

UDC 340.12

DOI <https://doi.org/10.32782/pyuv.v3.2022.5>*Kh. M. Markovych**orcid.org/0000-0002-6243-4651**Senior Lecturer at the Department of Civil Law and Procedure
Educational and Scientific Institute of Law, Psychology and Innovative
Education Lviv Polytechnic National University*

LEGAL IDEOLOGY: CONCEPT AND MEANING IN MODERN CONDITIONS OF THE UKRAINIAN STATE FUNCTIONING

Problem statement. In the modern theory of state and law, the concepts of ideology, in particular legal ideology, are collective in nature and do not allow us to understand the essence of the phenomenon of ideology. This, of course, does not correspond to the goals of theoretical knowledge. This state of affairs is due to the fact that for several decades the Soviet theory of law did not consider the question of the relationship between jurisprudence and ideology as such, which is included in the subject of professional jurisprudence. As a result, questions of the importance of legal ideology in the mechanism of Legal Regulation, the legal system and the formation of civil society remain without sufficient understanding.

The aim of the article. There is an analysis of the concept of legal ideology and determination of the role of this legal phenomenon in the formation and development of civil society at the present stage of the Ukrainian state.

Analysis of recent research and publications. The question of the concept and role of legal ideology in the formation of civil society was considered by many domestic and foreign scientists. Among the well-known Ukrainian scientists whose works we used in our research should be noted: T. G. Andrusyak, O. G. Danilyan, O. P. Dzyoban, V. M. Kalitinsky, A. I. Lutsky, M. P. Nedyukha, O. M. Sytnik, and others.

Presentation of the main material. To understand the importance of legal ideology in the functioning of the state, it is necessary to clarify the concept of this complex legal phenomenon. This requires studying its various aspects and manifestations. Thus, in a large encyclopedic dictionary, legal ideology is considered as a system of legal ideas, principles, theories, concepts that reflect and evaluate legal reality. It emphasizes the practical meaning of legal ideology. In particular, it is noted that in the practical and applied aspect, legal ideology contributes to the formation of ideas, proposals, principles and recommendations for improving legal relations, norms and institutions [1]. Hence, we can note that the legal ideology has a functional nature. It forms certain values in a person's mind and determines the perception of legal reality and models of legal behavior corresponding to such values.

We support the opinion of A. Sytnyk that law and

the state are integral components of Social Development and necessary tools for ensuring the rule of law, freedom and Justice. In this sense, they develop and improve according to the existing natural universal ideals and values. Their direct implementation occurs due to the state influence on a wide range of Public Relations, consciousness and behavior of people with the help of an ideological value-oriented legal factor regarding compliance with the principles of law. The latter, in turn, are based on the ideals of justice, freedom, equality, and responsibility. Therefore, we trace a rather significant role of legal ideology in the process of State-Legal Regulation, which is part of the mechanism of social regulation [2]. It should be noted that legal ideology is formed together with law, since it is considered an idea of law and its explanation. Moreover, legal ideology in its concept combines the definitions of ideology and law and is associated with a system of principles, ideas, theories, concepts that reflect the scientific understanding of legal reality.

V. Khropanyuk considers legal ideology as a theoretical form of reflection of public life. This approach indicates the importance of ensuring the unity of Science and practice, theoretical and empirical consciousness of society, ideas and interests, legal norms and social order [3, p. 204]. In this context, the goal of ideology is always to influence the consciousness of the social community. Only by influencing people's minds can they be directed to transform reality. This can be achieved only through the influence of legal ideology on the consciousness of each individual individually. The legal ideology is aimed at establishing universal social standards and the normative order and process of social changes. In this sense, the legal ideology should establish a standardized approach to assessing the state and prospects of functioning of legal reality. For the formation of a state governed by the rule of law, ensuring the interaction of Social Psychology and state institutions and local self-government bodies is of great importance.

Continuing to consider the legal ideology, it is necessary to emphasize its indissoluble connection with reality. Because in the absence of such a connection, it could not exercise its influence on society. Developing certain ideals, the legal ideology provides

for real changes in the political, legal, social and other spheres of public life. Under such conditions, its social significance increases many times, since it is a carrier of socio-cultural values and attitudes that transform former and form new social institutions.

In addition, legal ideology plays a significant role in shaping the basic values of civil society. Successful functioning and development of society without an ideology corresponding to its goals is impossible. Ideology, in particular legal, strengthens civil society, ensuring its political and social stability. It strengthens the legal system, of which it is a component together with legislation and legal practice. Legal ideology forms an individual, public legal consciousness, contributes to the establishment of the rule of law by influencing the economy, politics, culture, and, in fact, various spheres of life.

