

SOCIAL AND POLITICAL INTEGRITY AND POLITICAL AND LEGAL ORDER***Baranov P. Petrovich***

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Abstract: The article analyzes the essence and main characteristics of political integrity and political order. It presents various interpretations and research positions related to the justification of the latter. The theoretical and methodological basis of the work is domestic and foreign studies of political scientists, sociologists and lawyers. The paper uses ideological (phenomenological, sociocultural, systemic, etc.), general scientific (analysis, synthesis, analogy, etc.), as well as concrete scientific (historical-political, the method of political modeling) approaches and methods. The authors argue that in the context of the interrelationship of state, legal, political integrity and order, it is necessary to use the concept of “political and legal order” as more adequate, since the latter allows to comprehensively present and investigate the institutional and normative organization of society, based on political, legal norms, ideas, values and ideals, that ensures the orderliness of relations and reflects the specifics and patterns of development of a particular socio-cultural system.

Keywords: power, state, law, politics, order, political process, society, social dynamics.

1. Introduction. “The idea of representation is based on the fact that the people existing as a *political unity* has a higher and more elevated, more intense form of being, unlike the natural coexistence of any cohabiting group of people” [1, 49], - noted K. Schmitt. The German lawyer and political scientist quite clearly grasped the essence, the main idea of the state theories of the past in this phrase. This idea simplistically justifies the fact that the state is “a certain status of the people”, which is associated with its political and legal unity and integrity. Moreover, unity and integrity were not exhausted by instrumental-political, institutional-legal and procedural methods, methods and modes of maintaining the integrity of socio-political processes.

Integrity was seen as the qualitative state of the people’s life in its *spatial and temporal* (that is, the integrity of the evolution of the political and sociocultural life of the people, despite various disasters, “failures”, radical transformations occurring during development), *spiritual and moral* (integral system of national beliefs, ideas, symbols, images, attitudes, stereotypes, etc.), *geographic and climatic* (spatial, ecological and climatic specifics of the development of social processes and social and power relations, in many respects determining the power-legal forms of organization and modes of interaction between parts, elements) unity.

Of course, this qualitative state did not boil down exclusively to the above-mentioned characteristics, but expressed various nuances and specifics of the unity of various spheres and forms of national life in a holistic idea of statehood. At the same time, the task of the government (in the organization of its individual bodies and institutions – for example, in constitutional legal statics, as well as in the priorities, forms and modes of implementation of state policy – a dynamic, political cut) was the representation of this political and legal integrity of the people in its unity of the past, present and future, and not “people in their natural presence” with the dominant class, philistine, momentary interests. It seems that in this regard, K. Schmitt’s idea of the state is meaningfully developed by the idea of representation: “Representation,” – the

researcher emphasized, “is not a normative process, but something existential. To represent means to make visible and present some invisible being through a publicly present being” [1, 48].

In this regard, the idea of the functioning of state power was associated with ensuring a holistic political and legal life of society. Moreover, it is thanks to the existence of this idea that the various stages of the state-legal evolution and the concrete historical state of the political and legal organization of society can be understood in their organic connection, where the integral characteristics of the whole are formed by the interaction and interference of different stages and development turns. Hence the idea of state power, which in certain periods causes political and legal thought-activity of society, its possibilities and boundaries, is an integral image of tendencies and vectors of state legal transformation, despite the occasional radical, inconsistent, contradictory nature of the latter.

Consideration of the political life of a society, of any particular stage of its formation, without taking into account the integrity and historical unity of its development (no matter how idealistic this may seem), leads to destabilization of the political and legal organization, to erosion of spiritual and moral, cultural, socio-economic, political-legal countersigns of public integrity.

2. Survey of Literature and Approaches. From K. Schmitt’s point of view, the holistic order should be analyzed not with regard to a purely normative aspect, but taking into account social, political, and legal aspects, since normativism is effective only in a stable mode of functioning order. In cases of instability, abnormal regimes, the normativism cannot ensure the integrity of the order, the preservation of political and legal unity, and meta legal factors come to the fore.

