



State Authorities and Legal Informational Marketing in Conditions of Transition to Democratic: The Social and Cultural Aspects

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ABSTRACT

The article reveals the original aspects of formation of legal marketing information in the transition (transitive) public-political field. The paper studied the nature of the legal information in a broad sociocultural space, revealed its peculiarities and social importance in the modern world. For a more cost-effective transition of legal information it is necessary to conduct mass marketing of government authorities and the relevant legislation in the environment of a democratic society. In general, provisions defined herein largely explain the features of a democratic state creation in the former Soviet political and legal environment, as well as why the period of large-scale socio-political and socio-economic transformation in Russia is not yet complete.

Keywords: Legal Information, State Authority, Legal System, Sociocultural Experience, Civil Society, Legitimacy, Marketing, Marketing Transition

JEL Classifications: H10, K40, K49

1. INTRODUCTION

Problems of marketing policy, legal information and legal awareness are some of the most actual in the modern theory of law, and knowledge of the industry. The relatively small number of scientific articles, monographic material in modern domestic legal discourse is devoted to this issue, which, of course, looks very strange against the background of increasingly expanding flow of scientific product dedicated to the information society as a whole, its peculiarities and contradictions.

Information marketing involves a set of actions aimed at promoting the positive data on the state authorities in order to create, both in internal and external environment, a favorable attitude to the conduct of the political system.

Right as a special, regulatory form of culture to the individual and society is presented in the form of legal information, the source

of which in different historical periods is the society, the state, political parties, and some countries even the church (e.g., clerical types of states). If there is a lack of legal information, or for whatever reason is deformed, it is most fundamentally affects the quality of the result of the mechanism of legal regulation, therefore, leads to the destruction of entire national legal life. Even in traditionally closed and caste countries like Japan, concealment of legal information from citizens was vanquished (or era of "legal revolution" Meiji) in the second half of XIX century, which actually was the beginning of "big" the reception of Western legal institutions and forms.

In this regard, of course, it should be borne in mind (and it is an axiom of post-non-classical legal knowledge) that the legal awareness of citizens as a complex and non-linear (in terms of its logical modeling) process of bringing legal information to its recipients, of course, is not in some kind of "socio-cultural vacuum," but always in a very rich social and regulatory, legal,

political and mental environment. It is in this dimension that one must study the nature and specifics of the national legal consciousness, legal culture and other in one way or other constant law-mental formations.

In more concrete terms, we note that the formation and movement of legal information does not always start from a blank "slate," i.e., ready to its formal and substantive perception by legal awareness, but in a very dense and most stable (in essence) field of powerful sub normative regulation - religious, customary, community, ritual and symbolic, etc. In this regard, the increase of different regulatory structures, laws and, even more, subordinate acts do not, and cannot lead to any tangible positive changes (Baranov et al., 2015).

In this regard, a striking example of the last decade is the experience of the anticorruption efforts in various levels of the Russian government, when the adoption of entire package of anti-corruption acts stimulated by the President of the country in 2008-2009 did not give (as recognized by the same head of state), no serious results: This legal information by virtue of many factors simply did not fulfill their program and preventive function. Therefore, any attempts of "mechanical" study of legal awareness of the process, the submission of this process according to the type of "signal - reaction - result" - or in general are doomed to failure, or are underproductive¹.

In general, social, civilizational, ethnic and cultural realities are such that the relationship between the process of legal awareness of citizens and such multi-faceted approach phenomenon, as the legal culture of society will always be two-sided: The first is one of the most important factors in the legal culture evolution, changing of its substantive content, while the latter is "semiosphere"² (of course, dialectically conjugated and state-legal regime, and with the other components of the national political, legal and cultural space) for the formation and functioning of the legal system awareness. The recognition of this kind of "back and forth" relationships between these phenomena allows building and usage of a very productive and adequate to their nature theoretical and methodological "heuristics."

It is clear that subjects of legal life never built (they just do not able to) their behavior in isolation from their spiritual and cultural roots that emerged in the course of the change of generations of social and legal experience, recognized and become familiar legal values, etc. (Ovchinnikov et al., 2015).

1 A striking example of this is the destruction of the Soviet Union in 1991, when the union law, in essence, was simply (because of some political expediency) "taken" beyond the Russian and union republic legal space when the Union government quickly lost its legitimacy; as well as the situation in the Ukraine in the end of 2013-2014., due to the rapid (forced) change of the Constitution and a number of important laws and regulations due to the same "political" and "economic" feasibility, acute desire of the opposition (nationalist) political elites to enter rapidly into the European Union.

