

CONFIRMATION OF IDEOLOGICAL GUIDELINES IN THE CONSTITUTIONAL LEGAL ACTS OF MODERN STATES

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Abstract: The authors note that the principle of ideological pluralism is among the characteristics of the foundations of the constitutional order. This principle is a specific feature of the constitutions of states in a democratic transformation. It excludes the confirmation of an obligatory (state) ideology in legislation of a democratic state. However, there are countries that choose a slightly different ideological path, reinforcing the domination of a single state ideology on religious or other grounds or establishing a direct ban on the existence of any ideology in constitutional acts. Different approaches to the definition and content of the notions "ideology", "ideological reference points" in different countries are analyzed, taking into account the peculiarities and differences of legal systems.

Keywords: national idea, ideological orientation, the principle of ideological pluralism, legal confirmation.

1. INTRODUCTION

The peculiarity of the modern period of statehood development is the trend of globalization, rapprochement and mutual integration of countries and legal families, the creation of unions of various states (SCO, BRICS and others), the search for joint forms of economic development, social and cultural progress on the one hand, and the tendency of some countries to maintain their cultural, religious and other identity, on the other. Despite the globalization and integration processes, the social and state control of the countries of the West, Asia, and Europe today is significantly different. This manifested itself not only in very noticeable changes in interpretations of freedom of conscience, but also in the choice of ideological views and the ways of their legal confirmation. And if before the bourgeois states traditionally supported religion, and the socialist ones supported atheism, then in the conditions of the formation of a new world order, much has changed. Ideology plays a key role in

maintaining social balance and stability. But under certain conditions, it can also be a powerful factor in the violation of this balance. One of the most important tasks of ideology is to give answers to questions about the mission of society, the state, the individual, to prompt each person with answers to questions about his/her own mission. Ideology can be called one of the "spiritual shells" of social life, ensuring the harmonization (or conflict) of relations between society, the state and the individual. In modern society, ideology has become a sphere of gigantic "spiritual production." To date, it seems that the vector of social development leads from ideocratic and monoideological society to ideological pluralism. But it cannot be ruled out that the situation will change in the future, and the future global ideology will again put an end to ideological pluralism, which does not mean "the end of ideology", it assumes the existence of an ideological concept of a special type - "public-wide" or "nation-wide" ideology, often defined as "national idea" or "ideology of national consent".

2. METHODOLOGY

Various general scientific methods and methods of logical knowledge were used in the work. Methods of analysis and synthesis were used in order to study the essence of state ideology as a phenomenon of state-legal reality, an element of a system of social connections. The historical method allowed us to trace the dynamics, to identify trends in the development of the normative consolidation of state ideology in various countries. The system and structural approach allowed considering the normative and religious and moral components of the state ideology, revealing their system interconnection and mutual influence. The use of rather-legal and comparative legal methods allowed fulfilling a comparative analysis of the development of legal norms governing the capture of the ideological guidelines of states in different legal systems.

3. DISCUSSION AND RESULTS

For a more accurate understanding of the nature of ideology, it is necessary to determine the content of this term. In its most general form, ideology is understood as a system of views and ideas expressing people's attitude to a particular reality, interests, goals, intentions of classes, parties, subjects of politics and power, of certain ages, generations [17]. The problem of state ideology is highly relevant not only in Russia, as in a state with a lack of legislatively fixed ideology, but also in other countries of the world. At the same time, the discussion of the need for legislative confirmation of ideology is being conducted more and more acutely in those states whose legislation does not provide for the recognition of a specific state ideology. It is obvious that ideology is in a certain relationship with other forms of social consciousness - primarily science and faith (religion). Ideology is based on science, draws material from it, but these are different areas of social consciousness. Ideology itself is never equal to scientific knowledge, as well as science by its nature can never be equal to an ideology. In a democratic society, science and ideology actively interact, but these phenomena are autonomous and independent. Ideology and faith are close in their functioning and can replace each other. Faith can turn into ideology, as well as ideology can turn into faith, acquire the features of belief [3]. When considering possible options for the normative consolidation of ideological state guidelines, one should first turn to religious ideology, because it was one of the first that appeared in society as a system of views and ideas. In itself it implies belief in supernatural beings and related norms, values, ideals and dogmas. The role of religious ideology is great, because it unites the nations into a single unit. They, in turn, accepting and sharing common positions for all, form civilizations [16]. All civilizations used religion at the beginning of their existence in order to streamline their own path. But in the long run, the effectiveness of religious ideological influence became lower. Society needed a different approach, different ideas and value systems, the norms and positions of

which would be accessible to the understanding of many peoples, regardless of their cultural or religious affiliation.

