THE STATUS AND SIGNIFICANCE OF LEGAL RESPONSIBILITY IN THE LEGAL SYSTEM OF RUSSIAN SOCIETY

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Abstract: Only a few scientific works in Russian legal studies are devoted to the status of legal responsibility in the Russian legal framework. This article examines the status of legal responsibility in the legal system of Russian society and proposes a new approach and defines the relationships between legal responsibility and legal awareness, legal culture, and regulation of social relations on the basis of authors' consecutive studies as well as other viewpoints presented in the literature. Authors outlined the features of legal responsibility in the context of Russian legal framework and social relations, highlighting criteria of legal behavior and Russian legal norms contributing to the development of this phenomenon.

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Introduction

Today, there are few scientific works in Russian jurisprudence that are devoted to the status of legal responsibility in the legal system of society. Much more attention is paid to such status in the system of law. Such works focus on legal regulations that consider the types and measures of state coercion applied to a person for a committed offense and from the standpoint of their autonomy or intersectoral relations. However, 'legal responsibility' is viewed with an official understanding, enshrined in legislation. Its influence on developing law rarely becomes the subject of scientific analysis. The relationships between legal responsibility and legal awareness, legal culture, and regulation of social relations are described from the perspective of characteristics of state coercion from a functional capacity.

This article examines the status and significance of legal responsibility in the legal system of Russian society, as a special legal quality of the subject.

Data and Methodology

The basis for such an understanding of legal responsibility was given in Radachinsky (2014). A number of studies and publications were examined to obtain proper results of this study (Zorkin, 1996; Chirkov, 1996). Actually, pedagogy, psychology, sociology, philosophy promote the concept of social responsibility as a person's quality is common. Its functional purpose lies in providing a conscious individual's choice of behaviors that will allow meeting the needs without affecting the surrounding people. In this case, the subject could not only refrain from violating the requirements of the social regulatory system, but also voluntarily strive to achieve a socially useful result. Certain attention is paid in the scientific literature to characterizing the responsibility's nature, essence, forms, structure, and the criteria for its evaluation. Scientific data obtained in the process of cognition of social responsibility from these positions formed the basis for various pedagogical programs for the formation of personal qualities, the methods of its socialization and rehabilitation, conceptual models of universal values, the development of criteria and methods for assessing the social importance of a person in society.

Results and Discussion

According to domestic lawyers of Russia, the sphere of legal responsibility encompasses activities for implementing a legal regulatory system. Depending on the essential notions of responsibility, various authors identify it as part of executing legal norms, i.e., compliance. Therefore, supporters of a prospective positive concept justify the manifestation of legal responsibility when the subject performs duties in the most effective way, ensuring the achievement of socially beneficial results. Legal

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responsibility in these cases is defined as part of lawful behavior and is revealed through its subjective or objective sides by various authors. Chirkov (1996) considers representing legal responsibility through the subjective and objective aspects. In this, the subject, and the object generally reduces such responsibility to lawful behavior while fulfilling legal obligations.

Representatives of the retrospective concept consider legal responsibility in the framework of studying the application of legal provisions. Whether considering it as an imposed additional obligation or as combined consequences of the offenses committed, such as penalties, protective legal relationships, and punishment, responsibility refers to situations of state legal regulation enforcement.

Although researchers aim to integrate its positive and negative aspects, legal responsibility remains expressed in the enforcement of proper legal regulations. What differs is the manner of implementation, i.e., voluntary or enforced.

As a rule, the importance of legal responsibility in the scientific literature is reduced to the creation and maintenance of social order by ensuring the proper implementation of legal obligations and prohibitions by entities.

Understanding legal responsibility as a unique legal quality of a subject fundamentally affects the manner of assessing its status and function in the legal system. This understanding surpasses the sphere of negative legal provisions, as in penalties, and recognizes legal responsibility as an integral part of both the law-constitutive and the law-implementing processes.

First, that the formation of law, in the author's understanding is not purely the act of creating legal regulations. It is a natural and continuous process of determining the content of freedom, equality, justice, and responsibility, which subsequently become criteria for assessing the behavior of subjects, by participants of public relations. A similar concept of law formation exists in the scientific literature. Shapsugov (2003) notes that for the emergence of the law, it is necessary to define the needs and interests of social entities that are able to generate the law. In turn, history shows that it is freedom, equality, justice, and responsibility that constitute the needs and interests in the sphere of law. Unlike law, the process of creating normative legal systems can have different social bases and goals. On this point, Zorkin (1996) emphasizes the fundamental cultural differences of people caused the need for empires to unify in legal codifications:

This codification was designed to exclude or at least mitigate the inevitable legal collisions caused by a clash of different cultures. Due to the fact that this codification actually 'covered' heterogeneous (and always at least partially mutually conflicting) local cultural, native and ethnoreligious notions of justice as a single cap of the legal understanding and enforcement system permissible for all integrable tribes with their cultures.