Similar theoretical and methodological positions are developed by prof. M. V. Shakhmatov, who writes: “But no matter how dark it was in history - alongside this, there has always existed a high ideal that gives force and dignity to power in the eyes of the people and interfaced with historical reality at turning points of Russian history” [2, 9]. Shakhmatov argues that any state-legal organization is based on its specific ideal, which does not disappear even during a period of dramatic transformations, and is gradually modified, concretely specified, conceptually varies, but is preserved and manifested in the “form of a special ideological-state doctrine”

From these positions, the realization of the functions of state power not only expresses its social or class essence. A particular political activity of the state represents the ideological and state doctrine, which legitimizes the concrete historical functioning of this institution on the whole. In the representation of political unity and state legal integrity, something more is expressed that goes beyond the scope of any assignment and any state function. Hence the proposition that “the separation of powers is true only to the extent that the words “dominate” or “rule” contain the moment of representing, namely reflecting political unity” [2, 58].

One of the key characteristics of state power – the legitimacy – which is a qualitative indicator of political, legal, and socio-spiritual patterns of production (reproduction) of an integral order during the evolution of a particular social system – is substantively specified in this regard [3]. The category of “legitimacy” focuses on the analysis of a certain qualitative state of functioning of the power-legal space, in which (state) specific relations and interactions in a single system of personality – society – state, political activities of government institutions related to the implementation of functions and representation of state integrity and social unity are “embedded”, fit into the dominant ideological and state doctrine and type of political and legal thinking [4].

Let us pay attention to the fact that any revolution, a radical break-up of public life activity is directed mainly not to replace the ruling elite, state system, regime, legal system, etc., all this is secondary, but to change the political and legal way of life and thinking [5]. Without a change in the latter, no single goal of revolutionary practices will be achieved, and then these practices will be called otherwise. Significant revolutionary actions are directed, first of all, not at breaking of political institutions, structures, separate bodies, but *at the state-legal way of life, its unity and integrity*. The main goal of the revolution is “not the abolition of the former state system, but a radical transformation of people’s thinking” [6, 135]. In this regard, the revolution is, as B. Kapustin rightly notes, a special kind of historical and political practice, with attributes of “randomness”, “free causality” (in the sense of stopping or suspending the actions of normative-institutional and spiritual-cultural factors that determine specific tendencies development of the state, law, society, violation of causal determinations in social, political and other interaction) aimed at the emergence of new forms of political and social identity, injective collective actors, institutionally-power configuration, etc. [7, 4].

Thanks to the postmodernist orientation of humanitarian thinking the state studies not only approve the discourse of interdisciplinary argumentation of its own positions, principles or ideas (which leads, undoubtedly, to the development of any system of knowledge) but consolidate “the attitude” of fragmentariness of state and law being, its irreducibility to an integrity [8]. The researcher is now working with a “split” political and socio-legal mosaic that cannot be reconstructed at all. Moreover, any theory or concept claiming a holistic description of the political and legal existence of society is subject to “anathema”, marked as an ambitious research project, devoid of scientific verification and prospects for institutionalization [9].

In other words, the idea of statehood as a whole, as a special political state of the people (or political metanarration) in the modern era is going through a decline. It is postulated that none of the forms of political being has a

priority, does not have a paradigmatic “presence” of stability [10]. The conservative discourse of the legitimacy of an integral state being is replaced by a plurality of political forms of organization and interaction, types of thinking, lifestyles, etc. At the same time, every political unity must “somehow integrate, since it does not exist by nature but is based on a human decision” [1, 44]. Therefore, it is no coincidence that modern concepts of riskiness, instability and transitivity develop in state science [11], since the political unity of the people is characterized by “*floating frames and principles*” and is constantly in search for points of temporal integration. The universal forms and procedures of such political integration are democratic forms and methods of permanently re-creating political unity: “here the state constantly integrates itself through public opinion, elections, parliamentary debates and voting” [1, 45].

3.The Main Body. Although whatever point we may take on the historical axis of coordinates, everywhere the power unfolds in all its multiformity of variations, it exists in a particular social context, nevertheless it always has some basis, invariance, which consists in the fact that power always *takes shape through order*, organizing the chaos of social and political life, establishes proportionality for the struggling forces. Therefore, one of the main functions of power will always be the ordering of social relations, and the ideas about power will coincide with the moral and spiritual vision of order affecting the deep archetypes of mental consciousness.

