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LEGAL DOCTRINE AS A SCIENTIFIC-THEORETICAL SYSTEM OF THE STATE OF LAW

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Annotation. The article considers the formation of the doctrinal legal thought of the state of law from antiquity to the present day; various ideas and views of thinkers (international, domestic) influencing the formation of legal statehood. At the same time, it is noted that the state of law as a special doctrinal and legal, theoretical and practical system of knowledge and concepts of the rule of law, equality before the law, separation of state authorities, freedom, etc. s an evolutionary and historical, constituted, highly developed state. It is separately given the essence-content characteristic of the legal doctrine as a system of rationalistic ideas about the structure of the processes of law and state, which carry out a multilevel influence on the formation and improvement of state institutions. In particular, it is noted the key role of legal doctrine in the formation of those principles and concepts that are the essence and vector of the development of the state of law. It is considered the problems of formation and the prospects of development of doctrinal and legal thought.

Key words: Legal doctrine, state of law, constitution, system, principle, idea, power.

Introduction. As a rule, most scholars agree that the state of law is a special organization of political power. However, each of them is trying to supplement this capacious definition with those goals and tasks that, in their opinion, are had by the state of law. There are the following interpretations in the legal doctrine: "the state of law creates conditions for the fullest provision of human and citizen rights and freedoms, as well as for the most consistent restriction of the powers of state power with the help of law in order to prevent abuses" [1]; "the basic principle of state power implementation is the reliance on democratic institutions and the individual priority before the state in the state of law" [2].

Methods. In historical retrospect, the ideas about the state of law emerged as a kind of progressive counterbalance to prevailing arbitrariness and lawlessness, reaction to despotic and tyrannical regimes aimed at usurping the political power and its irresponsibility to society.

The origins of the doctrinal theory of the state of law go back to antiquity. In those days, thinkers sought to determine the general principles of interaction between the individual and the state, ideas were born about the need to match the actions of political power to fair, reasonable principles. In this regard, Plato noted: "I see the near death of that state where the law is not powerful and is under someone's power. And I see the salvation of the state and all the

blessings in the place where the law is the ruler over the rulers and they are its slaves. The blessings that gods can only give to the states" [3].

The basic postulates formulated in the framework of doctrinal thought in the XVII century were such as: the idea of freedom and inalienability of natural human rights, rule of law, democracy, separation of powers, overcoming the political alienation of citizens of the state. Later, the Enlightenment figures developed these ideas. A classical form was acquired by such legal provisions as the doctrine of human and citizen rights, the concept of omnipotence of a reasonable law, the doctrine of separation of powers, the theory of representative and direct democracy, as well as a number of others. Essential results for the theory and practice of legal statehood have been made by J. Locke, as well as the founding fathers of the United States, such as T. Jefferson, J. Adams, J., Madison, etc. The concept of separation of state powers into legislative, executive and judicial was developed by the French jurist Sh.L. Montesquieu. Huge success in developing philosophical and basic ideas of the "state of law" was achieved by I. Kant and G.W.F. Hegel. For the most part, their ideals largely coincided.

Results. Later, it was the German school of law that approved the legally completed concept of "state of law". In 1829 R. von Mole gave its definition as a constitutional state, which should be based on the consolidation of citizen rights and freedoms in the constitution, on ensuring judicial protection of the individual. The concept of the state of law was developed in the German legal science, which either was reduced to the formula of "bureaucracy ordered by the law" (such a formulation can be traced in the works of K.T. Welker and R.G.F. Gneist) or to the subordination of executive and legislative powers, when the first is subject to the second within the framework of the constitutional monarchy [4]. L. von Stein was the supporter of this point of view. In general, it should be noted that the theory of the state of law began to be actively developed in Western Europe and the US, and it began to be actively engaged by the Russian scientists only in the second half of the XIX century. However, certain principles of the state of law have been formalized much earlier, but their expression in terms that are inherent in modernity has not yet been implemented.

In Russia, the idea of the state of law was born in the XVIII century. It was formulated in the general form by I.T. Pososhkov in the "Book of Poverty and Wealth" in 1724. In 1768 S.E. Desnitsky developed this idea in his work "Views on the Establishment of Legislative, Judicial and Punitive Power in the Russian Empire". Later, a significant contribution to the doctrine of the state of law was made by M.M. Speranskiy, as well as such revolutionary figures as A.N. Radishchev, P.I. Pestel and N.M. Muravyev. Separate provisions of the theory of the state of law were developed by Herzen, Ogaryov and Chernyshevsky. Despite the fact that they were the representatives of various social groups and had special worldviews, one could see not only different interpretations of one or another element of the state of law in their works, but some facts seemingly bringing together the contradictory conclusions and this general things enabled us to make a conclusion that the theory of the state of law was finally formed at the end of the XIX century. As the well-known scientist and lawyer M.N. Marchenko notes, "the entire history of the formation and development of the state of law ideas in Russia can be divided, with a certain degree of conventionality, into three periods or stages: the first stage - from the second half of the 19th century until the October Revolution of 1917; the second - from 1917 to 1985; and the third stage - from 1985 and up to the present time" [5].