The effectiveness of such a common legal understanding and enforcement has not been the same historically. Although, for the purposes of this study, the recognition of the multiplicity of possible goals for creating and developing regulatory legal systems, rather than the effectiveness of such codifications, is important. The goals can be created both to formalize the needs and interests of society in equality, freedom, justice, and responsibility and to solve the imperial tasks for unifying social regulators while neglecting the civilizational differences of peoples.

Law is constantly formed in accordance with the specific historical circumstances of the social development and human notions of the law. Zorkin (1996) refers to the primary legal views of 'good', 'justice', 'permissions', and 'obligations'. Due to the dynamic state of social relations, the system of these views is in constant development. Hence, the rights and freedoms of social entities are not static, defined once and for all, or permanently approved by citizens and organizations. There is an understanding that people's needs and interests and primary legal ideas are continuous in their development and the content of the law is only relatively stable. This suggests that legal standard recordings in any source are necessary but still restrict the right, by both its recording and its expression. Clearly, there are generally recognized needs and values that have traditional ways of expression. The standards on which they are based are recognized as universal and form the fundamental basis of law and the normative legal system. However, most rules of conduct, established by society, are of a temporary nature and of specific content, depending on the challenges of society. Moreover, it is not solely law-making bodies that are historically relevant in the content of legal provisions. Overcoming the legal and technical law restrictions and the need to ensure the law through

available, though oft imperfect legal means, results in law enforcement attempts to include socially important qualities of equality, freedom, justice, and responsibility as part of the legal requirements. The interpretation of the Constitutional Court of the Russian Federation is a clear example of such, as illustrated in the following example. Paragraph 3.20 of the Road Traffic Regulations, approved by the Resolution of the Government of the Russian Federation, No. 1090 of October 23, 1993, designates a sign that prohibits the overtaking of vehicles within a relevant area. Today, many road users are uncertain about the legal assessment of their behavior when they commence overtaking according to Road Traffic Regulations in one section and then complete the overtaking in the 'no overtaking' sign area. The reasons for the impossibility of completing the maneuver can be somewhat objective (e.g., the behavior of other road users or the lack of visibility of the sign). However, the lawful behavior that has begun (in accordance with the current legal regulations), by the time it is completed, becomes an offense under Part 4 of Article 12.15 of the Code of Administrative Offenses of the Russian Federation. Such situations have become the subject of an assessment of the Constitutional Court of the Federation, set forth in a decision of the Constitutional Court of the Russian Federation of December 7, 2010, No. 1570-O-O "on refusal to accept the complaint of citizen Yadrihinsky Dmitry Borisovich for violation of his constitutional rights by part 4 of Article 12.15 of the Russian Federation on Administrative Offenses". The reasoning defined in the Constitutional Court of the Russian Federation suggests its position was formed on the basis of clarifying the correlation of interests of drivers who overtake and the public danger of possible consequences of their actions, as is evident in the following statement:

An illegal driving to the side of the road intended for oncoming traffic represents an increased danger for life, health and property of road users, as it creates a real situation of frontal collision of vehicles associated with the risk of serious consequences, thus the responsibility for it, according to Part 4 of Article 12.15 of the Code of Administrative Offenses of the Russian Federation in relation to Articles 2.1 and 2.2, shall be liable to drivers who committed the offense intentionally or through negligence.

Disparity among the judges determined the position of the Constitutional Court of the Russian Federation whereupon the moment a vehicle moved into the oncoming traffic should not be of primary importance in determining an administrative violation stipulated under Part 4 of Article 12.15 of the Administrative Code of the Russian Federation. Thus, the answer to the question of whether the driver has the right to overtake in the absence of a prohibiting sign or road marking may be of the negative. Nonetheless, there are no corresponding legal provisions in the current legislation. The determination of a driver's right to overtake is related to the specific conditions of their movement and refers to the driver's assessment of a traffic situation, any anticipation of possible consequences, or voluntary avoidance of overtaking to avert risks. The appropriate assessment of the traffic situation and the driver's road behavior depend on the driver's legal knowledge, skills, abilities, and qualities, which form an integrative quality known as legal responsibility. Hence, it is not possible to determine whether or not a driver has the right to overtake without an analysis of the driver's responsibility. The right and responsibility of traffic participants in the legal system nature of the road-user interaction, the risks of socially dangerous consequences of a careless driver, the social need for road safety, and a driver's ability to measure their interest of others. It has no normative legal recordings but was formally defined and expressed in the interpretation of the Constitutional Court of the Russian Federation.

The Constitutional Court of the Russian Federation has many such examples. Law, as a constantly formed system about equality, freedom, justice, and responsibility of social subjects is the basis of a court's activity. The position of the Constitutional Court of the Russian Federation, expressed in its acts, largely determines the ways in which current legislation, law enforcement, and legal opportunities for citizens are developed. In this regard, an understanding of the process of creating legal rights and that of the status of legal responsibility in such a process is fundamental for any participant of public relations.

