



## **Institutionalization of the Human Rights Management, Economic and Social Community in the XXI Century: The Global and Eurasian Trends**

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### **ABSTRACT**

The article analyzes the modern paradigmatic change settings on the development of the human rights concepts and ensure social community/solidarity in the context of the global and Eurasian trends. The management institute formation in the Russian society is considered as a necessary condition of providing the main directions of the sustainable development strategy. The formation process and the management main lines as the social institute is characterized. Substantially considered the new forms of public unity, which initiate fundamentally different protection mechanisms and the person rights and freedoms ensuring in the XXI century: Either the innovative (neoliberal) forms, where the government is given very small place (i.e., it is perceived as one of actors, participants publicly - legal interaction); or the revolutionary forms - depriving the government of any social value in the future, are formulated. Separately, the authors analyze the Eurasian political and legal project of social inclusion and ensuring the rights, freedoms and interests. The article addressed issues of economic sociology - The interaction of two major areas of social life - economic, social and, respectively, the interaction of two types of processes - economic and social.

**Keywords:** Economic Sociology, Power, State, Conservatism, Modernization, Traditionalism Postmodernism, Transformation, Social Institute, Institutionalizing Management

**JEL Classifications:** D71, H55, M11, K49

### **1. INTRODUCTION**

The beginning of the XXI century was marked by the statement and justification of the "scientific and practical insolvency" hypothesis of the state as the fundamental subject providing the citizens' rights and freedoms. It is possible to describe this assumption more widely - about the "government era" decline as the phenomenon providing and monopolizing welfare integrity, political unity, materialization and protection of the rights, freedoms and legitimate interests of social institutes (universal and civil).

The social institute concept covers large groups of social roles. Performance by individuals of the social roles is a necessary condition of the social institute activity. The management social role consists in the encouragement and assistance to transformation

of many people's efforts to the general achievements, in the transfer of knowledge and life experience from one generation to another.

Economics as a social institution is a set of institutionalized modes of activity, patterns of social action, forming various types of economic behavior of individuals and organizations to meet their needs. I must say that the core of the economy is to work. Employment - is the solution of problems related to the expenditure of mental and physical effort, which has the purpose of producing goods and services that satisfy human needs.

Thus, the international legal communication based on the state unity, sovereignty and national integrity evolves towards adapting (constantly changing and restructuring) the interaction various

structures where the government is considered as one of the global actors participating in political and legal process on the equal basis with non-governmental civil institutes, transnational subjects, military-political blocks.

Formed due to the Roman law, the abstract philosophical and legal nature of individual connected, protected and provided by the public authority (Isaev, 2013). In consequence this idea is quite bright and successively developed in the political theories of “social contract,” which are not real people (with their various individual characteristics), but abstract and ordered schemes constituted unity of the political and legal community (the public contract) and the rights and freedoms reality of the person (the natural right). Thus, Radbrukht pointed out that the Romans designed concept “the individual without identity,” in Rome the idea of “abstract generality,” which puts the abstract power of the state - over concrete identity is formed. Then, the “abstract nature of philosophical and legal individual reflects the social contract. This agreement is not the real consent of the real wills of the real people, but the imaginary consent” (Radbrukht, 2004).

Now, this state aprioristic purpose, connected with the rights and freedoms protection and ensuring is put under doubt, there is a paradigm shift in judgment and understanding of the state idea connection and the philosophical and legal individual abstract nature, his rights and freedoms, respectively, factors and mechanisms of their support.

The management institute formation in the Russian society is designed to realize somewhat the main directions of the sustainable development strategy for the increase of the realization extent of the person and citizen rights and freedoms.

In the article, we analyze the paradigmatic change settings on the human rights concepts development and ensure the social community/unity in the context of the global and Eurasian trends.