2 The term "semiosphere" was first introduced into academic circulation by Lotman to show the influence of the environment within the framework of which any social model arises and function and the influence on this very model.

Inadmissibility and even the danger of domination of formal understanding of the law and the state was described by many representatives of Russian philosophical-legal and legal-cultural school at the turn of XIX-XX centuries and later, in the first half of the XX century. (In exile). Here we should recall the works of I.A. Ilyin, N.A. Berdyaev, N.O. Losskiy, the founder of the Eurasian Movement, N.S. Trubetskoi, his successor, N.N. Alekseev, etc., who even notwithstanding the different positions on many state-legal and philosophical issues, yet believed that the actual operation of any law anyway, but it is possible only when they are based on their own moral (in the broad understanding of the latter) postulates.

This philosophical and legal tradition does not admit a certain "objective good" or "objective usefulness" of any law (regulatory legal acts), no constitution and, therefore the legal information that they contain: The level of consistency of the latter with the views of most citizens or subjects of justice, purposiveness, order admissible measures of legal freedom of the individual, the degree of morality, legal and regulatory requirements, etc., ensures the thing that acquired the name of legitimacy of legal acts in current literature and is recognized as a condition for their action.

Actually, this idea was expressed by Ilyin in his work "On the Essence of legal consciousness:" People still have not learned the basic axiom of any policy, according to which the law and the state are created for inner peace and realized it through Actually, this idea was expressed by Ilyin in his work "On the Essence of legal consciousness:" People still have not learned the basic axiom of any policy, according to which the law and the state are created for inner peace and realized it through the legal consciousness. Both in science and in life, a formal understanding of the state is still dominating perverting and corrupting its nature in the hearts all the basic principles of citizenship. Following this understanding, people build public life as if it came down to a known, mechanically carried out, external actions, detached from the inner world and spiritual roots of man... (Ilyin, 1993).

2. REVIEW OF LITERATURE

Status of research and the existing contradictions. Currently, the Russian legal and political science is only transferred to the identification and study of national and cultural dominant of the power relations and legal field organization (Agamirov et al., 2015).

Modern research of legal information sources, its content as well as the factors affecting it are far from being perfect, as their authors often side track from a broad political-legal and sociocultural context and reduce their discourse or to the postulates of legal positivism, or to the computer-information component, important for finding new ways to systematize the legal information, but does not answer the essential questions of its existence, important, for example, for all sorts of legal cross-cultural work, etc. (Mordovtsev et al., 2015).

The issues of transition to democracy and, consequently, to identification of the specific character of formation and transit of

legal information in its conditions, unfortunately, were studied by a few lawyers (A.U. Mordovtsev, A.Yu. Mamychev, V.N. Sinyukov, V.V. Sorokin, V.Yu. Lyubashits, K.V. Aranovskiy, etc.), as most serious studies hereof belong to the representatives of political science (Lyubashits et al., 2015; Lyubashits et al., 2015).

3. MAIN CONTENT

Currently, the concept of “democracy” is interpreted as a complex of phenomena, including especially political, legal, socio-economic, ideological and socio-psychological aspects.

Namely referring to the study of the structural components of democratic, the experts are trying to explain why still some states are polyarchy, while others the processes of democratization arise and go on; or what has caused the fact that in some countries, democracy and its institutions are stable (e.g., the American researcher Lipset allocates not more than 12 so-called “old” democracies), and in some this state-legal space disintegrates and is replaced by authoritarianism in any other political system.

It is worth noting that at the turn of XX-XXI centuries in the post-socialist world there had developed a very wide range of state-legal regimes, institutions and structures relevant to their content that reproduce the state (and wider-public) authority, which means-political systems that specifically combines different democratic practices and undemocratic (often authoritarian) forms of political and legal relations. In this regard, transition to democracy in the territory, for example, of Russia and a number of Asian and Eastern European countries is a controversial and multi-vector, but in its nature, the modernization process.

In general, transit (from the Latin. “Transport”) - this is the mechanism by which something is moved from one space or environment to another through some (and this is important for understanding the evolutionary-specific transitional nature of this phenomenon) “intermediate” points. In turn, the transition to democracy is a complex mechanism consisting of various (information, legal, political, socio-economic, etc.) prerequisites, methods and means for the establishment, formation and development of democracy in a particular state and society.