The above example shows that specifying freedom, equality, justice, and responsibility in law defines their effective correlation, clarifies the degree of their natural existence in society, and forms the basis for their existence or not. In addition, it is necessary to distinguish the common law as an abstract assumption of the most typical and universal standards of a person's behavior and subjective right.

The general law reflects no personalized concepts about equality, freedom, justice, and responsibility. This not only establishes unconditional standards of behavior but also provides tools for modeling the legal relationships of individuals. There may exist a subjective right without a rigid limit. The right of a specific person (subjective right) is determined by whether or not there is some possibility of using a general law with the criteria of freedom, equality, justice, and responsibility containing specific content for individuals of a valid relationship. Therefore, understanding whether or not a subjective right is present requires a comparison of the above concepts, including responsibility, to the general requirements stipulated by the regulatory legal system. The responsibility takes its own place in the system of these legal elements. Ensuring the coordination of the person's needs and interests with those of the individuals around them, allows the person to choose the optimal way of self-realization. It also helps avoid ways of self-realization that may be socially harmful. The result is legal responsibility that excludes arbitrariness in society and functions as a harmonizer of freedoms of public relation participants and a criterion for the legal assessment of an individual's behavior.

The abovementioned model of law formation distinguishes between the processes of law creation and realization. Notions about equality, freedom, justice, and responsibility are derived from the behavior of persons affected by their implementation. Law development and law implementation are two indissoluble and interdependent processes with legal responsibility an integral part of both. The existing legal provisions contain requirements for participants of public relations to coordinate their behavior with the interests of those around them. Their embodiment in practical situations requires law implementation and approval. The existence of a general legal rule, providing a certain degree of responsibility, does not establish the right of an individual. It can arise through establishing the possibility of applying a general rule to the subjects of a particular legal relationship under certain conditions. From this point of view, the legal-rights abuse model, stipulated in Article 10 of the Civil Code of the Russian Federation, requires reassessing.

Today, the judiciary characterizes social behavior, aimed at causing harm to others while implementing permissive legal regulations, as law abuse. While an individual has rights, these rights may be wrongfully applied. An example is described in Paragraph 10 of the Annex to the Information Letter of the Presidium of the Supreme Arbitration Court of the Russian Federation of November 25, 2008, N 127, 'Review of the practice of arbitration courts in reference to applying Article 10 of the Civil Code of the Russian Federation'. According to Paragraph 1, Article 1013 of the Civil Code of the Russian Federation, securities can be transferred by the founder to a trust for management. Provisions of Paragraph 2 of Article 1018 of the Civil Code of the Russian Federation prohibit the foreclosure of such securities through enforcement proceedings. The described legal relationship considers a limited liability company that in two days after the initiation of the consolidated executive proceeding transferred the securities to a trust for management in order to avoid levies on a property. In the first instance, the court assessed the legal entity's actions as an abuse of the law. However, the question arises as to whether the limited liability company has a relevant right. Thus, the regulation of this situation is not limited by the provisions of Paragraph 1013 of the Civil Code of the Russian Federation, which guarantee the possibility of transferring securities to a trust for management. Courts consider this normative permission an indissoluble connection, with the transaction objectives, inadmissibility of causing harm to third parties. The provisions of Paragraph 1 of Article 10 of the Civil Code of the Russian Federation exclude the possibility of a transaction being valued. Consequently, the limited liability company did not have the right to transfer assets to a trust for management. Therefore, the use of 'abuse of the law' is unreasonable. In the given example, determining the presence or lack of a right to transfer securities to a trust is not dependent on an abstract legal rule but rather on the subject's assessment of the consequences of their behavior with other participants of the legal relationship, i.e., their legal responsibility. Since society recognizes responsibility as an integral part of the law, the premise is that behavior that excludes such ought to be judged as illegal. Essentially, the court of cassation exemplified this premise by recognizing such a transaction as null and void and as having changed the legal basis for refusing to satisfy claims.

There are opponents of this view on legal responsibility. They may argue the need for clear criteria on legally responsible behavior and mechanisms for its evaluation. They may debate about the need for methods that are a legal response to participants of public relations who fail to coordinate their interests with those of society and who use the shortcomings of legal techniques to cause harm to

others. However, this is not a basis for altering the essence of the phenomenon. Rather, a fundamental change in such a legal model could provide the legal and technical authenticity. In the example provided above, the courts transcended the limits of formal legal regulations and provided a factual assessment of the aims of the transaction, i.e., the plaintiff's motives for their behavior. Although the plaintiff failed to admit their intention of concealing the property, which was supported by neither documentation nor witnesses, the judiciary was guided by reasonableness, intuition, and an understanding of the nature of the legal relationship. Therefore, the use of the proposed understanding of legal responsibility in law enforcement is plausible.

Conclusion

Viewing legal responsibility from the standpoint of social qualities and relationships can change society's notions about law-making and law-enforcement, as well as the moral foundations of law, the content of legal awareness and culture, the system of legal activity, and other legal phenomena. The findings of this study have scientific perspectives and relevance for further research in both the theory of law and the legal regulation of social relations.

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