
ЯЗЫК И ПРАВО
LANGUAGE AND LAW

Original article

УДК 81'33

DOI 10.33184/vest-law-bsu-2025.28.37

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THE SIGNIFICANCE OF EURASIAN DOCTRINE FOR CONTEMPORARY LEGAL SCIENCE

Abstract: This study examines the relevance of Eurasian doctrine for modern Russian legal science. The research demonstrates that Eurasian political-legal theory, based on concepts of "guaranteed state" and "ideocracy," offers an alternative to Western liberal-democratic models. The analysis reveals that comprehensive study of Eurasian legal heritage represents a crucial task for general theory of state and law, particularly in the context of legal transformation and modernization of Russia. The principal conclusion establishes that direct borrowing of Western state-legal institutions constitutes one of the causes of destabilization of the national legal and political system.

Keywords Eurasianism; guaranteed state; ideocracy; legal doctrine; state-legal construction; political-legal theory; Russian statehood; legal heritage.

For citation: Khazieva R. The Significance Of Eurasian Doctrine For Contemporary Legal Science. *Vestnik Instituta prava Bashkirskogo gosudarstvennogo universiteta = Bulletin of the Institute of Law of the Bashkir State University*, 2025, no. 4, pp. 407–415 (In English). DOI10.33184/vest-law-bsu-2025.28.37.

Научная статья

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**ЗНАЧЕНИЕ ЕВРАЗИЙСКОЙ ДОКТРИНЫ
ДЛЯ СОВРЕМЕННОЙ ЮРИДИЧЕСКОЙ НАУКИ**

Аннотация: В настоящем исследовании рассматривается актуальность евразийской доктрины для современной российской юридической науки.

Показано, что евразийская политико-правовая теория, основанная на концепциях «гарантированного государства» и «идеократии», предлагает альтернативу западным либерально-демократическим моделям. Анализ показывает, что комплексное изучение евразийского правового наследия представляет собой важнейшую задачу общей теории государства и права, особенно в контексте правовой трансформации и модернизации России. Основным выводом заключается в том, что прямое заимствование западных государственно-правовых институтов является одной из причин дестабилизации отечественной правовой и политической системы.

Ключевые слова евразийство; гарантированное государство; идеократия; правовая доктрина; государственно-правовое строительство; политико-правовая теория; российская государственность; правовое наследие.

Для цитирования: Хазиева Р. Значение евразийской доктрины для современной юридической науки риторики / Р. Хазиева. – 10.33184/vest-law-bsu-2025.28.37 // Вестник Института права Башкирского государственного университета. – 2025. – № 4. – С. 407–415.

In recent years, scholarly interest in Eurasianism has intensified considerably, generating a pressing need for theoretical-methodological research capable of revealing the fundamental philosophical and worldview foundations of cooperation among Eurasian states [1, с. 106]. The actualization of Eurasian doctrine is conditioned not merely by academic curiosity but by practical demands of legal transformation processes unfolding in contemporary Russia. The question of correlation between national legal tradition and borrowed Western models acquires particular acuity in the context of searching for optimal paths of state-legal development. Modern legal science confronts the necessity of reconsidering established approaches to understanding the essence of statehood and law, which renders appeal to alternative theoretical constructions exceptionally relevant.

Eurasianism represents a Russian post-revolutionary political, ideological, and spiritual movement that affirms the cultural distinctiveness of the Russian-Eurasian world. The founders of Eurasianism emphasized the close historical interconnection between Russian culture and Eastern, primarily Asian, cultures. The originality of the Eurasian approach manifests itself in rejection of both Slavophile idealization of Russian history and uncritical Eurocentrism, while simultaneously preserving continuity with pre-Soviet experience of political and legal development that fundamentally influenced the political-legal mentality of Russians. The revival of Eurasian ideas has been associated with the emergence of numerous contemporary studies by Russian scholars and the creation of a new all-Russian movement, which testifies to enduring relevance of problems raised by the founders of this doctrine. The theoretical heritage of Eurasianism acquires new sound in conditions when Russia seeks to define its civilizational identity and place in the system of international legal relations.

The state-legal component occupies a central position in Eurasian doctrine at the present stage. The Eurasianists, unlike many of their contemporaries, developed

their own methodology for legal research and laid the foundations of their own philosophical-legal school [2, c. 12]. The methodological distinctiveness of the Eurasian approach resides in its synthetic character, combining analysis of normative-legal constructions with profound philosophical reflection on the nature of state power and legal regulation. The Eurasian legal model reflects the distinctiveness of Russian statehood, proposing a state-legal structure devoid of the deficiencies inherent in various liberal-democratic and conservative-monarchical projects. This model proceeds from recognition of organic connection between legal forms and cultural-historical foundations of society, which excludes possibility of mechanical transplantation of foreign legal institutions. The Eurasianists demonstrated that effective legal system must be rooted in autochthonous legal culture and correspond to established patterns of social interaction.

