

Opening Remarks by the Editor-In-Chief

The reader is invited to the next issue of the journal “Theoretical and Applied Law”. As ever, the articles contained in this issue, although being immensely diverse, are still focused on two general objectives which, if achieved, could give success to any scientific publication. These are, firstly, significant development trends that characterize the actual situation in the country and in the world, and, secondly, challenges of high scientific relevance. These objectives are largely interrelated, at least in the context of social and legal cognition, where the study of fundamental scientific issues yields quite tangible practical results, and the needs of lawmaking and law enforcement practice lead to generalizations of the highest theoretical level.

It seems that the most important feature inherent in the processes taking place in the modern world is acceleration of their dynamics, which is largely facilitated by the introduction of digital technologies into all spheres of public life. Constantly becoming more complex and improving, information technologies are actively used not only in science, production, education, management, but also in everyday mass use. And if back in the early 1970s, American sociologist D. Bell, stating the onset of the post-industrial era, where information becomes the main resource, considered it the monopoly ownership of scientists and other intellectuals (which is intended to provide the latter with dominant social positions, according to the researcher), today this resource has become a common property. The above tendency did not bypass the legal regulation, the legal science and the higher legal education contributing to their qualitative transformation, improvement, and simultaneously putting new challenges to be tackled.

As has often happened in the past, challenges that humanity faces in the form of hard-to-predict natural factors, namely the coronavirus pandemic, which have affected social dynamics both in the third world countries and in highly developed post-industrial societies, are catalysts for change. Legislative measures taken by governments of most states in the context of the continuing epidemic threat, such as restriction of freedom for communication, simultaneously stimulate the development of virtual communication means that connect an ever wider range of recipients of information. In turn, innovations in communication create a prerequisite for the emergence of new subjective rights and legal institutions that are of significant research interest.

The processes considered, in our opinion, are a clear illustration of the thesis that changes in the legal sphere (including in the long-term historical perspective) have human communication as their prerequisite. This circumstance gives particular urgency to the problems related to evolution of the rule of law shedding light on a number of general theoretical laws. The journal “Theoretical and Applied Law” has more than once discussed the constructivist properties of legal phenomena, which have become the subject of the postclassical theory of law. There is no doubt that legal reality in all its aspects and manifestations is constructed by members of society in the process of communication.

Meanwhile, activities aimed at constructing the rule of law have a historical dimension. One of the most urgent tasks of postclassical legal thinking is to study the natural relationship of constructivist, systemic-structural and historical-evolutionary dimensions of legal reality. A significant contribution to its settlement is made by the articles published in this issue, most of which are devoted to the problems of foreign and international law in a broad historical and theoretical context. It is with special pleasure that one can state the constant presence of leading foreign lawyers on the pages of our journal, whose studies shed light on the latest trends in the development of legislation in a number of countries, both the European continent and other regions of the world.

The article by Professor I. Hoffman examines the structural reform of the social care system in Hungary and formulates a number of general conclusions that are of significant interest to Russian specialists engaged in the relevant field. The typology of social care models proposed by the author in different countries of Central and Eastern Europe deserves close attention. As I. Hoffman shows, the particulars of these systems are determined by historical traditions and peculiarities of the rule of law, but at the same time decentralized models capable of flexibly responding to public requests have advantages over centralized hierarchical models, whose effectiveness in the dynamically changing legal order of post-industrial civilization demonstrates its limitations.

The topics covered in this publication are developed by the article by A.E. Arimoro, which contains a detailed analysis of the experience of the Nigerian healthcare system in combating the consequences of the COVID-19 coronavirus pandemic. The main conclusion of the Nigerian scientist is that the solution of global problems that require an integrated approach involves participation of not only management

structures, but also a broad private initiative, first of all, non-profit organizations that are the main producers and suppliers of services in the public sector of the economy, including medical services. In such a situation, it seems quite natural to actively develop the institution of public-private partnership, which, most likely, serves as an optimal response to many of the challenges faced by developing countries.

Topical theoretical issues that are acquiring a new sound in the postclassical paradigm are touched upon in the publication of I. I. Osvetinskaya discussing in detail the prerequisites for the crisis of legitimacy in the modern state and outlining the prospects for transformation of political power in the context of digitalization of the rule of law and emergence of the information society. One cannot but agree with the opinion of the researcher that overcoming crisis tendencies is possible only under the condition of a qualitative transformation of the state power structure jointly with the transformation of many vertical hierarchical ties into horizontal ties based on the equality of participants and mutual coordination of interests of various social factors. This conclusion finds its detailed justification in the comparative legal paper by V. N. Shalaevskaya dedicated to the history and prospects of antimonopoly legislation development in Japan.

The general conceptual provisions formulated by the authors are consistently developed in the research of specialists in the field of international and domestic Russian law. Thus, the article by V. S. Kichenina and A. R. Khuzin examines the widely discussed problem of the jurisdictional immunity of the Russian Federation in international law, and the articles by O. A. Nogina and A. A. Kashayeva consider the current novelties of the Russian private and public law. We believe that such an interdisciplinary approach used in all areas of legal knowledge, in the future, can give a powerful impetus to theoretical developments, which, no doubt, will arouse the interest of the journal readers.

Editor-in-Chief
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