Progressive changes in society: legal context

Considering the processes of reform, reforming transformational changes, due consideration should be given to such a phenomenon of social reality as law. At the same time, the right acts, on the one hand, as the object of reform (on the perfection of law, its effectiveness, constructive) depends on the effectiveness of reforms. On the other hand, law is a factor, a means of reforming public relations and reflecting the results achieved, as well as their normalization and appropriate consolidation. In this way, the law must reflect today the challenges of time and the demands of civil society, and most importantly, to bring to life those changes that both civil society and the average person need. So, let us devote some attention to the study of law as an object of reform. It is clear that law is not a constant, unchangeable category, it "react" to the needs of society, human life, the ability of the state to be a "social arbiter".

Of particular importance in today's context is the effectiveness of law: a sense of protection for everyone, the guarantee of rights and legitimate interests, the opposition to arbitrariness in the process of ordering social relations, the undoubted effect of mechanisms to implement the legal order in all spheres of public life, guaranteeing and ensuring a safety system related to social activity, especially those that pose a potential threat to the vital interests of the individual, society and the state. This is not a complete list of our expectations of modern law. Much of the success of democratic change depends on the extent to which law in society is upheld and respected by different societies and by everyone in particular [1, p.37-40].

Modern law: the task of the present, the vocation, the "mission" of law in general, its "constructive" load, today, first and foremost, is to achieve social stability in society. It is this legal category that is most related to the realization of social development tasks, and reflects the state and conditions of functioning of modern society as a whole. After all, life has once again confirmed that it is impossible to be guided only by "good intentions", to accelerate the course of transformation, to ignore the world experience of studying integration processes.

Therefore, the right relates to the deep needs and interests of people in ordering public and private life according to their general will. It should include the guarantees of the rights and freedoms of the individual, humanism, social justice, historical color, stability of social processes and more [2, p. 98-196].

Moreover, the effective implementation and realization of the guidelines of the "constructive" law will, of course, will depend fulfilling of a democratic

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state the role, the "organizer of many cases", its ability to relieve social tension, avoid acute social conflicts and so on. In particular, it should be noted today that it is clear that, unfortunately, the improvements, the works, the recommendations that were elaborated and made in the theory of state formation, often do not work in practice.

It would seem everything is quite clear: the course is determined - it is about building a democratic legal, social, state with European standards and models of protection of human rights, freedoms and legitimate interests. Of course, speaking of a democratic state, the question of the interaction between the state and civil society should be raised today. There is no doubt that effective state-building processes are impossible today:

1) without civil society interfering effectively with all processes of state formation;

2) without proper development of all the institutions of the modern European state;

3) without harmonious balanced action of civil society institutions and the law state;

4) without bringing up a socially active person capable of reforming change in the conditions of civil society development.

The current state of Ukrainian society requires the scientific community to find answers to the social impulses what reform strategies are needed: from non-constructive attempts to replace the state with civil society to efforts aimed at their balanced interaction. It is the principle of social and political balance in the relationship between the law state and civil society that should become the basis for fixing and correcting the unstable economic situation, overcoming acute social conflicts, strengthening the rule of law, building a democratic state.

It is clear that, one of the illustrations of the law state is, of course, institution of effective control.

Proper protection of rights and freedoms means effective governance, since the authorities in a democratic society are interested in effective control, given that this is its legitimation.

Including, if the law does not fulfill these tasks, does not "cope" with this mission, its guidelines are subject to reconsideration and revision.

Among the tasks in this process are not only the essential but also the instrumental components. Yes, one of which is related to legal technology, the task of which is there is clarity and comprehensibility of legal texts.

Formulated by the lawyers of Ancient Rome, a provision according to which "law can and should be determined" (Justinian's Codification) is relevant to any legal system. The principle of certainty, accuracy, unambiguous rule of law is considered a guarantee of sound law and order, since when every member of society understands his rights and obligations, he has a certain freedom of action and decision within the legal space. Legal

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space, in turn, is defined by the word, those linguistic forms that are used by the legislator to express binding rules of conduct in a particular society.

