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TÍTULO: A.I. Denisov sobre la proporción de intereses personales y públicos.

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RESUMEN: Este artículo está dedicado al análisis de puntos de vista sobre la relación entre los intereses personales y públicos, que al juzgar por publicaciones y muchos discursos orales del Dr., Prof., H Andrei Ivanovich Denisov, fueron completamente diferentes, con una luz diferente y diferente espíritu - desde el punto de vista de los intereses de toda la sociedad y todo el estado.

PALABRAS CLAVES: A. I. Denisov, teoría del estado y el derecho, teoría del derecho soviético, opiniones jurídicas estatales, realidad jurídica.

TITLE: A.I. Denisov on the proportion of personal and public interests.

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ABSTRACT: This article is devoted to the analysis of views on the relationship between the personal and public interests, that by judging publications and many oral speeches by Dr., Prof., H Andrei Ivanovich Denisov were completely different - concerning a different light and a different spirit - from the point of view of the interests of the whole society and the whole state.

KEY WORDS: A. I. Denisov, theory of state and law, Soviet theory of law, state legal views, legal reality.

INTRODUCTION.

The question of the relationship between personal and public interests reflects in fact one of the most important aspects of the relationship between the individual and the state.

A.I. Denisov, in his work “The State, Society and Personality during the Building of Communism”, referring to the ideas of K. Marx and F. Engels in “German Ideology”, writes that relating to social life and analyzing the role of productive forces, forms of social organization (social status) and people's consciousness, pointed to the reasons for the contradiction of personal and public interests in the social structure, where (exploiting - added by me – *A.M.*) private property dominates [Denisov A.I. (1961)].

Of course, his works bear the stamp of time; of course, dogmatism and political conditions are somehow present in his textbooks, but adherence to the historical and class approach, the affirmation of social justice, the rejection of arbitrariness and violence, and much more do not lose their scientific value [Lazarev V. V. (2017)].

To be able to live, people must take care of food and drink, clothing and housing, tools and much more. The production of the means necessary for the life of people to satisfy their material needs is the most important sphere of society. “Moreover, this is such a historical matter, such a basic condition for all history, which (now as it was thousands of years ago) must be fulfilled daily and hourly - just for the sake of people being able to live” [K. Marx & Engels F. (1955), p. 26].

It is at this stage of human existence that it becomes possible to really see the coincidence, the opposite of public (public) and personal (individual) interest, which, as human society develops, acquires its own specific forms, growing, ultimately, to the idea of the universality of human rights, individuals, citizenship.

DEVELOPMENT.

Research methodology.

Dialectical method of cognition allowed to ensure the objectivity and comprehensiveness of the researched phenomena. General scientific methods were used as systemic, structural-functional, concrete-historical, comparative-legal; general methods of theoretical analysis as analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc., and private-science methods as comparative law, technical and legal analysis, concretization, interpretation, etc. [Komarov S.A. (2019), p. 32-40].

Study results.

When analyzing the essence of man of any historical era, it is necessary first of all to take into account his natural needs and interests. A.I. Denisov notes that “many researchers of the problem of the correlation of state and personality, who are held captive by the legal or political ideology of their class, are distracted from the material basis of the historical process. Therefore, in their concepts, there is no realistic basis for man and the state and for their relationship, but even those few bourgeois theorists who pay attention to the economic activity of society, extremely unilaterally understand the relationship of man (his moral character, his rights and duties) and the state with this activity” [Denisov A. I. (1961), p. 62].

When analyzing the relationship between public and personal interest, one must proceed from the generally accepted concept of large social divisions of labor:

- "Neolithic revolution", i.e. the transition from gathering to a producing economy.
- Separation of livestock from agriculture.
- Crafts highlighting.
- Emergence of a class of merchants.

According to A.I. Denisov, at a certain stage of historical development appeared separation of material (physical) and spiritual labor. This division leads to the fact that physical labor and mental labor, pleasure and labor, production and consumption fall to the share of various individuals. The division of labor leads to an unequal (in quantitative and qualitative terms) distribution of labor and its products, and consequently, property.

The division of labor also causes a contradiction between the interests of an individual or an individual family, and the common interests of all individuals between whom labor is divided. With the division of labor, each person acquires his own specific, exclusive circle of activity, which is imposed on him and from which he cannot leave if he does not want to lose his means of livelihood.

So, a contradiction develops between private and general interests. Each person, pursuing only his own special interest, which does not coincide with the general interest, considers the latter “alien” to himself. This is a contradiction that cannot be eliminated for the exploiting society [Denisov A. I. (1961), p. 63].

In deciding the combination of personal and public interests, the Soviet theoreticians of state and law proceeded from the need for a harmonious combination of these interests. First of all, this was due to the fact that any person (as a member of society or as a private person) is a social being, and his well-being in all economic, political and cultural life directly depends on the level of economic, political and cultural development of society as a whole. Secondly, the interests of society cannot prevail over the interests of the individual as part of it.

