

"Decent Human Life" as a Category of Constitutional Law

Natalja Averyanova ^{1,*}, Ekaterina Toguzaeva ², Natalia Tyumeneva ³, Svetlana Yakusheva ⁴

¹ *Professor of the Department of Constitutional and Municipal Law of Chernyshevsky Saratov National Research State University named after N.G. Chernyshevsky, Saratov, Russia*

² *Head of the Department of Civil Law and Procedure Saratov National Research State University named after N.G. Chernyshevsky, Saratov, Russia*

³ *Head of the Department of Theory of State and Law of the Saratov National Research State University named after N.G. Chernyshevsky, Saratov, Russia*

⁴ *Associate Professor of the Department of Prosecutor's Supervision and Criminology, Saratov State Law Academy, Saratov, Russia*

*Email: averyanovann@mail.ru

ABSTRACT

The article is devoted to analysing the content of such a category of constitutional law as "a decent human life". It is determined that its legal institutionalisation is the result of the evolutionary development of Russia and other states that have taken as a basis the recognition of a person, his civil liberties, as the highest value. The category's content under the study is primarily determined from a formal legal approach, based on a literal interpretation of Article 7 of the Constitution of the Russian Federation. It is concluded that in this regard, the category of "decent human life" reflects the degree of his social security, depending on the effectiveness of ensuring social rights and the implementation of social policy of the state. However, the deeper content of the analysed category allowed us to formulate an axiological approach. According to it, the human right to a decent life, which is not formally enshrined in the text of the Constitution of the Russian Federation, is revealed, the content of which should include all aspects of human life and activity, and not only social ones, the guarantee of which provides him with a quality of life that will allow him to define his life as worthy. It is concluded that the right to a decent life has a unique legal nature different from other constitutional rights. It is defined as a right-purpose, and other constitutional rights in this context are understood as rights-resources to ensure it.

Keywords: *Decent human life, Human rights, Social policy, Life quality.*

1. INTRODUCTION

"Decent human life" is the most critical social and social category; in current conditions, it is also a legal phenomenon that has found regulation at the highest constitutional level. Article 7 of the Constitution of the Russian Federation defines Russia as a social state whose policy is aimed at creating conditions that ensure a decent life and free human development.

As N.A. Kasavina correctly notes, "the value of a decent life is the subject of a long struggle between man

and society for the assertion of humanism despite social inequality, arbitrary power and totalitarianism [1].

Meanwhile, in the science of constitutional law, "decent human life" as a legal category is not received sufficient scientific analysis and reflection. However, it appears that her study is an essential task of constitutional-legal science, expanding including methodological apparatus of scientific research can be effective tools in the study of a variety of fundamental categories of constitutional law, it can help define the essence of legal phenomena and phenomena.

Since a person, his civil liberties are declared the highest value by the Constitution of the Russian Federation, all further activities of the state and its bodies should be aimed at ensuring this value. The category of "decent life and human activity" is a metric criterion for the effectiveness of the implementation of several constitutionally determined state tasks, first of all, compliance with the principle of the welfare state and the effectiveness of the realisation of human rights, which ensure his decent life and activity. In addition, a specific activity called social entrepreneurship is also aimed at achieving this goal [2].

2. THE FORMAL LEGAL CONTENT OF THE CATEGORY "DECENT HUMAN LIFE"

Of course, "decent human life" is more of an evaluation category, the content of which is influenced by several factors. And yet, it seems that an attempt can be made to determine its content from a formal legal position. So, the "decent life of a person" is a particular state of personality, reflecting a high degree of quality of life and activity. At the same time, it is worth emphasising that the category of "decent life and activity" should be understood as an objectively emerging category, conditioned only by objective indicators, which, as already noted, is the effective activity of the state aimed at the realisation of human rights. Subjective states of personality, the degree of personal satisfaction with a person's life, cannot be included in the category's content under study as constitutional. Even in the most prosperous state, a person may feel outside the state of "decent life", he may form his idea of the quality of life, which may, among other things, contradict the rights and interests of other persons. This happens to many people, the reasons for this may be different [3]. However, this subjective perception of objective reality cannot affect understanding the constitutional category "decent human life" and serve as an impetus for reevaluation and rethinking its content.

