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Problems of Implementing the Principles of Equality and Social Justice in Education

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Abstract

The most important issue of particular relevance at the present time, which is of great importance in modern socio-economic realities, is the problem of implementing the principles of equality and social justice in the field of education. In this regard, *the purpose of this article* is to identify existing problems and to form new approaches to solving issues of implementing the principles of equality and equity in education; substantiate modern effective forms of achieving their effectiveness in the interests of restoring social justice and universal equality.

The leading approach to the study of this problem is the dialectical method of knowledge based on the use of dialectical-materialistic teaching. The article examines the problems of implementing the principles of equality and social justice in the field of education, taking into account the latest changes and additions to the current legislation; presents the author's judgments, author's reflection on the stated problem; identifies problems in the research of other scientists on this topic. As a result of the conducted research, the necessity to state the goal of restoring social justice as the goal of achieving social justice is justified.

The practical significance of the research results is that the materials presented in the article can be used by teachers of secondary educational institutions, teachers of pedagogical and law schools, judges and law enforcement officers in their professional activities to counteract violations of the principles of universal equality and social justice in education.

The conclusion contains conclusions on the article, clearly revealing the aspects that are briefly stated in the abstract.

Keywords: problem, implementation of the principle, equality, fairness, education.

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Introduction

The problem of the circle of principles is debatable and topical. Having studied the opinions of scientists on this issue, we can identify the principles that can be traced in the works of many authors. Most tend to emphasize the principles of equality of citizens before the law, justice and humanism (Babaev, 1968; Buzynova, 1974; Duyunov & Cvetinovic, 1986; Gorelik, 1991; Khamitov, 2001; Kruglikov, 1999; Scriabin, 1985; Scriabin, 1988; Stanovsky, 1999; Sundurov, 2005), while in the sphere of legal responsibility, general legal principles apply. Based on the definition of principles as fundamental ideas enshrined in the law, guiding principles that establish certain procedures and conditions, the system of principles of legal responsibility (taking into account the specifics of the sphere of education) should be as follows: the principles of legality, equality of citizens before the law, justice and humanism (Khamitov, 2001). Of the principles of current legislation mentioned here, only the principles of justice and equality are explicitly mentioned in this study, while others are only assumed. This is not accidental from the point of view that justice can be spoken of only if it is based on the law, equality of all before the law, and meets the requirements of humanism. In the end, the main thing in this case is not only how many principles are named, but also how they are understood and correlated with each other, in what exactly they are expressed.

The scientific novelty of the work consists in the fact that it is an actual study of the problems of implementing the principles of equality and social justice in the field of education, taking into account the latest changes and additions to the current legislation. Based on the conducted research, the author substantiates the need to state the goal of restoring social justice as the goal of achieving social justice.

The validity and reliability of the research results and conclusions is based on the analysis of domestic legal material and the works of Russian authors. The work makes a new contribution to the development of education and the theory of law.

Purpose and objectives of the study

The purpose of the study is to identify existing problems and form new approaches to solving issues of implementing the principles of equality and equity in education; to substantiate modern effective forms of achieving their effectiveness in the interests of restoring social justice and universal equality.

Literature review

The implementation of the principles of equality of citizens before the law (Borodin, 1999) and justice creates a real basis for achieving social positive results of all the principles of legal responsibility. As noted

by Khamitov (2001), equality of citizens should be understood as an equal measure of responsibility for the same nature and degree of public danger to acts and persons who committed them. Burganov added that “the requirements of the principle of equality to be met by enforcers, expressed in provision of three main aspects: equality before the law by type and size of recovery”; “equality in the way that the setting is actually perfect; equality in the method of assessment committed by the person acts” (Khusaenov & Burganov, 2006, p. 23). The principle of equality of all before the law (Article 19 of the Constitution of the Russian Federation, Article 4 of the Criminal Code of the Russian Federation), according to Borzenkov et al. (1996), reflects the first-equalizing-aspect of justice in law. The principle of justice (Article 6 of the Criminal Code) which Borzenkov et al. (1996) detect the second aspect of fairness – distribution involves the imposition on the perpetrator of the misdemeanor, fair penalties are proportionate to the nature and degree of public danger of committed act and the circumstances of its commission. Non-compliance with the principles can only lead to the opposite result.

Samoylov (2001), Vetrov and Lyapunov (2001), Krasikov (2004) and others correctly noted that social justice should be understood in the sense contained in the interpretation of the principle of justice enshrined in law (in particular, in article 6 of the Criminal Code of the Russian Federation).

Some misdemeanors in the field of education may violate social justice, as they can cause harm to a particular individual, society, or the state. An effective means of restoring justice is the application of penalties. Tkachenko (1997, p. 17) also writes about this: “Violation of the law is a deviation from the principle of social justice...”, punishing the perpetrator “testifies to the triumph of law and justice in society”.

