

Justification of the cognition subject problem in the methodology of contemporary human

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Abstract

The research is devoted to the study of the essential characteristics of the cognition subject. As an illustrative material, the experience of post-Soviet countries with dogmatic ideology and destructive methodology was used. It is found that only a liberal-minded subject and a methodology developed on the supremacy of spiritual values are able to perfect a reverential approach to the person and the world as a whole. In conclusion, it was established that in the cognitive process the key role is played by the subject of cognition. But his essential characteristics directly depend on the historical era.

Keywords: Subject of Cognition, Cognitive Activity, Freedom.

Justificación del problema de la cognición en la metodología de la vida humana contemporánea.

Resumen

La investigación está dedicada al estudio de las características esenciales del sujeto cognitivo. Como material ilustrativo, se utilizó la experiencia de los países postsoviéticos con ideología dogmática y metodología destructiva. Se ha encontrado que solo un sujeto de mentalidad liberal y una metodología desarrollada sobre la supremacía de los valores espirituales son capaces de perfeccionar un enfoque reverencial hacia la persona y el mundo en general. En conclusión, se estableció que en el proceso cognitivo el sujeto clave de la cognición desempeña un papel clave. Pero sus características esenciales dependen directamente de la época histórica.

Palabras clave: Sujeto De Cognicion, Actividad Cognitiva, Libertad.

1. Introduction

The problem of cognition is relevant due to the fact of its occurrence (Andryushenko, 2015). In historical terms, it correlates with the emergence of human civilization (Berdyayev, 1939; 2016; Kamkii, 2014). Man, getting established in this world as a sentient being, initially tried to understand the world, because his life depended on it. In order to know in advance what can be done and what cannot be done there (Belousov, 2015). With the development of civilization, the notions of the world cognizability changed radically. The object of knowledge for man was not only the reality, but he himself (Dror Itiel & Harnad, 2008; Eysenck, 2014). If the scientific community adheres to two basic concepts of knowledge of the world – gnosticism and agnosticism, then in the question of the cognizability of the essence of man, researchers have almost the same opinion – a person as a sentient being is unknowable for himself. Therefore, the essence of the cognitive process will always be at the forefront of scientific research. In order to regard the man as a cognition object, there is a need to investigate his essential characteristics (Newell, 1994; McClamrock, 1995; Reed, 2004). Therefore, the question of justifying the essence of man as a subject of cognition arises. In the research, for the first time in domestic science, we will try to identify the conditions and opportunities for the formation of the consciousness of man as a cognizing subject, and also to find out why this problem has become urgent for research in the humanities and legal sciences. An important moment in this issue of research is the fact that a person in a certain way is a product of the existing socio-cultural environment. Therefore, his essential characteristics will in one way or another correspond to the historical epoch. But since the question of substantiating the essential characteristics of man as a subject of cognition is very closely connected with the question of the development of his spiritual-value orientations, in the study we confine ourselves to the present period.

2. Methodology

In the research we use the analytical method, which allows us to identify the necessary components in the formation of the worldview of the cognizing subject – intellect, intuition, freedom of cognition, belief, will, freedom of spirit and passion for cognition as the main engine of human cognitive activity. The use and application of the synthetic method made it possible to generalize the results of studies of other humanities (history, psychology, political science, pedagogy) on the subject of cognition. The research focuses, on the one hand, on the identification of the essential characteristics of the cognition subject, and on the other, on the substantiation of the importance of subjectivism (which provides for the qualitative characteristics of a highly intelligent, highly spiritual and liberal-minded personality) in the cognitive process. With the help of perspective analysis, we substantiate the necessary characteristics for the construction of a new methodology of the humanities. Using the method of critical realism, the errors and problems of the old Soviet ideological methodology are shown, which proved to be incapable of answering many questions in the process of cognizing the world around us. Having isolated from the individual characteristics of the subject of cognition and placing in the basis of the cognitive process the dogmatic historical conditioning of objective processes, which was provided by dialectical materialism, the old methodology proved incapable of giving exhaustive questions in the search for true knowledge. Historically, this was the fate of the peoples of the post-Soviet space. Therefore, the humanities

must develop new qualitative principles of a new methodology, based on a subjective approach in comprehending the secrets of the world around us and the human in particular. Such a methodology should be developed and proposed by philosophy (and the philosophy of law as its structural component). This purpose proves the necessity of the research of the characteristics of the cognition subject in the philosophy of law.

