

LEGAL CO-CREATION AND CULTURE: CURRENT ASPECTS OF MUTUAL INFLUENCE**

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The subject of the research is the institute of legal co-creation of public authorities and civil society as a practical expression of the joint activities of subjects of state-legal relations aimed at the creation and constructive transformation of the legal form of public relations, carried out primarily within the framework of law-making activities of the state, as well as during the practical implementation of law (within the framework of law enforcement processes) in connection with the phenomenon of culture society and its legal culture. The stable interrelation of legal co-creation and culture in the state is revealed, in which there is a mutually beneficial positive influence of culture on the effectiveness of mechanisms of legal co-creation and legal co-creation on culture.

The purpose of the research is to establish and substantiate aspects of the interrelation and mutual influence of the phenomenon of legal co-creation of public authorities and civil society and the culture of society (legal culture as its variety), the formation and development of theoretical positions in the plane of the ongoing study (research) of the phenomenon of legal co-creation.

Methodology. The interdisciplinary approach serves as the basic methodological basis, which provides a synthesis of methodological tools of jurisprudence (formal legal, instrumental legal, etc. approaches) and methodological techniques and achievements of related socio-humanitarian fields of knowledge (cultural studies, sociology, psychology, political science, etc.), which allows a comprehensive and in-depth study of the phenomenon of legal co-creation as a complex social and legal phenomenon.

The main results. In the course of the research, it is proved that legal co-creation is a necessary resource in the legal system of the state, conditioned by the culture of society, which allows achieving higher-quality and socially adequate law-making and law enforcement results (decisions). Scientific theses are proposed to develop the theoretical foundations of the problem of legal co-creation. It is noted that legal co-creation is an indicator of a high level of social and legal culture. The opposite positive influence of legal co-creation on culture in the state in general and legal culture in particular is also stated. The theoretical and practical aspects of the interrelation and mutual influence of legal co-creation and culture are characterized.

Conclusions. Legal co-creation and culture are very closely interrelated and mutually influence each other. On the one hand, culture creates conditions for better and more effective legal co-creation of public authorities and civil society institutions. Moreover, it contributes to the formation of a special culture of legal co-creation, which in many ways acts as a special kind of culture of law-making in general, but also manifests itself noticeably in the processes of legal realization (where, among other things, it is required to involve active creative dialogical principles to solve issues related to the application of law), accordingly increasing the level of culture of legal realization. On the other hand, legal co-creation provides strategic and tactical “regulatory and legal services” to the culture of society, including a cross-section of legal culture, contributes to raising its level through legal means expressed both in federal laws and other regulatory legal acts, and within the framework of various types of state legal policy.

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1. Introduction

In modern conditions, when tectonic shifts are taking place in international relations and a multipolar world order is being formed, appropriate changes are needed in the domestic life of countries, and the mobilization of joint efforts of public authorities and civil society institutions is becoming increasingly in demand. A special role here can be played by the legal co-creation of state and social structures, which will allow us to solve jointly many very complex problems that arise.

At the same time, referring to such a complex category as legal co-creation, it should be borne in mind that its full-fledged understanding is impossible without relying on interdisciplinary knowledge. Thus, culture as a result of creativity, covering all spheres of social, including legal life, penetrates and largely mediates the processes associated with legal co-creation. In turn, the processes of legal creativity and co-creation affect social, political and legal culture, reproducing and improving it, ensuring the development of political, democratic and regulatory principles. From these positions, the consideration of legal co-creation together with culture is seen as a promising subject area of the science and practice of law, which is important from the point of view of optimizing the mechanisms of law-making and law enforcement.

2. General characteristics of legal co-creation as a phenomenon and category: the potential of interdisciplinary research

Legal science is conservative, and, probably, for this reason, many things that are already practiced to some extent in other fields of scientific knowledge (take, for example, the same life approach in economics and political science in the form of the corresponding categories “economic life” and “political life”), in it (in as a category of “legal life”) for quite a long time they can not break

through to themselves. The same thing happens with the category of “co-creation”, which is actively used in sociology, political science and psychology, but it was practically not used in legal science. However, there have been changes in this part, and the concept of “co-creation” began to converge with law, forming a new category of “legal co-creation”, which means “the process of joint activity interaction between state and public institutions, various political and social actors within the legal field (space of legal life), as a result of which a certain new legal reality (in the form of normative legal provisions and samples of their implementation) or an update of the traditional one is taking place (with the introduction of some new elements into the form, the structure and content of law)” [1, p. 109].

At the same time, I would like to suggest signs of legal co-creation, which, in our opinion, will develop and concretize the above definition.

Such signs include the following ones.

1) Legal co-creation is a kind of both creativity and, to a greater extent, cooperation between government and society. To cooperate, according to dictionaries, is “to act together, to take part in a common cause” [2, p. 750], which means to create something together, or even “create”, forming new elements of social culture, in this case — of a legal nature.

