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### LEGAL ANOMIE IN THE LEGAL SYSTEM: THEORETICAL AND METHODOLOGICAL BASES OF RESEARCH\*\*

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A comprehensive general theoretical analysis of legal anomie in the legal system of modern Russian society is carried out. It is said that the theory of state and law currently lacks even the foundations of a holistic concept of legal anomie, but it is precisely this that acts as one of the causes of corruption, terrorism, extremism, legal irresponsibility, a high level of delinquency, massive non-compliance with prohibitions, distancing a significant number of citizens from state power and its rejection. The authors note that anomie to one degree or another always exists. At the same time, the state of social anomie inevitably increases when significant changes occur that affect the social structure and norms. Anomie is an interdisciplinary category that requires appropriate approaches to itself. Social anomie is based on the general interdisciplinary concept of "social deviations", which is studied by a variety of sciences: philosophy, sociology, psychology and many others. A brief description of the theoretical and methodological foundations of the study of social deviations, social anomie and its specific variety - legal anomie is given. For the most complete analysis of legal anomie, it is proposed to use not only systemic (within the category "legal system"), but also comprehensive (within the category "social and legal life") approaches, as well as a number of other methods (in particular, historical, structural and functional and statistical). Legal anomie manifests itself in the form of a decline in the value of law and order, a discrepancy between the goals of society and the means to achieve them offered by the state, the lack of trust between society and public authorities, sustainable legal nihilism. And if in sociology (and some other sciences) there are different directions and concepts for understanding anomie, then in the theory of state and law, a system of scientific knowledge about legal anomie has not yet been formed. Legal anomie in the legal system should be considered comprehensively, in development and comparison, revealing the contradictions and mutual conditionality of its various characteristics, possible pairing, as well as the positive and negative aspects of the existing contradictions between legal anomie and individual elements of the legal system of society. Due to the fact that legal anomie in modern society (following the social and legal life) develops and becomes more complicated, it is concluded that it is necessary to further study it, which will provide: firstly, its more complete knowledge and prediction of consequences, and secondly, the development of effective preventive measures, and, thirdly, the strengthening of counteraction to it.

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## 1. Introduction

Anomie is an interdisciplinary issue that involves a legal aspect. It was mainly studied within the framework of sociology, philosophy, and psychology with the focus on their subject and method, covering all types of social norms and deviance.

Meanwhile, the theory of state and law does not encompass even the foundations of the concept of legal anomie, although it is one of the causes of corruption, terrorism, extremism, legal irresponsibility, a high level of delinquency, etc.

Undoubtedly, the knowledge accrued by various areas of science should be used when determining the legal component of anomie. However, it is essential to avoid a blind transfer of the constructions developed outside the legal field to legal matter.

## 2. Methodology of Classical Sociology and Other Non-legal Methods in the Study of Legal Anomie

In the current period of the formation of a new world order, a modern society is characterized by the constant instability and uncertainty, which leads to an increase in crises and conflicts, and ultimately to legal anomie. In such circumstances, it is important to thoroughly explore the theoretical and methodological issues of studying legal anomie and to develop a categorical apparatus of the theory of legal anomie itself, as there is a demand for it both in science and in practice.

In our opinion, when analyzing legal anomie, one should, on the other hand, consider the works of philosophers and sociologists, which largely serve as a methodological basis for legal research, but on the other hand, take classical sociology as a basis. In particular, here we can talk about the established doctrine of anomie. The concept of "anomie" was first scientifically substantiated by Émile Durkheim who considered it exclusively as a social category associated with changes in society. This phenomenon has its end and society overcomes it by moving into a new state of social values. The end of the transition is

signified by a change in the moral and legal framework and the recreation of social control within society to meet new ideas [1, p. 9]. Robert Merton later pointed out that anomie should be considered as a situation in which there is a conflict between culture and social norms. In this case, there is a clear discrepancy between the goals of society and the means to achieve available them. Therefore, citizens resort to alternative means which are illegal [2].