The order expresses a certain justice, there is a model, an ideal, an archetype, which very rarely undergoes advances, the failure to comply with it is detrimental to all. The power is a way of its (order) realization, revival in unstable social and political practice. The origins of such mythologized ideas about the nature of power are based, apparently, on the archaic structures of consciousness, which consolidated their intellectual and symbolic tradition in each specific society (that is, when powerful thinking was fixed mainly in symbolic forms, creating and transforming *not so reasoned ideas but images* of social order and the very specifics of power) [12].

Researchers appeal to the category of “order” is not accidental, because the latter reflects the intellectual search for social and ideological pillars of the integrity of society, integrative values and norms that allow to harmonize social relations to overcome chaos, out of the crisis, gain stability and predictability of social relations. “The order is the first, - notes L.A. Tikhomirov, - the most urgent need of the emerging society. In general, for any process, any category of phenomena, order is necessary, that is, a certain coherence and certainty of the process. If this condition is violated, this process is destroyed and replaced by the chaotic mixing of its elements” [13, 30]. As a rule, this concept is associated with the orderliness of social and political life, the laws of social development, the settlement of the most important spheres of human society at the expense of social, cultural, political and legal means. P. Berger and T. Lukman note that “human existence is placed in the context of order, management, stability”, and chaos, transgression, bifurcation are only a qualitative change in the very order [14, 87]. In other words, the order “exists only as a product of human activity”; it becomes the basis of this activity; therefore, the order is constantly reproduced, changed in the course of social activity. Modern social, political and legal life, as many researchers rightly point out, is impossible without order, without a certain picture of being and social relations ordered on its basis.

In ancient times, order was associated with justice, with a cosmic (divine) device and was, in essence, an unchanged (absolute and universal) pattern, ideal for the political and legal order of earthly organization. Here “every innovation only distorts it. At the same time, the pattern (cosmic, divine order – author’s) remains in the past, deviation from which is pernicious ... justice (archaic dike) is associated with order and immutability, acquiring from the very beginning a conservative political tint” [15, 48]. The political system and the law must jointly embody and maintain the original order. So, for example, Plato’s state will be fair if it expresses an order that consists in a stable state - “strong and united” - and in obedience to the law, which implies obedience to the dictates of the mind, the eternal and indestructible order. Similar views are characteristic of the early views of domestic thinkers who believed that power and law are combined in achieving a certain task - to realize the earthly order according to a divine pattern, to give the latter a moral character, to make it an instrument for the implementation of Truth and the attainment of Grace.

The category of “social order” was widely incorporated into the scientific community thanks to works by M. Weber. He understood the latter as the institutional framework characteristic of a particular society, based on some axiological characteristics that ensure social stability and integration of society [16]. Social dynamics, in its interpretation, is a process of movement from chaos or “axiological void” to the social order, to the semantic fullness of social relations. Institutionalization of the social order implies, from M. Weber’s point of view: firstly, a massive, positive endorsement of the “proposed model”, which is possible if it corresponds to the historical, traditional experience of the people, and the interests and expectations of most people; secondly, the fixation of the most important institutions that support this model of order in regulations and other sources of law; and, thirdly, the establishment of such state institutions the activities of which would lead to the observance and maintenance of social order. In the judgement of M. Weber, axiological factors that influence the orderliness of social relations and the specifics of their power regulation are of paramount importance in the social structure of society, and the economic, political and legal order is already an expression, the embodiment of the latter in various spheres of human activity [17, 645-645-647].

Modern literature presents it as a definite organization of public relations and institutions, based on various

systemic, value, traditional and cultural factors. This term expresses the idea of organizing social life, ordering social actions or ideas [18, 398]. It reflects the idea of the non-randomness of the existing social organization, the social behavior of the subjects; of predictability and patterns of development of society; of the stability and historical evolution of various forms of human existence. Moreover, the order is “not a rigid constructiveness of a certain dead bone, but a flexible structuring of a living social organism open to positive transformations, having a high coefficient of resistance to various entropic influences of external and internal nature” [19, 242]. The most complete and pertinent for this study is the definition of order given by S. Ozhegov, who considers the latter from different semantic perspectives: *institutional* - “correct, well-adjusted state, location”, *regulatory* - “rules by which something is done”, *functional* - “the consistent course of any events”, *traditional, ideological* - in accordance with the fact “how it was, how it is customary, how it should be” [20, 565].