Political ideologies are beginning to emerge in the late XVIII - early XIX century in Europe and that helped to resolve the current situation. The relationship between the development of the media and the increase in the number of literate people as a result of industrial growth has contributed to the spread of new views. Technical progress was the impetus for the emergence of new systems of ideas. The development of ideological thought continued in the twentieth century. Analyzing the origin of ideologies, a well-known researcher of the theory of civilizations C. Huntington noted: "The main political ideologies of the XX century, from liberalism to Christian democracy, are spawned by Western civilization. No other civilization has generated sufficiently significant political ideology" [4]. Moreover, in the twentieth century the world faced ideologies that were not capable of creating large spaces, but having a significant impact on other societies. An example of such an ideology was nationalism and its varieties, including National Socialism. However, in spatial and mental terms, liberal ideology has won the most popularity. Gradually, religious ideologies began to supplant liberalism, socialism, and so on. Moreover, the manifestation of such shifts can be traced both in Europe and in Africa, Asia and the East. Returning to the previously existing religious ideas of state life is becoming a kind of response to globalization and the active introduction of Western ideologies. Religious affiliation is one of the foundations of the "supreme cultural identity" of non-Western peoples. It also prevents the establishment of a global civilization, to which the West aspires [19].

There is an experience of confirmation in the Basic Laws both political ideologies (People's Republic of China, Republic of Cuba, Socialist Republic of Vietnam) and religious ones (Vatican, Greece, Kingdom of Denmark, Islamic Republic of Iran, Sultanate of Oman) in today's world practice. For example, the PRC Constitution in Article 1 directly indicates that "the People's Republic of China is a socialist state of the democratic dictatorship of the people, led by the working class and based on the union of workers and peasants. The socialist system is the basic structure of the People's Republic of China" (<https://chinalaw.center>). Also, in the Basic Law of Vietnam, the priority of the Communist Party and the Marxist-Leninist ideology is established. Thus, Article 4 of the Constitution of the Socialist Republic of Vietnam reads: "The Communist Party of Vietnam is the vanguard of the working class, a dedicated representative of the interests of the working class, all working people and all nations, following the Marxism-Leninism and ideas of Ho Chi Minh, is the leading force of the state and society" [6]. The Republic of Guinea-Bissau confirmed in its Constitution political views similar to the PRC and Vietnam, giving in Article 4 of its Basic Law the priority and leading role of a particular political party, as well as proclaiming the governing force of society and the state behind the African Party for the independence of Guinea and Cabo Verde.

However, unlike other states, it was this African Republic that provided for the possibility of the existence of various ideologies with the simultaneous priority and leading role of the socialist party. This statement is reflected in Article 1 of the Constitution - "Guinea-Bissau is a sovereign, democratic, non-religious, unitary, anti-colonialist and anti-imperialist Republic" [7]. Along with the normative confirmation of political ideology, there is also a reflection of religious ideology in the main document, which has grown on national soil and is associated with national traditions, ancient beliefs, religion and language. So, the Constitution of the Islamic Republic of Iran in Article 1 contains a provision on religion as a state ideology - "The system of government in Iran is the Islamic Republic" [8]. Another striking example is the Constitution of the Tunisian Republic, Article 1 of which reads: "Tunisia is a free, independent, sovereign state; its religion is Islam, its language is Arabic, and the system of government is republican." [9].

Greece is an interesting and unusual example of the country with a state religious ideology. Firstly, because it is an exception in a number of European countries oriented towards the separation of church and state. The Greek Republic is the only European country that provides for the state status of the Orthodox Church in the Constitution. The dominant religious ideology in Greece is the religion of the Eastern Orthodox Church of Christ, the Orthodox Church of Greece, which recognizes as our head our Lord Jesus Christ... "(clause 1 of Article 3) [10]. In addition, one should pay attention to the fact that Art. 105 of the Constitution establishes a special status of Mount Athos due to its ancient privileged status, it is a self-governing part of the Greek state, whose sovereignty over it remains inviolable. Hence, as a result, it follows that the Christian views and values in this state are not only historically traditional, but also under state protection [18]. Particular attention should be paid to the preambles of certain Constitutions. The preamble, being an introductory part of the basic law, plays a significant structural role, bears a certain ideological burden [20].

