

**ROLE OF HIGHER EDUCATION INSTITUTIONS IN SOCIETY:
CHALLENGES, TENDENCIES AND PERSPECTIVES**

Academic papers

Nr. 1 (9)

INTRODUCTION TO THE UNDERSTANDING OF MODERN SCIENCE, IDEOLOGY AND LAW (THEORETICAL ASPECT)

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Sociologists have included in their models the high value of information data, but have not grasped the subjective mental constructs with which people process information and come to decisions that determine their choice ...

The participants' subjective mental constructs will develop an ideology that not only rationalizes the structure of society, but also explains its low efficiency.

As a result, the economy will develop policies that reinforce existing incentives and organizations.

— Douglas North (1990)

Abstract

The author considers the importance of ideology in the creation of an independent legal science as a vital source of law making, democracy and the rule of law. Despite the long decades of scientific efforts to create positive legal concepts of democracy and constitutionalism, in a number of cases, ideologies dominated, and the principles of the rule of law were not fully absorbed by current societies. In connection with the Brexit of Great Britain and other regional transformations that have a significant impact on the development of democracy and independent science needed the rethinking.

Keywords: Independent innovative science, democracy, rule of law, legal doctrine, legal concepts and scientific culture, ideology, innovation, law and jurisprudence.

Introduction

Knowledge in the form of global brands and huge streams of high-speed data have become a key resource in the global economy, which has received an impetus for digitalization. Multipolarization and economic globalization of the world receive further impetus, the global economic environment is feeling new changes. Globalization continues to have a significant impact on the formation of national and international markets, and also affects development of democratic processes and independent science. Dynamic democratization today is experiencing new forms of transformation and adaptation to changing reality both nationally and internationally and regionally.

There is a certain reformatting of the European Union in connection with the Brexit of Great Britain, as well as the mechanism of integration of the Eurasian Economic Cooperation in the post-Soviet format and other regional entities. An important role in these processes is played by the politics and ideology of the national ruling elites, as well as domestic and international legal regulation, and independent legal science. The rapid dynamics of the European legal space, increasingly mediated by aspects of constitutional importance, has high hopes for independent legal science.

Seeing her as an effective tool finding innovative answers to challenges to national scientific communities in search and development effective promising legal doctrines and mechanisms of sustainable integration development to preserve highly civilized democratic practices and further affirmation of the rule of law. Against this background, there is a need to rethink the well-established traditional democratic and legal institutions to develop the right ideology and political strategy.

To establish and ensure in these conditions an optimal balance of different vector interests of the international community, individual states and even an individual. Putting the interests of the individual in first place in this triad.

Law and politics coexist in complex interactions with each other, into which the vector of ideology flows. The last as a result of various cataclysms and modifications, like culture, it has lost the necessary concentration of the original "science of ideas."

In addition, is experiencing a certain the so-called discouragement. Nevertheless, her strength cannot be not up to appraisal. She fits well for a coalition of individuals and motivate them to initiate positive innovative transformations in society. When choosing the right vector of ideology for the worldviews that unite us, ideology interacts and intertwines with science, politics and other fields, thirsty for new positive content. Law, like legal science, as a rule, is under the constant sight of politics and ideology. Moreover, are often guided by them to serve the interests of the ruling elite and justifying politics. Politics sets ideological discourse as well how ideology underpins politics.

Legal institutions are subject to political influences. Political actions are regulated and outlined by legal paradigms. Political forces create for themselves the main legal foundation - the constitution. However, constitutions are ultimately written not for the state, but for the individual (Khabrieva, 2013). The true power of law and independent jurisprudence for the triumph of democracy consists in affirming the principle of the rule of law. In this vein, the task of modern innovative legal science is objectively to show leaders and politicians, what needs to be done to enhance democratic transformations.

The study of issues of science, ideology and law, their interdependence, interaction and the development of an independent scientific and legal doctrine were reflected in the works of classics and theorists: Marx (Marx, 1845), Schumpeter (Schumpeter, 1949), Hayek (Hayek, 1982), and also by contemporary eminent authors Sandal (2017), Bogdandy (Bogdandy, 2009) and many others. Nevertheless, the problems of understanding independent science, ideology and their influence on jurisprudence are further controversial. Furthermore, some modern crisis tendencies of democratic transformation in the context of globalization, interstate integration on the European continent, in Eurasia and around the world are putting new problems on the agenda, causing the need for a constant rethinking of the true meaning of ideology and its influence on independent legal science in order to search for innovations, to strengthen the foundation democracy and the rule of law.