At the same time, various humanities interpret and modify the general concepts of the concept of “order” as a result of the immersion of this term in the context of the social phenomena under consideration. This results in various modifications of the social order: economic, political, legal, etc. For example, the political order is defined as a set of “rules that create favorable conditions for the effective and expedient functioning and development of the political system of society, the state of the settled political processes” [21, 31]. The latter reflects an organized system of stable interaction between political actors on the organization of political power and the achievement of significant political goals and needs.

Moreover, the political order is considered in modern studies and as a mental order, “not reducible to its material components and existing for the most part in the form of social representations contained in each social agent”. Therefore, in the framework of the political analysis of the scientist, in addition to the institutional configuration, the forms of reflection, ways of constructing political reality, “subjective patterns of perception and evaluation of cognitive and developing structures of the political space” are also of interest [22, 101].

In terms of the *legal system of knowledge*, it is mainly a legal order that expresses the idea of the legality and orderliness of social relations that define a certain state of society [23, 467]. The latter is understood as “a system of social relations, which is established in society as a result of the precise and steady implementation of the prescriptions of legal norms” [24, 345]. Moreover, it is noted that the rule of law is only a part of the general social order, which is a certain state of society established and supported by law [25], within which certain relationships (legal relations) are carried out according to certain rules established by the state that meet the principles of legality [26].

In the context of the relationship between state-legal integrity and political order, we suggest using the concept of “political-legal order” as more adequate. This concept has come into use relatively recently, and today it does not have any fixed definition. In one case, it is considered as identical to the concept of “legal order”, where “legal” indicates that social order as a phenomenon is based, inter alia, on the law, is organically associated with it; in the other, it is synonymous with the political order, which is a certain (stable) configuration of political institutions, organizations and institutions that function effectively in the legal field. In our opinion, the first and second points of view impoverish the meaning of this concept, for the political and legal lives of society are the two interrelated forms of human existence, reflecting the unified public law organization of society, which is part of the general social order [27,28]. Both the political life and the legal life of society are the condition for the existence of an integral state-organized society; both aspire to express and to satisfy social needs and interests of various character.

4.Summary.The political-legal order reflects not only the interrelation of the state and law but also the specific features and principles of the social organization of power, without which, as is known, neither the state with its characteristic political system, nor, accordingly, the legal system of the very society can exist. So, whatever point we take on the historical axis of coordinates, everywhere the power unfolds in all the diversity of its institutions, it exists in a particular social context, however it always has some basis, invariance, which consists in the fact that power always *takes shape through the political and legal order* that organizes the chaos of society. Therefore, ordering social relations will always be one of the main functions of power, and ideas about power will coincide with the moral, spiritual, and legal visions of order affecting the deep archetypes of mental consciousness. Thereby, the rule of law is also a state-imperious phenomenon, otherwise it is possible only where there is a public organization of society, in other words – the government that sanctions and supports it. Without state power, without its mechanism and institutions, legal order will be an abstract category that has neither formal definiteness, nor efficient (effective) ways of embodiment and functioning in the social reality.

In this sense, the idea of a political-legal order is connected with the understanding of social life as a whole, it presumes that the state is treated as a single public law “environment” of development and functioning of power relations. Thus, the government *implements the connection of various public interests and needs with the general political and legal order, and, in accordance with them, carries out its functions and directs the development of the political and legal system of society*. In this sense, *the political-legal order* is the institutional organization of society based on political, legal norms, ideas, values and ideals, ensuring the orderliness of social relations and reflecting the specifics and laws of the development of the socio-cultural system.