Analyzing the content and progress of the democratization of the national state-legal space, special emphasis is usually made on its economic and political factors. In particular, the liberal-oriented authors note that the market model of the economy without developed institutions of legal state and civil society is a very bad, and even somewhat dangerous option of upgrading the former totalitarian and authoritarian states, as it inevitably leads to oligarchization and the economy, and the government (which is just a “privatized” by the new economic elite) (Gaidar, 1995). Moreover, it is difficult to argue, if you admit the possibility of only one (Western liberal) model proper market relations.

Another thing, when a researcher or a valid politician speculates within a pluralistic social and political and legal discourse: He recognizes not only the fundamental possibility of other forms and methods of organization of a market economy, but also sees

the real results of the functioning of such models in the modern world (China, South Korea, a number of countries in Latin America, Africa, etc.). Thus, Fedotova, already in the late 90s of the twentieth century proposed to allocate special, in terms of results and progress, version of political-legal and socio-economic modernization - namely, post-modernization, considering it a “soft” (in contrast to the characteristic of liberal modernization projects of “shock therapy,”) gradual, but most importantly associated with existing in this or that state historical and cultural lines of development of society, its political and legal practices and traditions which, this or that way, but have to determine the identity and direction of reform. (Fedotova, 1997).

Though, interested by this kind of surely important and heuristically useful discussions even for the topic under consideration, experts overlook another issue - the content and quality of legal information generated under the conditions of establishment of few democratic, economic and political institutions. This information, in its turn, specifies the level and nature of the legal knowledge of subjects of this developing market-democratic life.

Moreover, considering the above mentioned advanced principle of functioning of the legal information (reproduction of social and legal contours of the legal world is always preceded by the emergence of adequate institutions and processes) we can talk about the base (the base), “backup” role of marketing of legal information both during modernization (where often there is a situation of contradiction between legal information implanted by the state and unfamiliar to the majority of the population, directly and mechanically borrowed from other legal spaces or created by the “image and likeness” of foreign legal institutions of its own legal arrays and real economic, political experience and well-established national values), so in the context of the above-mentioned strategy of post-modernization, involving the “dosing” of written law, a kind of “filter” borrowed the legal information.

Marketing of legal information image involves the creation, development and distribution of positive picture of the government and its policy. Subsequent strategies, as well as their effectiveness in general depend on the already existing image and the actual state of affairs in a democratic society.

“Marketing of legal information” - a new term, close to the “product marketing” concept, but differing from it by orientation to solving the problems of the state and its territorial entities. Marketing of legal information comprises the development and implementation of long-term concept of integrated development of the state and the social sphere, the gradual elimination of the negative phenomena and solutions of complex social and economic problems.

Marketing of legal information - an advanced idea, a philosophy that requires orientation transit of information to the needs of the target groups of the state. This requires a policy of development of marketing strategies and their implementation in the domestic and foreign environment of public authorities.

Within the developing world stage, it is possible to point out the following main objectives of the legal information marketing:

- Attraction of additional investments for the development of the government and its internal policy;
- Continuity of the existing staff of highly qualified scientists, engineers, workers, intellectuals;
- Create favorable conditions for socio - cultural society;
- The development of civil social organizations;
- The solution of problems of social protection of the population and the provision of an effective policy of reliable information transit.

In addition, an important condition of modern marketing of transition to democracy is an increasing level of development of mass communication system: The prevalence of television, print journalism, radio, the Internet, which, of course, contributes to obtaining legal information by the general public, and this, in turn, creates a favorable environment for understanding and evaluating of content of various (mainly, the most important) laws and regulations issued by, inter alia, in Russia at federal and regional levels. By and large extent, in any state, even with a larger area and a relatively higher population, the transition of democracy is simply not possible without an established legal informational support of society and the government should have a dominant role in the organization of the legal informational space (even though the “minimization” of state in the affairs of civil society and individuals common to liberal political and legal model).

However, it should be noted that the democratization of power relations in the post-Soviet space, in a number of Eastern European countries and Asia is a key component of the total, transient state of national legal and political systems, and, therefore, the process of formation of democratic institutions cannot be isolated from all features of the transient state and unstable legal system.