Purpose

The main purpose of this publication is to further contribute to the development of a discussion on understanding the importance of an independent science of jurisprudence for the development of democratization of society, constitutionalism and the rule of law.

Results

The word “science” comes from the Latin *scientia*, which in translation sounds like knowledge. Historically, knowledge has been closely related to philosophy. Since at least the Renaissance, this paradigm has taken on connotations of theoretical, organized, and experimental knowledge. “Scientific revolution” is often called what saw the light - from about the time of the publication of Copernicus *De revolutionibus orbium coelestium* in 1543 (Copernicus, 1543) until the publication of Newton’s *Principles* in 1687 (Newton, 1687). These are times of great progress in our comprehension of natural phenomena. These discoveries made us understand, for example, the motion of the planets. They also revolutionized the vision of the place of Humanity in the Universe (Picht, 2004).

Most historians tend to believe that the significant accumulation of new ideas, practices and schools of natural philosophers in the seventeenth century contributed to the emergence of modern science. Its discoverers and founders Galileo Galilei, Rene Descartes, Francis Bacon, Robert Boyle and Isaac Newton (who called themselves philosophers) created publications that became for their followers the standards of the “new philosophy.” In the absence of a unified approach and general agreement on the constituent components of this new philosophy, some of its most significant elements can be identified. We are talking about categories containing: the denial of Aristotelian forms and final causes; the intention to argue many natural phenomena in terms of effective causes acting in accordance with the laws of nature; designation and quantification of objective “primary characteristics” such as mass and velocity; and the embodiment of experimental methods using process-controlled idealized or fictional phenomena as a source of justification for the power of nature (National Research Council (US), 2003).

Along with the active development of the scientific sphere in Western Europe, some points of advancement to the East should be mentioned. An interesting impetus to this process in the East was given by Napoleon Bonaparte. As part of his “expedition” to Egypt in 1798, in which some of France’s finest scientists participated, he founded the “Institute of Egypt”. The essential goals of the Institute’s researchers, in contrast to the military side, were “the progress and dissemination of sciences in Egypt” and “the conquest of knowledge and its application to human life” (Peters, (2009).

Classical science is an objective business conversation between theory and experience. A scientist can start with either theory or experiment. However, progress usually necessitates a coalition of theory to understand experiences and data in order to test a concept (He & Hao, 2014).

Theory is the interpretation of natural or social behaviour, fact or event. More formally, a scientific theory is a system of postulates (concepts) and judgments (relations between these postulates), expressing as a whole a logical, regular and folding interpretation of a necessary event within the boundaries of individual hypotheses and limiting conditions (Bacharach, 1989).

As a consequence of the constructive activity of every individual, Knowledge begins. Moreover, it is not manifested by a being looking beyond the boundaries of consciousness that he is about to acquire (Boudourides, 1998).

What the chosen type creates in their personal mind is their reality (McLeod, 2019). Knowledge comes

from the creation of meaning, which comes out as a result of an ordinary experiment. Knowledge does not come from someone else, but from an experiment.

Scientific knowledge in its purest form is a classic public good. It is a cornerstone of innovation and, in more applied forms, a basic component of our economy (National Research Council (US), 2003). Well-founded assumptions have been made that long-term economic growth is determined primarily by the accumulation of knowledge (Romer, 1986). Knowledge acted as a key configuration of capital (derived from Powell 1886). New knowledge is the result of research, and it will grow unchallenged (Powell, 1884).

The activity of a scientist is often plunged into a model as a characteristic intelligent activity, since the researcher follows the rules of logical exclusion. In fact, one cannot completely agree with this. The greatest achievements in science are awakened not from contemplation, experience and logical reasoning, but from the phenomenon of enlightenment. Which is akin to the act of artistic creation. However, the results of insight must be “proven” by a logical (rational) procedure required by certain professional standards (Schumpeter, 1954).

It is no accident that grandiose scientific discoveries are the result of not extraordinary mental processes, but rather the most everyday ones. The greatness of discovery is the result. That is, in what was discovered (Einstein, 1941).

