

The Legal Mechanism of Ensuring the National Security of the State: Problems and Prospects

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Abstract: The article is devoted to the problems of developing a legal mechanism for ensuring the national security of the state, its consolidation in legislation, but most importantly-its implementation in practice. The goal is to study these problems and formulate proposals for their solution. The paper pays attention to the concept of "national security" and its components, noting that in science there are two approaches to its understanding: broad and narrow. A narrow approach is to ensure the state of security of the state, society and the individual from internal and external threats, and the greatest danger to security is represented by internal negative factors. A broad approach to the definition of national security means not so much the protection of national interests as their active promotion and implementation, which corresponds to the offensive. The article substantiates the need for a broad understanding of national security and proposes to supplement the legal mechanism for ensuring national security with an offensive system. However, the key element of the national security of the state is the spiritual and moral values of both society as a whole and each individual person, and therefore the state should have an ideology shared by the majority of the members of society, which includes culture and education.

1 INTRODUCTION

Security-related issues have always been the subject of scientific research. However, we studied either individual types of security (for example, economic) (Ishmeyeva, 2016; Silvestrov, 2018) or the security of individual subjects (for example, regions, economic entities) (Belousova, 2020). There are very few scientific papers devoted to the problems of national security, and these problems are considered from the point of view of economics, political science, sociology, but not law (Lipinsky, 2019).

In the current crisis conditions, the very understanding of national security and the system of means to ensure it are undergoing a qualitative transformation. The functioning of the national security system involves the study and assessment of the nature of threats, risk situations and other adverse

factors. Therefore, solving the problem of ensuring national security leads to the need to identify, analyze and find effective ways to prevent or mitigate the impact of risk factors and major threats on the activities of the state, society and the individual.

In order to identify the most effective means of ensuring national security, it is first necessary to identify threats, since without this, the development and implementation of interim measures is impossible.

All this is important, and it is necessary to attract the attention of scientists and politicians, expressing concern about the situation, features and prospects of the development of the state.

The state strategy of national, including economic, security of the Russian Federation is focused on the implementation of fundamental economic transformations, on the implementation of

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institutional transformations, on the creation and implementation of mechanisms that eliminate or mitigate the impact of negative factors that undermine the stability of the national economy.

Thus, the legal mechanism of the national security of the state in modern conditions is designed to ensure the state of security of the entire society as a whole, and the legal nature of national security is characterized by the state of security in various spheres of society's life (economic, social, informational, environmental, etc.), enshrined in specific legislative norms.

The purpose of this work is to study some aspects of the legal mechanism for ensuring national security.

At the same time, it should be noted that the existing model of ensuring Russia's national security is aimed at keeping the economy at a certain level and protecting it from numerous threats. Despite the absolute importance of such a defensive strategy, at the same time, it becomes obvious that this strategy is devoid of initiative, freedom of choice of means and the very possibility of achieving a legally established goal.

In this regard, we consider it appropriate to raise the issue of supplementing the structure of the legal mechanism for ensuring national security. In our opinion, the relevant legal mechanism should consist of two subsystems: the protection of national interests from negative factors (defense) and the implementation of national interests (offensive). That is why it is relevant to study a new offensive direction in the legal mechanism of ensuring national security.

2 MATERIALS AND METHODS

The research methodology is based on the principles of scientific character, objectivity and concreteness of the truth, the identity of the true and logical, and consistency. The article uses general scientific methods such as system, functional, logical, as well as private scientific methods: formal-logical, comparative, concrete-sociological.

All these methods allowed us to define and reveal the concept of "national security", to justify our own understanding of the phenomenon under consideration. Speaking about the importance of spiritual and moral values for ensuring the national security of the state, we must remember the need to create a state ideology in which the basis of human behavior would be the predominance of the spiritual over the material. And in this regard, special attention should be paid to culture and education as the constituent and most important elements of ideology.

3 RESULTS AND DISCUSSION

National security is a key, basic concept that characterizes the security of all spheres of life support of society, the state and the individual from external and internal threats, the ability to resist them and adapt to constantly changing conditions of existence.

The essence of national security can be defined as a state of all spheres of society, in which guaranteed protection of national interests, socially oriented development of the country, sufficient defense potential, even under the most unfavorable conditions of the development of internal and external processes are provided. It is important to emphasize that national security is not an abstract theoretical construct. After all, the protection of national interests is ensured by the willingness and ability of government institutions to create mechanisms for the development of the economy and the maintenance of socio-political stability of society.

Therefore, the fundamental element of national security is the protection of national interests from internal and external threats.

Threats should be understood as factors that hinder the realization of the interests of the individual, society, and the state and can interrupt their implementation, which can be internal and external. The main sources of threats to Russia's national security at the present stage are the growing influence of the external factor, the crisis state of the world economy, the instability of economic growth, the imbalance in the structure of the economy, etc. But the special harm to the country's security is caused mainly by internal factors. Internal threats are caused by the state of the domestic economy, the weakening of scientific and technical potential, the outflow of specialists abroad, the disintegration and differentiation of society, the criminalization of public relations, and the devaluation of spiritual values.