A detailed and meaningful analysis of legal ideology is provided by M. Nedyukha, drawing attention to the multidimensional nature of this concept. The author interprets it as a social phenomenon, a legal category, a structural element of legal consciousness, a component of the ideological function of the state, the theoretical basis of State Legal Policy [4, p. 44]. Therefore, in the multiparadigmatic dimension, legal ideology can be considered as: a system of legal ideas, views, concepts and theories that reflect the interests of society; socio-legal education that ensures the formation of civil society [5, p. 28]. This approach to understanding legal ideology shows its relationship with the legal reality, the legal policy of the state, and the value orientations of a Democratic state.

The scientist emphasizes legal ideology as the highest form of understanding legal reality, which is designed to establish social standards of life as universal, normative order as a social component of social order [4, p. 28]. The scientist also focuses on the process of forming a legal ideology, which should be subject to the tasks of establishing Ukraine as a legal, democratic, and sovereign state.

Legal ideology has a certain structure, the elements of which scientists include: legal concepts, ideas, doctrines that describe existing legal relations and influence their development; legal values and goals that fix the most important regulatory and axiological ideas for society, which reflect the key priorities of legal development; legal ideals that reflect the desired guidelines for the development of the legal system in society; legal principles that are the basis of Legal Regulation and determine the main parameters of the Legislative System [6, p. 86,]. So, the structure of legal ideology is described as a set of well-established formal and substantive connections between various elements of legal ideology that ensure its functioning and guarantee its integrity.

Conceptual and structural features of legal consciousness are related to legal ideas about such concepts as legal regulation, legal system, legislative

system, legal relations, law-making, lawful behavior, legality, law and order, and so on. After all, if these concepts do not exist, it also makes it impossible for citizens to fully understand the legal reality, form and content of certain public relations.

The next mandatory structural element of legal ideology is legal goals, values and ideals. Legal ideology is responsible for strengthening legal guarantees to ensure the protection of human and civil rights and freedoms. Thus, the legal ideology of civil society and the rule of law ensures state and social development.

A. Lutsky closely connects with legal values, goals and ideals the legal principles that establish the natural legal basis of human rights and freedoms, the leading role of the Constitution and normative acts in the legal regulation of Public Relations [6, p. 89]. In this aspect, the legal ideology will express its potential in the case of consolidation of legal ideas in the principles, legal constructions, norms of law and their implementation in the activities of the state and basic institutions of civil society. The main legal ideas should be expressed in all branches of law and law enforcement practice. This determines the role of legal ideology in the process of Legal Regulation. So, the role of legal ideology in the formation of the rule of law state consists in its direct participation in the production of legal principles.

The influence of legal ideology on the processes of Legal Regulation can be traced as on general theoretical, and at the level of specific legal reforms. At the general theoretical level, legal relations and their regulatory regulation require an appropriate legal ideology, and at the level of specific legal reforms, there are ideological changes in public legal consciousness in terms of the perception of law by society. It should be added that each state seeks to influence the public legal consciousness, to form a system of values in it, which would, first of all, be expressed in legal norms.

Therefore, the system of legal ideas, principles, values, ideals, theories, concepts that are formed in society, reflect the objective state of legal relations and determine the foundations of public perception of the rule of law, is also a legal ideology. And its role in the development of public legal relations is to purposefully and systematically influence the law and the legal system.

Legal ideology is usually considered as the dominant of the development and functioning of civil society, a criterion of right-wing Progress, and one of the tools for changing legal reality. A qualitative feature of legal ideology is its practical nature, so it transforms the values developed in the theoretical concept into practical application. Therefore, it can be noted that in this way the legal ideology participates in the formation of society, since influencing public institutions, legal relations, public and

individual legal awareness influences civil society as a whole. In the modern period, the ideas of a democratic civil society and a state governed by the rule of law are becoming particularly relevant. This is explained by the consolidation in the Constitution of Ukraine of new conceptual provisions of legal policy that reflect the ideology of democratic, social, and legal statehood. It is characteristic that a state governed by the rule of law and a developed civil society should have a developed legal ideology that expresses the objective legal needs and interests of the people, the nation and society as a whole. Civil society can be considered as an important idea that is included in the content of the legal ideology of the modern state, which is of significant value within the legal system.

The influence of legal ideology on the development of civil society in Ukraine is based on: the practical implementation of constitutionally proclaimed and established legal, democratic and social mechanisms; the definition and scientific justification of basic legal concepts and ideas that can later turn into Centers for the development and improvement of legal culture; the spread and deepening in the public consciousness of high legal culture, its constant improvement; the implementation of public influence on the processes of law-making and law enforcement [6, p. 319].