2) It acts as the highest form of cooperation, involving citizens and structures of society in public administration, where it is required to show special volition, passionarity and responsibility, defining new legal rules for other forms of interaction, the entire legal life of society.

3) Subjects are, on the one hand, public authorities, and on the other, institutions of civil society, acting as active independent participants in law-making and at the same time

as a “joint” kind of hybrid actor.

4) The object is social relations that must be organized as a result of this co-creation, which is embodied in the adoption of a legal norm.

5) The content is embodied in the commission by the subjects of actions “participating” together in the management of state and public affairs through a jointly created legal form. In this regard, the communicative and security role of law increases, which regulates these relations of subjects (the state and society), contributing to their proper organization (see, for example: [3]).

6) Legal co-creation is carried out in the field of law-making activities. At the same time, it is worth pointing out the presence of legal co-creation in the field of law enforcement. At this level, creative and co-creative principles are also manifested, expressed in the issuance of one or another individually defined legal decision, which, of course, presupposes intellectual and somewhat creative efforts of its “developers” both on the part of the authoritative law enforcers and on the part of the addressees of acts of application of law (acts of individual legal regulation). For example, taking into account the positions of plaintiffs and defendants in court proceedings, judicial decisions are created; the same general result – a decision based on the solidarity of the efforts of the participants in the case is formed in the process of implementing mediation procedures¹; on the basis of the positions of

applicants, authorized subjects participating in legal relations, acts of the application of administrative law can be formed — legally significant decisions on the construction of buildings, structures, on the use of land plots, including through the procedures of public discussions, public hearings [4] with residents of territories², etc.).

7) Legal co-creation is one of the most important ways of law-making consolidation of civil society institutions and public authorities. If the government and society are able to develop a common platform for action on this basis, then it seems that no sharp contradictions will arise between them in the right-realization formats.

8) It is designed to promote the achievement of joint goals in the adoption of a law-making product (normative legal acts, normative agreements, etc.), in which the interests of the parties (the state and society) are coordinated and satisfied. It is correctly noted that in order to “initiate and implement fruitful interaction, both sides must be able to compare their functional and target orientation with the target purpose of the other side in order to find a “complementary” and mutually acceptable niche in their daily work with the participation of the other side...” [5, pp. 98-99].

9) Being the highest form of cooperation, which is based on consent and trust, it determines the positive content of legal life, which is introduced into it “when social subjects (subjects of law) enter into relations of cooperation (solidarity), express their intention to jointly solve existing problems and tasks, build their relations on the basis of trust, mutual understanding and mutual support” [6, p. 42].

10) Legal co-creation is one of the

¹ Article 3 “Principles of the mediation procedure” of the Federal Law No. 193-FZ dated July 27, 2010 “On an alternative dispute settlement procedure with the participation of an intermediary (mediation procedure)” states: “The mediation procedure is carried out with the mutual will of the parties on the basis of the principles of voluntariness, confidentiality, *cooperation* (our italics — A.M., V.T. and V.S.) and equality of the parties, the impartiality and independence of the mediator”. — See: Law Enforcement Review 2024, vol. 8, no. 4, pp. 5–14

Code of Laws of the Russian Federation. 2010. No. 31. Article 4162.

² See, for example: Article 5.1 of the Urban Planning Code of the Russian Federation. — *Code of Laws of the Russian Federation*. 2005. No. 1 (Part I). Article 16.

indicators of the degree of civilization, democracy and a high level of development of institutions of state power and civil society. “The realization of the possibilities of active and responsible participation of citizens and civil institutions in the processes taking place in the state... is one of the main indicators of the identity and degree of maturity of modern civil society” [7, p. 76].

Based on these features, we propose the following definition, which, as it seems to us, will complement the above one. **Legal co-creation** is the highest form of cooperation in the legal sphere between public authorities and civil society institutions, designed to coordinate their interests (then clothed in appropriate law-making or even law enforcement acts), acting as an integral part of positive legal life and one of the main indicators of the degree of civilization, democracy and maturity of both the state and society.

The processes of legal co-creation, being a kind of higher continuation of positive social communication between public authorities and civil society institutions, act as a kind of manifestation of the growth of social and legal culture. Therefore, it is hardly possible to imagine considering this phenomenon outside the socio-cultural context and connection with social and legal culture. This largely dictates, among other things, the more active application of a cultural approach to the problem under consideration (see, for example: [8]).

3. Legal co-creation in the context of social, political and legal culture: on the issue of some theoretical and methodological aspects of identification

Culture has a significant impact on the state of legal co-creation (as well as on the legal system as a whole, and law as its core). Due to the well-known fact that law (and, accordingly, phenomena derived from it) is a

product of culture, it is correctly noted that “the more cultured a society is, the more a person's conscious influence on the development of law affects ...” [9, p. 36], that “culture and law as its most important element should to be deployed towards the prospects of improving a person participating in a common cause through **co-creation** (highlighted by us. — **A.M., V.T. and V.S.**), co-development, cooperation...” [10, p. 8].

