

SYSTEM OF LEGAL IMPACT FROM SOCIAL ENTROPY TO LEGAL DEVELOPMENT
SISTEMA DE IMPACTO LEGAL: DE LA ENTROPÍA SOCIAL AL DESARROLLO LEGAL

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PhD. Lyudmila N. Berg
Ural State Law University,
Candidate of legal Sciences,
associate professor, Ekaterinburg,
Russian Federation
mila-berg@mail.ru

Abstract. Entropy characterizes a certain direction of the process in the social system. That is why this term is important for disclosing the nature of the legal impact on public relations. It should be noted that the formal definition of social entropy does not rely on the substantive characteristics of systems. In other words, it does not matter what the system consist of. But it is important how it behaves: whether its behavior is deterministic, unambiguously determined or an essential role is played by random processes. Therefore it is easy to understand why the concept of entropy is important in those branches of science where probabilistic processes are studied. For example, in the theory of social relations, the theory of legal impact, information theory.

Keywords. Legal Impact; Legal Means; Legal Regulation; Social Entropy; Statistic Method.

1. INTRODUCTION

The main statement of the problem is how the system of legal influence contributes to overcoming social entropy and whether it is possible to recognize the existence of a legal effect as a guarantee of minimizing social entropy - i.e. chaos, disorder in public relations, accompanying their dysfunctions of public authorities, etc. This issue has not received adequate coverage in the theory of state and law.

2. RESULTS AND DISCUSSION

First of all, let us note that the introduction of the "social entropy" concept into the scientific research sphere marks an attempt to present a new look at the functional characteristic of the legal impact system. The concept of "entropy" was introduced by the physicist Rudolph Clausius (1822-1888) (Gel'fer, 1981). Later R. Boltzmann gave a statistical interpretation of entropy through the measure of the orderliness of any physical system.

The "social entropy" concept is necessary in order to make a contrary with the notion of "public order", which usually presupposes the existence of a strict pattern in the arrangement of the elements of the system, a more or less rigid determination of the relations and connections between them. Order excludes chaos. However, it should be understood that order can be assessed and measured only if the system of public relations is described as a statistical object in which chaos and confusion are considered as alternatives.

The deep connection between the concepts of order and social chaos, organization and disorganization can serve in the future as the strongest incentive for carrying out studies of the concept of entropy and its role in the life of societies.

Entropy characterizes a certain direction of the process in the social system. Due to this circumstance this term is important for disclosing the nature of the legal impact on public relations. It should be emphasized that the formal definition of social entropy itself does not rely on the substantive characteristics of systems. In other words, it does not matter what the system is built from. But it is important how it behaves: whether its behavior is deterministic, unambiguously précised or an essential role is played by random processes. It is therefore easy to understand why the concept of entropy turns out to be important in those branches

of science where probabilistic processes are studied, including the theory of social relations, the theory of legal influence, information theory, etc.

Social entropy acts as a behavioral characteristic of the elements of the system, interacting with the observer in a certain way. The act of obtaining legal information by its nature is discrete and get down to recording events in terms of "yes-no", "obey" - "not obey".

It is important to note that social entropy disappears when information is received as a consequence of the influence of a regulatory or other regulator on the mind and behavior of a person. In this case, the behavior of an individual loses its entropic characteristics, becomes ordered, normative, settled.

As a measure of the orderliness of social relations, it is possible to use quantities that characterize the number of legitimate (unlawful) actions. The order of the system of social relations is often associated with the notion of organization. In this case, there are 3 criteria:

- 1) A measure of relative organization;
- 2) A measure of the absolute organization of the system;
- 3) A measure of the speed of structural, functional and other changes (order) of the system of social relations.

This is possible, because the public system is one of the self-organizing complex systems.

It should be noted, however, that the analysis of specific societies with the help of entropic criteria can hardly lead to any interesting results. And this, apparently, is not accidental. One of the reasons is that social entropy is the most general characteristic of a social system that does not take into account the specific features of the specific forms of its manifestation. There are other more principal reasons. One of them is the functional nature of entropy. Being a functional characteristic of the system, entropy, generally speaking, does not affect the internal structural features of the system, but determines the features of its behavior as a whole. The reason is closely connected with this second reason - the dependence of the entropy value on the observer.

Is it possible to think that an increase in entropy always indicates a degradation of the system? In this respect it is permissible, however, to give an example when the degradation of the social system is accompanied not by an increase, but by a decrease

of social entropy. And this decrease is quite natural. Everything depends on the parameters in which the state of the system is defined.

Imagine, that our object of research is a society of people living in conditions of regional isolation. Legal effect is such that no citizen leaves the country, the number of offenses in those countries where these citizens could visit is zero. What happens in this case with entropy? It is easy to see that it tends to zero. This reduction is natural, if there are certain reasons for banning foreign journeys.

It is important to note the following. The legal impact is mainly the impact on the citizens mind through the flow of legal information. Obtaining by the subject any information about the nature of legal permissions and prohibitions inevitably leads to an equivalent decrease in entropy in the social system. The close relationship of social entropy and information is not accidental. At the same time, there is no ground to define information through entropy. His analysis requires a broader approach.

