil and Gas made its formation possibly deformed as it aimed to violate the mandate of Article 33 of the 1945 Constitution, even though it went through formal procedures. Thus, the state control of production branches that had power over the inter-

ests of many people's lives is merely a constitutional illusion (Syamsudin, 2014, pp. 17-18).

2. *No. 38/PUU-XI/2013 (Judicial Review of Law No. 44 of 2009 on Hospitals (Republic of Indonesia's State Fascicle of 2001 No. 153, Republic of Indonesia's Additional State Fascicle No. 5072) (The Republic of Indonesia's Constitutional Court, 2014a).*

One of the applicant's legal standings was that the Muhammadiyah Organization was established in Yogyakarta, on November 18th, 1912 has an identity of an Islamic Movement and its slogan was *Da'wah Amar Ma'ruf Nahi Munkar* (inviting people to the command to do good deeds and preventing evil) with Islamic principles, sourced from the Holy Qur'an and Sunnah (sayings of Prophet Muhammad) to uphold Islam to create the true Islamic society. Based on the Muhammadiyah's legal basis as an incorporated institution, identity, and goals, it established various businesses in the education, economic, social, and health sectors (The Republic of Indonesia's Constitutional Court, 2014a).

The Basis and Core of the Application were that stipulations in the Law on Hospitals do not protect to create harmony in society. They do not reflect the principle of humanity that protect the human rights of citizens, as this law opens the chance for the occurrence of different treatments to citizens. It violates the principle of togetherness as it does not see all national elements as an integral part of the Indonesian state and nation. It does not reflect the *bhinneka tunggal* (together but one) principle as it uses a class-based approach. It violates the justice principle as it does not provide proportional services to all citizens. It violates the principle of the same position in the law and government as it differentiates between government-based and private-based statuses. It violates the principle of legal order and certainty as it emphasizes the principle of discrimination and nullifies private ownership. It violates the principle of balance and harmony as its substances violate the constitution.

The Law on Hospitals violate the principle of protection as it does not provide protection because Muhammadiyah has tried to establish hospitals to protect people's constitutional rights, but ironically, it was threatened with legal sanctions. It violates the principle of humanity as it does not respect the rights of the Muhammadiyah people and does not acknowledge the Applicant's constitutional rights to collectively develop public welfare in the health service sector. It violates the principle of nationality as it is far from the pluralistic character of the Indonesian nation. It violates the principle of togetherness as it does not see the Applicant as an element of the nation that participates in providing health services. It does not reflect the *bhinneka tunggal* principle as it discriminates against Muhammadiyah in establishing a hospital to provide health services. It violates the principle of justice as it does not provide proportional services towards the administrative needs of the Muhammadiyah hospital.

In the Law on Hospitals, only state-owned hospitals have their legal status acknowledged even though they are managed by similar institutions. Meanwhile, Muhammadiyah which already has an incorporated status did not have its constitutional rights guaranteed. The law failed to reflect the principle of legal order and certainty as it discriminates and nullifies the ownership of Muhammadiyah of the Muhammadiyah Hospital under the harborage of the Muhammadiyah Organization, as a manifestation of collective rights to strive for the nation and the state in the health sector (The Republic of Indonesia's Constitutional Court, 2014a, pp. 32-34).

3. *No. 82/PUU-XI/2013 (Judicial Review of Law No. 17 of 2013 on Societal Organization (Republic of Indonesia's State Fascicle of 2013 No. 115, Republic of Indonesia's Additional State Fascicle No. 5430)* (The Republic of Indonesia's Constitutional Court, 2014b).

One of the applicant's legal standings was that the Muhammadiyah Organization is based on Islamic values, to uphold the Islamic religion to create an ideal Islamic society. Based on its legal basis as an incorporated organization, identity and goals, Muhammadiyah established various businesses in the education, economic, social, and health sectors (The Republic of Indonesia's Constitutional Court, 2014b, p. 4).

The Basis and Core of the Application was the narrow interpretation of Law No. 17 of 2013 on Societal Organization which is supposed to give the freedom to make associations. The state should provide legal guarantees and protection to the freedom of making associations, rather than making limitations that lead to disintegration. This law limits societal organization that has a national scope, although it is guaranteed by the 1945 Constitution. It regulated the administrative

format and the number of administrators, which is the lawmakers' misconception in understanding what societal organizations are, as such regulations are suitable for political parties. Meanwhile, societal organizations are not political parties.

The registration mechanism of societal organizations without an incorporated status should not be at the regulation level. Instead, the sectoral ministry's regulatory regulations are enough. That should also apply only to the organizations that seek to manage some of the Central or Regional State Budgets. The law also determines that social organizations should manage member fees according to the accounting standard although such is unnecessary, as anything the societal organizations carried out is its own prerogative right (The Republic of Indonesia's Constitutional Court, 2014b, pp. 16-22).

4. No. 85/PUU-XI/2013 (Judicial Review *No. 7 of 2004 on Water Resources (Republic of Indonesia's State Fascicle of 2004 No. 32, Republic of Indonesia's Additional State Fascicle No. 4473)* (The Republic of Indonesia's Constitutional Court, 2015a).

One of the applicant's legal standings was that the Muhammadiyah Organization is based on Islamic values, to uphold the Islamic religion to create an ideal Islamic society. Based on its legal basis as an incorporated organization, identity and goals, Muhammadiyah established various businesses in the education, economic, social, and health sectors (The Republic of Indonesia's Constitutional Court, 2015a, pp. 5-6).

The Basis and Core of the Application were that water is a vital need of all creatures. Thus, it must just be regulated to provide maximum benefit. Islamic teachings have determined the importance of water as a source of life. Many verses of the Qur'an mention water. There are 63 verses and other words that are directly related to water. Rain was mentioned in 44 verses, rivers were discussed in 54 verses, seas were discussed in 28 verses, water springs were mentioned in 23 verses, clouds and cloudy weather was discussed in 21 verses, the wind was mentioned in 33 verses, and ice was stated in 1 verse.

The Qur'an views water as a crucial essence for the life of all creatures on earth, as stated in Chapter An-Nahl (The Bee) verse 65, "And Allah sends down rain from the sky, giving life to the earth after its death. Surely, in this is a sign

for those who listen". A similar phrase where water is "giving life to the earth after its death" was also mentioned in Chapters Al-Baqarah (The She-Cow): 164, Al-Ankabut (The Spider): 63, and Ar-Ruum (The Romans): 24. Even, when talking about the early creation of the world and the universe the Qur'an, all creatures were said to start from water.

The Indonesian law gives loose regulations on foreign capital in managing water resources. This cannot be separated from the historical fact of how the law was created. It started from the government's need towards donor institutions that will give funding to aid the crises faced by Indonesians, where one of the requirements in the agreement between the government and the International Monetary Fund (IMF) was the presence of a structural adjustment. Thus, when the memorandum of understanding between Indonesia and IMF was signed, there were some requirements related to water resources and the environment, some directly associated with conglomeration and trade regulations.

Apart from that, the World Bank also gave a requirement for loans directly related to forest and natural resource management. This shifted the definition of water, from a public facility into an economic commodity to gain profits. This shift can be seen in regulations on the usage permit of water businesses given to private companies. The usage permit that was a basic instrument in Law No. 7 of 2004 adopted the water rights instrument in the water sector policies of the World Bank.

The usage permit that had similar principles and regulations as the water rights instruments became a basis for the application of water commercialization. It limited water usage for daily needs and agricultural irrigation. People's activities outside of that and private businesses are categorized as commercial activities and are demanded to obtain business permits. Water usage in the category of business usage permit is imposed with fees.

The fewer forms and amount of water usage by society in the non-business category means that there is a greater allocation of water for commercial needs. Thus, water sources will be monopolized by capital owners for commercial objectives. People's efforts to increase their life quality are inhibited by those limitations. The law can cause conflicts between river regions,

especially those with proximate administrative areas.

This leads governments of certain administrative areas to argue the importance of exploiting water for certain business needs, such as mineral water companies, packaged water companies, and water-powered plants. This law makes water a state asset that can be used for the maximum benefit of individuals or private companies from the local area or from foreign countries. The law also stated the phrase, "organizations that are active in the water resource sector" that violated the core principle of law enforcement, namely legal acknowledgement, legal guarantee, legal protection, and legal certainty, as well as the same treatment in the face of law (The Republic of Indonesia's Constitutional Court, 2015a, pp. 14-34).

