



REVIEW

The Need for State Ideology in the State to Ensure Human Rights

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ABSTRACT

Human society is not a history of ideas, as such, of the activities or the vicissitudes of destinies, the so-called historical personalities acting according to the arbitrariness of their mind and heart. The history of society has its "earthly basis". This is, first of all, the history of the development of people, their existence, traditions of the people, spirituality, moral values, economic development, rules of conduct, laws of the country in which you live, in short, the ideology of the state and how it is presented by the authorities through the media. But in Russia, as stated in article 13 of the Constitution of the Russian Federation, "No ideology can be established as a state or mandatory." The same Constitution recognizes "ideological diversity". Subsequent postulates of the same Constitution of the Russian Federation refute the foregoing.

1. Introduction

The development of constitutionalism in Russia, accompanied by contradictory political, doctrinal and legislative trends; the process of formation of constitutional institutions in the new socio-economic conditions; the revision of constitutional doctrine in the context of the reception of Western liberal constitutional institutions – all this creates a lot of problems in constitutional legal relations prevailing in the interaction of the Supreme bodies of state power between themselves and the state apparatus with the Russian civil society.

In Russia, as stated in Article 13 of the Constitution of the Russian Federation, "No ideology can be established as a state or mandatory." The same Constitution recognizes "ideological diversity". Subsequent postulates of the same Constitution of the Russian Federation refute the

foregoing.

A sign of sovereignty is also the lack of responsibility of its carrier, to anyone else, as well as the possibility of establishing a state of emergency. In other words, the one who establishes the norms must be competent to change and violate them, without this there is no real independence, full sovereignty, there is no supremacy and will not be. Moreover, a sovereign state can suspend the operation of a right by virtue of its right to self-preservation.

The state is, until then, really a state, as long as it effectively suppresses all competing forces in internal affairs, and in the external - claims itself as an equal competitor. (sovereignty), impose their will upon them. The result and logical development of the denial of the idea of the sovereignty of the state, or its limitation is the basis for the indulgence of the aggressors who try to present themselves as defenders of the common interests of the entire popula-

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tion of the globe.

Since the Constitution of the Russian Federation should ensure that fixed it the foundations of constitutional order, it sets the boundaries of recognized rights ^[1]. Basic rights are provided and implemented in the framework of the legal order, should not undermine the foundations of this order. For the realization of constitutional rights and freedoms of the individual are not always sufficient to have only common political, economic, social and legal guarantees. Every person defending their right in all lawful ways, involved in the implementation of the ideas of liberty, equality and justice.

2. Methodological framework

Methodological basis of this study is the dialectical method of cognition of social and legal phenomena and concepts in their development and interdependence. In the process, general-purpose and scientific methods of scientific knowledge are used as well, historical and legal, systemic, structural-functional, comparative legal, statistical, sociological, specifically the formal-logical, logical-legal and others. The legal framework and information base includes the research of international legal instruments, scientific sources, investigative and judicial practices to ensure the rights and lawful interests of individuals in the pre-trial proceedings.

3. Results

Subsequent postulates of the same Constitution of the Russian Federation refute the foregoing. The provisions of section 1 are represented as a manifestation of a completely definite ideology: "Man, his rights and freedoms are the highest value" (Article 2). "The bearer of sovereignty and the only source of power in the Russian Federation is its multinational people" (Article 3). "The Russian Federation is a secular state. No religion can be established as state or obligatory" (Article 14). "Religious associations are separated from the state and equal before the law" (art. 14).

At the same time, the Constitution of the Russian Federation contains liberal and social democratic ideas, that is, a hidden ideology. Liberal ideology, the ideology of human rights appears in Article 2 of the Constitution of the Russian Federation: "A person, his rights and freedoms are the highest value. The recognition, observance and protection of the rights and freedoms of a person and a citizen is the duty of the state. The Social-Democratic ideology is reflected in Article 7 of the Constitution of the Russian Federation: "The Russian Federation is a social state whose policy is aimed at creating conditions ensur-

ing a decent life and free development of a person." Thus, the country abruptly moved from socialism to liberalism.

