

## HUMAN RESPONSIBILITIES AS A LEGAL CATEGORY

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**Abstract.** This paper provides a definition of the duty concept from various points of view: philosophical, philological, legal. We considered various philosophical views on the duty concept as such, and the duty concept in legal sense. We analyzed the human rights situation in the modern world on the basis of the United Nations data. The authors assert about the dialectical unity of the human rights and responsibilities as components of the legal status of an individual. We indicated the need for a balance between the human rights and responsibilities as integral parts of the legal status of an individual. We presented the concepts of human responsibilities from the point of view of Christianity and Islam, considered and analyzed the classification of human responsibilities in Islam and Christianity. We considered the historical aspects of the formation (the need to form) of the concept of human responsibilities. We proposed a proprietary formulation (concept) of the human responsibilities as a legal category. We proposed our own classification of human rights, which will be based on the religious classifications of human responsibilities, namely the classification of human responsibilities in Christianity and Islam. We substantiated the necessity of creating a universal list of human responsibilities as a tool to counter modern global challenges and a tool aimed at supporting existing social groups and social institutions of society.

**Key words:** human responsibilities, human rights, legal status of a person, social institutions, Islam, Christianity.

In this article, we would like to consider such a topic as the human responsibilities, which includes the responsibilities in general (from a philological, philosophical point of view), and the human responsibilities in particular (from a legal point of view). This topic currently has a rather weak scientific study, but, in our opinion, its relevance is not in doubt. The responsibilities, in the broad sense of the word, as well as the human responsibilities from a legal point of view, are the fundamental concepts. It is impossible to talk about the normal existence and functioning of society as such without their presence in modern reality. Accordingly, within the framework of this paper, we will make an attempt to draw the attention of the scientific community to the above concepts, as well as to offer our own understanding, definition and classification of human responsibilities.

Within the framework of this paper, we will use the following general scientific methods: deductive method, private scientific methods: historical and legal method, legal forecasting method.

The modern theory of law rather widely and thoroughly considers such a legal phenomenon as "human rights". A huge amount of researches have been devoted to this phenomenon, an impressive number of grants are allocated annually for its study around the world, both from national states and from various international organizations. Such attention can be explained, on the one hand, by the liberal (in the broad sense of the word) concept dominant in the world, political and scientific environment, and, on the other hand, the existing request from the broad masses of the population to expand and protect human rights. Indeed, if we turn to the reports of leading international organizations dealing with the monitoring of the situation with human rights in various countries of the world, we often see a rather depressing picture. According to the Summary prepared by the United Nations Office of High Commissioner for Human Rights in respect of Egypt dated 2014, women and girls continue to face discrimination in law and in practice [1]. According to a similar summary prepared for the PRC dated 2013, the situation of migrant workers in China leaves much to be desired. In accordance with the said Summary, "the migrant workers are treated as second-class citizens and are subject to exploitation and discrimination" [2]. At the same time, the total population of these countries makes up 20% of the population of the whole world, and of course this is not all human rights violations in these countries. If we try to address the global statistics, then we assure you that the situation will look gloomier.

At the same time, given the presence of objective and subjective prerequisites for the study and development of human rights, one should not forget about the "second side of the coin", namely about the human responsibilities. The human rights and responsibilities constitute in aggregate the institution of the legal status of an individual, the effective functioning of which needs equal attention to all its constituent parts. Indeed, the presence of rights alone will lead any society to a state of anarchy and disorder, and the presence of responsibilities alone will indicate the presence of tyranny and totalitarian regime.

Mahatma Gandhi, who was consulted on the UN Declaration of Human Rights, wrote: "Giant responsibility rights arise in the Himalaya". In the period when the concept of human rights was born, namely during the Great French Revolution, the French Revolutionary Parliament of 1789 debated that, if a universal declaration of human rights was proclaimed, it should be combined with a universal declaration of human responsibilities. Otherwise, everyone will have

only the rights that they will use against each other, and no one else will know about the existence of responsibilities, without which these rights will not be able to function. Almost half of the Revolutionary Parliament, which voted for the Declaration of Human Rights, also voted to enshrine the human responsibilities in the form of a regulatory act [3].

Accordingly, a balance of human rights and responsibilities is necessary; equal attention should be paid to both components of the legal status of an individual. We believe that it is necessary to take as a basis the following formula derived by one of the outstanding philosophers of the 20th century: "There are no rights without responsibilities and no responsibilities without rights" [4].

At the same time, it would not be fair to say that the human responsibilities are in no way represented in legal and scientific reality. For example, Article 29 of the Universal Declaration of Human Rights says that each person has responsibilities to a society, in which only the free and full development of his/her personality is possible. And one cannot but agree. A person, as we all know well, is a social animal, its normal and harmonious development needs a society, a certain group of people like he/she, it can be a family, a state (as the highest form of self-organization of people at the moment), or all the world community as a whole.