Discussion

Muhammadiyah, through its supporting element, the Law and Human Rights Assembly, provided advocacy in the legal aid sector by forming the Law and Human Rights Assembly Team of the Head of the Muhammadiyah Center. It consisted of Muhammadiyah advocates that are part of the Muhammadiyah Advocate Association, legal academicians/researchers that are part of the Dean Forum of the Muhammadiyah Faculties of Law and Law Schools, advocates under the harborage of legal aid consultation/institutions under Muhammadiyah universities, up to advocates that are part of the Muhammadiyah Legal Aid Service.

Apart from being Muhammadiyah's effort to enforce the law, legal aid is a manifestation of the ten characteristics of Muhammadiyah, including obeying all valid laws, regulations, stipulations, as well as state foundations and philosophies. Another characteristic is acting justly and being wisely corrective to the inside and outside of the organization. The legal aid given based on Muhammadiyah's analysis and research was carried out when there were laws that violate the constitution or that are unjust as they only benefitted certain parties and bring loss to society. Such legal aid was not given based on the application of legal aid recipients or seekers of justice. Legal aid in the constitution is the struggle in achieving a main idea that complies with all val-

id laws, regulations, stipulations, as well as state foundations and philosophies. It is also a manifestation of being just and corrective.

The legal aid carried out was sourced from Islamic teachings as stipulated in the Muhammadiyah Preamble to the Articles of Association. This legal aid emphasizes divine values sourced from religious teachings and their philosophies that inspirit the application of legal aid. Legal aid etymologically means the effort to achieve virtues. Thus, Muhammadiyah's advocacy aimed to achieve virtue.

The struggle to reach this main idea can only succeed through the organization. The organization is the only instrument or the best method of struggle (Nashir, 2013, pp. 28-29). This main idea was formulated in the Preamble to the Articles of Association as follows, "To achieve the creation of a civilized society, with the blessings and mercy of God, encouraged by God's words in the Qur'an:

الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ وَلْتَكُنْ مِّنْكُمْ أُمَّةٌ يَّدْعُونَ اِلَى وَاُولٰٓئِكَ هُمُ الْمُفْلِحُونَ ۚ عَنِ الْمُنْكَرِ

"Let there be a group among you who call 'others' to goodness, encourage what is good, and forbid what is evil-it is they who will be successful".

Then, the meaning of transcendence in legal morality is the placement of religion and divine values as an axis for the creation of law and the development of the legal system. Values in the legal system do not depend on humans and their rationality, but on God through transcendentalism. By placing support on the highest value in that realm, the legal system built upon it will never lose its direction nor falter from its foothold (Rahardjo, 2016).

In this perspective, the law is the result of human objectification and interpretation towards the revelation and spirit that come with it (Wardiono, 2014, pp. 143-145). According to Kuntowijoyo, transcendence is based on three things, i.e., humanization (*amar ma'ruf* or encouraging good deeds), liberation (*nahi munkar* or preventing evil), and transcendence (faith). These three bases are requirements for the arrival of human choice. If it is contextualized in law enforcement in Indonesia, it is the arrival of law enforcers with good morals that are responsive and progressive. It is hoped that in the future,

they can improve the ongoing crises in law enforcement (Riyanti, 2018).

In Islam, the Qur'an and hadeeth have the highest authority (Kim, 2010). For Muhammadiyah, the effort to enforce the law and the constitution is an absolute obligation for all citizens. Constitutional Jihad is an effort to realign the nation's direction that has so far deviated from its original stipulations during the reformation era (Syamsudin, 2014, p. 137). Such legal help is an effort to realign laws that do not support the people (Sustiwi & Syamsudin, 2017, pp. 214-215). This aims to achieve justice, as justice is the end goal of the law. Therefore, the aim of providing legal help is justice, which has been ordered by God.

قُلْ أَمَرَ رَبِّى بِٱلْقِسْطِ

"My Lord has commanded uprightness" (The Qur'an Chapter Al-A'raf (The Heights): 29).

Thomas Aquinas stated that the Holy Scriptures are God's written laws (the part of eternal law revealed in scriptures) that are full of transcendental legal materials placed above the constitution as a Human Law. This transcendental aspect is visible when policymakers base their decisions on these transcendental norms. As a precept, Pancasila obtains transcendental norms, especially the first two pillars: (1) Belief in the one and only God and (2) Just and civilized humanity. These two transcendental values must become the main consideration in determining decisions in the legal sector (Suteki, 2018, p. 22). Seeing from the philosophical perspective, the first pillar regards the vertical dimension (*hablumminallah* or the relationship with God) while the second pillar regards the horizontal dimension (*hablumminnas* or the relationship with humans) (Huda & Dimyati, 2018).

In providing legal help, Muhammadiyah always makes arguments based on Islamic arguments on transcendental justice (Nurul Hakim, 2018). Such is written with the aim of judicial review application and legal standing. Muhammadiyah feels the obligation to fix regulations that hurt justice and that violate the constitution, not with violence but with a constitutional route by applying for judicial reviews to the Constitutional Court (Nashir, 2013, p. 35).

The Qur'an's basis for justice is that societies do not need a separate theory of justice, such as those espoused by Bentham, Marx, Rawls, and others, but that compliance with rules of behavior handed down in the Qur'an and interpreted by the Prophet assures the emergence of justice as a natural outcome of the practice of a rule-compliant society. Justice and a just social and political system are thus the essential outcomes of the Islamic system if Muslims individually comply with Divine rules (Askari & Mirakhor, 2020). The central goals of Islam for society are the welfare of all its members and socio-economic justice. All members of society must be given the same opportunities to advance; in other words, a level playing field, including equal access for each member of society in every generation to the natural resources provided by Allah. For those for whom there is no work and for those that cannot work, society must afford the minimum required for a dignified life: shelter, food, healthcare, and education. For those who cannot access the natural resources provided by Allah, society must preserve their rights and the rights of future generations. Islam advocates an environment where behavior is molded to support the goals of Islamic society: societal welfare and socioeconomic justice, to make humankind one, supporting the Unity of Allah's creation (Askari & Mirakhor, 2020, p. 6). So how is distributive justice defined in Islam? Justice is achieved when everything is put in its right place. And what is the right place? Follow the rules laid down by the Creator (Askari & Mirakhor, 2020, p. 7).

The thought on law enforcement with the aim of justice that is represented by Muhammadiyah through the constitutional jihad legal aid is transcendental as it is an obligation from God. Transcendental justice-based constitutional jihad legal aid is not mere help from the legal side or laws that merely regulate legal aid. But it is also a basis on how the positive law on legal aid applies with the basis of the values of ethics, morals, and transcendence.

Conclusion

The legal aid from Muhammadiyah that is based on transcendental justice is manifested in the form of applications for judicial review of laws against the 1945 Constitution in the Constitutional Court. This is because Muhammadiyah

has the characteristic of following all laws, regulations, and stipulations, as well as state foundations and philosophies that are valid and just. Muhammadiyah is also wisely corrective to its own organization as well as outside of it. This legal aid stems from Muhammadiyah's characteristic to comply with the law, do good, and act justly. Muhammadiyah applies these legal aids using the transcendental basis that is sourced from Islam's transcendental identity. It aims to encourage good and prevent harm to achieve an ideal, just, and prosperous society.

References

Al-Hamdi, R. (2013). Islam and politics: Political attitudes of the elites in Muhammadiyah 1998-2010. *Indonesian Journal of Islam and Muslim Societies*, *3*(2), 267-290. https://doi.org/10.18326/ijims.v3i2.267-290

Arifin, S. (2016). Commitment of local government in providing legal aid for the poor society. *Jurnal Dinamika Hukum*, *16*(1), 8-16. https://doi.org/10.20884/1.jdh.2016.16.1.403

Arizona, Y., & Chandranegara, I. S. (2017). *Jihad Berkonstitusi: Muhammadiyah dan Perjuangan Konstitusional Melawan Komodifikasi Air* (Jihad under the constitution: Muhammadiyah and the constitutional struggle against water comodification, in Indonesian). *Wacana: Jurnal Transformasi Sosial*, *11*(2), 84-91.

