

Basic Legal Science Research in the Russian Federation: Experience and Suggestions for Vietnam in the Current Context

Do Thi Bao Yen

PhD Candidate, University of Law – Vietnam National University, Hanoi

Received:
28/08/2025
Revised:
06/09/2025
Accepted:
30/09/2025
Published:
14/10/2025

ABSTRACT

Basic legal science constitutes the conceptual bedrock of jurisprudence and a practical engine for improving national legal systems. In the Russian Federation, this field matured early under profound German influence—most notably the Historical School and the Roman–Germanic tradition—yet evolved into a distinctive scholarly identity that combines rigorous system-building with a persistent orientation to practice. This article reconstructs that trajectory from the nineteenth century through the Soviet period and into the twenty-first century, showing how codification waves, institutional reforms, and evolving methodological commitments collectively shaped Russian jurisprudence. It maps the internal differentiation of the field—general theory and history of state and law, comparative law, legislative technique, and allied domains—and underscores the constitutive roles of sociology of law, philosophy of law, and political theories in setting agendas, calibrating methods, and articulating evaluative standards. On this historical-comparative foundation, the article advances a programmatic framework for Vietnam that links normative clarity to measurable institutional progress. First, it proposes integrating principle-based drafting (legality, legitimate aim, necessity, proportionality) with ex-ante and ex-post assessment, thereby treating legislative technique as a scientific subfield rather than a clerical craft. Second, it recommends building empirical “feedback loops” through access-to-justice metrics, compliance studies, and regulatory impact assessment to narrow gaps between “law in the books” and “law in action.” Third, it outlines institution-level instruments—judicial guidance repositories, legislative quality offices, and open travaux préparateurs—to enhance coherence, transparency, and uniform interpretation within a civil-law system that is increasingly attentive to case-based reasoning. The contribution is twofold: analytically, it offers a synthetic account of Russian basic legal science as an evolving ecosystem; normatively, it furnishes a transferrable three-lens approach—philosophy of law as the value compass, sociology of law as the empirical dashboard, and political theories as the purpose map—for accelerating Vietnam’s legal reforms in a globalized, digitally mediated context.

Keywords: Basic legal science; legal system; methodology; sociology of law; philosophy of law; political theories.



© 2025 by the authors; licensee *Advances in Consumer Research*. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC-BY-NC-ND) license(<http://creativecommons.org/licenses/by/4.0/>).

INTRODUCTION

In Russian legal scholarship, basic legal science (Rus.: Fundamentalnaya yuridicheskaya nauka) is viewed not merely as an academic branch but as the intellectual backbone of the entire legal order. It addresses the most essential and abstract questions about law—its origins, internal logic, systemic coherence, legitimacy, and relationship with morality, politics, culture, and social organization. Rather than being confined to doctrinal commentary or historical description, basic legal science in Russia aspires to build comprehensive theoretical architectures that inform both legal education and institutional practice.

Crucially, this field encompasses a constellation of interrelated disciplines: general theory and history of state and law, comparative law, the history of political–legal doctrines, sociology of law, philosophy of law, law and economics, and legislative methodology. Together, these domains construct a conceptual matrix through which legal phenomena can be classified, evaluated, and reformed. The aim is not only to interpret existing norms but to anticipate change, identify structural tensions, and formulate new legal models that reflect societal evolution.

Russian basic legal science developed early and rapidly under strong Western European—especially German—intellectual influence, drawing inspiration from the

How to cite: Do Thi Bao Yen. Basic Legal Science Research in the Russian Federation: Experience and Suggestions for Vietnam in the Current Context. *Adv Consum Res.* 2025;2(4):5210–5215.

Historical School of Law, Roman law scholarship, and methods of conceptual jurisprudence. This external legacy provided the methodological foundation for systematization, codification, and comparative reception. Yet over time, Russian scholars did not simply emulate foreign models; they adapted and transformed them in response to their own socio-political context, institutional realities, and intellectual traditions. This process produced a hybrid scholarly identity—continental in its conceptual roots but distinctly Russian in its orientation toward state-building, legislative design, and practical problem-solving.