## 2. LITERATURE REVIEW

In the modern researches the fundamental projects directed on cardinal change as the public organization development directions (Baranov et al., 2015), so the social integration forms, which are not connected with the government functioning and deprive it of any value in the future (Lyubashits et al., 2015) are developed. The study of this area to the state denied the “historic mission” (Virno, 2013), and the social integration forms and political communication are justified in fundamentally new concepts and categories that are not associated with the “nation-state methodology” (Beck, 2007). Here identity is interpreted as the political actors’ originality (Lyubashits et al., 2015), which cannot be reduced to the old forms of unity (the national and state identity to the people, ethnos, etc.), and collective - As the personal specific public activity in relation to general welfare (Virno, 2013; Hardt and Negri, 2006). More modeling of those new structures of the public organization are at the theoretical and conceptual registration stage and the stage-by-stage institutionalization in political communication (Agamirov et al., 2015).

In general, the study of the public power organization as the national unity factor, ensuring the ethno-cultural stability and the sustainable development vector in the XXI century is based on the work of a number of the modern authors (Demetradze, 2012; Lurye, 1994; Ovchinnikov et al., 2009), proving the fundamental relationship of ethno-political, socio-legal processes and socio-cultural dynamics.

## 3. MATERIALS AND METHODS

As the leading methodological principle of the research is the instrumental and political realism, assuming knowledge of socio-cultural factors and ethno-political landmarks is necessary not only for understanding the policy and socio-political outlook, but to anticipate and manage any real (current) political process (Baranov et al., 2015).

Besides, the study is based on a number of fundamental methodological guidelines and regulations: First, the political personality knowledge of the Eurasian space as the complex set of structures and institutions, etc. as well as non-political component, based on the self-sufficiency of the socio-political Eurasian world (Ovchinnikov et al., 2015); second, the socio-cultural foundations is the essential, deep and stable component of the Eurasian political reality, the significant aspect of the review and the evaluation criterion of the possible prospects of the institutionalization management development (Ovchinnikov et al., 2015).

The management institutionalization is a complex social process, in which the following acts as the basic premises:

- Scientific (the management theories emergence and development, traditions and schools of modern management forming);
- Socio-economic (production development, joint-stock companies, enterprise, development and implementation of new information, management and intelligent technologies);
- Socio-political (adoption of crucial decisions at the national level);
- Social (social structure development, the new social groups and layers);
- Globalization (globalization processes, global spread of management market principles);
- Socio-cultural, and others.

Besides, in terms of the global trends analysis of the research development relies on the theoretical and methodological approaches of the cosmopolitan realism approving “the death of the national and state methodology” (Beck, 2007). Position of the last forms in the modern political thought the paradigm shift, which leads to “withdrawal” from the state monopoly on the formation and maintenance of social and political unity, and the most important, the monopoly on the actual implementation, protection and promotion of the rights, freedoms and lawful interests of the individuals. It substantiates the “new socio-political revolution” that will sweep away the traditional categories of the political and legal thought (state, legal order, person’s political and legal status determined and guaranteed by the state, and so on), and the social unity forms - the people, the nation (Virno, 2013), and then form a fundamentally different form of social organization

and identification, free of legal and political constructs imposed by the state authorities. These new forms of public unity initiate essentially excellent mechanisms of the person's rights and freedoms protection and ensuring in the XXI century: Formulated or innovative (neoliberal) forms, where very small place is given to the government (i.e. it is perceived as one of actors, participants of public interaction); or the revolutionary forms - depriving the government of any social value in the future.

## 4. RESULTS AND DISCUSSION

### 4.1. Neoliberal Forms of the Person's Rights and Freedoms Ensuring

In this case, it is about the so-called the state service concept and global neoliberal constitutional and legal integration. The government in this direction is not the only actor in international legal and political communication (Cohen, 2006), is either "on equal terms" with local or global institutions, civil society and other non-governmental organizations; or, generally, perform serving (service) role in promoting human rights and freedoms, the legitimate interests and social demands, needs and expectations.

Sociology of economic life as a social development approach to the economy is formed for about three centuries. Its founders - Emile Durkheim, Max Weber, Veblen, Karl Marx, Adam Smith - sought to explain the social changes taking place in the West European society, based on the impact on them: The division of labor, the economy, urbanization, the transformation of the social structure. Thus was formed a system of sociological views on industrial activity, immersed in a context of economic changes, gradually turning into an independent and authoritative discipline.