The countries with state religious ideology mostly include distinctive preambles in their own way such as "In the Name of the Holy, Unified and Divisible Trinity" (Greece), "In the Name of the Holy Trinity" (Vatican), "In the Name of the Lord, All-Merciful, Almighty" (Tunisia), "We, Johann II, by the grace of God sovereign Prince of Liechtenstein ..." (Liechtenstein), "In the name of God, Most Gracious, Most Merciful!" (Iran), "- asking for God's blessing - the source of all intelligence and justice..." (Argentina). From the above examples it follows that such preambles have a religious aspect in order to impart a special spirituality, eternity. At the same time, such introductory provisions are also characteristic of the Constitutions of countries with a loose state ideology. Thus, for example, the preamble of the Constitution of the Republic of South Africa states: "... May God protect our people. God Bless South Africa" [11]. The Constitutions of those countries the provisions of which reflect the recognition of ideological pluralism deserve attention, but at the same time some Churches and religions have a special legislative framework. In particular, such documents include the Constitution of the Republic of Bulgaria, part 2 of article 11 which indicates the impossibility of declaring or approving as a state any political party or ideology, and part 3 of article 13 reflects the provision that the traditional religion in the Republic of Bulgaria is eastern orthodox religion [12].

Historical centuries-old continuity of traditional Christian values is reflected in the basic law of Georgia, which does not enshrine any ideology as mandatory, does not prohibit the establishment of a mandatory ideology, article 9 proclaims complete freedom of religious belief and religion, independence of the church from the state, and also recognizes exceptional role of the Georgian Orthodox Church in the history of Georgia [13]. It is also possible to single out as an example the Constitution of the Kingdom of Bhutan, in which, despite the absence of any established state ideology, religion is devoted to a separate chapter 3 "Spiritual Heritage". Its norms include, inter alia, the proclamation of Buddhism as the spiritual heritage of Bhutan, as well as the obligation of the state to take measures to create conditions that contribute to the sustainable and balanced development of a virtuous and compassionate society professing Buddhist ideals and universal human values.

And besides, the Preamble to the Constitution enshrines its religiosity and indicates that it is generally accepted by the people of Bhutan, blessed by the Trinity of saints, protection of guardian deities, wisdom of leaders, the eternal riches of Pelden Drukpa and the leadership of His Majesty Druk Gualpo Jigme Khesar Namgyal Wangchuk, and the King, assuming the functions of the head of state, also unites in his person the dual system of religion and politics [14; 15]. The normative reflection of the ideological guidelines of Israel deserves special attention. Modern Israel is among those states in whose history the national idea has played a special role. In Article 1 the Constitution states that the State of Israel is the national state of the Jewish people, in which it realizes its natural, cultural, religious and historical right to self-determination, while the realization of the right to national self-determination

belongs exclusively to the Jewish people (<http://knesset.gov.il/laws/ru/yesodrul6.pdf>). A feature of the Basic Law is also the fact that in the absence of a direct consolidation of the domination of a single religion, the real life of the people of Israel is subject to strict religious rules, the non-observance of which entails not only public censure, but also certain measures of responsibility.

4. FINDINGS

Summing up, we note that the term "ideology" can also be viewed as a set of systematic ordered views expressing the interests of various social classes and other social groups, on the basis of which the attitudes of people and their communities towards social reality in general and towards each other are realized and evaluated, either the established forms of domination and power are recognized, or the necessity of their transformation and overcoming is justified [2] and as a reflection of state guidelines, an expression of a national idea [1]. The existence of multiple judgments expressing the content of the state ideology can be stated in the conclusion. In modern conditions, the religious points of view are becoming increasingly popular as a potential analogue of a single ideology. Increasingly, the question arises whether religion can act as a substitute for the state ideology, or can only have its individual values as constituent units of the ideology itself, in our opinion, we can talk about the manifestation of the first and second variants [5]. Today in the world practice of constitutional consolidation of state ideological guidelines one can trace the confident existence of religious ideas on a par with political ones. In a number of constitutions, religion serves as an ideology of the state and has a clear consolidation. The norms of other basic laws proclaiming ideological pluralism also reflect the priorities of traditional religious teachings. In addition, those constitutions that, in their provisions, do not consolidate a particular church or religion, but in the preamble, which has a religious aspect to impart a special spirituality, reflect the importance of divine will, are of particular interest.

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