Today, basic legal science in Russia is characterized by a dual orientation: it is simultaneously theoretical and applicative. It informs the design of legal doctrines, guides law-making processes, supports judicial interpretation, and frames debates on constitutional reform, rights protection, and governance models. Its influence is evident not only in academic institutions but also in policy agendas, codification projects, and the modernization of administrative and judicial systems.

For countries like Vietnam—where legal reform, judicial modernization, and legislative consolidation are ongoing priorities—the Russian trajectory of basic legal science offers valuable comparative insights. It suggests that sustainable legal development requires an interplay of philosophy of law (as a value-based foundation), sociology of law (as an empirical compass), and political theories (as a framework for state purpose and institutional design). By examining the historical evolution and structural dynamics of Russian basic legal science, one can identify not only transferable experiences but also avoidable pitfalls, thereby laying a firmer groundwork for context-appropriate reform.

A BRIEF HISTORY OF BASIC LEGAL SCIENCE IN RUSSIA

Within Russian jurisprudence, basic legal science has long occupied a distinctive, agenda-setting position. From its earliest formation, it was not treated as a peripheral theoretical pursuit but as the foundational intellectual infrastructure for understanding and shaping the legal order. It encompassed the theory and history of state and law, the history of political–legal doctrines, comparative law, philosophy of law, sociology of law, law and economics, and adjacent intellectual domains [11]. This multidisciplinary configuration enabled Russian scholars to develop concepts, methods, and classifications that were sufficiently robust to inform both academic discourse and legislative practice.

German Influence and the Birth of General Legal Theory
General theory of law in Russia emerged in the nineteenth century amid sweeping socio-political transformations—imperial reforms, legal modernization, and the expansion of higher education. This period coincided with significant intellectual borrowing from German jurisprudence, especially from the Historical School of Law, which advanced a

contextual, culture-rooted approach to understanding legal development [2]. The works of Friedrich Carl von Savigny and his contemporaries emphasized that law evolves organically from the “*Volksgeist*” (national spirit) and that codification must align with historical and social realities rather than abstract rationalism.

As Nguyen Minh Tuan highlights, Savigny and fellow scholars conducted systematic, critical studies of Roman law and its medieval reception, laying the conceptual foundations for the *Bürgerliches Gesetzbuch* (BGB) of 1900 [2]. Their influence radiated into Russia, where discussions about modernization, codification, and legal identity were intensifying.

The “Golden Age” and Roman Law Reception

The so-called “golden age” of the Historical School in Russia coincided with the drafting and promulgation of the Digest of Laws of the Russian Empire (*Svod zakonov Rossiyskoy Imperii*) [7]. Roman law, seen as a highly developed and internally coherent system, offered both a doctrinal reference point and a comparative mirror. Russian scholars and drafters drew on its structure, terminology, and logical precision while adapting them to imperial legal culture, Orthodox Christian traditions, and administrative realities [8].

From the mid to late nineteenth century, the influence of German legal science deepened further as Russia sought to systematize fragmented norms, professionalize legal education, and harmonize judicial practice. Legal historians, theorists, and comparativists began to examine the role of law in regulating property, family, commerce, and state authority, thereby laying the groundwork for a self-reflective legal science [11].

Intellectual Actors and Academic Transplantation

Russian scholars were explicit in acknowledging the impact of German methodologies and conceptual innovations.

- G.F. Shershenevich underscored that the Historical School shaped not only German doctrine but the very structure of legal science across Europe [8].
- F.G. Mishchenko noted a shift from “historical” to “historical-philosophical” approaches, which increasingly converged with comparative legal analysis [9].
- K. Dynovsky emphasized that while Russian legal studies were nurtured in a German intellectual climate, they eventually generated their own schools, vocabularies, and aspirations [10].