Thus, the totality of the nation legal-political organization, presented and maintained by the government, is replaced with the global-local institutes of civil society, non-governmental organizations, etc. functioning in the free, mobile mode (i.e., constantly change and become complicated, break up and self-organize, overstepping the bounds of sovereign territories), where the socio-political activity framework does not contact the state rationing, and submit to the general (standardized) "constitutional and legal identity" (Habermas, 2008).

In other words, the human rights universal concept and the general social and legal borders of tolerance deprived of outdated national, state, religious, and ethnic parameters form new "tank" of political communication and "exempt political interaction from cultural and ethnic identity." In general, "the strategic revenge of civil society" and release from sovereign legal-political code of public processes "does not change the liberal purposes, but destroys civilization fetters... proceeding from the principles of the world community benefit" (Habermas, 2008) and "returns the person to the free development principles" (Honski, 2002).

### 4.2. Revolutionary Forms of Social Integration and the Person's Rights, Freedoms and Interests Ensuring (Neo-marxism, Neo-anarchism and Cosmopolitanism)

In this version, it is about the cardinal change as the directions of public organization development, so the social integration forms,

which are not connected with functioning of the government and deprive of it any value in the future. Respectively, if refuse to the state "historical mission," forms of social integration and the person's rights and freedoms ensuring locates in essentially new concepts and categories, which are not connected with "the national and state methodology" (Beck, 2007).

Lack of excludability, sharing economy, the lack of quantified indicators and appropriate measurement method, as well as small possibility of individual choice - these are the main problems in the organization of the social economy. Recognizing that the world consists of many different goods and services that have these characteristics, and that the forms of use of these goods are very different, we are forced to think about what the organization model would be optimal for the process of establishing their provision.

So, in the neo-Marxist discourse as a new form of social organization is the "multitude," which "is not opposed to unity, but again it determines." However, this unity is no longer the state, and "Become more language, intelligence, common capabilities inherent in the human race" (Virno, 2013). Thus the set is considered and as the new form of philosophical and legal reading of the social organization, the person's rights and freedoms concept, which will not cancel classes, but structures them different where "the individuation universal is provided, patrimonial, divided." This new individual practice creates essentially other forms of collective life and alternative social legal orders, which are not connected with the state. Here identity is treated as originality and personal uniqueness, which cannot be reduced to old forms of abstract and legal unity (the national and state identity to the people, etc.), and collective - as specific public activity of the personality in relation to general welfare.

From the Hardt and Negri point of view multitude is both individualization and mobile self-organization in the global entity, "The general is both natural and artificial. There is no such person who would not be designed in a multitude. No communication, which does not have the universal character. The activity of these persons, should be considered as the freedom matrix and multiplicity for each of them. Here democracy becomes a direct target, and cannot, as before, be assessed in terms of the liberal - as a limit equal or socialist - as a measure of freedom. From now on, it must be a radical expression of both freedom and equality - without any restrictions" (Hardt and Negri, 2006).

The neo-anarchism also submits the project of the state essence radical reconsideration, its value and roles in the future public unity, in expression and ensuring the person's rights and freedoms. In the vast majority, the neo-anarchist thought represents "the theory of the government dispersion," assuming eradication of the imperious and hierarchical centers. In other words, locates that the public power has to be "sprayed" on free communities, which are not integrated into any integrity.

In spite of the fact that the last statement is more or less peculiar to classical anarchical thought, fundamental difference of the latest theories consists in postulation of the constant variability inherent in dynamics in these free local communities. Therefore,

the contractual free unions are enough quickly built by the network principle, change and collapse, forming new configurations of communities, i.e., in essence are unstable and unpredictable. Their development “goes not to depth or up,” they are not built in imperious and hierarchical integrity and orderliness, and constantly extend, change and mutate in the form of isomorphs (nonlinear), “the tuberous organization” as at Delyoz and Gvattari. The idea of the isomorphs becomes a fundamental form of achievement of the person’s rights and freedoms reality in the XXI century (Delyoz and Gvattari, 2007).