The Eurasian conception of law fundamentally differs from positivist and natural-law doctrines dominating in Western legal thought. While positivism reduces law to system of norms established by state authority, and natural-law theory proceeds from existence of transcendent principles of justice, Eurasianism proposes understanding of law as organic element of cultural-historical existence of people. Law, according to Eurasian conception, represents not simply instrument of social regulation or embodiment of abstract moral imperatives, but living form of national spirit, inseparable from totality of spiritual-cultural values of society. Such an approach permits overcoming artificial opposition between law and morality, between legal form and social content, which constitutes one of the most acute problems of contemporary legal philosophy.

Within Eurasian doctrine, one can identify recognition of the Soviet period of political history, acknowledgment of the pre-October period, and their mutual influence on the formation of statehood, which may be employed as an integrative idea characterized by inter-ethnic dimensions [3, c. 23]. Such an approach permits overcoming artificial ruptures in understanding of Russian state-legal development and constructing holistic conception of evolution of national statehood. The principle of historical continuity, formulated by Eurasianists, acquires particular significance in conditions of contemporary political transformations, when the question of correlation between tradition and innovation becomes one of the most acute problems of legal science. Recognition of legitimacy of different stages of Russian state-legal development, including Soviet period, opens perspectives for synthesis of positive achievements of various epochs and formation of integral model of statehood corresponding to national specificity.

The Eurasian approach to understanding historical process distinguishes itself by rejection of linear-progressive schemes characteristic of both liberal and Marxist philosophies of history. Instead of interpreting history as unidirectional movement toward predetermined goal, Eurasianists proposed conception of plurality of civilizational paths and recognition of equal value of different cultural-historical types. This methodological position possesses immediate juridical significance, inasmuch as it grounds impossibility of establishing universal model of state-legal organization ap-

plicable to all societies regardless of their cultural-historical specificity. Each civilization, according to Eurasian conception, elaborates its own forms of legal regulation corresponding to its spiritual-cultural foundations and historical experience.

Comprehensive political-legal analysis of the Eurasian conception of Russian statehood has not yet been undertaken and remains unclaimed within contemporary programs of legal transformation and modernization of Russia. The necessity for such analysis is evident, given that reformation of Russian statehood with consideration of political-legal tradition has become exceptionally urgent. The absence of systematic scholarly elaboration of Eurasian legal heritage leads to impoverishment of theoretical foundations of legal reforms and narrows the spectrum of possible models of state-legal construction. Contemporary Russian legal science, oriented predominantly toward Western theoretical paradigms, overlooks rich potential contained in autochthonous intellectual tradition. Direct borrowing of Western state-legal institutions and liberal political-legal ideology constitutes one of the causes of destabilization of the national legal and political system, growth of criminality, alienation of power from the people, and legal nihilism. Experience of post-Soviet legal reforms demonstrates that ignoring national specificity and mechanical copying of foreign models engenders profound dysfunctions in functioning of state-legal mechanism.

The practice of legal reforms implemented in Russia during recent decades reveals fundamental contradiction between declared objectives and actual results. Transplantation of Western legal institutions, undertaken without consideration of cultural-historical context and established legal consciousness, led not to formation of effective rule-of-law state but to emergence of peculiar hybrid formations combining formal-legal attributes of democracy with actual authoritarian practices. This situation confirms correctness of Eurasian thesis regarding organic character of legal development and impossibility of artificial acceleration of legal evolution through borrowing of alien institutional forms. Legal institutions, like living organisms, require appropriate environment for successful functioning; their effectiveness depends not only on perfection of normative design but on correspondence to deep structures of social consciousness and established patterns of behavior [4].

Modernization of Russian society according to Western patterns inflicts serious damage upon national political-legal culture, discrediting the universality of ideas of law, state, and democracy. Imposition of alien legal constructions, not organically connected with autochthonous legal consciousness and established practices of social regulation, provokes rejection and resistance, undermining legitimacy of legal system as a whole. The phenomenon of legal nihilism, widely distributed in contemporary Russian society, represents in significant measure consequence of rupture between formal-legal norms and actual legal consciousness, between officially proclaimed values and real motivations of social behavior. Accordingly, conducting comprehensive analysis of the legal heritage of Eurasianists represents a task for representatives of general theory of state and law, requiring mobilization of resources of comparative legal studies, legal philosophy, and political science. Only through profound

understanding of autochthonous legal tradition can foundations be created for elaboration of adequate model of legal development corresponding to national specificity.