Key figures such as Rudolf von Ihering, Mittermeier, Kohler, and Feuerbach influenced both the methodology and curricular content of Russian law faculties [13]. Comparative law emerged not as a luxury but as a necessary instrument for state reform and legal modernization.

Institutionalization and the Rise of Legal Associations

How to cite: Do Thi Bao Yen. Basic Legal Science Research in the Russian Federation: Experience and Suggestions for Vietnam in the Current Context. *Adv Consum Res.* 2025;2(4):5210–5215.

Institutional developments reinforced these intellectual trends. By the late nineteenth century, associations of jurists began to appear at major universities, bringing together academics, judges, and practitioners to discuss interpretive dilemmas, drafting problems, and judicial inconsistencies. The symbolic appointment of Rudolf von Ihering as the first honorary member of the Moscow University legal association reflected the depth of cross-border scholarly exchange [13].

At the same time, the idea of a “legal encyclopedia” gained traction. This was not merely a reference compendium but a conceptual framework that sought to organize knowledge across subfields, clarify definitions, and promote doctrinal coherence [11]. This encyclopedic ambition illustrates how basic legal science in Russia aimed to unify the legal universe conceptually rather than fragment it into isolated disciplines.

SCOPE AND RESEARCH PRIORITIES

Early Russian legal science tackled core theoretical and practical issues:

- the nature and sources of law;
- the relationship between law and the state;
- the interface between law and morality;
- doctrines of codification and legislative hierarchy;
- comparative jurisprudence and reception of foreign law [12].

Scholars emphasized the genetic linkages between legal doctrines and broader political, social, and philosophical developments. They examined how political theories, legal concepts, and institutional reforms interacted across different historical junctures [14]. This approach facilitated a holistic understanding of law as both a cultural artifact and a regulatory mechanism.

Creative Adaptation Rather Than Passive Borrowing

Contrary to the notion of imitation, Russia’s incorporation of German thought reflected a selective and evolutionary reception. The Roman–Germanic legal tradition was treated not as a rigid model but as a resource to be transformed. Russian legal scholars sought to reconcile foreign conceptual tools with domestic statecraft, administrative demands, and indigenous legal customs [7]. Over time, this produced a hybrid tradition—continental in heritage but distinct in orientation, tone, and deployment.

This creative reception helped establish the foundations for later developments in Soviet legal science, codification during the twentieth century, and the pluralized legal scholarship that emerged after 1991 [11].

From the Soviet Era to 2000: Consolidation, Reorientation, and New Courses

Approaches and topic selection in Russian legal studies produced a diversified internal division of basic legal

science, reflecting differing value commitments, worldviews, and methodological choices. Methodological development pursued the discovery of regularities and the analysis of their implications.

After an initial period of openness and reception of Western European schools and doctrines, Russian basic legal science entered a new phase guided by system city and integration of legal knowledge. Theoretical insight was grounded in legal practice, which became the primary object of research. Subjects were then systematically classified.

By the early twenty-first century, Russian universities introduced courses that had not existed in the Soviet period, notably Philosophy of Law, Sociology of Law, and History & Methodology of Legal Science. Re-engagement with historical sources in Russia and abroad enriched the knowledge base and raised academic standards in contemporary studies of state and law [11]. In the field of legal history, classic works by D.Y. Samokvasov, V.I. Sergeevich, M.F. Vladimirsky-Budanov, and P.N. Mrochek-Drozдовsky regained prominence and helped anchor new curricula.