Askari, H., & Mirakhor, A. (2020). Conception of justice from Rawls to Sen to the present. In *Conceptions of Justice from Islam to the Present*. https://doi.org/10.1007/978-3-030-16084-5_5

Baidhawy, Z. (2015a). Lazismu and remaking the Muhammadiyah's new way of philanthropy. *Al-Jami'ah*, *53*(2), 387-412. https://doi.org/10.14421/ajis.2015.532.387-412

Baidhawy, Z. (2015b). The role of faith-based organization in coping with disaster management and mitigation Muhammadiyah's experience. *Journal of Indonesian Islam*, *9*(2), 167-194. https://doi.org/10.15642/JIIS.2015.9.2.167-194

Gruodyte, E., & Kirchner, S. (2012). Pro bono work vs. Legal aid: Approaches to ensuring access to justice and the social responsibility of the attorney. *Baltic Journal of Law and Politics*, *5*(2), 43-64. https://doi.org/10.2478/v10076-012-0010-2

Hakim, N., & Sumawaty, I. (2018). *Implementasi Hukum Transendental dalam Bentuk Aturan Perundang-Undangan di Indonesia* (Implementation of transcendental laws in the form of indonesian legal regulations, in Indonesian). In *Hukum Transendental, Pengembangan Dan Penegakan Hukum Di Indonesia (Trancendental, Development and Law Enforcement), in Indonesian)* (pp. 51-52). Surakarta: UMS Press.

Hilmy, M. (2013). Whither Indonesia's Islamic moderatism?: A reexamination on the moderate vision of Muhammadiyah and NU. *Journal of Indonesian Islam*, *7*(1), 24-48. https://doi.org/10.15642/JIIS.2013.7.1.24-48

Huda, N., & Dimyati, K. (2018). Base transcendental value on judge's decision (Study of basic perspective of Pancasila State). *Jurnal Dinamika Hukum*, *18*(2), 139-148. https://doi.org/10.20884/1.jdh.2018.18.2.2076

Jackson, S. D. (2021). General agreement on trade in services. *International Trade in Services*, *1*, 155-170. https://doi.org/10.4324/9781003028208-13

Kim, H.-J. (2010). Praxis and religious authority in Islam: The case of Ahmad Dahlan, founder of Muhammadiyah. *Studia Islamika*, *17*(1), 69-92. https://doi.org/10.15408/sdi.v17i1.468

Kusumah, H. A., & Wijaya, A. R. C. (2019). Optimisation of the Application of legal aid for the poor people in Sukabumi City. *FIAT JUSTISIA: Jurnal Ilmu Hukum*, *13*(1), 87-100. https://doi.org/10.25041/fiatjustisia.v13no1.1564

Miller, V., & Covey, J. (2005). *Pedoman Advokasi Perencanaan, Tindakan, dan Refleksi* (Guidelines to the advocation of planning, action, and reflection, in Indonesian). Jakarta: Yayasan Obor Indonesia.

Nashir, H. (2013). *Manhaj Gerakan Muhmma-*

diyah, Ideologi, Khitah, dan Langkah (Manhaj of the Muhammadiyah movement, ideology, outline, and steps, in Indonesian). Yogyakarta: Gramasurya.

Pimpinan Pusat Muhammadiyah (Head of muhammadiyah center, in Indonesian). (2019). *Anggaran Dasar dan Anggaran Rumah Tangga Muhammadiyah (Muhammadiyah Statutes and Bylaws, in Indonesian)*. Yogyakarta: Head of Muhammadiyah Center.

Rahardjo, S. (2003). *Sisi-Sisi Lain dari Hukum di Indonesia* (Other aspects of the law in Indonesia, in Indonesian). Jakarta: Kompas Media Nusantara.

Rahardjo, S. (2008). *Membedah Hukum Progresif* (Uncovering progressive law, in Indonesian). Jakarta: Kompas Media Nusantara.

Rahardjo, S. (2016). Hukum Progresif (Progressive law, in Indonesian). *Academi. AEdu, 4*(1), 64-75.

Raharjo, A., Angkasa, A., & Bintoro, R. W. (2016). Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat) (The access of justice for poor people: Advocates' dilemma in providing legal help, in Indonesian). *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada, 27*(3), 432. https://doi.org/10.22146/jmh.15881

Riyanti, R. (2018). Tinjauan Filsafat Ilmu Tentang Penegakan Hukum Yang Berbasis Transendental (Analysis of the philosophy of science on transcendental-based law enforcement, in Indonesian). *HERMENEUTIKA: Jurnal Ilmu Hukum, 2*(2), 217-230. https://doi.org/10.33603/hermeneutika.v2i2.1566

Saputra, M. G. (2018). Daftar Panjang Para Advokat Terjaring Perkara Korupsi (The long list of advocates involved in corruption cases, in Indonesian). Retrieved February 15, 2023, from https://www.merdeka.com/peristiwa/daftar-panjang-para-advokat-terjaring-perkara-korupsi.html

Sundari, E. (2014). Legal aid scheme in Indonesia: Between the policy and the implementation. *Jurnal Hukum Ius Quia Iustum, 20*(4), 545-562. https://doi.org/10.20885/iustum.vol20.iss4.art3

Sustiwi, F., & Syamsudin, D. (2017). *Dari Sumbawa Untuk Dunia* (From Sumbawa to the World, in Indonesian). Bandung: Mizan.

Suteki. (2018). *Hukum Progresif, Hukum Berdimensi Transendental dalam Konteks Keindonesiaan* (Progressive law, the law with the transcendental dimension in the Indonesian context, in Indonesian). Surakarta: Sekolah Pasca Sarjana Program Doktor Ilmu Hukum Universitas Muhammadiyah Surakarta.

Syamsudin, D. (2014). *Muhammadiyah Untuk Semua* (Muhammadiyah for all, in Indonesian). Yogyakarta: Suara Muhammadiyah.

The Republic of Indonesia's Constitutional Court. (2015a). *Decision of the the Republic of Indonesia's Constitutional Court No. 85/PUU-XI/2013*. Jakarta.

The Republic of Indonesia's Constitutional Court. (2015b). Jihad Konstitusi, Jihad Baru Muhammadiyah (Constitutional Jihad, the New Jihad of Muhammadiyah, in Indonesian). Retrieved November 4, 2021, from https://www.mkri.id/index.php?page=web.Berita&id=11501

The Republic of Indonesia's Constitutional Court. Decision of the the Republic of Indonesia's Constitutional Court No. 38/PUU-XI/2013. (2014a). Jakarta.

The Republic of Indonesia's Constitutional Court. Decision of the the Republic of Indonesia's Constitutional Court No. 82/PUU-XI/2013. (2014b). Jakarta.

Wardiono, K. (2014). *Paradigma Profetik: Pembaruan basis Epistimologi Dalam Ilmu Hukum* (The Prophetic Pardigm: Renewal of Epistemological Basis in Legal Studies, in Indonesian). Yogyakarta: Genta Publishing.

Young, M. W. (1991). The need for legal-aid reform - a comparison of English and American legal-aid. *Cornell International Law Journal, 24*(2), 379-405.

Yuwono, I. D. (2011). *Memahami Berbagai Etika Profesi dan Pekerjaan* (Understanding various ethics of profession and work, in Indonesian). Yogyakarta: Pustaka Yustisia.

263

PHILOSOPHICAL AND LEGAL RUSSIAN THOUGHT AT THE LATE 19th - EARLY 20th CENTURY PERIOD ON THE STATUS OF FINLAND IN THE STATE STRUCTURE OF THE RUSSIAN EMPIRE

Vasilii ZOBNIN [1,] [iD] | Igor KOLOSOV [2, *] [iD]

1 National Research University "Higher School of Economics", Moscow, Russian Federation

2 Peoples' Friendship University of Russia (RUDN University), Moscow, Russian Federation

* Correspondence
Vasilii ZOBNIN, 56/2, build. 2, Lyublinskaya street, Moscow, 109382, Russian Federation
E-mail: zobnibvasilii@gmail.com

Abstract: The subject of this article is the philosophical views of representatives of the legal tradition of the late period of the Russian Empire regarding the status of the Grand Duchy of Finland. The objective of this work is to conduct a philosophical and legal assessment of the views of various Russian legal theorists.

This study uses philosophical cognition methods comprising, firstly, a formal dogmatic method for analysing legal instruments related to the legal status of the Grand Duchy of Finland, and secondly, a hermeneutic method in relation to the studied works of Russian legal theorists. A concrete historical method is also used.