Culture is usually understood as all the achievements of mankind (see, for example: [11, p. 761]), because it is a purely human world, what is “human” in the world, that is, the specificity of sociality (social being) is manifested precisely in culture [12, p. 172]. Culture can also be assessed as a process of development of a system of “supra-biological programs of human life activity”, the essential points of which are its historical conditionality and functional role in ensuring reproduction and change of social reality; as a set of knowledge accumulated in the course of civilizational development, norms of behavior, ideas, ideals, goals, social experience and other phenomena [13; 14]. It is also important to understand the patterns of cultural development through active creative human processes, through which culture is reproduced and improved, and social progress is ensured. Thus, Soviet researchers defined culture as a socially significant creative activity aimed at transforming reality within the framework of the dynamic concept [15, pp. 34-35]. This theoretical and methodological matrix is currently of important heuristic importance for understanding the relationship between creativity, co-creation and culture and can be applied to the study of processes at the level of legal co-creation.

Culture is multifaceted and diverse. It finds its manifestation in social interaction in all spheres of society, acting as its qualitative characteristic. It is no coincidence that the

problem of culture is “the problem of human interaction in the process of their joint activities” [16, p. 16].

Thus, in the political life of society, they explore their own aspect of culture. Along with the culture of political and parliamentary, the culture of parliamentarism is also distinguished. In comparison with the categories of “political culture” and “parliamentary culture”, the concept of “culture of parliamentarism”, acting as an integral part of the political culture of society, is relatively new and practically undeveloped in foreign and domestic political science. If parliamentary culture refers to the parliamentary corps, then the culture of parliamentarism reflects the state of civil society and, above all, the ability to actively influence the work of institutions of representative democracy. The culture of parliamentarism presupposes high electoral activity, an understanding of the importance of parliament in the system of separation of powers, respect for the rights of the political opposition, publicity and transparency in the discussion and adoption of laws by the deputy corps, and the promulgation of decisions taken. Moreover, the culture of parliamentarism is unthinkable without various forms of public control over people's deputies and, in general, over the institutions of political power [17, p. 134]. It is no coincidence that the literature emphasizes that “in a political science sense, we define parliamentarism as **co-creation** (highlighted by us. — **A.M., V.T. and V.S.**) of the state and civil society to implement democratic governance with recognition of the moral imperative and the special leading role of parliament. Then the constant feeling of the state and society of each other in this process determines the culture of parliamentarism. The definition of the nature of interaction between the state and society as **co-creation** (highlighted by us.

— **A.M., V.T. and V.S.**) is of key importance, because it opens the way to understanding the role of the development of the culture of parliamentarism in the processes of democratic transformation... The dialogue of a parliamentarian with voters, with all citizens is intended to be the basis of their **co-creation** (highlighted by us. — **A.M., V.T. and V.S.**) on draft laws. Culture requires a certain balance of spiritual and material values, focusing not on a rigid, but on a democratic ideal, which is logically considered the ability of people to coexist, the ability to reach compromise, agreements, consensus...” [18, p. 271].

Legal co-creation, being closely connected with social and political culture (which includes parliamentary culture and the culture of parliamentarism), develops in the closest intertwining with legal culture, which includes law-making and law-realization cultural components. If legal culture can be understood as the level of legal awareness and legal activity of society, the degree of progressiveness of legal norms and legal activity, then considering in this regard legal co-creation as an expression of the legal culture of society, it can be stated that such one, being the highest form of cooperation, also embodies in essence the ideals of social legal consciousness aimed not only at the perception of the current (“existing”) law, but also actively leading the law to its characteristics of “due”. At the same time, an important basis for numerous law-making processes is the culture of law-making, which involves ensuring the widest possible participation of citizens in government decision-making [19, p. 29]. Thus, legal co-creation is mediated by social, political and legal culture, which determines their natural mutual influence.

4. Mutual influence of legal co-creation and culture

As noted earlier, co-creation is influenced by legal culture. Thus, in relation to

legal realities, one can state the intensification and transformation of legal co-creation of public authorities and civil society in connection with the development of a digital culture of legal processes (see, for example: [20]). This strengthens this mutual influence and leads to changes in the field of lawmaking and legal co-creation. In particular, modern research indicates a change in the roles of typical law-making subjects (“the legislator as an intermediary”, law-making crowdsourcing, etc.) [21, p. 68], which foreign researchers also pay attention to (see, for example: [22; 23; 24]). Culture is expressed both in the procedural forms of legal co-creation, and directly in the results of legal co-creation, which are filled with value content and “work” for the overall development of legal life.