Political change and the legal system. Soviet and post-Soviet transformations deeply affected legal order. As legal practice became the object of theory, it left important marks on research agendas. Central topics included the structure and dynamics of the Russian legal system. In the post-Soviet period (1991–1999) and the contemporary period (from 2000 onward), reforms prioritized building a rule-of-law state, strengthening human rights protection, accepting political pluralism, transitioning to a market economy, and integrating internationally. Internally, Russia’s legal system underwent far-reaching restructuring and continuous improvement. Within this context, basic legal science acquired a clearer identity and achieved notable results. Drivers of legal change. Basic legal science in Russia analyzed objective drivers of legal system change: globalization, scientific-technological development, socio-economic transformation, evolving public reasoning, legislative bodies’ capacity, and legislative strategy and technique. A unifying theme was anchoring scholarship in practice. Beyond general theory, other subfields played distinctive roles:

- (i) Philosophy of Law Philosophy of law studies the nature and role of law across cultures and civilizations, and its relations to individuals, communities, and the state [6][12]. Distinct from general legal theory, it rests on ideals and value-orientation rather than empirical data. It interfaces with applied sciences such as criminology, which draw on philosophical insights (e.g., justice and human rights) to craft fair procedures.
- (ii) Sociology of Law Sociology of law focuses on the social regularities underlying the emergence, persistence, and operation of law; its relations with

- other social norms; and its social functions. As Mai Van Thang argues, sociological approaches take law to its “final destination”—lived social reality—and emphasize how legal norms reflect and shape real social relations [4].
- (iii) Legislative Technique and Methodology Some topics long developed in Russia have only recently gained traction in Vietnam—for example, legislative technique. As Trinh Tien Viet notes, sound technique is pivotal for a coherent, sustainable legal order [1]. It translates policy into legal norms accurately, reduces overlap and contradiction, and facilitates international legal communication. In Russia, this area has been cultivated both as a research field and a law-school subject.

Legal transplants and comparative reception. Another enduring line of inquiry concerns legal reception—e.g., the reception of English law in the U.S., or of international law and foreign law in Russia—their history, causes, and impact. As A.I. Zagorovskiy famously put it, studying foreign law is ultimately for improving one’s own law [13].

Methodological pluralism. Over time, Russian basic legal science moved from a closed Soviet model toward openness [5]. With the spread of methodological pluralism in the social sciences, researchers gained room to explore diverse viewpoints on law: the expansion of rights and freedoms, justice and the balance of interests, minimum moral standards, collective will for common security, evolving state functions, and more.

Implications and Suggestions for Vietnam

Basic legal science is not an abstract academic luxury but a practical necessity for Vietnam’s contemporary legal reforms. It provides the theoretical foundation needed to understand the nature of law, the logic of legal systems, and the principles of legal design. More importantly, it directly improves the quality of law-making in contexts where socio-economic realities are dynamic, complex, and rapidly globalizing. As in Russia, the vitality of legal science lies not in preserving doctrinal orthodoxy but in enabling methodological innovation and cultivating the intellectual tools required to anticipate, diagnose, and solve new legal problems.

Why Vietnam needs basic legal science now

Vietnam is currently navigating multiple transitions: economic liberalization, digital transformation, environmental governance, deeper integration into international trade regimes, and rising expectations for rights protection. Each of these requires a coherent, principled, and empirically grounded legal framework. Without a robust basic legal science, reforms risk being piecemeal, reactive, or inconsistent. By contrast, embedding reform in a theoretical-methodological matrix ensures that legislation is not only technically

sound but also normatively justified and socially sustainable.

Russian scholarship emphasizes two key lessons:

1. Theory must guide practice: Doctrines, models, and concepts should orient legislative drafting and judicial reasoning [3].
2. Law must anticipate change: Forecasting and scenario analysis are essential to make legal norms resilient in fast-changing environments [5].

For Vietnam, these insights underscore the need to cultivate a science of law that is simultaneously normative, predictive, and adaptive.