3. Results

The relevance of the issue of the cognitive process of the world around us can be called an a priori question of humanity, since the need for person's knowledge of the world emerged with the appearance of the man himself. In historical philosophical thought, views on the essence of the cognitive process and its components changed. The empiricism announced by Modern Philosophy and the natural sciences based on its ambushes proved to be incapable of giving exhaustive answers to the challenges of the world around us. Therefore, since the XIX century, humanities begin to put the essential characteristics of the subject of cognition in the center of research. Seeking a new methodology, the social sciences and humanities outline the necessary conditions for the formation of a new worldview of the liberal-minded personality, the deed of honor for which is the cognition of the world for the sake of the process of cognition itself.

This issue is a global issue, as evidenced by a number of studies. In foreign sources, there are two approaches to this issue: the first is the justification and presentation of existing knowledge about the process of cognition (Newell, 1994; Reed, 2004; Eysenck, 2014) and the second – a dualistic dialogue about the essence and specifics of the cognitive process (McClamrock, 1995; Dror Itiel & Harnad, 2008). In the analysis of the Russian studies, we confined ourselves to an interdisciplinary synthesis of the question of the process of cognition itself (Lepskiy, 2014) and the essential characteristics of the subject of cognition (Letov, 2012). The importance of the answers to these questions can be explained by the urgent need to create a new methodology in the countries of the post-Soviet space. The concluding chord (or sentence) of the old Soviet ideological methodology of the humanities and the rationale for the acute need to build a new, high-quality personalized methodology were a number of studies (Kamkiia, 2014). Our research can be placed at the intersection of these two global studies.

The main goal of the research was the need to substantiate the essential characteristics of the cognizing subject and provide explanatory answers to the question of subjectivism and objectivism in the cognitive process. Since a person is inseparable from the era in which he lives, we had to analyze the modern methodology of the humanities and make a forward-looking forecast of the need for a new methodology of the humanities in the post-Soviet countries. Therefore, the research proves not only the fact that the issue of the subject of cognition became relevant to the philosophy of law, but also that the new methodology should be based on the individual characteristics of the cognizing subject.

It cannot be denied that the ultimate outcome of the cognitive process is the establishment of the truth. But every truth is either relative or absolute. And the only man as the subject of cognition determines its absoluteness or relativity. In this connection, the problem moves into the plane of cognition of the person himself, his essential characteristics and the conditions for the formation of consciousness and worldview. Therefore, we will try to substantiate the formation of man as a

subject of cognition. To begin with, let us consider the question of what is the cognition motive for man? In the history of philosophy there are many opinions on this issue. But we maintain the position of the Russian philosopher N. Berdyaev, who described it as follows: "The world is not a thought, as philosophers think. The world is passion. Cooling of passion creates commonness" (Berdyaev, 1991: 28). In our opinion, it is the passion that is the main effective mechanism of learning about the world. It should be noted here that the cognitive process is especially important for the person who is forming or has been already formed, and not for every ordinary person. Therefore, the cognitive process largely depends on the conditions for the formation of this personality. And N. Berdyaev wrote: "the mystery of personality, its uniqueness, is not understood by anyone until the end. The human person is more mysterious than the world. It is the whole world. Man is a microcosm and holds everything" (Berdyaev, 1991: 25). From here we should also judge the subjectivity of the cognitive process.