References

1. Schmitt K. The State and Political Form. M., 2010.
2. Shakhmatov M.V. The State of Truth. M., 2008.
3. Baranov P., Mamychev A., Ovchinnikov A., Komarov A., Samoylichenko A. Sociocultural (Archetypal) Transformation of Public Authority: Forms and Directions // *Man in Indian*. 2017. Vol. 97. № 23. P. 47 – 62.
4. Mordovtsev A.Y., Mamychev A.Y., Dudenkova A.A. Legitimacy as a Quality Characteristics of Political-Legal Organization // *Yurist-Pravoved*. 2008. №2.
5. Mamychev A., Mamycheva D., Krupnitskaya V., Timofeeva A. Political Transformation of public-power organization and the color revolution technology in the Eurasian space // *Central Asia and the Caucasus. Journal of Social and Political Studies*. 2016. Vol.17. Issue 3. P. 22 – 30.
6. Pyatigorsky A.M. What is Political Philosophy: Reflection and Consideration: A Series of Lectures. M., 2007.
7. Kapustin B. On the Subject and Usage of the Notion “Revolution” // *Logos*. 2008. № 6.
8. Baranov P., Mamychev A., Ovchinnikov A., Petruk G., Krupnitskaya V. Interdisciplinary and “Post-Disciplinary” Approaches in the Archetypal Studies of the Public-Power Organization of Society // *Man in Indian*. 2017. Vol. 97. № 23. P. 375 – 387.
9. Mordovtsev A., Mamychev A., Mordovtseva T., Mirzorin M. Democratic transit in the South Caucasian countries // *CENTRAL ASIA AND THE CAUCASUS. Journal of Social and Political Studies*. 2016. Vol. 17. Issue 3. P. 7 -14
10. Vorontsov S.A., Mamychev A.Yu., Ponedelkov A.V., Yanguzin A.R., Vildanov H. Elitogenesis in the Political Processes of Modern Russia, Based on Sociological (Field) Research // *Man in India*. 2017. T. 97. № 23. P. 273-284.
11. Kravchenko S.A. Risks in Non-Linear Global Local Society. M., 2009.
12. Shcherbinina G.N. Hero and Anti-Hero in Politics of Russia. M., 2002.
13. Tikhomirov L. A. Monarchic Statehood. M., 1998.
14. Berger P., Lukman T. Social Construction of the Reality. Treatise on Sociology of Knowledge. M., 1995.
15. Isaev I.A. *Politica Hermetica: Hidden Aspects of Power*. M., 2003.
16. Veber M. Selected Works. M., 1990.
17. Veber M. Politics as Mission and Profession: Selected Works. M., 1990.
18. Russian Sociological Encyclopedia / Edited by Academician of the RAS T. V. Osipov. M., 1999.
19. Bachinin V.A., Salnikov V.P. The Philosophy of Law: Abridged Dictionary. SP, 2000.
20. Ozhegov S.I. The Dictionary of the Russian Dictionary. M., 1990.
21. Malko A.V. Political and Legal Life of Russia. M., 2000.
22. Kachanov Y. Political Topology: The Structuring of Political Reality. M., 1995.
23. Islamov, A. E., Rassolov, I. M., Petunova, S. A., Albov, A. P., Zaikina, I. V., & Shulga, T. I. (2016). Students' Tolerant Behavior Formation Mechanisms. *International Electronic Journal of Mathematics Education*, 12(1), 43-50.
24. Lyubashits V.Y., Mordovtsev A.Y., Timoshenko I.V., Shapsugov D.Y. The Theory of State and Law. M.; Rostov-on-the-Don, 2003.
25. Tikhomirova L.V., Tikhomirov M.Y. Juridical Encyclopedia. M., 1998.
26. Baranov P., Ovchinnikov P., Mamychev A., Plotnikov A. Elites and the Formation of Constitutionalism: The Socio-Cultural Vector of Development // *Man in India*. 2017. T. 97. № 23. P. 561 – 575.
27. Malko A.V. Political and Legal Life of Russia: Burning Problems. M., 2000.
28. Arenas, Belinda Elena Colina, and Jackeline Emperatriz Camacho de Adrianza. "La medicina en Venezuela: innovaciones tecnológicas y capital mora." *Opción* 34.86 (2018): 924-958.