Convergences and divergences with Russia

Vietnam and Russia share certain political-legal traditions—most notably the socialist legal heritage and, indirectly, the imprint of German jurisprudence through the continental legal tradition [7]. However, the two countries diverge in key respects:

- Sources of law: Russia, while a civil-law country, still does not formally recognize case law as a binding source. Vietnam, by contrast, has introduced case law as a supplementary source of law, improving consistency and adaptability of adjudication [3].
- Institutional architecture: Russia’s federal system complicates legislative unification, as evidenced by decades of failed attempts to pass a single, unified Law on Normative Acts [11]. Vietnam, as a unitary state, enjoys a more centralized structure, which can facilitate more efficient codification and coherence.
- Judicial practice: Russian courts increasingly rely on plenary resolutions and guidance as quasi-precedent, while Vietnam is experimenting with curated case digests and judicial training. Both reveal an implicit convergence between philosophy of law (justice and fairness principles), sociology of law (empirical adjudication patterns), and political theories (rule-of-law state) [6].

Suggested directions for Vietnam

- First: Reinvigorate general theory and basic legal science as dynamic fields. Vietnam should not treat theory and history of law as purely academic exercises. Instead, these fields must evolve into living sciences responsive to globalization, digitalization, and new social forms. For example, research on legislative technology and AI can enrich frameworks while guiding adaptation [1].
- Second: Strengthen legal education and academic environments. As in Russia, law schools must give central place to the core disciplines of basic legal science: theory and history of law, comparative law, sociology of law, and philosophy of law. Vietnamese legal scholarship can benefit from synthesizing

contemporary Western theories (Fuller, Finnis, Kelsen, Hart) with indigenous perspectives [12].

- Third: Integrate international comparison into teaching and research. Comparative exposure helps counter insularity, promotes critical thinking, and diversifies methods. Examples from Germany, Japan, and the EU illustrate practical models of legislative offices and impact assessment that Vietnam can adapt [7].
- Fourth: Institutionalize methodological literacy as a core competence. Legal research should employ multi-layered methods—doctrinal, comparative, empirical, interdisciplinary [5]. This literacy equips scholars and practitioners to evaluate law not only as text but as a living system of norms and institutions.

New horizons for Vietnam

- Legislative technique as a science: Vietnam should adopt a systematic framework for drafting, including *ex ante* and *ex post* evaluation, and sunset clauses for experimental legislation [1].
- Justice and legitimacy research: Drawing from philosophy of law, Vietnamese scholarship should address proportionality, equality, and fairness [6].
- Empirical diagnostics: Inspired by sociology of law, Vietnam should build data-driven indicators of legal performance—access to justice, compliance rates, citizen trust [4].
- Purpose mapping through political theories: Every reform should be grounded in an explicit conception of the state—welfare, developmental, or regulatory—ensuring that design matches political purpose [14].

CONCLUSION

Basic legal science occupies a unique position in the intellectual architecture of law: it is simultaneously historical and forward-looking, normative and empirical, theoretical and applied. Its appeal lies precisely in this duality. On the one hand, it draws on deep traditions of jurisprudence, comparative law, and codification; on the other hand, it constantly opens new spaces for methodological innovation and practical experimentation. Legislative practice, judicial reasoning, and social transformation continually generate demands that push legal science beyond established boundaries, compelling it to refine its conceptual frameworks and enlarge its explanatory reach.

For Vietnam, this duality is not abstract but highly practical. The country stands at a moment when its legal system must simultaneously preserve continuity of tradition, absorb comparative insights, and design institutional innovations that meet the requirements of globalization, digitalization, and social justice. Here, sociology of law provides the empirical lens for measuring how laws actually function in society—

whether they promote compliance, reduce transaction costs, and enhance citizen trust. Philosophy of law supplies the value compass, ensuring that legislation and adjudication remain grounded in principles of justice, proportionality, and human dignity. Political theories offer the purpose map, clarifying the role of the state, the limits of its power, and the legitimate scope of governance in a pluralist, market-oriented yet socialist-influenced society.