The main result of this article is to identify contradictions in the philosophical views of Russian legal theorists on the legal status of the Grand Duchy of Finland and determine all the contributing factors.

The main conclusion drawn in this article is that the philosophical and theoretical views of representatives of the Russian legal tradition were significantly influenced by their initial objectives. Researchers first sought to refute the existence of a union between the Russian Empire and the Grand Duchy of Finland, which sidelined and hindered the cognition of the legal nature of relations between Russia and Finland.

Keywords: Russian Empire, accession of Finland, legal status of the Grand Duchy of Finland, Treaty of Fredrikshamn, state structure, union, types of connections of states.

Introduction

A heated discussion unfolded in pre-revolutionary Russian literature (before 1917) on the legal status of the Grand Duchy of Finland, with the main point of contention being the question of whether Finland possessed statehood or was an incorporated province of the Russian Empire. The interest of Russian philosophers and jurists in the Finnish question is noteworthy because, as

A. A. Zhilin (1912, p. 4) and A. S. Yashchenko (1912, p. 777) note, during this period, general theoretical problems of the state-territorial structure and unions of states (federations, confederations, unions) were of very little interest to Russian jurists. In solving the Finnish question, the Russian legal tradition faced an atypical problem in the context of the state structure. It would seem that the appearance of a new discussion topic in Russian jurisprudence not only led to the expansion of the subject field of research by Russian philosophers and jurists, but also "exposed" the problems of scientific cognition existing in Russian jurisprudence. These obstacles can conditionally be divided into those relating to the novelty of this topic for the Russian legal community and those relating to the political, philosophical and ideological principles of the parties to the unfolding controversy. In this regard, philosophical and legal assessment of this discussion acquires a special significance for the legal community as an example of the cognition of a fundamentally new subject complicated by an ideological factor.

The special status of the Grand Duchy of Finland was considered by the Finnish elites and by individual representatives of the Russian legal community as a manifestation of Finnish statehood. This view contrasted even more with the unitary picture of the state structure. As a result, a large-scale controversy on this issue unfolded in the Russian Empire the importance for the socio-political development of the Russian Empire of which became apparent at the tabling of Draft Article 2 of the Fundamental Laws of the Russian Empire of 1906 (hereinafter – Code of 1906) in disputes between supporters and opponents of the existence of Finnish statehood, which B. E. Nolde describes exhaustively. It is noteworthy that the adopted version of Article 2 of the Code of 1906 fails to definitively resolve the issue of the presence or absence of Finnish statehood. According to B. E. Nolde (1911), "all definitive content was intentionally and deliberately thrown out of the text of the article" (pp. 468-475) for political reasons.

The Finnish question was extremely painful for both sides, which manifested itself in mutual irritation and discontent. A. A. Zhilin (1912) characterised the point of view about the existence of a union between the Russian Empire and the Grand Duchy of Finland as "a reflection of separatist tendencies in science" (p. 293). Of note, it is the intemperance of the sides that calls their objectivity into question. As a result, this work necessitated a legal assessment of positions regarding the status of Finland.

As such, the Finnish question actualised the topic of state structure for the Russian legal community. The idea of the existence of statehood in Finland prompted Russian jurists to begin looking at the problem of the associations of states. Along with the autonomist model, the discourse of Russian philosophical and legal thought touched upon the categories of federation, confederation, personal, and real union. The Finnish question could be considered the forerunner of scientific interest in this topic that brought to public light the already-existing views of Russian jurists and legal philosophers regarding the state-territorial structure and laid the conceptual foundation for further discourse.

Points of View of the Treaty of Fredrikshamn

The point of view of the Treaty of Fredrikshamn received the widest acclaim in Russian literature (Berendts, 1908, pp. 116-117, Danevsky, 1892, p. 147; Martens, 1882, p. 244; Tagantsev, 1910a, pp. 36-37). As noted by B. E. Nolde (1911), this view "has been repeatedly reproduced by government representatives and members of Russian legislative institutions" (pp. 495-496). Proponents of this position believed that the territory of Finland was attached to the Russian Empire by virtue of the Peace Treaty of Fredrikshamn dated 5 September 1809 between the Russian Empire and the Kingdom of Sweden (1830, hereinafter – the Treaty of Fredrikshamn). The literal meaning of Article IV of this treaty, which explicitly states that the Finnish provinces "is now the property and Sovereign possession of the Russian Empire and will forever be a part of the same", testifies in favour of the Treaty of Fredrikshamn (p. 1189).

However, this is not an ideal approach. Its proponents do not give a full legal assessment of Alexander I's manifestos that were published before the Treaty of Fredrikshamn itself was concluded. As a result, the provisions of the 20 March 1808 Manifesto – "Regarding the Conquest of Swedish Finland and its Permanent Ac-

cession to Russia" (hereinafter – the 20 March 1808 Manifesto) (1830, p. 146), which is legally valid under the legislation of the Russian Empire, are not recognised as having any legal significance. As such, insofar as this question is concerned, F. F. Martens (1882, p. 244) and V. P. Danevsky (1892, p. 147) never make any reference to the Russian Emperor's manifestos. F. P. Elenev (1891) considers the Treaty of Fredrikshamn as the basis for Finland's accession to Russia and recognises the legal significance of the events preceding this accession, but fails to correlate the provisions of the Treaty and the 20 March 1808 Manifesto (pp. 9-15, 66-74).

Moreover, recognition of this approach may lead one to ultimately view Alexander I's manifestos as illegal. As such, N. S. Tagantsev (1910a) did not recognise Alexander I's manifestos and the forced actions of the Finnish population as "acts of legal reunification of Finland with Russia" (pp. 36-37). According to E.N. Berendts (1908, p. 115, 1910, pp. 9-10), only the King of Sweden could convene the Diet before the signing of the Treaty of Fredrikshamn, and the Russian Emperor's actions therefore violated international law. The Finnish population of Finland was released from the oath of allegiance only after the conclusion of the peace treaty, and therefore any communication between the Finnish people and Alexander I was illegal.

Criticism of the Viewpoint of the Diet of Porvoo

This position reflects the Finnish view on the issue of the legal status of the Grand Duchy of Finland and lies in the fact that the Diet of Porvoo held in Borgå in March 1809 produced a union between Finland and Russia. From the Finnish side's point of view, the "solemn act" of the Diet of Porvoo was fundamental for "the state of Finland, and, consequently, for the nature of its accession to Russia" (Danielson, 1890, p. 1).

On the eve of the Diet, Russian Emperor Alexander I signed the 15 March 1809 Manifesto by which he "confirmed the religion and fundamental laws of the country, as well as the privileges and rights" of the Finnish estates. During the Diet, the estates "swore an oath of allegiance ... [to him – *authors'note*] and approved

the inviolability of the constitution". Alexander I "accepted the oath of representatives" of Finland, which "testified that an act of union had been committed". The preservation of the basic laws of Finland led to "state independence" by virtue of which the Grand Duchy of Finland possessed "a separate territory inhabited by a special people" and "Finnish authorities" who administered Finland and enjoyed the right "to act as a Finnish nation in all internal affairs" (Mehelin, 1890, pp. 34-35, 55).

Russian jurists offered several arguments against this point of view that essentially alluded to the recognition of the connection between the Russian Empire and the Grand Duchy of Finland as a real union. Firstly, the Russian Emperor's actions in relation to Finland were of a unilateral imperious nature, and as such, the convocation and holding of the Diet or the granting of privileges by Alexander I could not be viewed as contractual in nature. As noted by B. E. Nolde (1911), the rule of law in Finland was established by an imperious "unilateral act of the Russian monarch" (pp. 507-508). N. M. Korkunov (1909, pp. 199-200) characterises the actions to convene the Diet as an imperious act of the Russian Emperor. Alexander I's promises to preserve rights and privileges also constituted "unilateral acts" and could not be viewed as contractual in nature (Berendts, 1910, p. 10; Korkunov, 1909, pp. 199-200). This position is indirectly confirmed in Article VI of the Treaty of Fredrikshamn, in which the actions of the Russian Emperor in administering the territory of Finland are recognised as "the most undoubted experiments of mercy and justice" undertaken "for the sole motives of his own magnanimous permission" (1830, pp. 1189-1190).

