

## Urgency of the study of the *justice* category in the modern Russian law

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**Abstract.** The article substantiates the necessity and the urgency of studying the *justice* category at the present stage of the Russia's statehood, which has specific features; underlines the necessity of studying this issue, the difficulties connected with it, correctness of using works of philosophers, sociologists and other scientists for consideration of the legal expression of justice; determines the object and the subject of the research, methods of cognition necessary for studying the issue, as well as the purpose and necessary research tasks for more complete and all-round accounting of features of the *justice* category in the law.

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### Introduction

At consideration of justice-related issues, the socially organizational or socially regulatory element of justice is often omitted, which has been present in it at all times, and which role drastically grows in the modern society, which is characterized by the high level of personality individualization, on the one hand, and practical inability of citizens to change the course of social processes and productively oppose themselves to the individuals united in groups, on the other hand. "Ignoring the moral nature of law can lead to inefficient functioning of all elements of the law system, which also affects the development of the Russian society" [1]. The circumstance that perception and understanding of justice influence formation of the legal culture of each new generation of citizens assigns particular importance to studying justice in law.

It is rather ungrateful and ineffectual work to pay attention and focus only on the problems related to moral and evaluative nature in the context of studies of law (taking into account the number of works dedicated to this problem [2]). Such authors paid attention to various aspects of the specified problematics as: Amartya Sen [3], Will Kymlicka [4], Harry Brighouse [5], David Schmidtz [6], Z.A. Berbeshkina [7], A.V. Drevesnikov [8], and others. Significant contribution to the development of knowledge of justice was made by John Rawls' work [9]. The primary goal of modern legal theorists is the correction of the situation connected with consideration of justice as a philosophical, moral and ethical phenomenon somehow applied in law. Another urgent necessity along with using theoretical, philosophical, and other exploratory studies about justice is the revealing of peculiar features of independent, social and organizational, and legal aspect, the development of methodology of

applying justice with account of its properties and characteristics so as to make it (justice) have real legal influence on public relations.

Attempts to reveal the said specificity are certainly connected with the fact that it is necessary to consider different views and works of all scientists, both philosophers, sociologists, and economists and legal theorists for more accurate revealing of properties and characteristics of justice necessary for consideration of the question about the methodology of justice application and for working with this category in the processes of lawmaking and law-enforcement. However, within the framework of the legal research, all approaches, except legal, should be used as auxiliary only. Determination of reasonable methods of solution of existing problems of justice application with account of finding the balance between value content of justice and its legal expression is necessary.

It is a question of determination of how representations about justice, which occur in the society, should influence on the nature of political legal institutions, what possible limits and content of responsibility for political decision-making are, how individual understanding of justice should correspond with the opinion of the majority, and how the whole variety of cultures of various people residing in the Russian Federation and the difference in social statuses can be taken into account.

In fact, each aspect of the named problem can be currently a part of election campaign and an interesting topic for political debate on the highest political level.

Consideration of theoretical issues related to justice, consideration of various points of view should without fail result in development of theoretically reasonable suggestions on changing the

current legislation and on reserved criticism of the political legal order.

The ethical standards existing in the modern society and rendering any significant influence on the behavior of representatives of this society are not always expressed in legal prescriptions and thus formally are "inactive".

Thus, the primary goal of modern research of justice can be formulated as – moving to a new level of theoretical and, which is most important, practical perception of this category. It is necessary to designate the variants of the practical problems solution. Justice, as the moral base of the modern law, should be clear and formally determined as well as the law itself, and only then it will have real influence on the public life being beyond individual visions and preferences. As an integral system of valuable reference points at solution of various political legal problems, justice currently is only the ground for complex studying and multilateral discussion of its normative aspect.

The object of the specified research should be justice in its function as a public and legal phenomenon, a set of moral values and imperatives.

In the context of this research, specificity of justice in law will fully act as the subject of the study.

The purpose of the works being carried out is understood as justification of the necessity of moving the theory (theories) of justice to a new perfect level allowing to create effective legal application of this category both in legislative and in law-enforcement processes.

As well as any other scientific purpose, it is achievable with a condition of solution of certain research tasks. They also can include the following tasks among others:

1. revealing the complexity and many-sided nature of the *justice* concept as a result of analysis of existing views and theories of justice;
2. determining various aspects of justice, which have legal (both naturally legal and positive) meaning;
3. revealing problems related to lack of uniform understanding of justice in the lawmaking and law-enforcement aspects;
4. seeking possible ways of solution of the problems designated in the above items;
5. theoretical buildup of the construction of proper legal application of justice;
6. developing the concept of formulation of the uniform *legal justice* and the sphere of its application;
7. determining the degree of influence of individual sense of justice on estimation of the modern Russian political legal reality;

8. determination of the legal content of justice taking into account its semantic ambiguity;

9. developing modern semantic and verbal content of justice, which should be focused on requirements of each individual in the society, each personality, and should assume making indestructible the moral ideal and particular behavioral rules, which are formally stated in the form of laws;

10. justifying the idea that regulatory reinforcement of justice generates the moral risk associated with the increase of possibility to be responsible for the subsequent result of political legal and social changes in the society;

11. Substantiating the theory that practical particularization of justice as a law value will be the logic continuation of the principle of definiteness and predictability of legal policy and lead to better stability of development of the state's internal policy.

Certainly, the full range of tasks is not limited to the above list. New tasks can become known and be formulated at each stage of scientific process taking into account newly made conclusions about the research subject.

The research methodology, as a rule, is determined by its purposes and tasks. The choice of methods of the suggested research predetermines that the research is theoretical, legal and targets promotion of new theoretical plans and practical, regulatory suggestions.

One of the main methods is the method of analysis of the philosophical and regulatory content of the *justice* category, mutual influence of these two approaches to the study, as well as the points of incompatibility and an incommensurability of these aspects. Such analysis is possible only by combination of studying the statements of philosophers and legal theorists and analyzing the existing political legal reality.

At the present stage of development of the legal science in Russia, even a short review of the main trends of researches of justice shows that understanding and consideration of justice is either deeply theoretical and lacks practicability or is narrow and branch-related [10]. The inevitable result of it is that currently justice in the Russian Federation reigns but does not rule; even it is impossible to say that it reigns – it just applies for the throne.

The scientific work is required, which on the contrary would be focused on developing such vision of justice in law, which would be integral, constructive, regulatory, and generally valid. The main formal and substantial characteristics of justice in law should be considered according to the level and the dynamics of development of public relations.

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