Traditionally, legal technique is seen as a system of rules and techniques for the preparation and adoption of the most sophisticated in the form and structure of regulations; compliance with the content and form of regulations, accessibility and simplicity of regulatory materials.

Against this background, it is stated in the general principles of regulation that draft laws of the EU should be stated clearly, simply and neatly. In doing so, draft acts should be set out in terms and syntactic structures, taking into account the multilingual nature of EU law; concepts or terminology specific to any national legal system should be applied carefully. The terminology used in a particular act should be consistent, uniform both within that act and throughout the array of acts already in force, especially those relating to one area of regulation. Identical concepts should be expressed in the same terms as far as possible, without departing from their meaning in the usual, legal or technical language.

It is clear that the right is able to set certain benchmarks only when it is clear and comprehensible. Hence the requirement of the semantic uniqueness of legal norms: they must clearly define which persons and in what situations are the subjects of legal responsibility, as well as clearly indicate the legal consequences of a particular act (the ideal of "prudence" of law).

The changes that are taking place today in the legal field of Ukraine relate to qualitative updating, transformation, reformation of law. These are not just intentions or wishes, but an urgent vital need, organically linked to our country's European integration choices. After all, national law in our country has for a long time been significantly different from the law of European countries, above all by its "spirit", its ideology; in the countries of Europe it is aimed at ensuring the rights and interests of human, we have for a long time - to meet the needs of the state, public administration, the state apparatus and its officials.

In order to improve law-making in Ukraine, the adaptation of laws and other legal acts to European legislation, appropriate legal means should be developed. This is to improve the order of development, adoption and implementation of regulatory products; to develop uniform rules for the adaptation of legal rules to European legislation. Legal remedies should include the following organizational, legal, economic and financial measures: comparative legal analysis of the compliance of national law with European law and its effectiveness; planning rulemaking work; a single procedure for the development, adoption and implementation of legal acts; internal and external legal expertise on compliance of draft normative legal acts with the applicable national and European legislation; the availability of specialists able to prepare regulations in accordance with established requirements; integral unity in the process of adapting the integral unity of national law with European legislation, etc.

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Of course, the issue of legal certainty is related to the observance and protection of human rights. In this aspect, the issue of the legal and technical quality of the legislation as one of the guarantees of publicity of law is important. Indeed, it is the laws that establish the rights, freedoms and responsibilities of the individual, determine the boundaries and grounds for restriction of rights and freedoms by the state. Recently, monitoring studies of scientists and practitioners in the field of human rights observance, in particular in Ukraine, show the "maximization of discussion" at conferences, seminars, round tables of stated problems and, unfortunately, the minimization of truly "working" rights in almost all spheres of human activity.

Law, as a factor in reform changes, must testify to its efficiency and performance. The action of law is a content-dynamic side of law that characterizes the actual realization of its properties to exercise regulatory (special-legal), informational-psychological (motivational), educational (ideological, educational) and social influence on participants of public relations. The effect of law is related to the essence and manifestation of the value of law, whether or not the goal of legal regulation has been achieved in society, the state, the degree of guarantee of human and citizen's rights and freedoms.

In view of the above, it should be noted that the action of law can be characterized as: the social mechanism of action of law (all conditions that determine the features of the exercise of law in real life); psychological side of the law (taking into account the psychological mechanisms of human behavior, the perception of certain laws of legal regulation, influence); the value-oriented mechanism of action of law (legislative consolidation, ensuring the realization and protection of the most important for human and society values).

The scope of law cannot and should not be infinite, on the contrary it is limited by certain frameworks that are determined by the essential purpose of law. In addition, it should be acknowledged that depending on whose interests: human, public, state designated as a matter of priority, the boundaries of the law itself are widening or narrowing.