Let us pay attention to the fact that in the last decades in the social and human sciences there have been disputes about subjectivity and objectivity in the cognitive process. But first, we will clarify the differences between science itself (natural sciences) and social and human sciences. Interesting explanations in this regard are given by Pivoev. In his work *Philosophy and Methodology of Science*, he cites the pamphlet by C. Snow *Two Cultures* and notes that for Europeans there is a tradition to call natural science, and humanities - humanitaristics or humanitarian knowledge. Comparing the methodological paradigms of natural and human sciences, Pivoev tries to substantiate their similarities and differences. The author notes:

The essential difference lies in the bases of veracity, and if for a natural science (or practical) knowledge the problem of veracity is very important, because it is intended for practical use, and the error can have irreparable consequences or lead to the death of people, then in the humanitarian sphere you can use facts, whose reliability is not established or justified insufficiently (2013: 13).

Here the author does not reject the veracity as such, but stipulates that in humanitarian knowledge it has special grounds. V. Pivoev writes: "In humanitarian knowledge, one can use hypotheses on the basis of reliable or relatively verified theories, because humanitarian knowledge is associated with the solution of probabilistic problems" (Pivoev, 2013: 18). In this regard, the scientist justifies that we can talk about probabilistic truth, that is, about truth, the reliability of which can be estimated from 50 to 100%.

Pivoev sees the following differences in the objects of cognition: he says the natural sciences deal with real objects, in the process of teach which the scientist must understand and explain what is this? In the humanities, the object of research is always texts (in the broad sense of the word), expressing meanings in a sign form (Pivoev, 2013). Bakhtin (1979) noted, humanities are the sciences are about a person in his specifics, and not about a mute item and a natural phenomenon. A person in his mortal specificity continuously couriers himself (voices), that is creates a text (at least possible). Where a person is studied outside the manuscript and autonomously of him, it is no longer the humanities.... This explains the specificity of cognition in natural and humanitarian sciences. This once again confirms our opinion about the importance of subjective prerequisites in the cognitive process. As N. Berdyaev said: "revelation is what is revealed to me, knowledge is what I discover" (Berdyaev, 2016: 26).

What is the subject of cognition? In the history of philosophy, the Stoics distinguished the subject and the object of cognition, but the most integral theory was proposed by the German classic I. Kant, who considered the transcendental subject (which is a pure transcendental activity of creative

imagination) to be primary in relation to the cognized object. Consequently, for I. Kant the subject of cognition acted as a closed system based on the productive capacity of the imagination and the transcendental unity of apperception (Lyubutin, 2016). At a certain time, for empowering the subject with such great opportunities in the cognition of the world, the thinker was even accused of involvement in constructivism (Newell, 1994). Although the philosopher asserted that the objective world stubbornly confronts the cognizing subject, preserving itself as a thing-in-itself. Moreover, he recognizes the limitations of the subject's mind and says:

Naturalists understood that the mind sees only what it creates according to its own plan. It must go ahead with the principles of its decisions, according to the continuous rules, and force environment to response its requests. It should not tag along nature. Otherwise, the observations made by chance, without a preconceived plan, will not be bound by the necessary law, while the mind seeks such a law and needs it (Kant, 2011: 27).

Hence we can judge one of the objective reasons for the impossibility of the cognizability of the world by the subject. Justifying the role of subjectivity in the cognitive process, it should be noted that by analyzing the possibility of knowing Kant's thing-in-itself, A. Bergson concludes that we do not know the reality in ourselves, and we will never know anything about it, because we grasp only its refraction through the forms of our ability to perceive (Bergson, 2001). Being a vivid representative of intuitionism and the philosophy of life, A. Bergson, therefore, argues that the theory of knowledge becomes an endlessly complex matter which is superior to the forces of pure intellect (Bergson, 2001). Therefore, intuition comes to the aid of intellect. According to A. Bergson, intuition and mind denote two reverse instructions of awareness. Instinct goes in the course of lifecycle itself and intellect is in the exact opposite. But they are not two forms, the higher and the lower, but two parallel, mutually complementary aspects of the development of the world, based on the activity of the left and right hemispheres of the brain. Analysis is the function of intellect (left hemisphere), synthesis is the function of intuition (right hemisphere) (Pivoev, 2013). In modern philosophy, intuition is regarded as one of the highest ways of human cognition and the transformation of reality, in which there is an immediate holistic comprehension and mastery of it – In acts of overcoming not only logic but also sensuality (Bondarenko, 2015).