If its article 2 postulates that man, his rights and freedoms are the highest value, it follows that the ideology of liberalism dominates in our country. Why those who adopted the Constitution of the Russian Federation on behalf of all Russians did not call a spade a spade? A supporter of liberal ideas does not like, no rules, no laws, no dogma, no limits, for it imposes a responsibility on those who received it. Few people know that the words "separation of Church from state and ideology from state are mandatory requirements" is present in the last God-fearing "humanitarian Manifesto" published in 1973. Replacing a certain Church and a certain ideology with vague quasi-Church and quasi-ideology, liberals desecrate both the Church and the state.

The influence of ideology affects all spheres of public life in the country: political, economic, socio-cultural and religious ^[2]. In modern constitutional law science ideology is construed as a system of individual opinions, ideas. Collective and public-law entities in question of following this or that ideology is derived from individual media. The lack of official state ideology does not mean that the ideological struggle in society, the state ceases.

Freedom enterprises is in the system enshrined in article 13 of the Constitution of the Russian Federation as bases of the constitutional system of Russia by the principle of ideological and political diversity, according to which the Russian Federation recognized the multi-party system and equality of all public associations before the law ^[3].

The duties of the state within this principle are not to interfere in the internal affairs of another state, such as establishing a form of government, holding referenda and plebiscites, passing laws, spending loans, etc. States are obliged to refrain from actions that can be considered undue pressure to obtain special rights and benefits. This may be financial pressure, a promise to grant privileges on the condition of granting loans, lending, but under the condition of buying the products of the creditor state, ceding territory, etc. Interference in the internal affairs is also considered broadcasting to the territory of the state without his consent. But the world powers, in order to ensure their own security, use, above listed, ways of influencing other states ^[4].

The ideology is an inseparable attribute of every state, despite the absence of regulatory consolidation provisions to that effect in the fundamental laws in some countries (USA) and establishing a compulsory state ideology in others (North Korea, Cuba). As a rule, in the constitutions of Western European countries there are no prohibitions

of the state ideology, or the provisions that call pluralism as a constitutional value. Thus, the problem of ideological and political pluralism, the modern constitutions of foreign countries resolved, but mostly not in a general manner, and in particular forms (for example, the provisions on the freedom to form political parties). The lack of a general language such in many democratic countries due to the fact that political and ideological pluralism is seen as a natural state of society.

The state cannot live without a clear ideology, as man cannot live without a soul. In the economy of any state, for example, there is an element of planning, the 'hand of the market' does not determine anything. In society continue to exist the following questions: what is the role of man in modern society, the state. What is the role of the constitutional ideology in modern society? Whether such an ideology of the state, society, personality? If the compulsory ideology may someone to be imposed and not needed, but the state ideology is a necessary element for the development of legal state and civil society^[5]. The Russians were never explained – what kind of society are they building? If socially oriented, why such a gap between rich and poor? The government should take such measures to many oligarchs, officials remained nothing how to be Patriotic. Our cornerstones: patriotism, responsibility of the state and business to the people, social justice and nation.

In Russia are increasingly heard the question: why are we always something and someone interferes? Why is stalling the democracy reforms are not implemented, falling economic growth? Who is to blame? Why we stopped producing Nobel laureates? Why our high school looks so modest in the world rankings? What's the matter? People are lazy and in denial?

The Constitution of the Russian Federation does not reflect the cultural and historical features of Russia. From the point of view of representatives of modern Russian conservatism, Russia was originally and remains a special civilization, a special cultural and historical type. Despite the fact that our country is multinational and multi-religious, one cannot deny the role of Orthodoxy in the establishment and development of Russia. For a long time, Orthodoxy served as a state ideology for Russia and in many respects contributed to the preservation of Russian statehood, constituted and is the basis of the spiritual life of the Russian people.