It should be noted that the legal literature has repeatedly expressed the opinion about the failure to fix the goal of restoring social justice in the law (Zubkova, 2002; Paliy, 2001). Thus, Polubinskaya (1990, p. 23) believes that this goal “due to the difficulty of measuring indicators of the degree of justice cannot be fixed in the law...”

The goal of restoring social justice is achieved in the process of enforcement of penalties. In the dictionary, the concept of “achievement” implies a positive result of any effort, success (Ozhegov et al., 1999). Since the state wants to achieve positive results in terms of justice, this goal, in our opinion, can be stated as the goal of achieving social justice. Duyunov (2000, p. 79) also believes that “the law should not be about restoring social justice, but either about affirming social justice, or about ensuring the triumph of social justice, or about satisfying the sense of social justice of citizens”. However, the goal of restoring justice can be achieved if the recovery itself is fair.

The concept of justice arose as an ethical institution that characterizes the ratio of certain social phenomena in terms of the opposition of such categories as good and evil, the ratio of rights and obligations, contains a relationship (Kashepov, 2001), a condition, a requirement of conformity between the act and the reward (Zhiltsova, 1993). The discrepancy between them is regarded as an injustice (Galiakbarov, 1999; Maltsev, 1973; Ekimov, 1980). Only a fair recovery can achieve its goals.

Justice is a category of moral, legal, and socio-political character (Vetrov & Lyapunov, 2001), a kind of concept of something due, related to the inalienable rights and freedoms of a person (Bogolyubov & Lazebnikova, 1992). "Fair means acting impartially, in accordance with the truth, carried out on legal and honest grounds" (Ozhegov, 1973, p. 658). Nothing, noted by Kant (1964), does not outrage us more than injustice: all other types of evil that we have to endure are nothing compared to it.

Methodology

Research methods and techniques

The following methods were used in the research: theoretical (analysis; synthesis; generalization); empirical (study of normative and educational documentation).

The methodological bases of the research are based on the use of dialectical-materialistic teaching of the following provisions:

the guiding ideas of equality and social justice are analyzed in conjunction with other principles – legality and humanism;

organizational and methodological support for countering violations of the principles of equality and social justice, which consists in the development and adoption of special regulations, methodological manuals, conducting law classes with teenagers in educational institutions.

The methodological basis of the research is the dialectical method of cognition, as well as general scientific (system-structural analysis, formal-logical, system) and special (formal-legal, historical-legal, comparative-legal) methods of cognition.

The experimental base of the research

Empirical evidence of the source article were: scientific literature in the field of research, formulating and determining the principles of legality, social justice and humanism, normative documents regulating these

guiding ideas, the equality of all before the law and the courts (Constitution of the Russian Federation, criminal Code of the Russian Federation and comments to it, textbooks, educational and methodical manuals, scientific articles on pedagogical subjects and criminal law).

Results

The principle of equality of citizens before the law directly relates to the provision of Part 1 of Article 19 of the Constitution of the Russian Federation on the equality of all before the law and the court and establishes the legal equality of citizens before the law, which is manifested, in particular, in fixing the same conditions.

The principle of justice is one of the most general fundamental principles of legal responsibility, since justice is embodied not in any one, but in the entire system of principles; it means that when censuring a student, it is necessary to be guided only by an objective assessment of both the committed offense and the person responsible. The principle of fairness is guaranteed by its compliance with legal norms. Its implementation is mainly aimed at achieving the goal of restoring social justice.

The fairness of the educational penalty imposed on the perpetrator is based on its ability to ensure that social justice is restored. The essence of justice consists in a combination of educational, social-restorative and preventive principles. However, since the main addressee is a person who has committed an illegal offense in the field of education, the individualization of the imposed penalty is a prerequisite for the re-education of the perpetrator, and eventually the restoration of social justice.

Under the concept of “restoration” is understood to bring to the previous state, position. Restoration of social justice implies, on the one hand, full and adequate restoration of the violated interests of the individual, educational organization, society and the state. And on the other hand, minimizing the deviation of the student by re-educating him/her, that is, adapting to society through the educational impact of punishment. Individual consequences of deviation can be somehow restored by imposing a duty to compensate for harm. The object is usually caused moral, property and (or) physical harm.