When defining the characteristic features of anomie, different scientists shape their understanding of this phenomenon using various methods of cognition. Turning to the historical method, we discover that the first descriptions of the state of social life in which citizens deliberately ignore social norms and values can be found in the ancient Greek works of Plato, who described such a state as unpunished and uncontrolled. The term "anomie" acquired its scientific meaning in the works of Jean Marie Guyot, who focused on the positive nature of this phenomenon which includes the liberation from various dogmas and rules [3, p. 5]. Later on, Robert Agnew developed the General Strain Theory in which he distinguished several sources for manifestation of anomie at the personality level [4].

Anomie always exists to some degree. At the same time, the state of social anomie inevitably intensifies at the time of profound changes affecting the social structure and norms which establish patterns of permitted and prohibited behavior [5, p. 6]. Moreover, the nature of the transformations is not so important: revolution or reforms, regression or progress. They all create favorable conditions for the weakening of the integrating forces and the strengthening of the disintegrating ones. For example, in the history of modern Russian society perestroika and the transition to market relations should be identified as this kind of changes. They led to such a significant shift in macro and micro social processes that made many Russians feel like immigrants in their own country [6, p. 721]. Social inequality was formed in the process of these changes, which triggered the further development of anomie in society [7, p. 96].

Anomie is an interdisciplinary category which requires appropriate study approaches. Social anomie is based on the general interdisciplinary concept of "social deviations" which is studied by different fields of knowledge, such as philosophy, sociology, psychology, and many others. In this regard, it is convincingly noted in the literature that "the theory of social deviations is a complex scientific area which develops at the intersection of sciences" [8, p. 18]. Given this circumstance, it is important to keep in mind that social deviations should be considered together with the phenomena they deviate from — social norms. According to Vladimir Kudryavtsev, "social norm and social deviation are two poles on the same axis of socially significant behavior" [8, p. 93]. Moreover, he states that "norm and deviation are paired categories. The connection between the norm and deviations from this norm, as well as their opposition within a certain unity prove it impossible to establish and study social deviations on their own, in isolation from those norms that are violated, from their origin, role, and place in public life. Hereof it follows that the system, structure, and classification of social deviations are, to a large degree, set by the corresponding normative system. A norm and a deviation always imply each other, and one is impossible without the other. It is clear that deviations cannot exist without a corresponding norm, but the norm does not make sense without deviations from it (or at least without the possibility of such deviations)" [8 p. 6].

Thus, social deviations are deviations from the existing social norms, their violation. In fact, the concept of "deviant behavior" has the same meaning. In the most general terms, they are synonymous [8, p. 8].

Social anomie is a certain kind of social deviation. Raymond Boudon rightly noted that anomie is a deviation [9, p. 179]. Hence, the concept of "social deviation" is much broader than the concept of "social anomie". They are related to each other as philosophical categories of the whole and the part. In turn, legal anomie is a specific kind of social anomie, which makes it even a narrower concept compared to the concept of social deviation.

The concept of social anomie relates to the concept of social norm as a special kind of social deviation. Acting as a tool for regulating social relations and representing a sort of a model, a sample of normality, social norms evaluate everything that contradict them. Therefore, we can agree that "the category of norm ... reveals various aspects of dysfunctions, disintegration processes, and social deformations in various forms of their manifestation and, naturally, everything that is called anomie" [10, p. 20].

Due to the fact that social norms and social deviations act as paired categories, social and legal anomies are only the forms of manifestation of social deviations and interact with social norms as the components of social deviations. At the same time, both social and legal anomies are not simply a violation of social and legal norms, they are not simple deviations. They are associated with the extensive nature of violations, a lack of balance in the social and legal system, and the disorganization of the social and legal life of the entire society. There is a process of redefining the existing moral justification modes for various actions and the formation of new limits of permissible actions on the part of society [11, p. 228]. Therefore, not every deviation from social and legal norms can be called correspondingly social and legal anomie, but only that associated with the above-mentioned consequences, characterized by certain features and affecting the individuals' behavior in society [12, p. 5].