Law does not regulate all social life. Many relationships are normalized by other rules-norms: morality, rules of education, etiquette, etc.

Laws also do not regulate phenomena and events that are not dependent on the will and consciousness of people. These include, for example, human health, natural phenomena, and more.

In addition, it should be borne in mind that there is a sphere of "autonomy" of personal life and no interference with state bodies in it. The theory of "self-restraint" of the right to prohibit interference with the privacy of citizens by officials and authorities of the state is sometimes discussed. Thus, the very existence of law, as a phenomenon of social reality, implies the establishment of certain limits of its action.

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Effectiveness of law-doctrinal requirements. The effectiveness of law is a defined "slice" of law, in some sense a functional legal system. It reflects the existence of law at different levels: it applies to the individual, social groups, society as a whole. In capturing all the content that determines the processes of law expansion into public practice, the category of "action of law" includes methodological possibilities.

Consideration of law in terms of its effectiveness highlights the main quality of law - the ability to make a real impact on people's activities and behavior, and thereby promote progressive change in society by introducing civilized human relationships and social partnership [3, p. 24-42]. As a scientific concept, the "effectiveness of law" is intended to reflect law (legal matter) from the standpoint of the philosophical categories "possibility" and "reality." In this sense, it characterizes the movement of the essence of law. If reality is the realized essence of law, then possibility is the essence of law "in itself." The action of law in one sense encompasses both.

In addition, the problem of effective action of law is actualized in connection with the development of Ukrainian society, which is caused by: 1) the process of civil society development; 2) rejection of the authoritarian model of the state; 3) the tasks of forming the law state; 4) the development of a democratic legal system, etc.

It is clear that the specificity of the forms, methods and mechanisms of implementation of law in the individual and mass consciousness, in social practice are important.

Thus, it is clear that the real life of law depends on many factors: the absence of external aggression, the state of the economy, political regime, the quality of legislation and its effectiveness, the presence of crises and phenomena, and the ability of society and the state to overcome them, to organize the safe functioning of citizens. . These and other components are to some extent investigated by domestic legal scholars. As for the so-called psychological factor and its impact on the essence, content of the effectiveness and efficiency of law, it is necessary to acknowledge insufficient study and scientific analysis of these issues.

It is, in particular, a problem of the perception of law in society, without consideration which it is impossible to speak today about the dynamic process of the action of law.

An important problem today, measuring the quality of our lives, the successful implementation of many, and perhaps the vast majority of reforms, is the perception of law in general, its individual institutions and norms in particular, in our society.

Modern Ukrainian society is characterized by many different contradictions, including the adoption of a large number of legal acts and, at the same time, the spread of legal nihilism. Moreover, the adopted laws are often ignored, violated, not enforced, they are not respected and appreciated.

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Persistent distrust of high purpose, potential, versatility, possibilities and even the need for law is the moral and psychological genesis of this phenomenon.

Again, it must be concluded that "constructive law" is, first and foremost, one that effectively fulfills its primary purpose, at least in the implementation of two basic functions - regulatory and protective (internal aspect). Equally important is this category also for providing those integration processes in which the urgent need (external aspect) is most felt today. It should be borne in mind that the "constructive content" of law is a reflection of the objective conditions of the development of society, on the one hand, and the "filling" of law with the very necessary provisions and guidelines which society needs most in its internal and external evolutionary movement.

Conclusions. Modern democratic processes and changes that take place in all areas of legal and state development in Ukraine require clear, coherent, regulated action of the relevant components of the legal system.

Unfortunately, many of these processes are slowed down or inhibited or even destructive due to the significant manifestations of legal nihilism, legal pessimism and legal demagogy. The expectation that the dysfunctions of the development of legal consciousness and its abnormal manifestations will disappear or be eliminated today, unfortunately, did not justify itself.

We should be aware that the dichotomy of the essence of law (the object and factor of reform changes) demonstrates the primary tasks and potential conditions in the processes of transformational relations.

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Vol. III

Monograph

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