



AXIOLOGICAL MANIFESTATIONS OF NORMATIVE LAW

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ANNOTATION

Article is dedicated to uncovering the essential content of the normative and axiological signs of law, values of law in contemporary society and the role of the legal act in socionormative system of regulation.

Key-words: value of law, normativeness of law, valued properties of law, socionormative adjusting.

АННОТАЦИЯ

Статья посвящена раскрытию сущностного содержания нормативно-ценностных признаков права, ценности права, в современном обществе и роли правового акта в системе соционормативного регулирования.

Ключевые слова: ценность права, нормативность права, ценностные свойства права, соционормативное регулирование.

Law in the system of legal values of a universal diffusion is characterized by isolation. This separateness lies in the underlying fundamentals of law. There is a need to study existential-axiological criteria that will reveal his legal status in the system of legal values in society.

O. Panfilov, analyzing the role of the existential, axiology writes: "Unlike the verities of knowledge, values, existential meanings cannot simply be transferred and taught to the man: they open themselves as" truths "of subjective being.[1]

Axiology is the existential points to his world-existential characteristics that reveal its purpose and role in the standards system of the society. Existential-axiological characteristics of the law reveal its humanistic orientation, which is reflected in the system of legal relations and institutions.

In literature distributed axiology-relative concept of law. However, the philosophical-methodological basis for existential analysis law axiological-emerged. So, A.A. Ivin specifies that "the legal rule is imposed and socially sanctioned score" [2], it does not emit any objective (informative) items in the component structure [3] of the evaluation and the logic of norms [4]. However, the law has an existential-reason being that

axiological found in mutual respect actors in legal relations. I. A. Il'in notes that "... law is the unseen presence, but objectively situation was the line that separates every living human spirit from the other and at the same time connecting it with him" [5].

Law value recreates border between subjects of communicating that reflects his existentially-axiological value in society. B.A. Kistiakowsky, analyzing regulatory axiological role of law, wrote: "... the normative notion of law, on the one hand, rests in the purely ethical values, on the other - it is rooted in the cultural benefit of the public" [6]. This duality of social rights is overcome by its nature before the existential-valuable cut.

Law as many values as necessary aspects requires in its study of those value approaches [7]. Alexeev displays the concept of normative system of law, in which it "... exists and functions according to the laws of holistic education, the laws of organic systems" [8]. Organic relationship to the value of reality right is found in the normative hierarchy of values.

Law is the dominant value in ascending hierarchy of normative values. Analyzing the socialist society, S.S. Alekseev wrote: "the social value of law means that law under socialism must be

recognized as a social good." The value of the right in S. S. Alekseeva meant that it has two qualities: standard and formal clarity of law [9]. Although these quality standards are reflections of their political forms of existence and relate to political and legal characteristics.

As noted by the Russian scientist I.V. Paterilo value dimension of the law to be with all the diversity of domestic content of the law, impersonated in its rules, principles, institutions, functions, symbols, etc [10]. S. Nerseyants wrote: «interpret as a specific law to correctly value, purpose and form, and it was from these positions to make appropriate value-legal judgments and estimates on the legal meaning of the empirically given law (positive law) [11]. S. Nerseyants treats the value as a Trinity of formal freedom, equality and justice [12]. Formalization of axiological institutionalization of law in society restricts its status. The purpose and the form was have subjective because depends on the political organization of society. Discursive symbolic freedom without social bases individualizes and idealizes law limits its antic status in the social space. Ontology value of law has a social nature, which manifests itself in an existential way. Therefore existential laws formed socionormative objective system



of regulation, where the subject has concrete a certain status. L. Karsavin writes: "An individual is not an object of law, binding and compelling, but the subject, individualized and realization of only rules of law, and therefore his rights. Legal qualifying not peculiar to him alone: it is equally applicable to other individuals of his people, age, culture [13]. "Therefore, unity of law indicates its quality which manifests itself in the specific socio-normative regulation. Legal quality reveals its ethical and regulatory features in the system of social relations. Integrity qualifying law in the system of society is the backbone element of law [14]. Thus, in modern Russia holistic qualifying rights are affected by a disorganized system of institutions of civil society, which blocks objective and comprehensive implementation of its provisions.