One of the tasks of science is to tell us objectively what we can do. In the scientific community, we are called upon to show that it is impossible to solve all problematic issues of society with magic. In addition, to determine the most optimal mechanism to do this, a deep understanding of social phenomena and the cultural environment, of course, will be decisive in this matter. Thus, if we overestimate the expectations for research and innovation and unjustifiably limit their intervention in certain areas, forgetting, for example, the social and human sciences, we will actually contribute to the problem when we are part of the solution (Bourguignon, 2019).

The ideology, which saw the light on the eve of the 19th century, at the suggestion of the philosopher-educator and economist Destu de Tracy, initially had an encouraging connotation. It was supposed to be a new “science of ideas” that would combine the social, political and social aspects, moral sciences, which originated in the foundation of psychology (De Tracy, 1801).

Over the next two centuries, this category took on much less positive meanings (starting from the work of Marx and Engels on this topic), and in our time it mostly marks a belief system that is collectively supported by a group and strongly opposed to other positions, even if it includes into itself a significant degree of denial of reality or “false consciousness.” In a democratic format, ideologies are not necessarily recognized by people unless they are backed up by meaningful acts that are believed to be consistent with them (Sandal, 2015).

At the same time, Ideology is an instrument of tremendous importance, which has added little to its essence as a result of the development of objective scientific research. Since the time of Marx, ideology has been the brand by which we have, in most cases, characterized the opinions of which we are opponents. Nevertheless, at the same time, ideology is omnipresent.

To define and understand its true essence, it is necessary to objectively consider and clearly define if we intend to prevent further devaluation of cultural values and to reverse the decline of consciousness in modern societies (Hillinger, 2008).

Ideology, in order to exist plausible, must fairly accurately describe at least a fraction of reality.

The most frequently considered ideologies are political ideologies because they are closely intertwined with politics. And they are also central to the purposes of this publication.

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Another ideology that claims to play a major role in the discussion provided is scientism.

It is characterized by two interrelated features. The first is an exaggerated belief in the power of science to solve almost all private or public issues and the associated devaluation of all configurations of discourse that are not scientific. At the same time, the category of science involved often carries a frivolous character, concentrating on superficial signs. Among which are the education of scientists from university departments, the publication of professional journals, and creation of a specialized style. In addition, usually in the laws of economics, there is an application of mathematics.

Unlike physics, astronomy and other spheres of natural science, the science of law is a province far from the centres of spiritual dynamism - for too long it did not follow the flowering of science and tried to stay away from the general progress of scientific knowledge. In this case, the influence of ideology and politics on the discourse about the place and role of jurisprudence in scientific knowledge is very indicative. Moreover, about the ensuing consequences.

A similar picture is observed in economics. It is pointed out that economic theory follows not so much common sense and empirical ideas, but rather diverse ideologies that show either political or methodological discourse, or both (Hillinger, 2008).

In fact, there is a kind of struggle between politics and ideology for the influence on jurisprudence and its direction in the “right” direction. In addition, although there are calls for the need for a clear departure of jurisprudence from the influence of both forces of the so-called patrons, the problems of such dependence continue to exist. We are talking about the rejection of a deeply established, not entirely positive practice, by appealing to some objective institution, to justify, under the brand of jurisprudence, political requests imbued with the ideology of the ruling elite. Requests that cannot but have a highly subjective characteristic even when they are almost flawlessly presented as a canonical, class or national symbol.

Law and politics are seen in complex relationships with each other, in which ideology is woven.

At first glance, it might seem that they look like distinguishable social institutions, whose inconsistencies and interactions are undeniable. Nevertheless, in the main, they remain separate as different ways of thinking and acting. On the other hand, they are intertwined or “linked” to each other in a variety of ways. It is their delimitation among themselves, their real or preferred relationship is difficult to determine. Politics defines the ideological vector as well as ideology creates politics. Legal norms are justified by political influence, political action is regulated and outlined by legal provisions; political communities create for themselves a basic law - a constitution (Von der Pfordten, 2002).

“The political function of the constitution is to establish legal barriers to the exercise of power. A constitutional guarantee means: creating guarantees that these legal barriers will not be exceeded. If anything can be said for sure, it is that no other body is less suited to this function than that which the Constitution gives to the exercise of power (Kelsen, 2008)

When Ernest Gellner argues that “the foundation of the modern social order is not the executioner, but the professor”, this statement seems especially pertinent to lawyers (Gellner, 1983). Although not everyone will agree with this categorical statement, no one will deny that legal scholars play a key role in the legal order of the member states of the European Union, the post-Soviet space. Legal science describes not only from an external point of view, but is also formed from within. One can even recognize the identity of the public law system as based on conceptual developments by scholars exemplified by the concepts of state sovereignty for Germany, service public for France, or parliamentary sovereignty for Great Britain (Bogdandy, 2009).