The organizing principle of statehood and culture is the "state constant," around which all social life concentrates and which appears as a principle and ideal requiring concretization. Popular voting and referendum are called upon to provide the "stabilized popular will," embodied in this constant, with concrete application to particular cases of social life. This construction reveals profound understanding by Eurasianists of dialectics of stability and dynamism in state-legal development. The conception of state constant represents original solution to the problem of correlation between permanence and changeability in political-legal sphere. The constant itself is formed by "ruling selection," interpreting it in accordance with its understanding of the "idea-ruler." Information regarding the latter bears an esoteric character, accessible only to a small number of initiates: limited boundaries of interpretation ensure stability of the idea, aimed at its conservation. At the same time, the narrow circle of interpreters imparts dynamism to comprehension of the general political line, preventing ossification of ideological foundations of statehood.

The conception of ideocracy, occupying central place in Eurasian political-legal theory, proceeds from recognition that every state is organized around certain fundamental idea determining its essence and defining direction of its development. The idea-ruler represents not simply ideological doctrine or political program but profound spiritual principle penetrating all spheres of social existence and conferring meaning upon collective historical creativity. The state, according to Eurasian conception, cannot be reduced to apparatus of coercion or administrative mechanism; it constitutes embodiment of spiritual principle uniting people into single organism and directing their collective efforts toward realization of suprapersonal objectives. Such understanding of state fundamentally differs from instrumentalist conceptions characteristic of liberal political philosophy, which interpret state as neutral mechanism serving satisfaction of individual interests [4].

Mechanisms of regulation and prohibition operating in such a state are reduced primarily to two forms: physical coercion (which must be minimal) and relations of domination-subordination. The second form compels the assumption of a certain spiritual connection between those who govern and those who are governed, which is based upon a degree of internal participation of the spirit of self-determination of the subordinated. The Eurasian conception thus recognizes the insufficiency of purely coercive mechanisms of social regulation and emphasizes the significance of spiritual-ideological factors in maintaining political order. Effective governance presupposes not merely external subordination of citizens to state authority but their internal acceptance of legitimacy of power and conscious participation in realization of state objectives. The formation of such spiritual connection between power and society represents, according to Eurasian conception, principal condition of stability and effectiveness of state organization.

The problem of legitimacy of political power, occupying central place in contemporary political-legal theory, receives in Eurasian doctrine original interpretation.

While Western theories of legitimacy proceed predominantly from procedural criteria (legality of acquisition of power, observance of constitutional procedures), Eurasian approach emphasizes substantive dimension of legitimacy connected with correspondence of power to fundamental values and spiritual aspirations of people. Legitimate power, according to Eurasian conception, is power capable of expressing and realizing idea-ruler, of directing collective efforts of society toward achievement of objectives possessing suprapersonal significance. Procedural correctness, though necessary, does not suffice for establishment of genuine legitimacy requiring deep spiritual connection between rulers and ruled.

Relations of power are by their nature always irrational; they contain an element of hypnotic quality and are not alien to states of magical enchantment, particular charisma, worship, and rapture. The undoubted advantage of power relations lies in their foundation upon primary and elementary aspects of human psychology, whereby they possess considerable socially organizing force. This recognition of irrational dimension of political power distinguishes Eurasian theory from rationalistic conceptions of Western legal thought. The Eurasianists understood that power cannot be reduced to rational calculation or formal-legal procedures; it always contains element of mystery, of emotional attraction, of spiritual authority transcending purely rational justification. Hope for complete disappearance of power elements constitutes a utopia: as long as emotional factors (love, hatred, attachment, aversion) play a role in individual life, they retain their significance. The Eurasianists thus proceeded from realistic understanding of human nature and rejected utopian projects of radical transformation of foundations of social existence.

The recognition of irrational foundations of power does not signify, however, rejection of rational organization of state mechanism or legal regulation of political relations. On the contrary, Eurasian conception proceeds from necessity of combining irrational charismatic element with rational-legal structures ensuring predictability and stability of political process. The ideal model of statehood, according to Eurasian conception, represents synthesis of spiritual authority and rational organization, of charismatic leadership and legal-institutional constraints. Such synthesis permits avoiding both anarchy inherent in purely charismatic forms of domination and bureaucratic ossification characteristic of purely rational-legal types of authority [5].