Of course, the category of "decent human life" is directly related to human rights. In this regard, the recognition and universalisation of the internationally established system of civil liberties are reflected in the Basic Laws of States, which not only enshrines the system of rights and liberties but also generally enshrines the desire to provide their citizens with a decent life as the essential guideline and goal of the state. It is noted that similar formulations are contained in the Constitutions of Japan, Korea, Bhutan, which allows us to conclude that "the political and legal tradition of declaring promising (strategic) goals as the highest values of society and the state is an integral component of the practice of constitutionalism" [4].

What is a "decent human life"? V.N. Barsukova suggests understanding a decent human life as "the state of complex realisation of his biological, social and spiritual needs, provided by a person both independently and with the help of the state and determined by criteria such as a decent level, quality and lifestyle" [5]. It is worth agreeing with this definition but still noting that it reflects the category's content under study as a socio-public, without affecting its legal characteristics.

Within the meaning of Article 7 of the Constitution of the Russian Federation, ensuring a decent human life is influenced, first of all, by the state's social policy, implemented through a system of social rights established and guaranteed by the Constitution of the Russian Federation. It is correctly noted that "social rights provide and guarantee a decent standard of living and social security for a person" [6].

Consequently, the main substantive criterion of a "decent human life" from the formal and legal side is its social security. As you know, the fundamental constitutional social rights include the right to work, housing, medical care, education, social security, free legal aid. I.e. based on the literal constitutional and legal meaning, the guarantee of these rights ensures a decent life for a person. Particular subjects of social rights are persons with disabilities, those who cannot provide themselves with social security on their own [7].

It is impossible not to say that law enforcement practice widely uses the constitutional category "decent human life" as a motivational argument when making decisions. However, the constitutional consolidation of the "decent human life" category through the prism of implementing the welfare state principle is reflected in its understanding by law enforcement officers. I.e. through this category, the need for effective implementation of social human rights is always justified, which from the formal and legal side is justified and indisputable [8].

Also, the Constitutional Court of the Russian Federation, considering various categories of cases on the protection of citizens' rights, relies at the same time on the category of "decent human life" as a universal legal structure reflecting the need to provide citizens with certain social rights: housing rights [9], labour rights [10] and others.

Therefore, "a decent human life", based on the literal text of Article 7 of the Constitution of the Russian Federation – is the state of his social security, expressed in the availability of the most important social benefits, such as social security, property, housing, labour, education, medical care and others, which is the result of the effective implementation of state social policy.

3. AXIOLOGICAL CHARACTERISTICS OF THE CATEGORY "DECENT HUMAN LIFE"

Meanwhile, we cannot but agree with the opinion of the well-known jurist N.S. Bondar that "the temptation may be significant to fall into formal legal, purely textual assessments of individual articles of the Constitution, without taking into account its current socio-cultural spirit" [11].

In addition, the question inevitably arises: is it enough for the state to effectively implement only social policy to ensure a decent life for its citizens? It seems that it is impossible to reveal the content of the constitutional category "decent human life" only through the effectiveness of the realisation of his social rights. Although, in fairness, it should be noted that social well-being becomes the decisive criterion for a "decent life" for most citizens. And in general, this conclusion correlates with a stable and firmly rooted stereotype in society about when "wealth", "well-being", and "decent life" are perceived as synonyms.

But men do not live by bread alone. First of all, it seems that a "decent human life" is ensured by a system of personal rights, which are primary before other rights, including social ones. The UN Human Rights Committee notes "that the right to life cannot be interpreted restrictively and also includes the right of people to a decent life, that is, protection from unnatural or premature death" [12]. Thus, the corresponding provision of the right to life, dignity, inviolability of personal and private life is the most important conditions for a "decent human life". Therefore, a person's security is the initial criterion of his decent life.