1. In terms of general methodology (based on some of the provisions of social synergy) let us focus on a few specific features of the transient period³) The obvious instability of functioning of legal and governmental (political) structures and institutions taking place (remained from the past and formed in the course of renovation);
2. The non-linearity of the legal system, public authorities, non-state political structures (especially political parties), expressed in probabilistic nature the transient processes in this and other spheres of life (Matveychev, 2007; Mamut, 2009);
3. The lack of fundamental, ideological (ideological) and

³ During the transient period, as a rule, there is not, and cannot be a clear and precise concept of national law, the state of the economy. Subjects of social renewal carry out a kind of “experimentation” in the institutional and legal, political and economic fields. Thus, the crisis nature of modernization and, often, the obvious, “delaying” of “transition” itself, and possible rejection of new democratic institutions, observed nostalgia of a part or even the majority of the population for the near or even distant political, legal and socio-economic past. For example, should we be surprised that in the doctrinal and legal and doctrinal political level, more and more sound suggestions about changing the form of government, and all state-legal life, “digging in the unused possibilities of history we should ... advise Russia in its situation ... restoration of the monarchy, and the pompous, mixed with the tradition, on a sense of deep patriotism, knowledge of history, pride for it”. (Matveychev, 2007). In addition, in a situation of prolonged “transitional chaos” we can fully agree with the fact that “this is a patriarchal past in Russia has sunk into oblivion - sunk irretrievably” (Mamut, 2009).

substantial integrity of national legal reality, which, of course, still includes the former norms, institutions, legal forms of regulating social relations and new (created independently or written) legal structure which, in its turn implies the contradictory nature of legal information outgoing from the state authorities and, of course, reduces its social (regulatory and guarding) the value in the eyes of the recipient;

4. Alternative (associated with probabilistic) the character of transient political and legal processes, as their results, to a large extent, may be very far from the original expectations, planned which, above all, due to the presence of competing concepts and strategies, as well as struggle their holder (authors and their followers);
5. The desire of many subjects of law (including, and representatives of the ruling elites) is to put the principle of expediency (in revolutionary periods - “revolutionary expediency”) over the principle of legality, citing the presence of “outdated” legal acts, allegedly “non-responsive” to situation changed in the country, if not “legal vacuum,” characteristic of the transition legal system. This situation, of course, “blurs” obligatory character of legal information, and its main source - the state - “delegitimizes” (the role of government agencies in ensuring law and the order is minimized, there predetermined are the various anarchist, radical manifestations on the part of certain political forces).

4. GENERAL CONCLUSIONS

In general, provisions defined herein largely explain the features of a democratic state creation in the former Soviet political and legal environment, as well as why the “period of large-scale socio-political and socio-economic transformation in Russia is not yet complete,” and the formula of Part 1, Article 1 states that “The Russian Federation - Russia is a democratic federal law state with a republican form of rule” not only at the time of the adoption of the basic law of the country was not a statement of fact (issued on constitutional and legal level), but “the image of the desired future,” and still remains such.

The information and legal terms revealed that, during the radical renewal (upgrade or post-modernization) of national legal and political institutions several levels (or stages) of legal informatization of society is being formed:

1. Socio-presumptive (premised) - this is the initial stage of distribution and assimilation of legal information relevant to the process of general and political and legal socialization of the individual, when the citizens are only beginning to develop new conflict-free rules in the difficult conditions the transient state, characterized by increased risk-taking. At this level, there is a development (even available previously in the national legal framework) of legal presumptions which are assimilated by the mass, professional and doctrinal legal mind on a different qualitative level corresponding to the situation moreover, that “a significant increase in the number of legal norms containing presumption has led to the many legal problems” (Pronina, 2010).
2. As a rule, juridification of mass consciousness common to be unstable stages of the history of nations (the interest

in law and legislation, more often increases, though often with a clearly criminal purposes) becomes a stimulus for learning the content and meaning of the presumption of innocence presumption of knowledge of the law, the guilt of the debtor, etc. Moreover, there are two kinds of channels of legal information - the official (state and its official printed publications, official electronic sources, officials and others). and informal (non-state media and Internet sites, teachers of different educational institutions, lawyers, researchers, representatives of lawyers' community, NGO leaders, family members, friends, neighbors) - that quite often in different ways puts semantic accents to legal information transmitted to the public in different ways and interprets adopted regulations, the results of law enforcement, etc. The healthy competition typical to stable period of formal and informal format of the legal information in the transient state, often assumes the character of an open, and still having a clear political and ideological "background" of confrontation;