The existence of society needs a certain set of rules without which a society cannot exist as such, and people cannot exist and develop harmoniously in the absence of society. In order to ensure the existence and effective functioning of society, each of its members shall make a certain contribution, perform certain actions aimed at ensuring the functioning of a particular human community, its protection and development. It is within the framework of the implementation of the above objectives that the mechanism of human responsibilities is used and should be used. That is, the human responsibilities are the necessary minimum of proper behavior of each member of society, which contributes to the maintenance, protection and development of a particular social group of which each individual is a member. For example, they include the responsibilities to the family (the responsibilities of parents towards children, the responsibilities of children towards parents), the responsibilities to the people/state (the responsibility to protect the fatherland, the responsibility to pay taxes and fees, the responsibility to observe the rules of conduct established by the state), the responsibilities to all the human community (the responsibility to care for the environment, the responsibility to preserve cultural and historical values).

Human responsibilities require closer attention from the scientists and their detailed scientific development.

Within the framework of this paper, we would like to reveal the concept of "responsibilities" in all its senses.

There are many definitions of the term "responsibility" in the literature, but they all boil down to two basic concepts presented in the explanatory dictionaries edited by T.F. Efremov and by S.I. Ozhegov and N.Yu. Shvedova. The New Dictionary of the Russian Language edited by T.F. Efremov gives the following definition of responsibility: "responsibility 1) That which is subject to unconditional fulfillment by smb. (according to public requirements or internal motives). 2) Service, range of actions related to the performance of some office. The explanatory dictionary edited by S.I. Ozhegov and N.Yu. Shvedova gives a different definition of responsibility: "Circle of actions entrusted to smb. and unconditional to perform". As we see from the presented definitions, the responsibility is, firstly, unconditional to perform, secondly, it does not exist by itself, but is entrusted to the subject (regardless of whether it is entrusted by the subject itself or other subject, whether an individual, a state, a society), and thirdly, the responsibility involves the accomplishment of any actions (refraining from actions) by the subject to which it is assigned. If we consider the responsibility in the philosophical terms, we can come to the following conclusions:

Responsibility - in a broad sense - is synonymous with duty. In philosophy, this concept is formed in the sense of general duty.  $\kappa\alpha\theta\ \eta\kappa\epsilon\iota$  - to fit) - this concept meant appropriate, i.e. meeting the requirements of nature among the Stoics. The Latin equivalent of this term was the word *officium*, which was used by Cicero for the first time in this meaning, who, by virtue of his practical orientation in moral philosophy, understood not abstract duty, but the human responsibilities as a citizen - member of the Roman community - under *officium*. This is the due, which is conditioned by the connections and community with other people. Accordingly, Cicero points to two basic responsibilities: justice and charity-generosity (*beneficentia*) [5]. According to Kant, the doctrine of morality (ethics) is called the doctrine of responsibility from the time of Cicero.

The term "*officium*" is firmly entrenched in the European philosophy. F. Bacon, touching upon the problem of responsibility in connection with the problem of the public good, specifically stipulated that this was not a problem of a social science, but a teaching about a person living in society. He distinguished between the doctrine of general responsibilities (the human responsibilities as a person) and the doctrine of special or relative responsibilities (professional, class, status); the study of relative responsibilities implies, according to Bacon, the study of all kinds of deceptions and tricks and also covers "mutual responsibilities" (between spouses, parents and children, friends, colleagues, neighbors, etc.). Hobbes, who repeatedly mentioned various separate responsibilities, did not give them a specific definition, but his understanding of responsibility as duty determined by law is easily reconstructed from the context of his reasoning. Accordingly, like the laws (e.g., natural, civil, ecclesiastical), like the responsibilities.

Kant significantly clarifies this understanding: he differs "legal responsibilities" (*officia juris*), i.e. those for which the external legislation, from the "responsibilities of virtue" (*officia virtutis*), for which there can be no external legislation,

since they are directed towards a goal which is also a responsibility itself. But the duty is defined (rather close to the Gobbs understanding of responsibility) as the necessity of acting out of respect for the law. Kant divides the responsibilities into the responsibilities in relation to himself/herself and the responsibilities in relation to others, which in turn have additional divisions. A responsibility is perfect, if it does not allow any restrictions on the part of other responsibilities, and is not perfect, if it allows limitations.