The next step in our research will be to determine the capabilities of the intellect of the subject of cognition. M. Polanyi believes that personal implicit knowledge is always the source of all other knowledge. Analyzing the concept of personal knowledge of M. Polanyi, O. Letov pays attention to the provision that knowledge is always reinforced by the intellectual feeling of the subject (Dror Itiel & Harnad, 2014), but in addition, it is also noted that in the structure of intellectual feelings a special place is taken by self-assurance in the correctness of what he thinks and does in the course of his activities. Here it is necessary to emphasize that the question of intellect is very closely connected with the issue of responsibility that is with the issue of the observance of certain standards and rules by man. And if it is traditional social attitudes, then it will be morality; if it is a question about the statutory rules, this will be the prerogative of the philosophy of law. That is why the problem of the cognizing subject becomes relevant for the philosophy of law.

Andryushenko (2015) gives a very interesting interpretation of the subjectivity of cognition. He claims that its essence is in correlating the answer with the goal and the basis for comprehending the subject to determine the measure of its correspondence to these phenomena. Andryushenko writes:

With the complete correspondence of the answer to the goal and the basis of comprehension, its veracity is recognized at the level of evidence. With the complete correspondence to the goal and the partial correspondence to the basis of comprehension – at the level of faith. With the partial correspondence to the goal and the basis of comprehension – at the level of opinion. Each level determines the degree of acceptance of the information, the degree of freedom of the action based on it, the degree to which the psychic state corresponds to this action. The highest degrees are in the evidence. The lowest is in the opinion (2015: 19).

As the author states, it is the subjective side that informs cognition of the final expression, as it makes it possible to include its results in the number of conditions for subsequent actions (Andryushenko, 2015). This means that in practice the subjective side of cognition creates the possibility of a more targeted information impact on people and their orientation to the necessary objects. And this practical aspect of the process of cognition is very effectively correlated with the philosophy of law.

Having substantiated the reasons for the urgency of the issue of the subjectivity of the cognitive process in the philosophy of law and solving further tasks of our research, we set ourselves the following task: to analyze the level of development of this problem in the modern domestic philosophy of law. Here, it should be noted that the domestic philosophy of law is mainly based on the concepts of the methodology of Soviet philosophy of law. To begin with, we will give reasons for this statement.

In Soviet social and humanistic science a fundamental role belonged to practice rather than to theory, the main purpose of which was to discover, study and generalize empirical data in order to learn the regularities of practice. The process of cognition, its principles and methods, was derived from the nature of the studied phenomena and regularities. No freedom of the subject of cognition or independence of the cognitive process as a phenomenon occurring in the sphere of the spirit was recognized, for the objective laws of the materialistic perception of the world required recognition of them almost as dogmas. This approach, accordingly, left in the shadow the regularities inherent in the subject of the cognitive process, that is the personality, its spirit, from the depths of which grows all. To put it plainly, the problem of the relationship between the subject and the object of cognition was not the subject of an investigation of Soviet humanitarian science (Sakharov, 1990). The subject of cognition was considered to be an appendage of the object, it had no principles and its positions were to be derived from the content and nature of the object, so that their knowledge and observance would be sufficient to ensure the attainment of truth. In this regard, D. Kerimov wrote:

After the famous Stalinist work on the economic problems of building socialism in the USSR, we were so carried away by the objectivity of economic laws that we almost left no room for subjective and creative influence not only on them, but also on any other objective factors. For example, the productive forces and the corresponding production relations turned out to be objective, but often the fact that the tools and means of production are a product of the human mind and creativity was ignored, and workers are consciously participate in the production relations and therefore create subjective moments (2011: 21).