Referring directly to the texts of the acts of the Russian Emperor allows confirming their imperious unilateral nature. In the 5 June 1808 Manifesto, Alexander I demanded submission and loyalty from the Finlanders (Shilovsky, 1903, p. 134). By the Act of 20 January 1809, the Russian Emperor ordered the representatives of the Finnish estates to appear in Porvoo for the Diet (Shilovsky, 1903, pp. 135-136). It directly follows from the 15 March 1809 Manifesto that the Russian Emperor himself "approved and certified" the rights and privileges of the population, fundamental laws, and religion without involving anyone else (Shilovsky, 1903, p. 10). Similarly,

as laid out in the text of the 23 March 1809 Manifesto, this act was only "made in the presence" of the Finnish estates (Shilovsky, 1903, p. 136), which means they did not take an authoritative part in its publication. The listed acts of the Russian Emperor were issued by him independently, were of an imperious nature, and did not contain conditions for their entry into force depending on the consent, oath, or other actions of the Finnish population.

Secondly, a hypothetical agreement between the Russian Empire and Finland was impossible, since at the time of the Diet of Porvoo, Finland as a subject authorised to conclude it did not exist. As noted by N. M. Korkunov (1909), "...[Finland – *authors' note*] got out from under the Swedish Empire and came directly under Russian rule". Since "Finland did not secede from Sweden, did not declare its independence, did not organise itself as a separate state," it did not represent an independent entity. Moreover, Finland, comprising several Swedish provinces, "did not even constitute one administrative whole" (p. 198).

In accordance with the Act of 20 January 1809, the Diet of Porvoo, as a meeting of representatives from the Finnish estates, was convened at the order of Alexander I as the ruler of the territory of Finland, since "by divine providence and the providential success of [Russian – *authors' note*] troops..., the Grand Duchy of Finland was forever united with the ... [Russian – *authors' note*] Empire" (Shilovsky, 1903, p. 135). In this regard, N. M. Korkunov's (1909) reasoning on this issue seems fair: either Finland was already part of the Russian Empire at the time of convocation of the Diet by the Russian Emperor and then the Diet was legally convened, or Finland was not under the autocratic authority of the Russian Emperor and then the convocation of the Diet, its holding, and all its decisions were legally null and void. In the second case, only the Swedish government could negotiate with the Russian Empire for the Finnish population as "Swedish subjects..." and the Diet would not be authorised to conclude a union (pp. 198-200). Adhering to the "Treaty of Fredrikshamn" point of view, E. N. Berendts (1910, pp. 8-9) and N. S. Tagantsev (1910b, p. 4) consider the convocation of the Diet as illegal and believe that the population of Finland represented by the Diet of Porvoo was not in a position to negotiate anything with the Russian Empire.

Thirdly, the hypothetical agreement of the Diet of Porvoo with the Russian Emperor on the issue of Finland's accession to the Russian Empire would be devoid of any subject. E. N. Berendts (1910, p. 9) and N. M. Korkunov (1909, p. 200) note that Alexander I and the Diet had nothing to agree on this issue, since once the Diet was recognised as legitimate, the territory of Finland should have been recognised as already part of the Russian Empire.

Support for the Idea of a Real Union Between the Russian Empire and the Grand Duchy of Finland

There were a few supporters of the existence of a real union between the Russian Empire and the Grand Duchy of Finland, chief among them being highly authoritative Russian philosophers and jurists such as B. N. Chicherin, A. D. Gradovsky, V. I. Sergeevich, and A. V. Romanovich-Slavatinsky. It is worth mentioning that these authors considered the legal status of Finland before the adoption of Code of 1906 back when the Fundamental Laws of the Russian Empire of 1857 (The Digest of Laws of the Russian Empire compiled by the Order of the Sovereign Emperor Nicholas I, 1857, Vol. I, Part 1) (hereinafter referred to as the Code of 1857) was legally binding. Article 4 of Code of 1857 considers the Thrones of the Kingdom of Poland and the Grand Duchy of Finland as inseparable from the Russian Throne, was still in force (p. 2).

B. N. Chicherin (1894) notes that unlike the Kingdom of Poland that lost its special political status, Finland retained its "political independence" and a "special structure" that was typical of a separate state. At that, according to Article 4 of the Code of 1857, the Grand Duchy of Finland was inseparably connected with the Russian Empire, and relations between Russia and Finland should therefore be regarded as a real union (p. 183). Similarly, A. D. Gradovsky (1907) considers the Grand Duchy of Finland as "a state completely isolated in internal administration, although inseparably linked with the Russian Imperial Crown" (p. 119).

V. I. Sergeevich (1883) writes that the conquered territories of Poland and Finland "became part of the [Russian – *authors' note*] Empire ... on

the rights of separate states". He later expresses his opinion slightly differently by positing that the Grand Duchy of Finland "was attached ... as a province..., not as a separate state". Moreover, Finland later "became a separate state by the will of Emperor Alexander I", who preserved the "ancient free institutions" of Finland (Sergeevich, 1883, pp. 628-629), thus essentially creating the separate Finnish Throne that is referred to in Article 4 of the Code of 1857. V. I. Sergeevich's position was supported by A.V. Romanovich-Slavatinsky (1886, pp. 98-99).

It is noteworthy that unlike their Finnish counterparts, Russian jurists who supported the idea of the existence of a real union between Russia and Finland did not consider the events of the Diet of Porvoo as a unification act. As such, A. D. Gradovsky (1908, p. 191) recognises that "the Grand Duchy of Finland was attached to Russia by the Peace Treaty of Fredrikshamn of 1809". V. I. Sergeevich (1883, pp. 628-629) and A. V. Romanovich-Slavatinsky (1886, pp. 98-99) believed that the Finnish statehood arose at the will of Alexander I after the establishment of a special structure of the Grand Duchy of Finland that influenced the nature of the supreme power in Finland. While that may be so, this view fails to take into account that a real union is based on a bilateral agreement, which is why Alexander I could not create this union by his will alone.

At the same time, in interpreting Article 4 of the Code of 1857, all the above jurists admit a violation of legal logic, which M. N. Korkunov (1909) rightly highlights. With the described interpretation, it would be necessary to recognise the existence of a real union both between Russia and Poland and between Russia and Finland (pp. 196-197). B. N. Chicherin (1894, p. 183), A. D. Gradovsky (1907, p. 119), V. I. Sergeevich (1883, pp. 629-630), and A.V. Romanovich-Slavatinsky (1886, p. 99) point out here that in the wake of the uprisings, the Kingdom of Poland lost its special political status and was incorporated into the Russian Empire. The disposition of Article 4 of the Code of 1857 is the same for Finland and Poland. In this regard, this norm cannot generate different legal consequences for them. In other words, it cannot confirm the existence of a union of the Russian Empire with the Grand Duchy of Finland without recognising the existence of a union with the Kingdom of Po-

land. Also, M. N. Korkunov (1909, p. 197) points out that Article 4 of the Code of 1857 "does not speak about the connection, but ... about the indivisibility" of the thrones, and therefore the Russian, Polish, and Finnish Thrones represent a single throne and cannot be united.

A.V. Romanovich-Slavatinsky (1886, p. 99) objects to the general interpretation of Article 4 of the Code of 1857 for the Polish and Finnish Thrones on the grounds that the phrases "Kingdom of Poland" and "Throne of the Kingdom of Poland" are anachronisms in the legislation, and that once incorporated, the Kingdom of Poland ceased to exist. V. I. Sergeevich (1883, p. 630) and A.V. Romanovich-Slavatinsky (1886, p. 99) note that the goal of the transformations that were implemented in the Kingdom of Poland under Decree dated 28 March 1867 (1871, p. 333) was its complete merger with other parts of the Russian Empire. Against this background, the "merger" of the Kingdom of Poland with other parts of the Russian Empire through administrative reforms under the decree consisted in changing the system of government of the Kingdom of Poland but did not mean its formal termination as a legal category. The Kingdom of Poland continued to exist, albeit not as a separate administrative unit, but similar to the "other parts" of the unitary Russian Empire. In this regard, in interpreting Article 4 of the Code of 1857, there is need to extend its position to cover both the Throne of the Kingdom of Poland and the Throne of the Grand Duchy of Finland.