At the present stage, with comprehensive and multifaceted understanding, the guaranteed state must by its essence be regarded as a social state, inasmuch as economics and politics, power and governance, and law are subordinated to creation of conditions for harmonious spiritual development of the individual. The conception of the guaranteed state anticipates later theoretical elaborations of the social state and welfare state, but possesses distinctive features conditioned by specificity of Eurasian philosophical-legal approach. The guaranteed state, according to Eurasian conception, is not simply mechanism of social protection or redistribution of material resources but organic form of social existence ensuring harmonious development of personality in unity with collective. All fundamental postulates of Eurasianism advanced by the founders of the doctrine are organically connected with the

principal philosophical idea of the research – the idea of being, which permits speaking of ontological foundations of Eurasian state-legal theory.

The conception of guaranteed state proceeds from understanding that genuine freedom of individual is impossible outside organized society capable of ensuring conditions for realization of human potential. The opposition between individual and society, between personal freedom and social solidarity, characteristic of liberal ideology, is overcome in Eurasian conception through recognition of organic unity of personality and collective. The individual realizes himself not despite society but through society, not in opposition to collective but in harmonious interaction with it. The task of guaranteed state consists in creation of conditions for such harmonious interaction, in ensuring equilibrium between individual aspirations and collective needs, between personal initiative and social solidarity.

The Eurasian understanding of relationship between state and individual fundamentally differs from both liberal and collectivist models. Liberal conception proceeds from priority of individual rights and interprets state as necessary evil, as instrument of protection of individual freedom from encroachments of others. Collectivist conceptions, conversely, dissolve individual in collective and interpret state as embodiment of general will suppressing particular interests. Eurasian approach rejects both extremes, proposing understanding of state as organic form of collective existence within which individual realizes his spiritual potential. The state, according to this conception, is not external constraint imposed upon individual but necessary condition of his full self-realization.

Incorporation of Eurasian conceptions into contemporary scholarly discourse, together with comprehensive study of Eurasian conception, provides grounds for concluding that the contribution of Russian scholarship to global theory of the social state is more substantial than is commonly acknowledged. Revision of established assessments and discovery of unjustly forgotten theoretical constructions represents an urgent task of legal science. The Eurasian conception of the guaranteed state significantly enriches humanity's understanding of methods and variants of constructing society founded upon justice, demonstrating viability of alternative approaches to resolution of fundamental problems of state-legal construction and opening new perspectives for comparative-legal research.

The contemporary relevance of Eurasian legal doctrine is determined by several factors. First, the crisis of liberal model of state-legal organization, manifested in growth of social inequality, erosion of traditional values, and loss of social solidarity, compels search for alternative approaches to construction of political-legal order. Second, the process of formation of multipolar world order and recognition of plurality of civilizational models actualizes theoretical conceptions proceeding from cultural-historical diversity of humanity. Third, the practical tasks of legal modernization of Russia require elaboration of models of legal development taking into account national specificity and historical tradition. In all these respects, Eurasian legal doctrine offers valuable theoretical resources permitting new comprehension of fundamental problems of state and law.

The development of Eurasian legal theory in contemporary conditions requires overcoming certain limitations characteristic of classical Eurasianism. The ideocratic conception, with its emphasis on esoteric character of idea-ruler and limitation of circle of interpreters, conflicts with principles of democratic governance and publicity of political process [5]. The recognition of irrational foundations of power can serve as justification for authoritarian practices and suppression of political pluralism. The emphasis on cultural-historical specificity can lead to isolation from global legal developments and rejection of universal human rights standards. These problems demand critical rethinking of Eurasian heritage and its adaptation to conditions of contemporary legal reality.

Nevertheless, the fundamental principles of Eurasian legal philosophy is the recognition of organic character of legal development, emphasis on spiritual-cultural foundations of law, understanding of state as form of collective existence rather than mere apparatus of coercion will retain their theoretical and practical significance. The creative development of these principles, freed from archaic elements and adapted to contemporary realities, can contribute to formation of original Russian legal theory capable of offering alternative to dominant Western paradigms without falling into provincialism or cultural isolationism. The task of contemporary legal science consists in critical assimilation of Eurasian heritage and its synthesis with achievements of world legal thought.

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Статья поступила в редакцию 17.11.2025; одобрена после рецензирования 26.11.2025; принята к публикации 04.12.2025.

The article was submitted 17.11.2025; approved after reviewing 26.11.2025; accepted for publication 04.12.2025.