Social justice is achieved through adequate, proportionate restriction of the rights and freedoms of the perpetrator, a kind of retribution. At the same time, the proportionality of the penalty to the wrongful offense cannot be perceived as material equality, according to the principle of Talion “an eye for an eye, a tooth for a tooth”, from the point of view of the traditional perception of retribution (although the parents of a murdered child are unlikely to consider a just punishment of 10-12 years of imprisonment for the killer. In accordance with their ideas of justice, commensurate with what they have done, they are likely to

recognize only the death penalty or life imprisonment). In modern legislation, we can talk about the approximate equality or ratio of the wrongful offense and the penalty imposed for it.

Discussions

There are two positions on the restorative nature of the goal of restoring social justice. The first is expressed by Naumov (1996), who stands on a purely “restorative” nature, pointing out that the recovery serves to restore the rights and freedoms of the victim violated as a result of the offense, that is, ultimately, to restore justice. Purely restorative nature are property legal sanctions such as a monetary fine.

The other position is shared by Korobeev (2002) that set along with the “restorative” properties of social justice “compensatory” character from the guilty in respect of the damage caused in the field of education. It is proposed not only “restorative” recovery for property damage – fine, but, for example, reimbursement for treatment and recovery of health of the victim. The compensation result in these cases, as described by Kashepov (2001), has a relative nature. As it is reasonably believed, physical harm is either not recoverable or limited to compensation. However, not everyone recognizes the compensatory nature of penalties in the field of education. Thus, Duyunov (2003) believes that recovery is not a means of compensation for the harm caused.

The nature of the recovery is evident in two or in three aspects: 1) the guilty person is limited in their rights approximately to the same extent as the wrongful act committed by them; 2) the system of violated public relations is restored and at the same time the state demonstrates its determination to continue, in the case of committing wrongful acts, to apply penalties to the guilty person (Fatkhutdinov, 2003; Sundurov, 2005) and 3) as a consequence, on the basis of this, satisfaction of the sense of social justice is provided in the public consciousness of members of the educational organization (Sundurov, 2005).

The purpose of the study is to restore the violated rights and freedoms of students, public order, and shattered confidence in the ability of the state to protect their rights. The restoration of social justice also involves satisfying the resentment inherent in the injured teenagers caused by the Commission of a misdemeanor (Rarog, 2004). “The restoration of social justice ... means, mentioned by Volkov, “that evil must be punished, the established order must be ensured, and the system of violated social relations restored. Restoration of social justice assumes that any violation... of the law will receive due retribution, which would correspond to the nature and degree of public danger of the act, the identity of the perpetrator and other circumstances of the Commission” (as cited in Sundurov, 2003, pp. 385-386) misdemeanor in the field of education.

Thus, the restoration of social justice in the form of a particular set of social attitudes carried out by way of compensation caused by physical, moral or property harm; it is to be understood as bringing social status of the guilty in accordance with his/her misconduct; is a statement in the public consciousness of teachers and students of educational organizations correspondence between norms of morality and behavior.

For more effective achievement of the goal of restoring social justice, it is proposed to provide for restorative measures: 1) assignment of the obligation to make amends for the harm caused; 2) payment of monetary compensation to the victim.

Its characteristics are: a) the maximum proportionality of the degree of public danger of the acts of the individual offender and the assigned sanction; b) the interests of the injured party, conscious of the justice and inevitability imposed on guilty penalties; C) the inevitability imposed on guilty penalties in a broader sense, in perceiving it as such in the public consciousness of teachers and students of educational organizations, the rule of law.

Thus, the means to achieve the goal of restoring social justice is, first of all, the assignment of a fair penalty to the perpetrator.

By achieving the goal of restoring social justice when imposing penalties, the violated rights and freedoms of the injured student can be restored, the interests of the educational organization, society, and the state are ensured.

Conclusion

It is established that the principles are in system interaction with each other. In order to successfully achieve goals, it is necessary to be guided by a system of principles, rather than focusing on one principle and neglecting others. After all, “understanding the correct relationship between principles, between individual principles and their system as a whole is a necessary prerequisite” (Sundurov & Fatkhutdinov, 2003, p. 36) to achieve social justice.

Among the general legal principles, the most generalized is the principle of justice, which logically includes other principles, namely: legality, equality of all before the law and humanism.

The guarantee of compliance with the principle of fairness consists in the exact observance and application of both general legislation and special rules governing educational activities. The need to apply uniform rules of the same type for all, on the one hand, and the need to comply with local regulations in the field of

education, on the other hand, due to their dialectical relationship, constitute the main content of the principle of justice.

Restoration of social justice involves bringing back to the previous state, full and adequate restoration of the violated interests of the individual teacher and (or) student, satisfaction of people's feelings of resentment, minimizing the deviation of the student by re-education, that is, adaptation to a team, society through educational influence; that evil should be punished, the established order is provided, the system of violated social relations is recreated. Individual consequences of deviation can be somehow restored by assigning the duty to compensate for harm.

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