

Restoration of the trust to law as a recognition of the integrity of the valuable basis of relationship between Ukraine and The European Union

The European way of the development of Ukraine foresees the strengthening of integration processes in various spheres of society and confirmation of commitment to the European values. In this context issues related to the implementation of the provisions of the Association Agreement between Ukraine and the European Union of 27.06.2014 are of particular importance. Considering that the process of European integration of Ukraine envisages fulfillment of a whole set of requirements of political, economic, legal and other nature, it is worth to pay attention to the necessity of realization of the principle of the rule of law and qualitative process of functioning and development of the legal system of Ukraine as a whole. One of the problems of development of the legal system of Ukraine is overcoming nihilistic tendencies in public life and the need to restore trust to law as an effective regulator of social relations. It should be noted, that the situation, which is related to the skeptical attitude to the law and the misjudgement of its capabilities in the public consciousness, did not arise immediately. It is the result of the existence of many tragic pages in our history and a long period of neglect of the values of law. A legitimate question arises: how could it be that such fundamental values as justice, freedom, responsibility, trust to law are rather difficult to establish as the basis for the formation of behavioral orientations of participants in public relations, and the situation in the field of law-making, the process of ensuring the realization of human and citizen rights and freedoms in Ukraine becoming threatening? We believe that we will not find a definite answer to this question because it depends on the analysis of a number of factors that led to this result. It is indisputable that, legal nihilism, the decline of trust in legal institutions, the authorities and its representatives, have firmly secured their positions in the mass public consciousness.

Considering that law is an art of good and justice, the restoration of trust to it must begin from the standpoint of ensuring the realization of its value's characteristics, namely by those entities whose activities are related to the process of exercising power, i.e. representatives state power. It is worth remembering the opinion of A.O. Selivanov, who noted that «the movement of the country to the real implementation in the state and public life of the values of law, building a civil society, the rule of law and the rule of legal state has a specific purpose - the assertion of inviolable rights and freedoms of man and citizen, which requires the people's deputies to accept not only socially

significant decisions, but also a principled attitude to any manifestations of corrosion of public power, neglect of the interests of the people on the part of the administrative apparatus, employees of state bodies» [1, p.3].

The affirmation of the values of law (freedom, equality, justice), aimed at the ensuring the realization of human and citizen rights and freedoms, implies a restoration of trust to law and its role in society.

In our opinion, restoration of trust to law is possible in the case of given the importance of an integrative approach to legal thinking, which involves overcoming the negative sides of legal positivism and awareness of the need to fill the law with value's criteria in order to approximate it to a person and his/her needs [2, p.7].

In the current crisis conditions of the existence of Ukrainian society, the question of the introduction of natural-law ideas into the practice of state-legal construction [3, p.75] is especially acute as one of the fundamental factors that should help to restore the trust to law.

What is the concept of «trust»? «From the point of view of the social sciences, trust is a cultural setting for the special perception of «other» and interaction with them.

Trust means that the «other» will (or will not) behave in certain cases in a certain way. This type of sociocultural interactions is initially formed and continues to exist as positive because it is characterized by openness, trust in the reliability of the «other» - individual, group, structure. Any other object of social reality, including law, power structures, legislation, the state, etc., can act as «other». In the presence of the trust to law, for example, the subjects obey the law not forcibly, but for the conviction that is the basis for the functioning of the legal society» [4, p.118].

It should be notice, that during the period of Ukraine's existence as an independent state, no proper steps have been taken to recognize the dominant role of law in the context of the functioning of state power and to realize that all public authorities should carry out their activities on the basis of principles and rules of law. Thus, the existing violations of the rights of citizens from the side of the authorities have led to the fact that Ukraine ranks fourth among appeals of citizens of other states to the European Court of Human Rights [5, p.16]. In such circumstances, the question of the threat of a return to an authoritarian regime remains relevant.

Since the process of forming the law and ensuring its implementation relates to the activity of the legislative, executive and judicial branches of power, the restoration of trust to it is directly dependent on the level of confidence in these power structures. This raises a legitimate question: Under what conditions will the government fulfill its obligations to society, and will society, in turn, restore the trust of the institutions of power and law?