But according to the meaning, it was not just about the state of law, but also about the social state. The reforms of M.M. Speranskiy have already corresponded to the policy of "social state" to some extent, even if this term has not been yet introduced into scientific circulation. A much more complete and in-depth understanding of ideas about the state of law was expressed by the scholars in the field of theory and philosophy of law. For example, N.M. Korkunov called for the introduction of a legal restriction for the states in the interests of individuals, as well as in the name of their rights to freedom. It should be emphasized that the scientists already mentioned above, along with such figures of science as N.I. Palienko and S.A. Kotlyarevskiy, linked the county's future with the idea of constitutionalism. Moreover, they presented this idea as one of the main conditions for building a state of law in which law would prevail in all spheres of public life. Throughout the second half of the XIX - early XX centuries, the idea of constitutionalism found its expression not only in the doctrines of scientists, but also in the development of certain state laws aimed at softening the existing order in society. An example was the fact that the draft of the first constitution was prepared as far back as 1881, but it was not formally adopted because of the murder of Emperor Alexander II. At the same time, many scientists, analyzing the changes taking place at that time, believed that the constitutional state was only a prototype of the legal one [6].

Conclusions. In general, despite not the most stable situation in the country and on the international scene, and also taking into account the socio-economic upheavals that accompanied this time interval, the basic doctrinal and legal ideas about the state of law have been developing steadily.

A difficult milestone in the history of the development of ideas about the state of law is considered to be the February and October Revolution of 1917, which have led to the disintegration of the Russian Empire and the subsequent Civil War. However, at the end of these events and strengthening of the Soviet statehood, the scientists once again raised the question of a state of law and social state, but already within the framework of socialist ideas about social equality. Even before the period of revolutions, such scientists as B.A. Kistyakovskiy with P.I. Novgorodtsev began talking about a possible combination of the ideas of the right-wing state with the socialist organization of society. Unfortunately, the political practice, which was subsequently established in the country, led to the formation of a totalitarian political system at the end of the 1920s and the consequent proclamation of a theory of the state of law that was bourgeois-apologetic and harmful to socialism. The process of returning the ideas about the state of law began to evolve since the 1960s, but intensive development did not take place until the 1990s of the XX century.

Professor V.D. Zorkin rightly points out that Russia is a constitutional country in its modern guise. Under the Constitution (Articles 1 and 7), the Russian Federation is a state of law and social state. These are the fundamental principles of Russian statehood, its ideal legal essence and the fundamental normative basis of the entire constitutional system [7].

The Constitution of the Russian Federation absorbed and produced the system of the following doctrinal and legal ideas in its principles, functions and norms, namely: the ideas of political and ideological diversity, the idea of a democratic and social state, the idea of private property, the doctrine of separation of public and local (municipal) power, the idea of sovereignty, etc., which are identical with the provisions of the state of law in their essential characteristics.

As noted above, the emergence of the state of law within modern states has been affected by the influence of the doctrinal legal provisions of ancient thinkers, Roman law, scholars of the Middle Ages and Renaissance, which has been eventually formed into one folded system, which is dynamically and progressively developing now. Thus, we can say with full confidence that the legal doctrine exists and does not just exist, but develops in line with current trends, despite the problematic sides, in Russia. A lot of thinkers of different periods of history enabled us to seek out certain points of view on law, state and their correlation in the present time. But returning to the channel of ideas about the development of doctrinal thought as a scientific and theoretical system, let us consider in more detail the legal doctrine of law as an element of the state's legal system, which affects both the structural organization of the society and the state and the development of legal statehood as a whole.

From the position of the word etymology, the "doctrine" is understood as "doctrine, theory" in the view of most scientists and comes from the Latin word "docere", which means to teach. But the broadest understanding and interpretation of legal doctrine can be expressed as a special rational system of knowledge, theories and concepts that reflect reality and are connected by their existence with the ideas about structure of processes and phenomena of law and state [8]. The dynamism of the scientific thought was reflected in many manifestations of studying the world, and this study came to the realization of the separation of disciplines in subjects only in the further, as a result of which the legal doctrine contained elements of other subjects and fields of study in its first stages of development.

The legal system of present-day Russia refers to a specific type of legal civilization, for which a special system of legal identification is inherent. In turn, this feature is not something extraordinary that would enable to distinguish the Russian legal doctrine from the general legal space.