In addition, the needs and interests of a person go beyond social and everyday satisfaction with their lives. So the quality of human life is influenced by the state of the environment. A "decent human life" cannot be carried out in an unfavourable environmental situation. Based on this, the Constitution of the Russian Federation establishes a system of environmental rights, the most important of which is the right to a favourable environment. A "decent human life" is possible only in a favourable environment. Thus, a favourable environment is also an absolute criterion for a decent human life.

A person cannot feel himself in a state of decent life without realising his cultural needs. Therefore, the content of the constitutional category "decent human life" should also include the effective implementation of cultural rights: the right to profess different religions, the right to access cultural values, the right to cultural leisure, and so on. Thus, an accessible cultural environment is also a criterion for a decent human life.

A person cannot exist with dignity outside of the political processes taking place in the state. Based on this,

the formation of a decent human life is influenced by the accessibility and freedom of citizens' exercise of political rights: electoral rights, the right to participate in the management of state affairs, and the right to express their thoughts and opinions freely. And political freedom itself is the criterion of a decent human life.

Thus, the content of the category "decent human life" comprehensively reflects the highest level of the quality of his life and cannot be justified only through the system of guaranteeing social rights. So sociologists, for example, define the meaning of human life "as goals-principles of human activity that are implemented in the main spheres of modern society: economic, social, political, spiritual and cultural" [13].

The same criteria, according to research, reflect such a category of "quality of life" directly related to the "decent human life" [14].

Proceeding from the above, in addition to the formal legal aspect, the constitutional category under the study can be viewed differently, namely as constitutional axiology.

The Russian Federation's current Constitution has taken as a basis a value-oriented approach, according to which all constitutionally significant categories, phenomena and processes must be viewed through the prism of the highest constitutional value: a person, his civil liberties. Thus, if the constitutional category "decent human life" is analysed from these positions, it can be concluded that there is such a constitutional human right as the right to a decent life.

Legal researchers have already singled out the "right to a decent life". In particular, V.V. Nevinsky spoke about the existence of such an "unconstitutional right". He emphasised its "collective, doctrinal and constitutional character, resulting from the proclamation and implementation of the constitutional guidelines established in this area" [15].

But what is the nature of this right? To which group of rights can it be attributed? Since the category of "decent human life" as a legal phenomenon comprehensively reflects the quality of human life, it can be concluded that providing a person with a "decent life" is the goal of the activities of state bodies. The activity of the state in this area can be designated as an "end in itself", that is, ensuring a "decent human life" is already a goal in itself and is not a means to achieve other goals. However, the right to a decent life, unlike other constitutional rights, is not implemented through the powers established in the legislation of Russia. As a goal, it is achieved through a system of other constitutional rights, which act as a means of achieving it. Based on these arguments, it can be concluded that from the point of view of constitutional axiology, the right to a "decent human life" and other constitutional rights have a different legal nature. The first is an end in itself of the

activities of public authorities and the state as a whole; the second, in this regard, are constitutional means of achieving this goal.

4. CONCLUSIONS

Thus, the right to a decent human life should be understood as a right-goal, and other constitutional rights, and not only social but also other rights-means that ensure the right-goal and are part of the constitutionally established mechanism for achieving it.

Thus, the right to a decent human life can be defined as a constitutional right-a goal secured by a system of interrelated and mutually conditional constitutional rights designed to comprehensively guarantee a person's security, social well-being, environmental safety, accessibility of the cultural environment and political liberty.

This conclusion, expanding the theoretical and axiological understanding of human rights, has a specific significance for developing theoretical and practical foundations of theories about the social state, constitutional principles and values, and others.

T.G. Silkina concludes that "the right to a decent life is recognised by the Constitutional Court of the Russian Federation as a constitutional value". Agreeing with this position, it should be noted that such a conclusion could be recognised as valid only when studying the constitutional category "decent human life" from the position of constitutional axiology.

Thus, the social state should be understood not only from the position of social protection of its citizens but from the position of the social essence of a person to whom the state should provide such a level of quality of life in all spheres of his life, which would reflect the content of the category "decent human life" in its actual embodiment.

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