Concept of "State" and the Grand Duchy of Finland

As shown earlier, Russian jurists who supported the idea of the existence of a real union between the Russian Empire and the Grand Duchy of Finland believed that the statehood of Finland had arisen after its accession to the Russian Empire. In connection with the specifics of the governance framework of the Grand Duchy of Finland, V. I. Sergeevich (1883, pp. 628-629) and A. V. Romanovich-Slavatinsky (1886, pp. 98-99) pointed to the special nature of the supreme power. The Finnish side noted the existence of the "state independence" of the Grand Duchy of Finland that was manifested in the existence of a "separate territory inhabited by a special people"

and the administration of the "Finnish authorities" (Mehelin, 1890, pp. 34-35, 55).

A. S. Alekseev (1905) objects to the recognition of the statehood of the Grand Duchy of Finland on the basis of the presence in it of "special institutions", since "the political autonomy of Finland does not raise it to the level of an independent state, and the special institutions used by the British colonies do not destroy the unity of the British Empire" (p. 167). S. K. Mikhailov (M. M. Borodkin) (1901, pp. 42-46, 51-56) also denied the possibility of applying the concept of "state" to the Grand Duchy of Finland, since contrary to the above position of the Finnish side, the Grand Duchy of Finland did not have its own territory, power, or population. The Russian Emperors independently changed the borders of the Grand Duchy of Finland, meaning the territory could not be recognised as "its own" for the Grand Duchy of Finland. By virtue of Article 4 of the Code of 1857, the Finnish Throne was undivided and united with the Russian Throne, and therefore, attempts to divide the supremacy of this undivided and united throne were artificial. Quite tellingly, the name of the supreme executive authority of Finland contained word "Imperial", which emphasised its belonging to the imperial power. The Grand Duchy of Finland, therefore, could not recognise the existence of its own state power.

Finally, S. K. Mikhailov (M. M. Borodkin) (1901) consider the occasional use of the category "Finnish citizen" in the statutory and regulatory framework as a mistake that came about due to the "absence of ... proper unity and consistency of terminology" in the statutory and regulatory enactments of the Russian Empire (p. 48). The Code of Laws on States (The Digest of Laws of the Russian Empire compiled by the Order of the Sovereign Emperor Nicholas I, 1857, Vol. IX) and the Finnish legislation did not establish the institution of separate Finnish citizenship. Otherwise, when relocating to the Grand Duchy of Finland, Russian subjects would need to transfer to Finnish citizenship and swear an oath, which, in reality, did not happen. In addition, when Finland joined, the oath was sworn by the local population specifically for Russian citizenship, which the provisions of the 20 March 1808 Manifesto and the 5 June 1808 Manifesto confirm (Mikhailov (Borodkin), 1901, pp. 48-49).

The reasoning of S. K. Mikhailov (M. M. Borodkin) (1901) on the absence of the need to swear the oath of Finnish citizenship during the relocation of Russian subjects also leads one to conclude that such subjects should have already sworn their oath of allegiance to the Russian Emperor. In accordance with Article 33 of the Code of 1857, allegiance to citizenship was affirmed by a nationwide oath upon the accession of the new Russian Emperor (p. 6). There was no need to swear the oath of allegiance to the Russian Emperor again.

"Reconciliation" of the 20 March 1808 Manifesto and the Treaty of Fredrikshamn

As noted earlier, the provisions of the 20 March 1808 Manifesto and Article IV of the Treaty of Fredrikshamn define the moment of Finland's accession to the Russian Empire in various ways. In this regard, the "Treaty of Fredrikshamn" point of view cannot be unequivocally supported. That being the case, the ratio of these normative sources was essential for determining the legal status of the Grand Duchy of Finland, since the Russian Emperor, in the words of Article VI of the Treaty of Fredrikshamn, "had already exercised his power over the residents" of the territory of Finland by the time it was concluded (1830, pp. 1189-1190). As such, the foundations of the legal status of the Grand Duchy of Finland were laid even before the Treaty of Fredrikshamn was concluded. That said, as pointed out earlier, there are Russian jurists who consider Alexander I's actions during the period in question as illegal. In this case, a part of the main regulatory framework relating to the studied question should be recognised as having no legal force, which would make the legal situation of Finland even more uncertain.

B. E. Nolde (1911) attempted to solve this problem. Nolde believed the actions and acts of 1808-1809 to be a single "logically consistent" chain of historical events that represented the general process of Finland's accession. He distinguishes "two different legal planes: international and state", dividing Finland's accession "from the point of view of public law" and "from the point of view of international law" (pp. 504-506).

According to B. E. Nolde (1911), the accession of Finland took place on the basis of the 20 March 1808 Manifesto and the 5 June 1808 Manifesto (pp. 506-507). We view this position as lacking in clarification, since Finland's accession to the Russian Empire could not have happened twice, as it is impossible to attach a territory that has already become part of the state. In the 5 June 1808 Manifesto, Alexander I already refers to his "loyal citizens of newly united Finland", stating the accomplished fact of accession (Shilovsky, 1903, p. 133).

B. E. Nolde (1911) believes that the international legal accession of Finland to the Russian Empire took place at the conclusion of the peace treaty. The meaning of the Treaty of Fredrikshamn "is limited to the field of Russian-Swedish international relations" and consists in the fact that "Sweden has no right to deny the property and sovereign possession of Russia over Finland" (pp. 504-505). A similar thought is expressed by A. S. Alekseev (1905), who believed that Finland had been attached by the 20 March 1808 Manifesto as a result of the conquest and the "Treaty of Fredrikshamn ... [only – *authors'note*] authorised [this – *authors'note*] accession" (p. 166).

According to B. E. Nolde, the 15 March 1809 Manifesto and the Diet of Porvoo only continued the policy already pursued by Alexander I towards Finland. The Russian Emperor continued to act on the territory of Finland as a sovereign, carrying out measures for the organisation of state administration, including convening the Diet and confirming the rights and privileges of the Finnish population (Nolde, 1911, pp. 506-507). Characteristic in this regard is the continuity of Alexander I's acts. In the 20 March 1808 Manifesto (1830, p. 146), the Russian Emperor orders the population of Finland to swear the oath. In the 5 June 1808 Manifesto, Alexander I demands from his subjects "commitment, unity, and unwavering loyalty", in return promising protection, care for the needs of the Finlanders, and loyalty for them (Shilovsky, 1903, pp. 133-134). Based on the text of the Act of 20 January 1809, it follows that the Diet is convened in view of the Russian Emperor's concern for the welfare of the population of Finland (Shilovsky, 1903, p. 135). Finally, the previously promised imperial favour was shown in the 15 March 1809 Manifesto, which confirmed the rights and privileges

of the Finnish estates (Shilovsky, 1903, p. 10).

According to B. E. Nolde (1911), this approach, "does not violate the historical truth" and "does not erase a single act from the history of Finland's accession" (p. 506). That said, the recognition of Finland's accession on the basis of the 20 March 1808 Manifesto means that after its publication, the actions of the Swedish army in Finland and the partisan movement of the Finnish population became illegal. E. N. Berendts and N. S. Tagantsev note that the Finnish servicemen and partisans who continued to fight on the side of Sweden after the publication of the 20 March 1808 Manifesto just remained faithful to their oath and their monarch and therefore cannot be considered traitors who fought against their state (Berendts, 1910, p. 10; Tagantsev, 1910a, p. 36).

It is our opinion that the specified problem is solved due to the differentiation of the international and state legal planes proposed by B. E. Nolde. The Russian Emperor's acts extended to the subjects of the Russian Empire and did not change the legal status of the territory of Finland for the subjects of the Swedish King. For example, the 20 March 1808 Manifesto (1830, p. 146.) is addressed directly to the subjects of the Russian Empire who were not part of the Finnish population at the time of its publication. The Russian Emperor therefore commands them to swear the oath of allegiance for them to become his subjects. At the same time, the Russian Emperor's specified act was obligatory for the subjects of the Russian Empire for whom the territory of Finland became Russian after its publication.

The publication of the 20 March 1808 Manifesto resulted in competition between Russian and Swedish sovereignty on the territory of Finland. From the time of its publication until the conclusion of the Treaty of Fredrikshamn, from the point of view of Russian law, the territory of Finland belonged to the Russian Empire, while from the point of view of Swedish law, it was the possession of the Kingdom of Sweden. Each of the parties to the armed conflict sought to get rid of the influence of the other party's sovereignty on the disputed territory. Control over the territory of Finland was therefore transitional in nature. Due to the doubts of the Finnish population about the finality of the "transition from Swedish rule to Russian one", hesitation in the issue of swearing the oath of allegiance to the Russian

Emperor before the peace treaty was concluded seems natural (Korkunov, 1909, p. 198).