By defining the concept of duty, Kant makes a remark important for the further development of the responsibility concept: "Every duty corresponds to a certain right, considered as competence" [6]. This correspondence was clarified by Hegel in relation to the responsibility: a person has "the rights to the extent that he/she has the responsibilities, and the responsibilities - because he/she has the rights". However, this relationship turns out to be different in abstract law and in morality: in the field of abstract law, the right of one person corresponds to the responsibility of another person with respect to this right (from a legal point of view, a slave, as indicated by Kant, has no rights, but has responsibilities); in the field of morality, a person has the right to his/her own knowledge, will and benefit only in unity with the responsibilities (from a moral point of view, a slave, as indicated by Hegel, cannot have the responsibilities without the rights).

There is a notion of responsibility in the narrow sense - as a form of duty, imposing on a person (both individual and collective - a public organization or a state body) some actions that guarantee (ensure) the human rights. Hence there is the definition of responsibility as an act, by simple non-commission of which injustice is caused to others, i.e. the rights of others are violated, given by Schopenhauer [7]. The difference in the responsibilities of duties and rights recorded by Hegel gave rise to two concepts of the relationship between these concepts, practiced in the 20th century. One of them, according to which the responsibilities and rights are united within the legal system as a whole, moreover, each certain right of one person correlates with a certain responsibility of the other (others), is inherent in the liberal trend of political thought and in the open (democratic) societies. The other, according to which the human rights actually represent a reward for performing certain (community-oriented) responsibilities, is inherent in the radical-rigoristic views and in the hierarchically organized closed (totalitarian) societies.

The words "duty" and "responsibility" do not differ in a living language, as a rule. Responsibility is a form of duty assumed by a person entering into special, often documented relationships with other persons, organizations or institutions.

Having considered the responsibility concept as such, we would like to offer our own concept of human responsibilities as a legal category - **human responsibilities are a measure of proper (necessary) human (individual) behavior aimed at maintaining, protecting and developing that social group (social groups) whose member he/she is.**

Here we would like to try to derive a classification of the human responsibilities based on the existing religious beliefs on this subject. We understand that within the current trends in modern science, the use of religious themes may seem like a rudiment, but in our opinion modern civilization and legal norms as an integral part thereof, whether we like it or not, have their origin and are based on Abrahamic religious trends such as Christianity and Islam and it is silly trying to forget about it or trying to deny this fact.

According to Islamic dogma, the human responsibilities may be divided into five groups:

1. Responsibilities in relation to Allah (the responsibility to know Him and the responsibility to be His slave)[8];
2. Responsibilities in relation to themselves (the responsibility to maintain and develop their lives) [9];
3. Responsibilities in relation to family members (the responsibility of children to be respectful of their parents)[10];
4. Responsibilities in relation to the homeland, people;
5. Responsibilities of people towards each other (respect and attention to human life and freedom, property and real estate, honor and dignity, is mandatory for every Muslim) [11].

As for Christianity, here we can distinguish the following classification of human responsibilities:

- 1) Responsibilities towards God (love for God, faith in God) [12] [13];
- 2) Responsibilities in relation to oneself (the responsibility to educate one's mind, feelings and will)[14];
- 3) Responsibilities towards neighbors (the responsibility to love and respect one's neighbors).

After analyzing the above, we can conclude that the above-mentioned human responsibility (if we omit the religious aspect) is aimed at preserving the maintenance and development of those social institutions (family, state society) that we have mentioned earlier. Our ancestors understood the necessity and importance of preserving the development and maintenance of the family, the state and the society as a whole and used the mechanism of human responsibilities for this purpose. Therefore, it would be a big mistake on our part to neglect this mechanism.

Based on the above, we would like to propose a classification of the human responsibilities, depending on those social groups, of which he/she is a member:

Human responsibilities to the family: here we can include such responsibilities as the responsibilities of parents to raise and maintain their children, the responsibilities of children to keep their disabled parents, etc.;

Human responsibilities to the state: here we can include the following responsibilities as the responsibility to protect the homeland, the responsibility to pay for the charges and fees established by law, the responsibility to comply with the laws and other regulatory legal acts issued by the state and local government, etc.;

Human responsibilities to the entire population of the planet: here we can include such responsibilities as human responsibilities to protect and respect for the environment, human responsibilities to keep safe the objects of cultural heritage of mankind.

The concept and classification proposed above can be used in the formation of a regulatory framework that would consolidate a universal and necessary minimum of human responsibilities that are necessary to preserve and maintain the normal functioning of social groups (family, people, international community).

In our opinion, there is a request for the creation of such a framework in modern society. Such global problems as social dependency, environmental pollution with household waste, family destruction as one of the most important social institutions of society cannot be solved solely by the actions of the state bodies. To solve them, we need conscious actions of each individual. It, in turn, requires a universal concept of human responsibilities.

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