For the Russian type of legal identification, the movement of legal awareness is inherent in the channel of its own ethno-social development. The legal doctrine of modern Russia can be considered through several categories, namely, firstly through the category of spiritual unity of citizens, and secondly through the category of conciliarity, in which practically all the existing institutions of statehood and law can be considered [10].

Summary. In particular, it is impossible to imagine the emergence of a truly functioning state mechanism in Russia without a doctrinally conscious form of power separation. The legal doctrine in any branch of power is used to create a coherent and effective legislation, the proper operation of the whole system of law, containing diverse and different elements. It is impossible to create and maintain legal norms that are adequate to regulated relations without a doctrinally formulated base. But it should be noted that if we consider the law in a purely formal legal manner, then the legislation norms can be adopted purely technically, without a doctrinal problem study. However, their semantic significance is questioned. In its legal essence, the legal doctrine bears rationalistic moments reflecting the legal reality of the state. At the same time, the legal doctrine, in its broadest sense, implements a multi-level impact on the conceptual provisions of jurisprudence, since it contains ideological, political and scientific ideas about the proper conduct of the subjects of law. In this regard, the scientific control and scientific development of legal institutions is carried out through the legal doctrine.

It should be noted the fact that the Russian legal doctrine within its modern development, developing quite actively, has not managed to form a sufficient basis for servicing its Russian jurisprudence. As repeatedly noted in the scientific literature: science is lagging to a certain extent from the requirements of legal doctrine and legal policy, which is reflected in the regulation of processes and phenomena of the surrounding reality within the "trial and error" method. It is because of this approach that we have to borrow certain legal institutions and legal constructions from other legal systems in certain moments. But borrowing can be inherently contradictory in nature, which can only be regulated by competent and advanced progressive legal doctrines and concepts, the number of which has being recently increased [11]. As any phenomenon of our reality, the legal doctrine of the modern world is confronted with certain problems that are expressed in various facets. One of the problems of legal doctrine is that the Russian legal doctrine is quite young (not to mention the doctrines in Russia in general), even too much young in some institutions. Until now, the legal doctrine remains misunderstood by some officials, as well as by organizations and municipal bodies. Therefore, summing up the intermediate result, we can state that the legal doctrine of Russia, which is not yet determined and young, still determines the direction of development of legal science in general and state institutions in particular. The scientific centers, which are mainly expressed in the university centers, give certain dynamism of evolution and development of legal doctrine, because the conceptual positions, which are justified in scientific and practical terms, can benefit the society where and for the benefit of which the doctrine is created.

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THE ISSUE OF MIGRATION IN THE ANALYSIS OF POLITICAL SCIENCE

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Abstract. In the paper, the authors suggest to consider the main approaches to the concepts of "migration" and "migration process" which have been developed in the modern scientific literature. This is necessary for their subsequent concretization within the political context. The subject of the study is migration in a scientific context. The topic also stipulates a comparative analysis of the "migration policy" and "state migration policy" concepts, in relation to which the authors define their different interpretations. This characterizes the subject area of the study. The relevance of the topic is associated with the fact that migration has acquired global dimensions at the beginning of the 21st century under the influence of many different factors. They, in turn, represent a meaningfully complex aggregate of problems which requires its conceptualization. The methodology of the study includes the conceptual provisions contained in the scientific papers of Russian and foreign scholars specializing in the subject area in question, both from the point of view of interdisciplinary knowledge and the research tools of political science, especially the systemic, comparative, institutional, and ethnopolitical approaches. It is necessary to name the systematization of the basic conceptual approaches to the sphere of migration, as well as the political and administrative impact on migration processes in the capacity of scientific novelty. To clarify the issue, the authors have formulated their own understanding for the order of relationship of such concepts as "migration", "migration policy" and "state migration policy". As a result of the study conducted, the authors came to the conclusion that this set of problems is associated with the tasks that form demographic and anthropological, economic and legal, sociological and psychological, culturological, ethnological, and religious focus. Within this thematic range, a special place in cognition must be given to the political perspective, since migration due to its mass character and transboundary nature, has gained significance within the political life of modern society. Thus, the relationship between migration processes and public policy is quite close. The slightest fluctuations in migration cause a certain political reaction and are perceived as an object of special administrative power influence. Thus, migration issues against background of their influence on the general situation in a number of host countries and affecting the interests of their inhabitants, are associated with the emergence of diverse claims of the autochthonous population and diasporas, including multilateral influencing political processes and the political system as a whole.

Key words: migration, migration process, state migration policy, political science, ethnopolitology, adaptation, endomigration, exomigration.

Introduction. Migration has a global scale, which gains traction at the beginning of the XXI century with new force due to a number of different factors. Large flows of people's relocation through state and political and administra-