The Russian experience shows that even under conditions of profound political upheaval, basic legal science can adapt, reorient, and serve as a stabilizing intellectual force. Vietnam can draw on these lessons—not to replicate them mechanically, but to creatively adapt them within its own unitary structure and reform trajectory. By institutionalizing legislative technique as a science, fostering methodological pluralism in legal education, and embedding evidence-based evaluation into law-making, Vietnam can build a legal system that is not only coherent and efficient but also legitimate and resilient.

In sum, the future of Vietnam’s legal reform depends on cultivating a basic legal science that is:

1. Value-aware (anchored in philosophy of law),
2. Empirically grounded (informed by sociology of law), and
3. Strategically oriented (guided by political theories).

Such a triangulated approach can enhance the design of reforms, improve legislative quality, strengthen judicial capacity, and ultimately ensure that the legal system fulfills its highest mission: delivering justice, protecting rights, and supporting sustainable national development in a rapidly changing world.

REFERENCES

1. Trinh Tien Viet “*Nhung van de ly luan co ban ve ky thuat lap phap*” [Basic theoretical issues of legislative technique], *Tap chi Luat hoc*, 2023, no. 01, p. 16.
2. Nguyen Minh Tuan, “*Truong phai phap luat lich su o Duc*” [The Historical School of Law in Germany], *Tap chi Nha nuoc va Phap luat*, 2012, no. 5 (289), pp. 39–47.
3. Nguyen Minh Tuan, “*Mot so ly thuyet duong dai ve phap luat va viec ap dung trong thuc tien o Viet Nam hien nay*” [Selected contemporary legal theories and their application in Vietnam], *Tap chi Nghien cuu Lap phap*, 1-2 (473-474), Jan. 2023.
4. Mai Van Thang, “*Ban ve truong phai Xa hoi hoc phap luat*” [On the sociological school of law], <https://maivanthangsl.blogspot.com/2015/06/ban-ve-truong-phai-xa-hoi-hoc-phap-luat.html> (accessed 11 Sept 2025).
5. Vo Khanh Vinh, “*Ve bien chung cua phuong phap luan nghien cuu luat hoc*” [On the

- dialectics of jurisprudential methodology], *Tap chi dien tu Luat su Viet Nam*, <https://lsvn.vn/ve-bien-chung-cua-phuong-phap-luan-nghien-cuu-luat-hoc-a149888.html> (accessed 15 Sept 2025).
6. Mikhailovsky, I.V., *Essays on the Philosophy of Law*, Tomsk: V.M. Posokhin, 1914, vol. I, pp. 1–2.
 7. Zhedybina, T.A., “Jurisprudence of Germany and Russia (historical-comparative study),” *Science. Society. State*, 2017, vol. 5, no. 3 (19), <http://esj.pnzgu.ru>.
 8. Shershenevich, G.F., *The Latest Codification of Civil Law in Germany*, Kazan: Imperial University Press, 1899.
 9. Mishchenko, F.G., *On the Inaugural Speech of Prof. G.F. Shershenevich “The Latest Codification of Civil Law in Germany” (Open Letter)*, Kazan, 1900.
 10. Dynovsky, K., *Tasks of Civil Law Education and Its Significance for Civil Justice*, Odessa: “Slavyanskaya,” I. Khrisogelos Press, 1896.
 11. Frolova, E.A., “Theoretical and Legal Science: History and Modernity,” *Legal State: Theory and Practice*, 2024, no. 3, pp. 54–61.
 12. Leist, O.E., *The Essence of Law: Problems of Theory and Philosophy of Law*, Moscow, 2002.
 13. Zagorovskiy, A.I., *On the Teaching and Study of Civil Law in Connection with Some Other Related Questions*, *Journal of the Ministry of National Education*, St. Petersburg, 1899.
 14. Frolova, E.A., *Neo-Kantianism in Russian Philosophy of Law in the Second Half of the 19th – First Half of the 20th Century*, Doctoral Dissertation, Lomonosov Moscow State University, Moscow, 2013.