We believe that the answer to this question lies in the area of implementation of the principle of the rule of law (legal law), an integral part of which is the principle of protection of trust, which «provides, inter alia, to

ensure: the trust of citizens that their legal status will remain stable in the future. will not deteriorate; publicity of the activity of the state, stability of legislation and predictability of its development; adequate to the discretionary authority of the relevant public authorities to protect against arbitrary decisions; the state's respect for so-called «legitimate expectations», that is, its obligations to its citizens and their legitimate expectations (for example, in the sphere of labor relations - respect for statutory salary payment criteria; in the sphere of criminal liability - respect for the right of the sentenced person to release from punishment or anticipatory release from serving a sentence, etc.); fixing in the law the prohibition of the «reformation in pejus», that is, the worsening of the legal position of the person challenging the decision to hold him/her to legal liability (for example, the application of a more severe sanction to the defendant when appealing a lower court judgment against him/her; aggravation of administrative or disciplinary action when appealing against decisions of the relevant authorities or officials).

One of the most important components of the principle of trust is that it has no retroactive force» [6, p.371-372].

Recognizing the importance of the principle of the rule of law in the exercise of power, it must be remembered that the relation between law and power is not a straightforward one. S. Alekseev draws attention to this, noting that «the power, especially the political, state power, which makes the «law, as a law», at the same time - a phenomenon which is incompatible with it to some extent, acts against the law in the form of an antagonistic one, and sometimes distant, acutely hostile factor» [7, p.67]. The scientist emphasizes that «the ruling power is capable of reducing the right, turning it into a «servant» of power, thereby actually creating a «not a legal» reality [7].

In our opinion, such a situation could be corrected by reducing the negative influence of the authorities on the law, which implies the modernization of the existing political system of society, as well as: «introduction of criminal liability for deputies of all levels for fraudulent actions in case of deliberate violation of their election promises; financing public television and radio broadcasting by citizens, whose leaders can be only persons not connected with the civil service; introduction of continuous monitoring of the actions of the authorities by civil society through the creation of permanent bodies, the maintenance of which is also planned at the expense of direct taxes of citizens (by analogy with the supervisory board of a joint stock company); concluding contracts with senior civil servants with representatives of civil society, reporting for the first time a year to the citizens who elected them (first year of cadence once every six months); setting up a jury to hear all cases where charges are brought against a citizen for a criminal offense punishable by imprisonment; establishment of a special body of legal scholars to monitor the observance of citizens' rights by judges

in the administration of justice; recognition the theory of natural law as the source of law ...» [8, p.369-370].

Realizing the undoubted influence of the authorities on the process of formation and functioning of law, it is worth remembering the beginnings from which the power originates. In covering this issue, we again return to the people as a source of power. Given the fact that the people have real mechanisms of influence on the authorities, in our opinion, it is not necessary to place responsibility only on the subjects of power.

However, there is another problem that is related to the current state of crisis in the contemporary Ukrainian society, which has a negative impact on its political and legal culture. In such circumstances, the people are only capable of detecting pseudodemocracy, not an objective assessment of the situation and the resolution of relevant issues. The transition to «cultural democracy», which presupposes the existence of an adequate level of social culture of the people, the important components of which are the development of «ideological, political economic, legal, moral, religious and other culture of citizens» [9] is perhaps the most important task of modern Ukrainian society.

Overcoming crisis in many spheres of public life, taking into account the objective laws of social development, restoring trust to the law must be also considered as an integral part of Ukraine's national security. This implies the realization that «... even the best security instruments in the world (those based on the latest advances in physical and biological sciences and technologies) cannot by themselves provide national security in a country unless its citizens have a developed social culture, respectively to which these instruments they are to actuate, that is to apply. Moreover, some security instruments can also act as a threat to national security if used by citizens who do not have a proper social culture. ... That is why the people who have the appropriate level of social culture is the main anti-crisis factor - the guarantor of national security. Social culture of citizens is the most powerful weapon for national security» [9].

It should be noted that social culture requires the withdrawal of the psychological perception of stereotypes, which are still reflected in the minds of many citizens, regarding the model of relationship between the individual and the state. The dependence of the individual on the state, and subsequently the inability to find a place in the new social system, is a consequence of the negative legacy that has come to our society since the years of Soviet Union.

For example, «Ukrayinska Pravda» «studied the Razumkov Center's research, two more - the Rating Group, talked with sociologists and historians, immersed themselves in their scientific works and eventually recreated the collective image of a Ukrainian nostalgic for the USSR ... Wealthier people from higher education levels are less yearning for the USSR. Instead, those people are saddened, who have lost the most... Firstly,

it is a desire to return to that place, where «it was good»... Mostly, people regret that in the days of the Union «there was trust to the future», «high level of social guarantees», «free of charge higher education, «lack of unemployment», and «sufficient material standard of living»...