The process of interaction between public authorities and civil society institutions largely depends on the level of general and legal culture, which undoubtedly affects the process of their legal co-creation, the quality and effectiveness of its results. In this case, the efficiency of the law-making system can be considered mainly in the context of cultural forms of communication between political and legal entities. The process of legal co-creation of government and social structures is a sign of a high level of law-making culture [25, p. 81].

Culture influences not only law-making, but also law enforcement, and co-creation processes in this area. Its lack leads to defects in the implementation and official interpretation of legal norms, which generates negative consequences in relations between society and the state [26, pp. 9-10]. “The concept of legal culture is so universal that it covers not only the value cross-section of legal reality, but also serves to evaluate the types of law-making, regulatory framework and legal practice” [27, p. 31].

In turn, the legal co-creation of the state and society has the opposite effect on

culture (including legal culture). The development of law-making mechanisms and the participation of subjects in these processes “raises” the cultural level of all related legal phenomena. This also applies directly to the adoption of laws and other regulatory legal acts that promote the development of social and legal culture (already adopted federal laws “On Education”, “On Physical Culture and Sports in the Russian Federation”, etc., or proposed for adoption “On the protection of cultural values”, “On the right of citizens of the Russian Federation to cultural identity”, etc. [27, p. 6]). But it should also be about the situation when the subjects of legal co-creation participate in the formation and implementation of various types of legal policy, thereby expressing a new higher level of culture in the formation of the state legal system of the country. The Foundations of the state Cultural Policy approved by the Decree of the President of the Russian Federation³, where this policy is defined as “activities carried out by public authorities with the participation of civil society institutions aimed at supporting, preserving and developing all branches of culture, all types of creative activity of Russian citizens”, are aimed at the implementation of such communicative mechanisms. 6 of section II of this Decree, when describing the grounds for the development of this policy, it is clearly emphasized: “The development and implementation of the state cultural policy... *are carried out in close cooperation between the state and society*” (our italics — **A.M.**, **V.T.** and **V.S.**)⁴.

³ Decree of the President of the Russian Federation No. 808 dated December 24, 2014 “On approval of the Foundations of the State cultural policy” (with amendments and additions dated 01/25/2023). *Code of Laws of the Russian Federation*. 2014. No. 52. Article 7753.

⁴ Decree of the President of the Russian Federation No. 35 dated January 25, 2023 “On Amendments to the Foundations of State cultural policy approved by Decree of the President of the Russian Federation No. 808 dated December 24, 2014”. *Law Enforcement Review* 2024, vol. 8, no. 4, pp. 5–14

Another example. Article 9 of the Decree of the President of the Russian Federation “On Approval of the Foundations of State Policy for the Preservation and strengthening of traditional Russian spiritual and moral values”⁵ defines: “The state policy of the Russian Federation for the preservation and strengthening of traditional Russian spiritual and moral values... is a set of coordinated measures implemented by the President of the Russian Federation and other public authorities with the participation of civil society institutions to counter sociocultural threats to the national security of the Russian Federation in terms of the protection of traditional values”; article 26 of the designated Decree calls “the involvement of civil society institutions” one of the main organizational tools of this policy. In other words, in all significant decisions of the government and in the design of such decisions, contact between the state and society is assumed.

5. Conclusions

Thus, legal co-creation and culture are very closely linked and mutually influence each other. On the one side, culture creates conditions for better and more effective legal co-creation of public authorities and civil society institutions, it contributes to the formation of a special culture of legal co-creation, acting as a special kind of culture of law-making in general, as well as manifesting itself within the framework of legal realization (where it is also sometimes necessary to involve active creative dialogic principles to solve issues related to the application of law), respectively increasing the level of culture of

legal realization. On the other side, legal co-creation provides strategic and tactical “regulatory and legal services” to the culture of society, including a cross-section of legal culture, contributes to raising its level through legal products based on the principles of cooperation, expressed in federal laws, other regulatory legal acts, and the results of various types of legal policy. These aspects of the mutual influence of legal co-creation and culture (first of all, legal culture) allow us to conclude that it is necessary to continue studying legal co-creation together with culture and other related socio-humanitarian phenomena (politics, psychology, ethics, etc.), which seems promising both in terms of increasing theoretical knowledge about the phenomenon of legal co-creation, and in terms of improving the practice of modern legal co-creation, which is so necessary, as the analysis shows, as one of the elements of the mechanism of state-legal construction.

December 24, 2014”. *Code of Laws of the Russian Federation*. 2023. No. 5. Article 777.

⁵ Decree of the President of the Russian Federation No. 809 dated January 9, 2022 “On approval of the Foundations of State Policy for the preservation and strengthening of traditional Russian spiritual and moral values”. *Code of Laws of the Russian Federation*. 2022. No. 46. Article 7977.

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