However, national security means that, despite the effect of destructive phenomena, the state can function stably and develop normally, achieve its own goals and solve the tasks facing it.

As an example, we cite the statement of S.N. Silvestrov that "the main national interest is to guarantee the survival and development of Russia as a state, superethnos, civilization and the strengthening of its national security» (Silvestrov, 2009).

According to the definition of G. Brown, national security is the ability to preserve territorial integrity, control the inviolability of borders, protect the political system and public administration institutions

from external influence, follow first of all their own national interests and maintain international relations (Brown, 2017).

One of the types of national security and an important part of it is economic security, which has long been studied within the framework of economic science and has not been the subject of legal studies. In this regard, from the point of view of law, national security and the economic security included in it can be represented as a state of social relations regulated by law, in which it is possible to continuously and effectively reproduce, distribute and consume goods in the interests of the individual, society and the state (Lev, 2020).

Further, we note that in the scientific literature, the term "national security" in general and the term "economic security" in particular are considered in a broad and narrow sense [Gerasimov, 2001]. In a broad sense, it is a national program for the development of the state. In a narrow sense, it is a set of means and methods to counteract negative factors.

In this study, national security is considered in the broadest sense, since, in our opinion, this understanding most fully reflects the essence of the problem under study, includes a large number of different aspects and trends in the development of state-legal phenomena.

In the Concept of national security of Russia, its national security is understood as the protection of vital interests of citizens, society and the state, as well as national values and way of life from a wide range of external and internal threats, different in nature (political, economic, information, environmental, military, etc.).

As for the cooperation of the state and society, it should be noted that it is the state that acts as a guarantor of national or public security. Security is the most important function and duty of the state, since the other functions of the state become meaningful only when society develops a certain level of social trust in the state as an entity that can protect and take care of its citizens.

In turn, a society that does not understand the moral conditionality of a person's position in it has no future. In this regard, the direction of further development and the existence of the Russian state in general should be adequate to the morality, worldview and culture of our people.

On the basis of traditional moral values and the corresponding worldview, people create the concept of the organization of human life and society and actively translate it into reality. Such a concept defines culture, and culture, in turn, defines the legal

culture, the legislative framework, morality and the worldview of present and future generations.

The concept of spiritual and moral values has been at the heart of the debate about Russian national security. Today, spiritual and moral values are considered not only as something self-evident, eternal, absolute and unchangeable, but also as something that is attacked and subject to protection.

Only such a legal mechanism, which has a reliable basis in the morality and worldview of the people themselves, becomes a condition for their social security and is able to provide the country with long-term crisis-free development, focused on the long-term future (Fenenko, 2006).

The inclusion of the concept of spiritual and moral values in the legal mechanism for ensuring the national security of the Russian Federation and in its national security strategy is negatively evaluated by Western scientists. Thus, the literature suggests that spirituality and morality have taken a central place in the formation of the national identity of the Russian political regime and the establishment of a new social contract. Spiritual and moral values have become the link that justifies the increasingly repressive, authoritarian, economically stagnant and essentially demodernizing policies of the regime. Spiritual and moral values became necessary for the survival of the regime, which, according to the regime, is necessary for the survival of Russia (Ostbo, 2017).

This statement only confirms the thesis that spirituality and morality are at the forefront of the struggle and are the most important means of ensuring the national security of the state. Spiritual and moral values are more important than economics.

In this regard, in order to ensure national security, the state must create the following essential elements of the life of society:

1. The presence in the country of an ideology shared by the majority of the population, which, under the influence of negative factors, increases the cohesion of society and its resistance.
2. The presence of a high cultural and educational level of the population, as well as the presence of a strong economic, scientific, technological, political and information base of the country, increasing its role in the international arena.
3. Education of a person who is aware of himself as a representative of his people and his country, who thinks first of all about the well-being of his compatriots, who feels patriotism and pride for his Homeland.

As for ideology, the current of social thought has recently become more active in Russia, proclaiming

the restoration of socialist social relations. In turn, ideology presupposes the corresponding culture and education.

Ensuring high-quality education in general and especially higher education is an essential condition for providing the country's economy with qualified personnel capable of creating conditions for economic growth and development of the country.

Improving the national security of the country by improving the quality of professional training of highly qualified specialists seems quite real if the following conditions are met: the rejection of the Bologna system of training; the adoption of a single state educational standard for each area of training for the long term; the development of unified educational programs of higher education in each area of training of specialists.

4 CONCLUSIONS

A broad approach to understanding national security is based, on the one hand, on the need to ensure the protection of national interests, including the spiritual and moral values of society, but, on the other hand, on the realization of one's interests and the achievement of one's own goals on the basis of moral attitudes and values.

In the future, further work in the legal field is necessary to solve the problems of national security, since state policy should be based on legislation, and then it will be implemented on a legal basis.

The legal mechanism of national security will be effective in neutralizing internal and external threats if it contains the elements discussed in this article, and first of all, these are spiritual and moral values that need not only protection, but also constant and systematic implementation. Their implementation means the formation and consolidation of the state ideology, the components of which are culture and education.

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