In other words, “isomorphs” is the neo-anarchical public organization new principle expressing the real freedom and the reality of human rights, approving basic extra degree of structure, nonlinearity and horizontal principle of development (expansion): “The rhizome develops, varies, extends, taking, grabs, taking root.” The isomorphs principle of development assumes constant “converting and subjective measurement” resisting to any semantic centers and “the aligning unity of the code,” for example, the legal-political order supported by the sovereign state (Beck, 2007).

This circumstance has essential value for understanding of the modern neo-anarchical project “the public power dispersion” as communities are mobile and isomorphs, they do not allow (do not create conditions!) for the imperious and hierarchical centers formation. Free communities change constantly, transformed and respectively the public institutes serving these dynamic processes, interests, installations and so forth not linearly develop. Not casually today, there is an intensive formation of theories of risk-taking and nonlinear management of public processes. Thus, instability becomes a new dominant of social-legal and political processes, and the risk-taking is the new direction in modernization of political technologies of management.

In turn, the cosmopolitan project is also focused on the qualitative transformation of public-legal forms of social and legal community and public organizations in the context of which the state institution ceases to “create the common procedure for the relationship” (Beck, 2007) and stimulates entirely new cosmopolitan principles of the human life freedom and collective (network) forms of human rights.

At the same time, specify that the cosmopolitan form to justify similar the authorities flexibility and mobility, “the network organization methodology” publicly-powerful interaction, which should replace the “national sovereign methodology” of knowledge and the social organization construction: “The authorities meta game (economic, civil, government on the world stage - auth.) mean that the state should be conceived, built and explored as the dependent on various circumstances and politically changeable” (Beck, 2007). Moreover, constantly changing international order is not based on the traditional bases of legal-political integrity, because it denied “conception of natural, self-contained wholes that cannot be selected, which is prepared (or theirs) your destiny. The cosmopolitan realism rejects also the idea that rooted in ethnic or national integrity is a natural and healthy state because people in the world” (Beck, 2007).

In general, it is possible to state a hypothesis that the “modern enthusiasm” for risks, crises and conflicts, and management technologies of unstable situations, treated as natural state of the social, legal and political systems development (as opposed to, for example, incidental, emergency situations, modes as at Schmitt) forms steady installation on “decline of the state sovereign qualities,” updating of alternative political and legal projects of the organization and forms of the human rights ensuring. And finally to formation of such conditions under which sovereign legal-political coding of the order and stable reproduction of civilization communities will be treated quite naturally as nonsense (i.e., as that does not correspond to reality as the important, but passable stage of the social and legal organization, worth of memory and the important place among other “museum pieces”).

### 4.3. Eurasian Political and Legal Project: History and Modernity

Historically on the Eurasian space stereotypes of the social integrity, the community cognitive installations, psychological predispositions to domination of spiritual and moral standard systems prevailed. In various welfare systems developing on the Eurasian space, human rights and freedom of the individual contacted not the individualization, and harmonization of the Roman idea of “the philosophical and legal individual abstract nature” and the valuable and standard system focused on the community and spirituality.

Here it is traditionally, rights and freedoms had not economic, legal, political measurements, and, on the contrary, the spiritual. In the first Eurasian doctrines and concepts (Savitsky et al., etc.) it was reasoned that freedom and right are the categories, first, spiritual, closely connected with the community, social integrity, moral system of coordinates. Otherwise, the individual rights and freedoms were interpreted in spiritual bonds: With community (not in discharge, namely in coherence, “right duty” - the concept entered by Alekseev), with the earth (for example, steady Eurasian archetype - mother earth), the community (for example, cathedral attitude, communal measurement of values), with the ancestors’ spirit (steady installation on traditional character, authority old, legitimation through continuity), etc.

These factors, from the Eurasian school point of view (and not only it, for example, from the civilization position - Spengler, the anthropological position - Mid, Rulan, the traditionalism - Genon, Evola, etc., approaches, and the historical - von Saweni, Pukhta and the sociological Paud, Ehrlich, Gurvich right schools) in the standard and legal organization social unit the dominating value have spiritual-moral and welfare regulators and values, and legal and economic measurement of the rights and freedoms play the secondary role, instrumental.