Intersubjective connection is established in law in accordance with the objective forms of social relations, in which the subject has a certain status. There is a problem with the definition of the nature of relationships in the value Intersubjective boundaries of law. V.S. Nersesyants attributed this problem to the problem of legal equality. He writes that "the legal equality - equality of free and independent legal entities from all scale, uniform rate equal to the least." However, the entity may be constrained and subject to formal, symbolic measure of equality.

Formal symbolic measure of equality is a condition only institutionalize law in specific ways. Vladimir Solovyov correctly wrote that "the right to freedom of each is conditioned not only the equality of all, but also the actual conditions of the equation." Universal equality (in equal measure, shape and scale) can not be used as the value foundations of law, since it does not account sociogenetic and

existential characteristics [15]. A.I. Subetto writes: "... immoral, individualistic freedom of man is his lack of freedom, turning at the social level to the decay of capitalist society and its transformation into a "cheloveynik" as a crowd of people - "neokochevnikov" has no connection with each other, except for formal ties of law, non-even love of country, a common history and a common culture ... " [16]. Objectively legitimate equality (as meaningful integrity) is able to identify effective ways of implementing the law.

Thus, the basis of law intersubjective disclosed in an objectively legitimate equality, which are formed humanistic semantic structures of its norms.

Value (ontological-humanistic, existential) property laws are found in the philosophical concept of I. Kant. Kant pointed out that "civil state, considered only as a legal status, based on the following a priori principles: 1) freedom of every individual as a human being, and 2) equal to each other as a subject, and 3) the independence of each member of the community as a citizen" [17].

These properties form the rights of his spiritual and philosophical reflection forms. Therefore, due to the civil status of a priori spiritual essence of practical consciousness. On this occasion, Hegel said that "the soil is generally a spiritual law, and the closest place and the starting point - the will, which is free, so that freedom is its substance and the definition of a system of law and the kingdom of the exercise of freedom, peace of mind generated by himself as a kind of second nature" [18]. The exercise of freedom reflects the existential basis of law in the system of society, which is revealed in the system of laws and freedoms, legal relations and legal institutions. Subject of law within the boundaries of the exercise of

freedom is included in the value-existence reality where his experiences are intertwined with-ness premises standards. Virtuality of law reflected in the dialectic of being a conglomerate and should form a special area of social relationships. Social relationships in the law are subject to the hierarchy of values.

Ontological-humanistic property rights ownership to reveal its integrity collectivist society. Collectivist integrity in law implies a dialectical relationship discretionary freedom and its limits, which is presented in rights and duties.

On this occasion, N. Korkunov notes that "the existence of legal freedom suggests that the human will is opposed to the will of another, which he often recognizes another man, for him outwardly will, as well as part of his own, that is, it is based on, and he owned a conviction" [19]. Dispositive freedom in law is manifested through conviction rightful and legitimate action. Conditions are reflected in the legitimacy of the least socially acceptable. Socially acceptable measure in law reflects total intersubjective will and desire community of rights and freedoms of individuals. On this occasion, M. M. Speranski pointed out that "the right not to have freedom, but level of freedom, because not his entire person, and is for him and other people" [20].

In modern conditions is absolutization individualized measures of socio permissible in law, which leads to alienation and dehumanization of legal categories. The right is barred from social maxims of freedom. Thus, in the current state of the social dynamics of the constitutional and legal relations is inertia, which is reflected in the absence of the necessary base material and substantive measures that would ensure the necessary legal status. Dereferencing is collective action in the constitutional



and legal relations. G.F. Shershenovich correctly noted that “the law of the phenomenon of public life, and so his concept may emerge against the concept of the state, which in turn implies a concept of society.” Therefore, the effectiveness of law depends on the recognition of their sense of moral-value component, which is reflected in the existential basis of law. G.F. Shershenovich wrote: “... as a significant number of the law, in its content, the same as the moral and ethical beliefs that perception and cognition involves legal requirements” [21]. This relationship is not only reflected in the positive law, but in the ontological-humanistic orientation law. Ontological-humanistic social rights due to its bases, which are revealed in social institutions and relationships.