It is noted that "anomie is understood as the social disorganization of a particular society at a particular stage of its development which is expressed as a sharp increase in abnormal behavior. The main feature of anomie manifestations is its mass character expressed in statistical parameters such as the spread of crime (non-compliance with the law), the suicide rate increase, alcoholism, and drug addiction" [13, p. 144]. In other words, a subconscious resistance to any normative restrictions established by society and the state is formed [14, p. 281].

The fact that legal anomie is a separate manifestation of social anomie leads us to the conclusion about the system structure of this phenomenon. Therefore, the relationship between

the categories of social, political, and legal anomie should be established by using the systematic method of cognition. Initially, social anomie is characterized by the lack of norms and clearly fixed moral rules which result in the deviant behavior of subjects. In the course of the anomie theory development, an assumption was made about its existence not only due to the insufficiency of new norms, but also due to their inconsistency and redundancy. This creates a reality where people are unable to comprehend exactly what norms are to be followed in this situation, which causes disorganization, anxiety and leads to self-isolation and antisocial behavior. As a result, we can talk about the system nature of the issue of anomie. All social institutions are subject to the influence of anomie, and its spread affects the basic foundations of the integrity of society. It results in the destruction of social regulation mechanisms and any trusting relationships between different subjects [15, p. 64]. In addition to the lack of social consensus between classes, a society suffering from anomie is characterized by a misalignment in family systems and an excessive focus on increasing one's material income and well-being [16, p. 7], which leads to a violation of the process of passing on values and ideals from generation to generation, including legal guidelines. Researchers in different fields, including legal science, have been recently paying more attention to this issue [17].

However, over time, the political aspect of anomie was added to the social one. Political anomie manifests itself in a lack of trust in political parties and public associations, as well as a decrease of interest in the values they advocate. One of the main shortcomings of the current Russian political system is a lack of a clearly defined development goal. The absence of a national idea of state development leads to other negative consequences (nihilism, corruption, etc.) [18, p. 248]. The high level of nihilism, corruption, citizens' political apathy [19, p. 119] are often explained by the transitional period of Russian society. However, we believe that such an explanation is not well grounded, as the transition to the mechanisms of capitalism, a new economic model and political structure occurred quite a long

time ago. In this regard, the above-mentioned negative phenomena inherent in the Russian legal system are more likely to be associated with the current lack of elements that contribute to keeping political anomie within the framework rather than the extended transition period. One of the phenomena is the absence of a national idea proclaimed at the state level. The recent attempts to create it look artificial, including the idea of sport and the promotion of family values and motherhood. State bodies often operate with the category of "traditional values", but their understanding is not clearly reflected in the main directions of legal policy<sup>1</sup>. This leads to the detachment of the population from political life due to the discrepancy between the fixed norms and the subjects' desires and their disagreement on the values the state seeks to protect. The political passivity of citizens at the time of anomie is closely linked to a nihilistic attitude towards public authorities and legal institutions, a lack of trust in the activity of the subjects of power, an increase in the level of indifference to political processes and a decrease in the legitimacy of power. Political anomie further contributes to the destruction of the habitual system of social norms that maintained a sense of stability in society. As a result, the subject begins to experience psychological difficulties which ultimately lead to deviant behavior and the commission of a legally significant illegal act.

### **3. Systematic and Integrated Approaches in the Study of Legal Anomie**

Legal anomie manifests itself in the form of a decline in the value of law and order, a discrepancy between the society's goals and the means to achieve them provided by the state, a lack of trust between society and public authorities, and legal nihilism. Being a part of the state mechanism, power elites themselves are becoming subject to anomie along with citizens and institutions of civil society [20, p. 121]. In general, this period of the society development can be characterized as a transitional period with insufficient legal regulation [21, p. 8]. In case of legal anomie, the subject does

<sup>1</sup> Decree of the President of the Russian Federation No. 400 of 02.07.2021 On the National Security Strategy of the Russian Federation. Corpus of Legislation of the Russian Federation 5 July 2021, no. 27, p. 5351.