The widespread adoption of common law thinking is a value in an older tradition of legal science that persists in some circles - primarily in continental Europe - and forms the basis of legal education and science. Where tradition persists, case law can only be relevant and authoritative if the ideas it generates can be ratified on the basis of the “scientific” structure of conceptual differentiation.

Such potentially conflicting, factual or normative interactions between law and politics continue in a variety of legal-theoretical concepts.

I will only mention the concept of positivist theoreticians, which, in our opinion, has a certain rational grain, which express the claim to conceptually rigidly isolate the right from political as well as ideological content, whereby the political is viewed as a common good and flexible, but also “irrational” and thus unpredictable form and scope of sovereign, primarily state action. From this position, the law is primarily intended to protect the interests of the individual. The consolidation of fundamental rights and freedoms of the individual leads more and more to the alignment of scientific discourse from state building to an emphasis on human rights.

In the United States of America, for example, Constitutional Law includes some of the constituent components of what is positioned as examples of legal science. An example of this is the doctrine of unitary executive power, designated by von Bogdandi as doctrinal constructivism. It says that the entire executive branch is subordinate to the president of the country.

This doctrinal paradigm reflects the essence of constitutional power. She shows how such an attitude works to normative political philosophy or some other way of broader thinking.

At the same time, any concept that, when discussing the problems of implementing the principles of democracy, relies on state institutions and proceeds from the primacy of politics, is justifiably criticized for ignoring the new reality that arises in the course of globalization.

The modern world has opened a wide door leading to the fourth era of research.

At the same time, everywhere fair critics are voiced, concerned about the preservation of independent science in this process of globalization.

According to the apt statement of Professor Jan-Urban Sandal, the uniformity, common ground and equality promoted in a number of Western European countries, both between people, organizations, and between states in general, break up independent thinking and action, hindering innovation (Sandal, 2012). The author fully shares his position that independent thinking and active actions are necessary for the development of independent science and breakthrough entrepreneurial initiative based on the implementation of innovations. Independent creative thinking, coupled with informed decision-making, are fundamental incentives both in promoting innovation and in the formation of an independent science.

Today we hear a lot about the Bologna Process in Europe, which aims to support a comprehensive reform of the educational machine and to meet the ever-changing demands of the labor market.

However, when we talk about modern university education, which acts as the vanguard of a state educational institution, including for replenishing research institutes and the scientific elite, we believe that its driver in the context of globalization and digitalization should be somewhat different, if we expect to educate an intellectually developed scientific elite (Sandal, 2012).

The purpose of which is to develop and educate the ability for creative, independent thinking, can only be done by modern dynamic innovative pedagogy. In an era of fast-paced digital technology, the university will benefit from the latest educational and scientific methodologies (Sereda, 2020).

Therefore, there are great doubts that such a system will become a real carrier of educational innovations.

If we look back to the historical past, we find that scientific progress and innovation quite often turned out to be blocked by ideologies. Nevertheless, humanity still survived.

However, we should not forget that ideology is great for uniting individuals and motivating them to start the necessary positive changes in the society around us. In addition, as individuals, we then need the right guiding ideologies that unite our worldview.

There are three main points that help understand opposing views: science, society, and economics. Science provides facts to society, which chooses those that contribute to the expansion of society, and the economy provides production. One can criticize this capitalist scheme, but many alternatives have been tried.

In some powers, innovation systems are manifested as a powerful vector for increasing production efficiency and creating historical progress. These are the natural prudent tendencies of the government. At least this is true for the USA, Japan, the EU countries and the Scandinavian powers.

However, here we must agree with Professor Sandal that no government project can ever give or open the way for any kind of cutting edge innovation or independent science. Innovation as an independent science is a product of Human activity. Governments cannot. After all, an innovative product, like the bread of independent science, is based on assessment algorithms and constant decision-making. Only a person can make individual decisions.