Taking into account the fact that the main goal of any science or scientific research was to comprehend the truth, then, accordingly, the scientific methodology should correspond to such predispositions. D. Kerimov noted that the methodology should be understood as an integral

phenomenon that unites a number of components of the world outlook and fundamental general theoretical concepts, universal philosophical laws and categories, public and private-scientific methods (Kerimov, 2011). However, it should be mentioned that such a finding of the advantage of the worldview in the cognitive process reduces the role of the subject of cognition. If we consider the process of cognition as a dynamic system, then the subject of cognition will be the main element for us (which determines the other elements of the system – object, subject, principles, methods, purpose and tasks) – not just a physical person, but a true spiritually free personality. Only such a person is able to direct the process of cognition to the comprehension of truth, for the sake of the triumph of science, and this is its mission.

In the Soviet era, the humanities were wholly under the total control of the state and its ideology. So it is naive to believe that with its collapse, they will automatically be able to acquire freedom of creativity. The release of thought should not only imply a break up with obsolete standards and dogmas, but also master true scientific methodology. D. Kerimov remarks: "Long years of violence over thought have enslaved it so much that it will take tremendous efforts and a long time to find the way out of this state " (Kerimov, 2011: 22). Therefore, the role of the state is to develop scientific thought and, accordingly, the methodology of the humanities. Otherwise, the collapse of such a state will be inevitable (Kerimov, 2011). This conclusion can be confirmed by the experience of the post-Soviet countries that have already made a departure from the Soviet ideology but have not yet developed their own. And scientific recommendations remain only beautiful slogans in writing, in fact, in reality, instead of reforms, only decorative changes are carried out, which have led to the triumph of monopoly in all spheres. The confirmation of that, notes M. Mustafayev, is the scope of corruption, the absence of objective justice, etc. (Mustafaev, 2014) and the unsuccessful attempts of governments to improve the situation.

A new, truly scientific methodology and the development of society and the state, respectively, with effective scientific achievements require, first and foremost, a fundamental restructuring of the principles of the atheistic worldview that underlies the materialist methodology. Such a methodology was based on the substantiation of material-causal determination, explained and deduced everything from the primacy of matter, from the conditions and relations of material production. In our opinion, the main reason for the collapse of the Soviet system was precisely the enforced establishment of such a unique and undeniable method in all spheres of human life. Such a methodology of Soviet humanitarian science was not able to find a way out of this situation. Because it did not have the main thing – the freedom of the spirit. As A. Sakharov noted: "After all, deep thoughts appear only in the discussion, in the presence of objections, only with the potential to express not only true but also doubtful ideas" (Sakharov, 1990: 25).

Since the depth of thought is primarily determined by its focus on the attainment of truth, the truth itself can only be achieved where there is freedom of the spirit. For the spirit, as N. Berdyaev noted, is not subject to the order of being, it invades it, interrupts and can change it (Berdyaev, 1939). In order for such an invasion and subsequent changes to be reasonable, desirable and meeting the needs of the spirit, it is necessary to transform the spirit from the thing-in-itself into a thing for oneself. Therefore, only the personality as the subject of the process of cognition can subordinate this process to itself. Comprehension of this indestructible truth should be the main component of the worldview as the main component of scientific methodology. Otherwise, it cannot become a true means of transforming the studied objects, phenomena and processes. Hegel wrote:

Boldness in the search for truth and the faith in the power of reason are the first condition of philosophical studies. A person should respect himself, and recognize

himself worthy of the highest. Whatever high opinion, we have had about the greatness and the power of the spirit, it will still not be high enough (1974: 13).