3. On the second level (different in a clear intensification of the cognitive element in the process of development of the legal information), there is already a "free" (relatively independent) orientation of the majority of citizens in a constantly changing and increasingly complex legal situations. There is an understanding of (or at least some its logic elements), legal information, that is ability to comprehend not only the content of the Constitution of the Russian Federation, and other legal (including, and regulatory) acts. More and more often, relying on different legal and informational data, citizens are looking for a way out of different situations. It is at this level that the vices of the government in general, the structures of the judiciary, other law enforcement activities; declarative nature of many of the constitutional norms, low efficiency of the federal and regional legislation, and others become apparent for the population (perhaps not previously noticed by);
4. The basic indicators of the third level of legal awareness of the individual and society are sustained interest in different types of legal policy of the state (constitutional⁴, civil, criminal, administrative, tax, etc.) (Malko, 2004) features of its modernization, a permanent interest in the expansion of legal information, on the basis of which primary legal skills of the citizens, ability to defend their own rights, freedoms and legitimate interests is already developing. Perceived by the individual legal information, among other things, becomes an important source of evaluation of the progress and results of the reforms conducted by the public authority, development of civic engagement and the patriotism, and possibly (in the case of a negative evaluation of the legal information) -political protest moods and legal nihilism.

Today the Russian public state organizations face a problem of effective and adequate marketing policy aimed at the reconstruction and reform of the plans of transit development of legal information, based primarily on the use of primary recipient - democratic society. This requires the development

4 "The priority of constitutional and legal policy is justified by the fact that it was within its framework that normative model of the ideal image of reality was established and the activities of social subjects is oriented towards its achievement" (Malko, 2004).

and implementation of long-term development of the concept of integrated marketing territory, providing the gradual elimination of the negative phenomena and solution of complex social and economic problems.

In the implementation of marketing of information, it is necessary to consider sphere of the recipient of the product, its features, in order to present the existing state policy concepts.

The main purpose to which the information marketing is directed is the use of information transparency, coupled with sound economic management policies. Professional disclosure and promotion of information in standards, understandable for both the external and internal environment, is one of the most important strategic reserves. In Russia, yet very few examples where public authorities are seriously engaged in the problem of information promoting and maintaining a positive image of the territory.

In his annual address to the Federal Assembly of the Russian Federation, the President explicitly states that the public authorities often perform the functions of self-government.

In fact, it is so. Or, he emphasizes that we almost stand at a dangerous line when a judge or other law can at own discretion choose the rule which seems to him the most suitable, moreover, in the country in general, and formed is a kind of shadow justice. And as practice shows, the citizens, who have lost hope to obtain justice in court, looking for other, not legal "solution" and "ways out" and sometimes convinced that illegally they can have a chance to achieve, in fact, often just solution ("There will be no Revolution or Counter-revolution," 2001).

Thus, it turns out that the constant increase of regulatory array is generally a characteristic of the chaotic nature of development of legal system of transient type, the increase in volumes and, as a rule, the content of the legal complexity of the information does not lead to the strengthening of the legal regime⁵ (Vitruk, 2001) or in the judicial and executive branches, or in society in general (coming from the relevant institutions of the state legal and informational "currents" expressed in the system of allowing, positive obliging and prohibitions, does not create a well-functioning solution mechanism of many problems of ordinary citizens who are forced to turn to other, non-legal options for achieving their own, often legitimate interests).

As part of our topic, it should be noted that the course in 90-ies of XX century for the rapid creation of institutions of civil society for the liberal, which means - Western principles in the "cathedral" of state, and accordingly, and in society with mild features personal atomism, unsettled personal responsibility both for himself and for his family, and other associates with, apparently unformed desire

5 "The content of legality constitutes not the present law (even perfect from the point of view of legal technique), but such legislation that adequately embodies the legal principles, ideals and values common to all mankind, the vital needs and interests of the person, the objective tendencies of social progress" (Vitruk, 2001). Although this definition does not include the message to national legal ideals and values important to the updated state and legal construction, but, in general, it fully "captures" the essence of the law as an essential component of the legal life.

for institutional and corporate non-state beginning, solid horizontal social relations (the base of institutionalization of civil society) has led to the formation of very dangerous in terms of achieving and maintaining sustainable development of the national state of the image “of the state-traitor”, who “has thrown” the people in the violent sphere of the market competition and allowing rampant of crime in almost all spheres of life, has affixed the population on the brink of survival. The former mechanism of the legitimacy of the government, and, hence, legal information coming from it, obviously, and for a very short period of time has ceased to exist, and new effective methods and forms of legitimization so still not found.

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