The work of an independent scientist is akin to an independent Schumpeterian entrepreneur in both logic and premise. The task of independent sciences is to create new knowledge - scientific truth.

Modern ideology as a projection of national culture and politics, according to a number of researchers, has in some way lost its key vector as a result of global cataclysms and transformations, and is experiencing a certain decline. Ideology closely interacts and intertwines with science, politics and other areas that also need new positive content.

In our time, it is a mistake to believe that such paradigms as race relations, climate change are associated only with scientific results. They also include concepts of the rule of law, justice, freedom, economics and religion, which are complicated by ethical dimensions.

The life cycle of a legal concept is also determined by social change, not necessarily by scientific knowledge and research.

While research or development can contribute to almost any problem we are dealing with, science usually cannot find solutions to these problems on its own.

It is true that things like feelings, joy of living, worldview and spiritual life, legal consciousness, appear as part of our mentality. That ripened with us. Emphasizing that they were and are essential for the social evolution of the individual. However, in order to understand the true nature of these categories, why this is so, and how we can benefit from ideological values while avoiding the accompanying damage to independent scientific advances, new and more fundamental scientific developments are required.

Conclusion

What is the true purpose of modern legal science?

On the one hand, we can and should see it as the equivalent of philosophy for further consistent objective development of legal dogma, constitutionalism and the rule of law.

The task of legal scholars is to strengthen the existing theories of law and develop the expected legal concepts aimed at comprehensive protection of the interests of the individual.

Trends of informatization, globalization, international and regional integration viable to the current conditions.

At the same time, the priority of subsequent scientific developments in the interdisciplinary field may be a search problem ways of optimal interaction of law and ideology in the digital age for the effective development of independent legalism.

However, philosophical gravitation impeccability in thinking and consideration looks a little unnatural for those whose main mission of life in the present world expressed in the slogan: where the law is, there is business. This discourse of profit-seeking is natural.

Nonetheless, jurisprudence can have other applied meaning, which can illuminate our minds during

the period of democratic transformations of modern society.

It can be expressed in further Reformation based on the assertion of the principle of the rule of law and the progress of independent science - jurisprudence.

In such a role as the legal vanguard of social progress, the science of public law may be more significant and necessary.

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Anotacija

ĮVADAS Į ŠIUOLAIKINIO MOKSLO, IDEOLOGIJOS IR TEISĖS SUPRATIMĄ (TEORINIS ASPEKTAS)

Straipsnyje analizuojamas ideologijos santykis su teise ir jurisprudencija. Susitelkimas į kategorizuoto aparato svarstymą parodo tam tikros ideologinės įtakos mokslui ir teisei, kaip valdančiojo elito politikos instrumentui, tendenciją.

Pažymima, kad kuriant pagrindines teisinės demokratijos koncepcijas ir konstitucines teorijas dažnai dominavo ideologijos, paliekant šone teisinės valstybės principus.

Didžiojoje Britanijoje, ryšium su „Brexit“, vyksta kitos regioninės pertvarkos, kurios daro didelę įtaką demokratijos ir nepriklausomo mokslo plėtrai. Šios žinutės verčia permąstyti ideologijos turinį, stiprinti nepriklausomo mokslo supratimą ateities kartoms. Žinios atsiranda kuriant prasmę, reikia atkreipti dėmesį į tai, kad didžiausi mokslo laimėjimai yra sukuriami įvykus nušvitimo reiškiniai. Čia yra santykis: politika susijusi su ideologija taip pat, kaip ideologija su politika. Teisės normas nustato politika, politinę veiklą - teisiniai reglamentai; politikai susikuria sau pagrindinį dėsni - konstituciją.

Konstitucijos politinė funkcija yra nustatyti teisinius orientyrus valdžios įgyvendinimui, sukūrus garantijas, kad šie teisiniai orientyrai nebus viršyti. Dabartinės socialinės tvarkos ypatumas yra tas, kad jos šerdis yra ne inkvizitorius, o profesorius. Nemažai teisininkų vadovavo pasaulio galioms.

Tikroji jurisprudencijos, kaip teisinio nepriklausomo mokslo avangardo, vizija yra teisinės dogmos ir konstitucionalizmo plėtotė, mokslinis idealios šiuolaikinės visuomenės demokratių virsmų sampratos ieškojimas.

**AUKŠTŲJŲ MOKYKLŲ VAIDMUO VISUOMENĖJE:
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