In accordance with Article IV of the Treaty of Fredrikshamn, the Swedish King "irrevocably and forever renounced ... all his rights and claims to the provinces ... conquered by arms ... from the Kingdom of Sweden" (1830, p. 1189). At the time of conclusion of the peace treaty, the territory of Finland was already under the control the troops of the Russian Empire, and therefore Article IV of the Treaty of Fredrikshamn does not refer to the transfer but directly to the recognition of this territory as a Russian possession by the Swedish side. This recognition ended the competition of the sovereignties.

It is important to note that Article IV of the Treaty of Fredrikshamn does not cover the period from 20 March 1808 to 5 September 1809, since, otherwise, it would mean recognition by the Swedish side of the illegality of its actions to retain the disputed territory. At the same time, the non-recognition by the Swedish side of Finland's accession to the Russian Empire from 20 March 1808 does not entail the invalidity of the Russian Emperor's legally issued acts. "The internal ... binding nature" of Russian acts cannot be made dependent on the provisions of the Treaty of Fredrikshamn (Nolde, 1911, p. 505).

Non-Legal Factors and Political and Philosophical Problems of the Cognition of the Nature of Relations between the Russian Empire and the Grand Duchy of Finland

The nature of relations between the Russian Empire and the Grand Duchy of Finland turned out to be extremely controversial. This can be partly explained by the fact that the issues of state-territorial structure and connections of states were relatively new to Russian jurisprudence. Therefore, there were conceptual disagreements among Russian jurists about the contractual nature of a real union and about the possibility of statehood of a territory due to its special structure.

At the same time, the main factor complicating the process of cognition in this matter is the influence of political, philosophical, and ideological beliefs. According to B. E. Nolde (1911), disputes over the nature of relations between the Russian Empire and the Grand Duchy of Finland were caused primarily by political, not legal, reasons (p. 504). The parties to the controversy took diametrically opposite positions and refused to compromise. The Finnish side proceeded from the existence of the Grand Duchy of Finland's statehood, in connection with which it considered interference in the internal affairs of Finland as unlawful. The Russian side denied the statehood of the Grand Duchy of Finland and considered it possible to deal with relevant issues (Bakhturina, 2017).

As a result of the politicisation of the discussion, in considering this issue, most Russian jurists aimed to refute the thesis of the existence of a union between the Russian Empire and the Grand Duchy of Finland, and not to determine the nature of their relations. It can be said that the legal reasoning was instrumental rather than cognitive in nature. In this regard, a number of authors limited themselves to Article IV of the Treaty of Fredrikshamn and considered it sufficient to refute the point of view of the Diet of Porvoo without evaluating other fundamental documents on this issue.

Other authors give arguments in favour of recognising both the 20 March 1808 Manifesto and the Treaty of Fredrikshamn as the basis for Finland's accession to the Russian Empire. A good example is the work by N. M. Korkunov (1909). He considers the manifestos of Alexander I and his convocation of the Diet as "acts of internal governance" in the context of the denial of their contractual nature. At the same time, relying on Article IV of the Treaty of Fredrikshamn, he argues that the territory of Finland "got out of the control of the Swedish Empire ... and came directly under the rule of Russia" (pp. 198-199). A similar problem is characteristic, in particular, of the works by A. A. Zhilin (1912, p. 295) and M. Ya. Pergament (1893, pp. 99-100).

Conclusion

Pre-revolutionary Russian jurists did not develop a unanimous and consistent view on the legal status of the Grand Duchy of Finland. Particular difficulties came about when trying to determine the moment of Finland's accession and, consequently, the legality of the acts of the Russian Emperor Alexander I that were fundamental to

271

the legal status of Finland. We view both the "Treaty of Fredrikshamn" and the "Diet of Porvoo" points of view as problematic. The most balanced and correct position seems to us to be that of B. E. Nolde, which, to use his words, did not "erase a single act from the history of Finland's accession".

The Finnish question was extremely painful for the parties to the political discussion, who were unable to find a compromise. It sparked interest in the Russian legal doctrine in the problems of the state-territorial structure and connections of states. At the same time, the studies of Russian jurists were primarily aimed not at objectively establishing the legal nature of relations between the Russian Empire and the Grand Duchy of Finland, but at refuting the political position of the Finnish side. In this regard, the main factor complicating the cognition of this issue is the influence of political, philosophical, and ideological beliefs on Russian jurists.

References

Alekseev, A. S. (1905). *Russkoe gosudarstvennoe pravo* (Russian state law, in Russian) (5th ed.). Moscow: Typolithography by G. I. Prostakov.

Bakhturina, A. Yu. (2017). *Diskussii ob obshchegosudarstvennom i mestnom zakonodatelstve v otnoshenii Velikogo knyazhestva finlyandskogo (1908-1910 gg.)* (Discussions on national and local legislation in relation to the Grand Duchy of Finland (1908-1910), in Russian). *Vestnik of RGGU. Series: Literary Studies. Linguistics. Culturology, 8,* 31-48.

Berendts, E. N. (1908). *O Gosudarstve. Besedy s yunkerami Nikolaevskogo kavaleriskogo uchilishcha v 1906-1907 uchebnom godu* (About the state. Conversations with cadets of the Nikolaev Cavalry School in the 1906-1907 academic year, in Russian). Saint Petersburg: M. M. Stasyulevich Printing House.

Berendts, E. N. (1910). *K Finlyandskomu voprosu. Stati po povodu rechi chlena Gosudarstvennoi Dumy P.N. Milyukova 13 maya 1908 goda pri rassmotrenii zaprosov po Finlyandskomu upravleni-*

yu (To the Finnish question. Articles on the speech of member of the State Duma P. N. Milyukov on 13 May 1908, when considering requests for the Finnish administration, in Russian). Saint Petersburg: State Printing House.

Chicherin, B. N. (1894). *Kurs gosudarstvennoi nauki. Obshchee gosudarstvennoe pravo* (Course of state science, General State Law, in Russian). (Vol. 1). Moscow: Typo-Lithography of the I. N. Kushnerev and Co Partnership.

Danevsky, V. P. (1892). *Posobie k izucheniyu istorii i sistemy mezhdunarodnogo prava* (Handbook for the study of the history and system of international law, in Russian). (Vol. 1). Kharkiv: A. N. Gusev Printing House.

Danielson, I. R. (1890). *Soedinenie Finlyandii s Rossiiskoyu derzhavoyu. Po povodu sochineniya K. Ordina "Pokorenie Finlyandii"* (Unification of Finland by the Russian State. About the essay by K. Ordin "The Conquest of Finland", in Russian). Helsingfors: I. K. Frenkel and Son Printing House.

Elenev, F. P. (1891). *Finlyandski sovremenny vopros po russkim i finlyandskim istochnikam* (The Finnish modern question according to Russian and Finnish sources, in Russian). Saint Petersburg: Obshchestvennaya Polza Partnership Printing House.

Gradovsky, A. D. (1907). *Sobraniye sochineniy A. D. Gradovskogo. Nachala russkogo gosudarstvennogo prava. O gosudarstvennom ustroistve* (Collection of works by A. D. Gradovsky, Principles of Russian state law, about the state structure, in Russian). (Vol. 7, Part 3). Saint Petersburg: M. M. Stasyulevich Printing House.

Gradovsky, A. D. (1908). *Collection of Works by A. D. Gradovsky. Nachala russkogo gosudarstvennogo prava. Organy mestnogo upravleniya* (Collection of works by A. D. Gradovsky, principles of Russian state law, local government bodies, in Russian). (Vol. 7. Part 2). Saint Petersburg: M. M. Stasyulevich Printing House.

Korkunov, M. N. (1909).   *Introduction and*

Background. In *Russkoe gosudarstven-
noe pravo* (Russian state law, in Rus-
sian). (Vol. 1, 6ᵗʰ ed). Saint Petersburg:
M. M. Stasyulevich Printing House.

Martens, F. F. (1882). *Sovremennoe mezhdu-
narodnoe pravo civilizovannyh narod-
ov* (Modern international law of civi-
lised peoples, in Russian). (Vol. I). St.
Petersburg: Printing House of the Min-
istry of Railways (A. Benke).