In the process of building a democratic society, fundamentally new norms of relations between people are being formed. A.I. Denisov explains this situation as follows: “during the period of the expanded construction of communism, there is no contradiction between the social nature of production and the method of appropriation (this excludes competition, production anarchy, unemployment, economic crises), and therefore, the deepest roots are undermined the struggle of individuals with each other

for a place and role in the economic system, for the method and size of obtaining a share of social wealth.

On the basis of socialist ownership, a new type of relationship between people is developing, characterized by such humanistic principles as mutual assistance, cooperation and companionable competition in joint work of members of society who are vitally interested in developing the national economy and culture.

On the basis of socialist statehood, characterized by the sovereignty of the working people, led by the working class, the full rights and equality of workers, truly democratic legal relations between people and between citizens and the state are developing” [Denisov A.I. (1961), p . 63].

It can be argued that a democratic society gives rise not only to a new type of relationship between a person, society, and person-to-person relations, but also suggests a different type of relationship between a person and the state. The centuries-old contradictions in relations between the state and man are leveled, thereby changing the state and man, new democratic relations are developing between them, which are based on the principles of full recognition of the inviolability and authority of natural human rights.

A.I. Denisov believes that “the right combination of the interests of an individual with the interests of the whole society is a sure and reliable way to strengthen and adhere to the rules of socialist community, to develop socialist statehood, to educate people in the spirit of the great ideas of communism. But what does the right combination mean? First of all, it means the priority of the welfare of society and the interests of the state. If a person wants to increase his well-being, he must by his work increase the wealth of socialist society and strengthen the power of his state” [Denisov A. I. (1961), p. 64]. “Soviet people, brought up in the spirit of communist consciousness, understand that the well-being of everyone individually depends on the well-being of our entire society” [Khrushchev N. S. (1957)].

Along with this statement, it would be wrong to understand that in all cases there is a harmonious combination of the interests of a person as a member of a collective (society) and the interests of the same person, but as a private person. There is no such cloudless state and objectively cannot be. In some cases, conflicts arise between personal and public interests. However, in a democratic system, a harmonious combination of personal and public interests dominates [Denisov A. I. (1961), p. 64].

In the light of what has been said, it becomes obvious that government leadership in a democratic society requires planning for the development of the economy, taking into account the interests of both society as a whole and its individual members, their personal interests, and the initiative of each employee.

A.I. Denisov further notes, that for example, the famous American businessman S. Randol writes in his book "The Communist Challenge to American Entrepreneurship": "Personally, I am sure that we were seriously mistaken in the motives of the actions of the Soviet people. He is completely unlike a people under oppression of brute force; he confidently strides towards what he considers a sure victory. The Soviet worker fulfills his duties with all the fervor of religious burning, and not because he is forced to do this, but because he is devoted to his work. In modern Russia, work is a matter of honor and failure to fulfill tasks is considered an offense worthy of blame" [Randall S. (1959)].

A.I. Denisov writes that in the first years after the revolution, the Soviet people directed the main savings to the construction of new plants and factories, to the creation of heavy industry, arming a person in the struggle for the multiplication of material goods, facilitating labor and multiplying his strength. One of the resolutions of the Ninth Party Congress pointed out the need to explain to the widest masses of the city and the village the internal sequence of the economic plan, which "provides tangible fruits for all only after a long period that requires the greatest stress and the greatest sacrifices" [Denisov A.I. (1961), p. 65].

Further A.I. Denisov refers to a number of constitutionally enshrined human and civil rights and freedoms, believing that “the Soviet state, conducting a large-scale economic, organizational, cultural and educational activities, thereby effectively helps citizens to exercise their rights and freedoms. This especially applies to the right to work, the right to rest, and the right to material support in old age and in case of illness, the right to education, etc.” [Denisov A. I. (1961), p. 65]. So, there is a steady tendency to level out the contradictions between the individual and the state, which are no longer antagonistic in nature, but are separate contradictions between the individual and society, which should be resolved by democratic methods and methods, including the judicial procedure for considering cases.

CONCLUSIONS.

In conclusion, it should be emphasized that only a truly democratic society creates, with the help of the state, civil society institutions the possibility of a harmonious combination of personal and public interests by providing each member of society with equal opportunities for creative work and education, while guaranteeing equal and free choice of occupation and specialty taking into account the interests of both society as a whole and the individual. “At the same time, the main feature of the development of society was that it always represents the development of systems, the main component of which is people, conscious creatures, setting specific goals and achieving their goals” [Komarov S. A. (1986), p. 23].

Rights A.I. Denisov is that as human society develops, it should more and more humanize, create real conditions not only for the full and full-bloom of the personality, but also for its active participation in the life of a democratic society, which will allow people to pay more attention to and social activity, and cultural communication, and artistic creation, and physical culture [Denisov A.I. (1961), p. 65].

Conflict of interest.

The authors confirm the absence of a conflict of interest.

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