not consider it necessary to correlate his or her actions with the current system of normative guidelines, thereby demonstrating a disdainful attitude towards them and a possible conflict between the person and the legal norm [22, p. 44]. Legal regulations become ineffective; therefore, the society achieves its goals by violating the established norms and experiences a dissonance between unwritten and formal law [23, p. 69]. The influence of law as a regulator of social relations recedes into the background. The lack of compliance with legal requirements shows their dead nature as they lose their social purpose. Law does not exist if it is not implemented through the behavior of people and organizations, and it cannot be analyzed if the mechanism of its practical implementation does not work [24, p. 200]. Thus, we can see the systemic nature of anomie and its transformation from social anomie to the political one, and later to its legal form.

A systematic approach is also important in the study of legal anomie within the legal system. On the one hand, a systematic approach allows to determine the level of manifestations of legal anomie in the main components (subsystems) of the Russian legal system. This process is characterized by dysfunction and misalignment (imbalance) of the components of the legal system. In particular, legal anomie leads to the destruction of balance (equilibrium) in the legal system and creates the conditions for disintegration of its main subsystems. In other words, under such circumstances, the legal system becomes more and more non-systemic, fragmented, and segmented, its internal connections and interactions are minimized. In such a situation, the legal system loses its organizing role.

On the other hand, legal anomie leads to contradictions not only between the components of the legal system (legal consciousness, law, and law enforcement), but also between the internal elements the components contain. The contradictions arise between legal values and the motives driving the subjects' behavior that exist in their legal consciousness; between different legal norms in the system of law, both the new and old ones; between legal norms and extensive deviations from them in the law enforcement

process.

When analyzing the legal system, we use a systematic approach that "helps" to consider it as a certain integrity, consisting of an ordered set of components (legal consciousness, law, and law enforcement). These components are interconnected and interrelated not only with each other, but also with the external environment. Social and legal life of society holds a special place among the factors of the external environment and acts as a metasystem in relation to the legal system. Therefore, for an overall investigation of legal anomie, it is important to study it both within the legal system category and within the framework of a more complex category, that is, the social and legal life of society with the legal system being its integral part.

However, when focusing on the social and legal life as a metasystem that consists of numerous social and legal phenomena and processes, a systematic approach rather than an integrated one should be applied. Social and legal life can be considered as a universal phenomenon that determines and unites all other legal phenomena into a single complex.

According to Maria Shubina, the concept of "complexity" is often used along with the concept of "systematicity", which is quite natural, as the concepts are very close and reflect a different level of integrity specification [25, p. 166]. The legal system as a category expresses a systematic approach, whereas legal life is characterized by an integrated approach (including social life). Being complementary categories, they can compensate for mutual disadvantages and enhance the advantages of each other. It is obvious that the theoretical, methodological, and practical importance of an integrated approach should not be underestimated; moreover, it should be fully considered in legal research [26, p. 81]. After all, the "complex" concept is formed based on a multi-aspect and multidimensional perception and modeling of objects of knowledge, both systemic and non-systemic ones [27, p. 19]. Hence, the concept of "complex" is quite reasonably considered as something broader than the concept of a "system", which emphasizes the fact that a system is only a type of complex [28, c. 18].

Therefore, social and legal life with all its contradictions (internal opposites) creates an external environment for the formation and development of the legal system. Unlike the legal system, social and legal life is divided into positive (lawful) and negative (unlawful) parts; and legal anomie is a component of its negative segment which shifts social and legal life towards chaos, disorder, and disorganization.

At the same time, it is important to remember that disorganization is just as much an attribute of social and legal life as its organized part. Therefore, on the one hand, it is necessary to investigate legal anomie as a negative component of social and legal life. On the other hand, under certain conditions legal anomie should also be explored as its inevitable part. The complete eradication of legal anomie is impossible; however, it is necessary to control and counteract it. Constant attempts should be made to answer the question to what extent the state and society in general can do this to keep legal anomie within acceptable limits.