Only by being a bearer of a free spirit can a person equip himself with a reliable methodology that will be able to ensure the discovery of truth, this is the only goal of any science. Soviet humanitarian, legal and philosophical sciences were captives of a class-atheistic world view, which did not allow the state and legal sciences to determine correctly the nature and the purpose of these phenomena. In our opinion, the solution of this problem is possible only through the knowledge of the development laws of one's own spirit – the main determinant that turns a person into a real person. It is not accidental that before the entrance to the temple of Apollo in Delphi, the saying Know yourself was engraved. It was from the ancient times that it became a kind of reference point for philosophers. I. Ragimov writes:

Over the centuries the ability of a person to think deeply and subtly about the most important things – about himself, his place in the world, the sense of his own existence, justice, the sources of good and bad, has been perfected. Man is the most incomprehensible creation of nature for himself, and it is difficult for him to understand what a material body is. It is even more difficult to realize what the spirit is, and it is absolutely not clear how the material body can unite with the spirit (2013: 19).

Therefore, the question about the existence of faith in the cognizing subject arises here. The methodological aspect of the religious belief in scientific cognition was also reviewed by N. Berdyaev, who was the first to pose the problem of freedom of science in the name of philosophy and to link the possibility of cognition of reality, freedom and personality to it. Criticizing old and modern philosophical systems, he considered their tragedy in the absence of freedom, resulted from their self-sufficient rationalistic character. He called the contemporary Western philosophy the philosophy of a policeman and noted: Philosophy has ceased to be sacramental, as it was in ancient time and in the Middle Ages, it was secularized and became a police philosophy, not gracious ... Police philosophy has some connection with the police state, with the society secularized ... Epistemology is a purely police service and it realized it. But the police do not release, neither does epistemology. Police philosophy, like the police state, destroys fatalism with the roots of life; police philosophy is inevitably devoid of realism and turns to be into a specter (Berdyaev, 2007). The author insists that philosophy as a science of sciences should be autonomous, free, for when it finds itself in captivity of circumstances accompanying philosophizing, it is deprived of the opportunity to perform an epistemological function.

According to N. Berdyaev, the true solution of the problems of reality, freedom and free personality is a real test for every philosophy. The disability to solve them or the false solution of these problems is a true indicator of the bad qualities of philosophy, its internal insolvency and the falsity of its chosen path. That philosophy is suspicious, warned the philosopher, and for which reality is illusive, freedom is illusive, personality is illusive. Do not believe this philosophy, look for another (Berdyaev, 2007). The methodology and ideology of materialism were forcibly enforced by the Soviet state in all spheres of life. By destroying every manifestation of individualism along its path, Marxism became the verdict for the individual and for all the good things that could be the creation of a free individual. Social and legal sciences became such victims. N. Berdyaev, wrote:

To be free philosophy must restore its vital, religious source. This will be a liberation, but not an enslavement of philosophy. To restore the goal of philosophy and the path to the achievement of the goal does not mean to enslave a philosophy (2007: 19).

Here we can talk about the belief of the cognizing subject. But we should note that we consider belief, not as a closed dogma for realization, but as new creative opportunities for the person. Therefore, we share the position of N. Berdyaev that the true manifestation of the sources of freedom must be sought in religion. We believe that neither the nature of freedom and reality, nor the true nature of the individual can be comprehended rationally. They are completely transcendental to every rationalist consciousness. If we understand rationalism in its traditional sense, then truly, the problem of freedom and its nature cannot be the subject of rationalistic philosophy research. Because rationalism (and, consequently, the totality of various schools of thought: historical materialism, positivism, pragmatism and those schools of modern philosophy that depend on rationalism and are under its influence: Marxism, neo-natalism, logicism, neo-realism) determines the main priority of analysis of reason, thinking, mined from the subjective side, and intelligence, the logical order of things from the objective side. According to these schools, freedom, being a social phenomenon, is conditioned by the understanding and consideration of necessities, as a manifestation of objective laws.