The process of obtaining legal information changes the level of entropy in the social system. The entropy of the system is actively lowered if any purposeful work is carried out on the system, connected with the regulation of social connections and relations. In this sense it is appropriate to raise the question: how can one fix the change in the system of legal influence, especially if the vector of its development is from social entropy to orderly relations? To answer this question, it is necessary to introduce the concept of "dynamics of legal impact".

3. EXPERIMENTAL

One of the key theses revealing the theoretical picture of the social entropy is the assertion that the system of legal influence is an active, functioning and dynamic phenomenon (Berg, 2018).

"Genetically" this thesis is based on the theoretical postulate that the law, legal system and legal influence are the manifestation of an active element in law (Kudrjavcev, 1982). If we turn to the analysis of the dynamics of legal impact, it should be noted that this aspect of legal reality is outlined in the most general terms. Most of the research about mentioned problem has a rather abstract, descriptive-commentary character (Kardashov, 2007), (Rekhtina and Kardashov, 2011), (Safonov, 2012), (Sorokin, 2003).

Characterizing the dynamism of the social entropy, we note that the legal impact system is an open

system and is therefore subject to changes arising from external influences. These changes are interrelated and proceed continuously. So, for example, there are constant changes in the structure of one of the legal impact system elements - legislation that largely determines the nature of the legal impact of other elements of this system. But in general, the dynamism of legislation is a typical feature, the general pattern of all legal systems of our time.

For example, Russian legislation is undergoing constant changes. The dynamics of changes in the Russian legislation for the first six months of 2017 is expressed in 121 changes aimed at improving and enhancing the effectiveness of the current federal legislation.

Why does it become necessary to analyze the dynamics of the legal system?

The reason is that the legal effect presupposes not a static legal state (Parfenov, 2007), a kind of "legal immobility" but permanent discrete social changes within the framework of which the process of influence (Sorokin, 2000) is effected on social ties, in which a certain "field of interaction arises" ". Law can not exist in an unchanging state. All social reality is dynamic, changeable, and therefore the system of legal impact is also dynamic. This is a characteristic feature of modern legal life, which experts often attribute to the acceleration of ongoing legal processes.

When we solving the theoretical problem of understanding the dynamics of legal action, we may find that in the scientific literature the analysis of this problem is accompanied by a weak formalization. Hence a large number of general assessments, judgments and conclusions of authors, scientists, affecting the problem of legal impact.

In our opinion, in order to diagnose and measure the rate of change (dynamics) of legal impact system elements, the researcher needs to obtain quantitative data on the absolute growth, growth rates and growth of the phenomena under study, as well as data revealing the absolute value (content) of one percent increase.

In fact, we are talking about the application of the statistical method to the study of legal effects. In the development of this problem, a significant contribution was made by such scientists as Yu.D. Blavshtein, B. Ya. Gavrilov, A.A. Gertsenzon, G.I. Zabryansky, V.V. Luneev, S.S. Ostroumov, L.K. Savyuk and others (Bluvshtejn and Volkov, 1984),

(Jakovlev, 1986), (Kardashov, 2007), (Luneev, 2015), (Parfenov, 2007).

When we studying the dynamics of legal impact, a significant potential belongs to statistical data. Thanks to the statistics, you can, for example:

- measure the rate of growth or decrease in lawful (unlawful) acts committed in certain spheres of social life for individual intervals of time;
- identify and numerically characterize the main trends in establishing social relations (regulated by social norms of social relations) at certain stages of the life of civil society (Kamalova, 2016);
- give a comparative numerical characteristic of the development of individual phenomena from which a system of legal influence is formed in different regions or at different stages (for example, the increase in the number of state bodies of power and administration, the dynamics of convictions for certain articles of the criminal code that have entered into legal force, information in society, etc.);
- identify the factors that cause a change in the system of legal impact over time;
- make predictions for the development of legal impact in the short, medium and long term.

3. CONCLUSION

Thus, according to statistics on the main elements of the legal impact system (legislation, acts of law enforcement, lawful and unlawful acts, civil transactions, administrative and legal delicts, state authorities and management, etc.), one can draw a conclusion about real, the actual dynamism (variability) of the legal impact system.

The foregoing allows us to make the following conclusions.

1. Characterizing the system of legal impact, it is important to note that this system is dynamic and, due to its regulatory effect, it is capable of minimizing social entropy (or chaos) in society. Social entropy acts as a behavioral characteristic of elements of a social system that interacts with the observer in a certain way.

As a measure of the orderliness of social relations, it is possible to use quantities that characterize the number of legitimate (unlawful) actions. The orderliness of the system of social relations is often associated with the notion of organization. In this case, there are 3 criteria:

- A measure of relative organization;
- A measure of absolute organization of the system
- A measure of the speed of structural, functional and other changes (order) of the system of social relations.

2. The legal effect is mainly the process of influencing the citizens mind through the flow of legal information. Obtaining any information about the nature of legal permissions and prohibitions inevitably leads to an equivalent decrease in entropy in the public system. The close interrelationship of social entropy and information is important for achieving the effectiveness of legal impact.

3. Legal impact is dynamic and volatile in all types of society. This is one of the most important characteristics of the social entropy under investigation. In order to diagnose and measure the rate of change (dynamics) of the elements of the legal impact system, the researcher must obtain quantitative data on the absolute growth, rate of growth and growth of the social entropy, as well as data revealing the absolute value (content) of one percent increase in individual elements of the legal impact system.

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