Scientists also compare nostalgia for the Soviet Union with the nostalgia for a «big father».

Ukraine is characterized by paternalism - a political practice when people are perceived as a «child» who needs «parental attention» from the authorities. And the population expects that it is the power that should change the country» [10].

According to the sociologist Lev Gudkov, this type of people is characterized by: **mass-orientation** and the desire to «be like everyone»; opportunism and adaptation to the existing social order, preparedness to demand less; **simplicity** and **limitations** in intellectual and ethical terms (at the same time, its primitiveness the «Soviet person» considers as an advantage); hierarchy (to such people the notion of «elite» is distant); **chronic dissatisfaction** with that, «what the life has given»; **self-doubt**; the complex of undervaluation; the «Soviet person» compensates his/her frustration and underestimation with a sense of **exclusiveness** and **superficiality**, etc. [10].

Overcoming of all the negative characteristics that are inherent to the «Soviet person» cannot happen within a short period of time. Changing human values and psychological attitudes requires considerable costs, both ideologically and materially, to form an objective assessment of reality and a willingness to actively engage in lawmaking and the realization of law.

Legal culture plays an important role in resolving this issue, which should be considered as a qualitative state of legal life of society, as a system of legal values, which are the basis for law-making and law enforcement activities. However, legal culture is not something permanent and unchangeable. The state of legal culture of a society depends on many factors that determine its level.

The situation is compounded by the negative impact on the level of justice and legal culture of modern Ukrainian society on the problem of the functioning of state power; crisis in the sphere of economic and political relations; growing dissatisfaction of the country's population with the slow pace of reform processes and so on.

However, despite all the problematic issues that directly relate to the current stage of development of Ukrainian society and the Ukraine, as a state, there is no other way than the way of development based on effective regulatory models. Society, emerging as a structure of normatively established and coordinated behavior, plays a decisive role in the formation of compulsory behavior (law) and law, in turn, creates the conditions for the smooth functioning of the system of social relations.

Conclusions. Thus, considering the issue of restoring the trust to law as an important regulator of social relations, it should be noted that the effective functioning of the state apparatus, the proper implementation of the principles and norms of law depends not only on how qualitatively perform their functions of public authorities, but also on the valuable filling of political and legal consciousness of modern Ukrainian society, the level of development of social culture of citizens.

Being aware of the place and role of a person in the life of society, we inevitably raise the question of the need to overcome the signs of «Soviet person» and the formation of new qualities of modern person, which is impossible without restoring trust to law and its values. This will depend on the result of political and legal reforms, the quality of lawmaking and the whole process of functioning of the institutions of power and civil society, the protection of human and citizen's rights and freedoms, which in turn is an indicator of the implementation of the fundamental requirements of the Association Agreement between Ukraine and the European Union.

References

1. *Parliamentary immunity: (Current parliamentary and judicial practice: legal analysis)* O.V. Zadorozhny, A.O. Selivanov, M.V. Kharitonchuk. Edited by O.V. Zadorozhny. K.: Logos, 2004. P.3.
2. *Shevchenko A.E. Concepts of state and law: a historical-theoretical analysis. Collective monograph. Edited by Professor A.E. Shevchenko. 2018. P.7.*
3. *Starostyuk A.V. Concepts of the state and law: a historical-theoretical analysis. Collective monograph. Edited by Professor A.E. Shevchenko, 2018. P.75.*
4. *Society, person, law: current research of current problems: monograph. Edited by Professor O.G. Danylna. Kharkiv. «Pravo». 2014. P.118.*
5. *Velychuk S.N. Formation and formation of case law in Ukraine in the context of the case law of the European Court of Human Rights: abstract. diss. ... Candidate of Law: 12.00.01. K., 2014. P.16.*
6. *Kozyubra M.I. General Theory of Law: A Textbook. Edited by M.I. Kozyubra. K., 2015. P.371-372.*
7. *Alekseev S.S. Philosophy of Law [Text]. M.: Norma, 1997. P.67.*
8. *Transformation of legal ideology in the context of contemporary challenges: a monograph. Edited by N.M. Onishchenko. Vinnytsa. Nilan LTD, 2016. P.369-370.*
9. <http://dspace.nbuv.gov.ua/bitstream/handle/123456789/45324/04-Kostenko.pdf?sequence=1>
10. <https://www.pravda.com.ua/rus/articles/2018/03/22/7175391/>

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Monograph

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Created for scholars, research workers, postgraduates and students of higher education institutions, as well as for all those interested in the implementation of the Association Agreement.

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