But despite the collapse of the Soviet ideology and its main component – the Marxist philosophy, with their exaggeration of the role of objective laws, the modern scientific methodology is still in the grip of its dogmas concerning the roles of the state and the rights of the individual in social development. Justifying general theory of law D. Kerimov says that it explores the objective laws of the development of legal phenomena and processes. The scientist concludes that in order to penetrate their deep essence, to master them more fully, it is necessary to study other related objects: the influence of natural conditions on the nature of the legal system of a particular society, the impact of natural factors on lawmaking and legalization, lawful or illegal behavior, legal stimulation of the scientific and technical process, legal protection of the natural environment, legal regulation of relations in connection with the exploration of outer space, etc. And this means that penetrating into the deep essence of legal phenomena must be achieved through studying the influence of external factors on law-making and legalization or on offenses (Kerimov, 2011). We share this point of view and believe that the noticeable influence of these and other external factors on these legal phenomena cannot be disputed. However, such visible (observed) impact should not exclude from the subject of legal science an in-depth study of the laws that are in the nature of the human spirit, the main customer of law and all phenomena associated with it. Ignoring these patterns was the main drawback in the Soviet humanitarian and legal science. We should also pay attention to the fact that the endless processes are not only cognition, peace, life, being, being of law, but also the being of the spirit, which is the basic substance of all social and legal phenomena. Unlike the individual spirit, the existence of the people's spirit manifests itself primarily through a positive right. To determine the characteristics of freedom, the essence of spirit freedom must first be justified. The old dispute between materialists and idealists does not allow the philosophy of science to grasp the profound methodological significance of the phenomenon of freedom. In our opinion, the materialist conception of freedom is essentially the elimination of freedom, the fetishization of social laws and the slavish subordination of man to this realized need. Therefore the materialistic interpretation of freedom is the negation of freedom in its embryo, its cradle.

Idealistic interpretation of freedom allows us to consider it primarily as an encrypted need of the spirit, which needs to be deciphered by the human mind. The real person is a reasonable and free being, and the main ability of the mind is the realization of the individual's need for freedom and the definition of its boundaries (this is also its purpose). The cognition of a free personality must first of all be directed not at the realization of objective laws, but at the discovery of the internal laws of the

spirit. Before realizing the essence of natural phenomena, a person must realize the inner laws of his spiritual development. Since the laws of objective reality deserve something only if they are assessed by an individual. Their adequate evaluation and the elucidation of their true essence directly depend on the true freedom of the spirit. Such freedom is achieved primarily through the victory of the spirit over the body. The philosophy of science must proceed from the fact that in the ontology of man the substance is the spirit, which connects the body to the surrounding world. G. Hegel wrote: "The essence of the spirit is freedom, and the movement of the people's spirit along the path of the liberation of spiritual substance is the progress in the consciousness of freedom" (Hegel, 1974: 28). Conscious freedom as a form of necessity for oneself is the first step in the transformation of the spirit from the thing-in-itself into the thing for oneself. The consciousness of freedom as a primary necessity is the greatest discovery of the most significant law, which can be comprehended only through consciously volitional activity. Therefore, to be free is not a right, but a sacred duty of the individual.

We agree with G. Hegel that freedom is at the basis and at the top of the culture (Hegel, 1974). Soviet ideology, proletarian culture and dialectical materialism were forcibly introduced into the consciousness of a population, which was not literate at that time, as universal laws of social development, conditioned solely by the socio-economic conditions of the historical process. At the same time, nobody talked about genuine universal laws (the union and fight of reverses, the denial of negation and the mutual conversion of measurable deviations to qualitative changes); although they contain elements of the development of the spirit freedom. This transformed a person into an easily manipulated being. There was no question of the freedom of the individual and his knowledge of himself.