Value substantial to the legal reality is explored more by K. Marx. Analyzing the relations of production in the social system, Marx wrote that “...is the economic structure of society, the real Foundation, on which stands a legal and political superstructure and to which correspond definite forms of public conscience” [22].

Next, Marx wrote that “in addition to being dominant in these respects individuals should constitute its strength in the form of the state, they have to make their own, which is determined by a certain attitude, a general expression in the form of public will, in the form of law - the expression the content of which is always given by the ratio of this class, as it is especially clearly proves the private and criminal law”. P.I. Stuchka also stated that “the law - the system (or order) of public relations, the respective interests of the ruling class, and secure an organized force it (etc. the class)” [23]. However, the dominant influence of social class on the political system in today limit to technology compromise manipulative rulemaking.

This mechanism was first identified by B.A. Kistiakowsky. Kistiakowsky pointed out that “any just published an important new law in a modern constitutional state that a compromise worked out by the various parties expressing the demands of social groups or classes, representatives of which they are” [24]. Therefore, a compromise manipulative rulemaking considers the interests of the majority of citizens only partially limited solution narrow social issues. This is evident in most post-socialist states at the present stage of development. Technology is a compromise-manipulative rulemaking at all levels of government solves problems in limited locally organized social systems. While the issue of general social decline requires a complex interaction of social groups, associations and all the institutions of the rule of law.

Normative value imperatives usually manifested in a legal act, point to its social and public status. Vladimir Solovyov said that “the law is a compulsory requirement to implement a minimum of good or of an order that prevents the known extremes of evil” [25]. P. Novgorodtsev also wrote that “the legal effect of the law is a particular categorical imperative and the moral law of reason” [26].

Evaluative act in law reveals the possibility of its moral and ideological self-determination in legal consciousness of individuals and society as a whole.

Nikolai Alekseev pointed out that “the action is not a property right rules, but the property of the order, which normally regulate.” In modern society, the rule of law has value content, reflecting the humanistic orientation law. Nikolai Alekseev pointed out that “the concept of positive law includes, therefore, not only the idea of the norm, but the idea of a real rule of law, the idea of historical institutions that are based on well-known

legal rules and of the governed”. The real rule of law reflects the regulatory boundary-value of the social whole. Therefore the real rule of law characterizes the state of society in which the participants are self-organized subjects of legal relations that recognize the law as a stable ideological and existential model of world cognition.

Law, which is perceived as a value in its nature and purpose, is presented in the Ukrainian society before a highly effective maintenance of peace, co-existence and order, protection from arbitrariness and other injustices, as well as effective tool of social control. These properties are the law, in our opinion, are realized with the help of such tools, it mostly as an opportunity to serve as the only scale for exactly worthy of communication with members of the legal conflict, the certainty of his permits and prohibitions (in contrast to the claims of moral character), a high degree of systematization and no falling-out, effectiveness of its requirements and warranty of its provisions, supported the imposition of coercive power of the state. Law, according to a count’s, “has a certain ideal (value) scale for a special kind of communication, regulation and control, as is forever out of reach, but without losing its attractive force perfect condition, which is supported by the beliefs and value orientations that legal communication” [27].

Thus, the normative value of the right act is a manifestation of the real rule of law, which has developed an objective mechanism Socionormative regulation. In addition, the axiological dimension of the law today primarily, like any other social institution, a guaranteed freedom of the people carrier, the determinant of its borders, and most importantly - a way of turning it into a creative, purposeful social activity, the purpose of which - implement the core values



and ideals of modern civilization (civilizational values of the new millennium), relating, inter alia, the law to confrontation and violence. Thanks axiological component of modern law in it, as in the phenomenon of global scale, more concentrated the best legal means peculiar to the legal systems of developed democracies.

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