Mehelin, L. (1890). *Protivorechat li prava Fin-
lyandii interesam Rossii? Po povodu
finlyandskogo voprosa* (Do the rights of
Finland contradict the interests of Rus-
sia? About the Finnish question, in
Russian). Helsingfors: I. K. Frenkel and
Son Printing House.

Mikhailov, S. K. (Borodkin, M. M.) (1901).
*Yuridicheskoe polozhenie Finlyandii.
Zametki po povodu otzyva Sejma 1899
g.* (The Legal Status of Finland. Notes
on the recall of the Diet of 1899, in
Russian). Saint Petersburg: A. S. Su-
vorin Printing House.

Nolde, B. E. (1911). *Edinstvo i nerazdelnost
Rossii* (The unity and indivisibility of
Russia, in Russian). In *Ocherki russ-
kogo gosudarstvennogo prava* (Essays
on Russian state law, in Russian) (pp.
223-554). Saint Petersburg: Pravda
Printing House.

Pergament, M. Ya. (1893). *Yuridicheskaya pri-
roda realnoi unii* (The legal nature of a
real union, in Russian). Odessa: Print-
ing House of the Authorised Troops of
the Odessa Military District.

Romanovich-Slavatinsky, A. V. (1886). *Sistema
russkogo gosudarstvennogo prava v
ego istoriko-dogmaticheskom razvitii,
sravnitelnos gosudarstvennym pravom
Zapadnoi Evropy. P. 1. Osnovnye go-
sudarstvennye zakony* (The system of
Russian state law in its historical and
dogmatic development compared with
Western European state law, basic state
laws, in Russian). Kiev: G. L. Frontske-
vich Printing House.

Sergeevich, V. I. (1883). *Lekcii i issledovaniya
po istorii russkogo prava* (Lectures and
studies on the history of Russian law, in
Russian). Saint Petersburg: A. Tranchel
Printing and Chromolithography.

Shilovsky, P. P. (Ed.) (1903). *Akty, otnosyash-
chiesya k politicheskomu polozheniyu
Finlyandii* (Acts related to the political
situation of Finland, in Russian). Saint.
Petersburg: M. M. Stasyulevich Print-
ing House.

Tagantsev, N. S. (1910b). *Velikoe knyazhestvo
Finlyandiya. Vyderzhka iz lekcii po
russkomu ugolovnomu pravu* (The
Grand Duchy of Finland. Excerpt from
lectures on Russian criminal law, in
Russian). (Vol. I, pp. 245-252, 2ⁿᵈ ed.).
Saint Petersburg: State Printing House.

Tagantsev, N. S. (1910a). *Vysochaishii manifest
1/13 dekabrya 1890 g. i Finlyandskoe
ugolovnoe ulozhenie* (The Supreme
Manifesto of 1/13 December 1890 and
the Criminal Code of Finland, in Rus-
sian). Saint Petersburg: State Printing
House.

*The 20 March 1808 Manifesto – "Regarding the
Conquest of Swedish Finland and its
Permanent Accession to Russia".*
(1830). In *Complete Collection of Laws
of the Russian Empire, since 1649.* 45
volumes. Volume XXX. 1808-1809.
(pp. 146-147). Saint-Petersburg: Print-
ing House of the Second Department of
His Imperial Majesty's Own Chancery.

The Decree dated 28 March 1867. (1871). In
*Complete Collection of Laws of the
Russian Empire.* Second Collection. 55
volumes. Volume 42. 1867. In 2 Parts.
Part 1. Laws No. 44078 - No. 44894.
(pp. 333-334) St. Petersburg: Printing
House of the Second Department of
His Imperial Majes-ty's Own Chancery.

*The Digest of Laws of the Russian Empire com-
piled by the Order of the Sovereign
Emperor Nicholas I.* (1857). 15 vol-
umes. Volume I. 2 Parts. Part 1. *Osnov-
nye gosudarstvennye zakony* (Funda-
mental Laws of the Russian Empire, in
Russian). St. Petersburg: Printing
House of the Second Department of
His Imperial Majesty's Own Chancery.

*The Digest of Laws of the Russian Empire com-
piled by the Order of the Sovereign
Emperor Nicholas I.* (1857). 15 vol-
umes. Volume IX. *Zakony o sostoyani-
yakh* (The Code of Laws on States, in
Russian). St. Petersburg: Printing

House of the Second Department of His Imperial Majesty's Own Chancery.

The Peace Treaty of Fredrikshamn dated 5 September 1809 between the Russian Empire and the Kingdom of Sweden. (1830). In *Complete Collection of Laws of the Russian Empire, since 1649.* 45 volumes. Volume XXX. 1808-1809. (pp. 1188-1193). Saint-Petersburg: Printing House of the Second Department of His Imperial Majesty's Own Chancery.

Yashchenko, A. S. (1912). *Teoriya federalizma: Opyt sinteticheskoi teorii prava i gosudarstva* (Theory of federalism: The experience of the synthetic theory of law and the state, in Russian). Yuriev: K. Mattisen Printing House.

Zhilin, A. A. (1912). *Teoriya soyuznogo gosudarstva: Razbor glavneishih napravleni v uchenii o soyuznom gosudarstve i opyt postroeniya ego yuridicheskoi konstruktsii* (Theory of the Union State: Analysis of the main areas of the Doctrine of the Union State and the experience of building its legal structure, in Russian). Kiev: I. I. Chokolov Printing House.

NOTES TO CONTRIBUTORS

MANUSCRIPT MUST:
- correspond to the topics of the journal,
- not include information about the author(s),
- be submitted in English, in Microsoft Office Word,
- not exceed 7000 words,
- page size – A4, margins - 2 cm from each side,
- font face – Times New Roman,
- font size for the text of the article – 12, for the footnotes – 10,
- line spacing for the text of the article – 1, first line – 0.5 cm (first line of the first paragraph after subtitles - none),
- line spacing for the footnotes – 1, hanging – 0.3 cm.

TITLE:
- should outline the general scope of the article,
- uppercase,
- font size – 16.

SUBTITLES:
- capitalize important words,
- align from left,
- font size - 13,
- first-line - none.

AUTHORS' DATA:
- first name(s), last name(s), and authors' information according to the sample (must be submitted in a separate file),
- full name and postal address of each author's workplace, organization,
- position, rank, academic degree,
- ORCID iD, e-mail and phone number,
- the surnames and the first letter in the names of authors should be full and in uppercase.

ABSTRACT:
- should not exceed 200 words,
- should be informative and not contain general words and phrases,
- should describe the research and the results,
- should reflect the main content of the article, taking into consideration the following viewpoints: subject, purpose, research results and conclusions,
- information contained in the title should not be duplicated in the abstract,
- 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 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

1(21), 2022

ARMENIAN PHILOSOPHICAL ACADEMY AND THE JOURNAL "ARMENIAN MIND"

The Armenian Philosophical Academy (APhA) is a scientific non-governmental organisation founded in 1987 in Armenia. The founding president of APhA was Academician Georg Brutian. The Academy has three groups of members - actual members, honorary members, and foreign members. After Gerog Brutian died in 2016, the vice president of APhA, Robert Djidjian, was elected as the president of the Academy. APhA regularly organises international scientific conferences in Armenia and abroad.

The goals of the Armenian Philosophical Academy are:

· bringing together the collective potential of Armenian philosophical thought,

· contributing to the development of Armenian philosophical thought and its integration into the world of philosophical thought,

· supporting the cooperation between famous scientists and educational centres in the field of philosophy and the growth of young scientists,

· creating centres for scientific research groups and other intra-academic scientific structural links.

The official journal of APhA was Armenian Mind. The journal was published in English. The journal included the following sections:

a) articles,

b) news and views from Armenia and other countries,

c) Armenian studies centres of the world,

d) Armenological bibliography.

According to the agreement signed in 1994 between the NAS of RA and APhA, all publications of APhA were published by the NAS RA Publishing House "Science". The purpose of Armenian Mind was to record and spread Armenological achievements, considering that Armenology is the field of study not only of Armenian but also of many foreign researchers.

Since 2007, the publication of Armenian Mind was stopped, and its successor became News and Views - the official journal of the International Academy for Philosophy (the founding president of which was also Academician Georg Brutian).

According to the decision of the new chairmanship of the APhA, the publication of Armenian Mind will be resumed in 2023.

The Supreme honor of APhA: «Grand Medal of David The Invincible»

The honor of APhA: «Small Medal of David The Invincible»