The consequence of de-ideologization is the lack of collective self-identification of the Russian population fixed at the constitutional level. The Russian people in the Constitution of the Russian Federation is not mentioned at all. At the same time, the Russian people are a spiritual

and state-forming nation among other Russian peoples.

It is important to note that the idealistic concept of building social relations without ideology as such is illusory and can cause substantial harm to the state and society. No state can exist without a national idea or concept. A single coherent ideology contributed to the construction and development of such a complex, multinational and multicultural state as Russia. In contemporary democratic Russian Federation, we can observe the process when the ideological diversity allows officially exist and develop any ideologies that are not illegal and socially dangerous^[6].

Sometimes constitutional principles may come into conflict with the interests of the state, society, and human. Many researchers believe that this principle is not in the interests of the state from the point of view of an optimal system of managing public relations and the requirements to greater centralization. Others believe that the Constitution of the Russian Federation, declaring ideological and political diversity, does not impose ban on the existence of a common national idea, which may be the subject of the ideology of political and civil institutions. Justify the opinion that the ideology of Russian constitutionalism as a state comes from the Constitution, because at the heart of this ideology are ideological, i.e. defining, in the framework of the constitutional process, the interests of state power values: power of the people and for the people, federalism, the rule of law, supremacy of the rights of man and of the citizen, non-religious state, which define the system of values of the considered ideology, where the backbone and the integrating value of the acts of the constitutional state^[7].

4. Discussion

There is a contradiction between the ban on state ideology in one article of the Constitution of the Russian Federation and its actual presence in other articles. At the same time, there was no place for Russia itself and its traditional religions in the value range of the Constitution. Liberalism brought to Russia contains many ideas that contradict the centuries-old traditions of the Russian people. These ideas include: individualism, the cult of money, the predominance of private property over state. If all this is not an ideology, then what?

Today, we must realize that hatred is blinding, devastating, eating away at the moral foundations and support of the individual and society. So for all of us in memory of our departed ancestors, it is important to learn the lessons of that dramatic era, to never again be detrimental to Russia's new division. Recall again those events honestly and ask for the repose of the souls of all those killed in the

revolutionary fire^[8].

What we want from the state? Unlimited access to foreign cultural values, or protection of their traditions? All you need to do, young people can gain fast on the Internet, which increasingly affects the mentality of people. To educate the patriot is much more complicated: the world wide web for the most part configured aggressive today against Russia. Today, we witness the collision of the state and transnational approaches to our culture and history.

Existing in legal science approaches to the definition of ideological diversity sometimes diametrically opposed. It has been suggested that the provision of article 13 of the Constitution of the Russian Federation is not only in contradiction with many provisions of the first Chapter, but also negates the value of the Basic law as a powerful ideological document. According to this position ideological diversity is understood as a complete deideologization of the state of public life, leading to the crisis of national values. And the Constitution of the Russian Federation excludes any ideological component of our national and political development.

Ideological diversity provides not only the possibility of a free existence and development of various ideas, concepts, theories, but also their competition. Guarantee equal competition between various ideological currents within the framework of the law is a state responsibility. Depreciation terms, forms and methods of competition within the legal structure of the institute of ideological diversity deprives him of any legal meaning and, therefore, must be regarded as contrary to ideological diversity as the basis of the constitutional order of the country.

Ideological diversity, enshrined in article 13 of the Constitution, not only does not deny the possibility of the existence of the consolidating ideology, but, on the contrary, specifies the coordinate system within which can exist different types of ideologies until then, until the legal limits of their implementation. Ideology may be inherent to the public entities. Since the Constitution of the Russian Federation should ensure that fixed it the foundations of constitutional order, it sets the boundaries of the rights recognized.

Currently, the categories of ideology and ideological diversity are the object of study of different sciences: sociology, philosophy, political science and law. The ideological diversity in the system of the constitutional order of Russia is defined by its relationship with other foundations of the constitutional system. First of all it concerns economic, political, religious and spiritually-cultural bases.