The management activity is directed on the society fundamental requirements satisfaction. In the American society management institute “... establishes standards, and a way of life; ... forms the society face and directs the nation; round it social problems crystallize...” If the American theorists and practitioners hope to resolve problems of social transformations by means of this new social institute, in the Russian society the situation is far



much more difficult. According to Zaslavskaya, the society ability and readiness for self-development are carried out "... by radical transformation and updating of the basic institutes and social structure." Except basic institutes of society, also new institutional structures, in this case management can make a basis of its development.

The management institute formation was caused by the urgent need in application of the management new principles and methods in connection with the destruction of the existing command management system and transition to the market type management and need for the qualified heads, managers.

Moreover, such purpose is typical to many other theories and concepts. For example, Solovyov argued that the right is the minimum of morality, established by the state; and human rights is the minimum moral and social imperatives, provided by the state. Novgorodtsev wrote that freedom and human rights, denying the start of the general moral and spiritual communication, social solidarity and consequent legal organization, leads, ultimately, to self-destruction and the destruction of the state foundations and the society legal organization, to the community disappearance as that.

It is no coincidence in the Eurasian and neo-Eurasian concepts, present (consciously - in the framework of legal thinking or unconsciously - at "pre-legal" codes of behavior, legal-cultural archetypes) conditional separation of basic (primary) and instrumental (secondary) value structure. In this respect, the individual basic values and interests (as opposed to individual) are formed during the successive evolution of the social community, public-legal and socio-cultural organization associated with maintaining the unity and integrity, and reproduction security. In turn, the instrumental values and interests related to the institutional design and maintenance of primary (basic).

Therefore, "the aprioristic purpose of any association is unity, and this principle does not need neither the constituting act of the contract, nor mechanical and external coercion who can act as acts of secondary formalization" (Isaev, 2013). Here, apparently, human rights and freedoms, legitimate interests and requirements, initially are not interpreted as self-sufficient substances as they are caused by the right cultural and ethno-political environment, accumulate, express and realize basic values and dominants (successively reproduced through archetypal installations, sociocultural ideals, steady spiritual and moral requirements and the personality interests, their groups, societies in general).

Therefore, for example Eurasian Alekseev believed that the state and the right, other legal phenomena and processes claim and realize, first, spiritual and moral values, namely approve "Truth" and justice, as the necessary moral ideal and criterion of the real political and legal reality assessment. From his point of view, the "true" spiritual and moral freedom and the personality rights "are that area of spiritual and moral human life, which deals with that the person 'freely can' and to what he is violently not forced;" and that the issued normative legal act contains except a legal duty, the moral obligation to execute it is fair: "Is, so to speak, public said oath." Therefore, primary legal value of the person is, on his

thought, "primacy of the rights of everyone and the people on a certain way of life" (Alekseev, 1998).

## 5. CONCLUSION

Purpose of social institutions is essential to meet the needs and interests of society. The economic needs of the society meets multiple social institutions, each institution of its activities meets a variety of needs, among which are vital (physiological, physical) and social (needs of the individual at work, self-actualization, creativity and social justice).

In the modern political and legal realities, the Eurasian project adheres to the pragmatic version in the context of which locates that all political phenomena and processes are specific and work in a certain space and time. Therefore, there are no similar, identical regularities of the society legal and political system and the sociocultural transformation directions. It argues that globalization and other current trends will only qualitatively enrich and will complicate as the government role, its institutional and functional structure, and forms of the person's rights and freedoms ensuring in the context of a certain right cultural and ethno-political environment. The management institute formation in society happened spontaneously, it is possible to allocate only some prerequisites of the management institutionalizing process: Scientific, economic, political, social, globalization, cultural and some other. The outlined tendencies of the management formation and development as social institute, undoubtedly, have positive character. To enable access to qualitatively new level of development which is characterized steadily developing economic - social, effective system of public administration on guaranteeing human rights.

At the same time, the "withdrawal" from the state institute of the fundamental functional obligations on guaranteeing, providing the person's rights and freedoms realization will lead to a disfunctionality (distortion, deformation) of the main legal institutes and instability of legal and political processes. From the pragmatic installation point of view, the development of the legal designs and political forms, which are adequately describing modern functioning of the person's rights and freedoms concept is necessary.

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