Therefore, the investigation of legal anomie should not be limited to a systematic approach and should go beyond the framework of the legal system, which itself is a part of a more complex phenomenon: social and legal life. Hence, oddly enough, only by analyzing the various relationships and interactions of legal anomie with the factors of social and legal life, one can better understand its place and role in the legal system of society.

The application of the statistical method allows to analyze the period of 2019-2021 which can be described as a gradual exit of the Russian society from the state of anomie. Thus, according to the data of the Federal State Statistics Service for the above-mentioned period, there was a downward trend in suicide rates from 17,192 cases in 2019 to 15,615 in 2021. The number of murders also decreased over the indicated period from 7302 to 5839 cases. At the same time, an increase in the general income level of the population is recorded [29 p. 155]. As a result, we can assume that the population began making long-term plans, planning their economic activities, etc. The state recognized the existence of bureaucracy and

corruption which led to changes in the legislation aimed at improving ways to combat these destructive phenomena. In addition, the statistics indicate an increase in the number of students enrolled in full-time higher education programs. This indicator also signifies the reduction of the anomie level in the country, since individuals prone to anomie are characterized by a low level of education and distrust in the actions of the police [30, p. 625].

#### **4. Dialectical and Special Legal Methods of Studying Anomie**

The categories of dialectics will allow to consider legal anomie within the legal system comprehensively, in development and comparison, revealing the mutual conditionality of its characteristics, their possible pairing, as well as the positive and negative aspects of the contradictions which exist between anomie and individual elements of the legal system. At the same time, the dialectical method

will make it possible to link the legal system components with their implementation in practice, revealing anomic manifestations in dynamics to identify the dysfunctions of various subsystems.

The features and characteristics of legal anomie are determined taking into account general scientific and other methods and based on the assumption that legal anomie in its institutional component is a changing phenomenon. To study them within the law enforcement subsystem, one should use (in addition to the above-mentioned methods) an analysis of statistical data to draw conclusions about law implementation failures, contradictions in legal regulation, offenses, etc. The determination of the characteristics of the anomic nature of legal consciousness should be based, among other things, on the data obtained through surveys. At the same time, the manifestations of anomie in various components of the legal system should be analyzed with regard to their mutual conditionality, interrelations, differences, and contradictions.

The social development goals declared in regulatory legal acts can be identified by applying the axiological method, and the simultaneous application of the formal and legal method will make it possible to compare them with the availability of legal means to achieve these goals.

The implementation of the axiological approach will allow to identify a certain idealized imprint of ideological principles in the field of legal regulation and compare them with their embodiment in social reality.

The comparative legal method of studying legal anomie allows to compare the goals of legal and social development in Russia with the goals that exist in other countries, as well as the legal means to achieve them. At the same time, the implementation of the method will contribute to the identification of those implemented legal structures that are alien to the Russian mentality, traditions, and legal culture. A theoretical model of interrelation and interaction of the manifestations of anomie in various components of the legal system should be developed primarily based on legal modeling.

## **6. Conclusions**

Thus, legal anomie should be considered through different approaches in development, in a specific historical setting, and in interaction with other processes. It is essential not to limit the research to the analysis of legal anomie only within the framework of the legal system. It is necessary to go further - to a wider "doctrinal level" - to study legal anomie within the framework of social and legal life, which will allow to comprehensively explore the causes and origins of the phenomenon, its levels and types. On the other hand, it is impossible to fully understand the social and legal life of society, the legal system, and law itself without a deep insight into the essence of the category of "legal anomie". The combination of various methods of will make it possible to formulate the foundations of the concept of understanding and the forms of legal anomie manifestation in legal consciousness, as well as in the institutional and law enforcement components of the Russian legal system.

Due to the fact that legal anomie is developing and becoming more complicated, further research is needed. First, it will ensure more complete knowledge and prediction of consequences. Secondly, it will facilitate the development of effective preventive measures. And thirdly, it will strengthen the counteraction to legal anomie. Only comprehensive application

of theoretical and methodological resources in the study of legal anomie can provide full control it and keep it within acceptable limits.

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