The most concentrated, systematized, and often theoretically reasonable expression of society are systems of

different ideological views, different ideologies, beliefs. They are not the same, because modern society is socially asymmetrically, different classes and social strata have different interests that finds expression in certain ideological constructions. The state due to ideological diversity is obliged to create necessary conditions for equal realization of spiritual rights and freedoms for all subjects of public legal relations.

Along with the differences in the fundamental interests of many social, religious, and political groups in society may coincide, for example, on the basis of shared interest in social progress, modernization, development of national ideas. There are also some recognized by many universal values. On this basis, formed the all-Russian idea, created the ideological tenets that find concentrated expression in the Constitution. These ideological postulates are represented by many concepts adopted by the modern Russian society: democracy, rights and freedoms of man and citizen, the separation of powers, local self-government, socially oriented market economy, political pluralism, ideological diversity.

The pluralistic component of the peculiar organization of different spheres of social life and ideological diversity in this context stands for the respective foundations of the constitutional system of the Central link. In this sense, it performs a system-forming function in the process of organizing civil society, individual and individual institutions of political power.

Because constitutional norms have a constitutive character, identify key principles of construction and functioning of the state and its political system, their content is always controlled by the state apparatus. Complete absence of contradictions between positive and natural law constitutional reach even the most developed democratic state.

As rightly pointed out by K.M. Isaeva, in theory and in practice, there are still a number of contentious unresolved issues in the field of constitutional legal regulation of the ideological diversity and the implementation of this constitutional principle into practice. It is obvious that only a mandatory state ideology in a proclaimed ideological diversity can not be, but the discussion remains the question about the possible existence in terms of ideological diversity and, accordingly, under free and equal competition of ideas, concepts, theories in society, constitutional and legal ideology^[9].

The main legal instrument to define the legal ideology of the Russian Federation, of course, is the Constitution of the Russian Federation. Her standards are goals with respect to all other norms of law, which can be considered as a means to implement the constitutional provisions

achieve the objectives. It can be not only the basis of the national idea, but should serve as a means of uniting social groups and individuals to respond to national goals and objectives. The conductor of the above ideological beliefs that exist in society are public authorities. This is reflected in the activities of political parties when nominating their supporters in the various organs of state power and bodies of local self-government, first of all, by active participation in election campaigns.

The provisions of part 2 of article 13 of the Constitution of the Russian Federation not only do not deny the possibility of the existence of a unifying ideology, but, on the contrary, set the coordinate system within which can exist different types of ideologies until then, until the legal limits of their implementation. The prohibition does not apply to constitutional and legal ideology in the power of the state of nature and the educational nature of the Constitution. The existence of a particular ideology is possible only in the framework of the constitutional legal Journal of Advanced Research in Law and Economics ideology, the essence of which lies in maintaining the balance of constitutional values, interests of society, state and personality.

4. Conclusion

Democracy cannot exist without such concepts as justice. Justice for the Russian people similar to the religious concept of Paradise, which can be created while still on this sinful Earth. And the one who will mount the main Russian dream has all the chances of a positive reaction of society, especially ahead of presidential elections. Moreover, the chances of success of all the candidates will be approximately the same, as we, Russia, are at the very beginning.

Justice as fairness, impartiality and objectivity in the relations between state and society or between individuals within the community is not so much with institutions as with the ordinary life of the people. In turn, successful institutions are formed not in the abstract, but in the applied sense, that is, with an eye on the result. The specific results for which are conversion, but not the institutions themselves, as such, are subject to agreements and discussions^[10].

The main reference for the formation of the Russian constitutional legal ideology should become the rights, freedoms and legitimate interests of citizens of the Russian Federation, which directly follows from the systematic interpretation of articles 2 and 13 of the Constitution of

the Russian Federation that define the rights and freedoms of the individual a Supreme value and guaranteeing the ideological freedom to everyone^[11].

7. Conflict of interest

The author confirms that the data do not contain any conflict of interest.

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