4. Discussion

It should also be noted that internal independence and self-reflection is the quintessence of freedom. The influence of external conditions and reasons on the internal setting of the person is controlled by the man. In our opinion, it is precisely in the struggle with its body, which brought it closer to nature, that the human spirit must acquire its freedom and leave it with dignity, being already a person. The material environment in which a person dwells is not a source of personal freedom, but at the same time, it contains a real danger of reversing the freedom. Therefore, the only factor that can resist the impact of the material world is the human will, which can direct the human intellect in subordinating external conditions to the development and strengthening of conscious internal freedom.

And here we should emphasize that the true danger to the freedom of the individual is conceived not in nature, but in man-made institutions of the basis and superstructure of society that do not at all correspond to its fundamental spiritual needs. According to M. Mustafayev, there is a bilateral spiritual and a causal relationship between the fundamental reasonable spiritual needs of the individual and the social and legal systems created by people. This relationship should replace the principle of material-causal determination as the fundamental principle of the scientific methodology of the humanities and legal sciences (Mustafayev, 2014). Supporting this point of view, B. Askerov believes that the spiritual and the causal relationship between the individual and the social and legal systems that it creates should not only become the principle of scientific methodology, but also be used in the principles of law. According to the author's point of view,

formulated in accordance with the fundamental spiritual needs of the individual in reasonable freedom, justice, humanity and equality, the principles of law can properly perform a protective function in the entire legal system. Such a legal system will be able to spread its full essence to all political, legal and social and legal systems of society, endowing them with the qualities of reasonableness and efficiency (Mustafaev, 2014).

Therefore, the true transformation of the scientific methodology of the humanities and legal sciences of the post-Soviet countries is possible only with the help of a fundamental change in the outlook that is based on spiritual components that determine the transformation of a person into a true individual. It should be noted that for the substantiation and the consistency of our approach, long-term experiments are not required, unlike the provisions which are put forward for discussion by the scientific community in the humanities and legal sciences – its validity is confirmed by the practice of the recent past and today's reality. The methodology of the new humanitarian and legal science should make a significant step towards the knowledge of the individual and the world around him, and it should not be confined to destructive criticism of the post-Soviet methodology that preceded it.

This is confirmed by some laws in the Republic of Azerbaijan. For example, the Law On criminal intelligence and surveillance operations, which has been in operation since November 1999 and consists of only 21 articles, has already been changed 37 times. Moreover, these changes are not due to the dynamic development of criminal intelligence and surveillance relationships. Interestingly, they are the result of a low level of legal awareness and legal technique, neglect of the principles of law by the legislator. This is evidenced by a similar fate of most laws adopted in the years of construction of civil society and constitutional state. This is the evidence that there is no correct scientific methodology capable of ensuring the effectiveness and legal nature of the legislative activity. Therefore, if the principle of legal law became the working principle of the legislative body, the situation would look much more well-grounded.

Summarizing the results of our research, it should be noted that in the question of subjectivism and objectivity, we have a quite definite point of view – the cognitive process without taking into account the individual essential characteristics of the subject of cognition is practically impossible. This is confirmed by the experience of the post-Soviet countries in which the methodology of cognition was turned into a system of dogmatically ideologically motivated dialectical materialism. We insist on building a new methodology that would be based on a new worldview, the main value of which is a highly intelligent and highly spiritual person.

5. Conclusions

As a result of the conducted research, it was established that in the cognitive process the key role is played by the subject of cognition. But his essential characteristics directly depend on the historical era, since man is a social being. In order to uncover the full potential of human cognitive activity, it is necessary to develop a new methodology of cognition. This new methodology is the subject of research of contemporary humanities. It is based on the idea of delicacy and spirituality of every individual. Only such a person is able to comprehend the truth in the cognitive process and create conditions for the effective vital activity of himself as a person and the development of the surrounding world according to the laws of morality, system of justice, spiritual personal freedom.

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