The ideal of an ideal civil society implies a way of realizing the ideal society as a whole, an attempt to present a structure in which socio-economic, political, legal and other structures are perfect, not only in themselves, but also in general. That is, the ideal of a perfect society is a real image of such a social system, in which all its components are perfect [7, p. 76].

Now the Legal Society is increasingly considered by scientists as an ideal of Social Development, the approach to which helps to understand the role of law in public life. V. Kalitinsky, considering modern varieties of legal ideology, partially touched upon the issue of the ideal social system. The scientist presents a valuable idea regarding the social legal ideal, interpreting the latter as a determining factor in the activity of the rule of law state, which performs the function of a means of legal socialization of a person. The author calls the social legal ideal a guide of society to universal goals, which creates an image of the perspective of the future legal society, the principle of transforming legal reality, reflecting legal values and goals. The researcher aptly emphasized the influence of the public legal ideal, which is accepted by society as a direction of development, on the legislator and the practice of law enforcement. This makes it possible to predict future behavior in legally significant situations [8, p. 14]. So, we can state that the ideal of a developed civil society is formed by the moral and legal values that are inherent in society in a particular historical period.

T. Andrusyak considered the legal ideology as a reflection of law – pershoosinnovations of public life in the public consciousness. Moreover, the author considers the legal consciousness of society and the legal order to be integral components of legal ideology. Legal ideology, being a special part of legal consciousness, combines legal principles, views, aspirations and requirements of society [9, p. 125]. Hence, we see that law is the main and inseparable element of Social Development, a legitimate mechanism for ensuring justice, equality, and freedom, which develops and improves in accordance with existing universal ideals. In addition, the right, being an ideological phenomenon, it has a significant impact on the legal ideologue. First of all, we notice the influence of law, as a regulator of Public Relations, on the consciousness of a person, forming motives, goals, incentives and restrictions on the activities of individuals. In general, all types of consciousness are permeated with law and feel its effect, but in the closest interaction with law is the legal consciousness. Therefore, legal ideology, as a component of legal awareness, is not only a source of law, but also an object of its influence.

Conclusions. Our analysis of the works only partially reveals the variety of opinions and suggestions that can be effective at the current stage of society's development. Legal ideology, as a theoretical phenomenon, is one of the most ambiguously interpreted phenomena in the scientific literature. It forms the image of a value-fixed model of legal life a civilized society. Legal ideology acts not only as a way to ensure social and legal interests, but also as a system of views, concepts, and theories that allow the individual and society as a whole to navigate the surrounding legal reality. Its specificity lies not only in the synthesis of accumulated knowledge, but also in their effective combination in order to ensure the organization of the right life of society.

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Summary

Markovych Kh. M. Legal ideology: concept and meaning in modern conditions of the Ukrainian state functioning. – Article.

The article is devoted to the theoretical analysis of the concept of legal ideology. Particular attention is paid to clarifying the role of this complex legal phenomenon in the formation of civil society in modern conditions of state functioning. The article highlights the opinions of scientists regarding the interpretation of legal ideology and its importance in social life. The practical importance of legal ideology is emphasized. It was noted that legal ideology contributes to the formation of ideas, proposals, principles, and recommendations regarding improving legal relations, norms, and institutions. It indicates its functional nature. It was found that the state and the law are integral components of social development. They develop and improve by universal ideals and values. Law is a legitimate mechanism for ensuring justice, equality, and freedom. It is observed that the legal ideology is formed together with the law. It is considered a representation of law and its explanation. Legal ideology, in its concept, combines the definitions of ideology and law. It is related to a system of principles, ideas, theories, and images that reflect the scientific understanding of legal reality. The goal of ideology, which consists of influencing the social community's consciousness, is considered. It is shown that only by influencing people's consciousness can they be directed to transform reality. A close connection between legal ideology and reality has been established. By developing certain ideals, legal ideology foresees fundamental changes in political, legal, social, and other spheres of public life. The structure of legal ideology, which ensures its functioning and integrity, is emphasized separately. It has been proven that civil society is an important idea that is included in the content of the legal ideology of the modern state. It is concluded that legal ideology strengthens civil society, ensuring its political and social stability. It forms individual and

public legal awareness and promotes the establishment of law and order by influencing the economy, politics, culture, and various spheres of life.

Key words: legal ideology, legal awareness, civil society, law, state.

Анотація

Маркович Х. М. Правова ідеологія: поняття та значення в сучасних умовах функціонування української держави. – Стаття.

Стаття присвячена теоретичному аналізу поняття правової ідеології. Особливу увагу приділено з'ясуванню ролі цього складного правового феномену у формуванні громадянського суспільства в сучасних умовах функціонування держави. У статті висвітлено думки науковців щодо трактування правової ідеології та її значення в суспільному житті. Наголошено на практичному значенні правової ідеології. Відзначено, що правова ідеологія сприяє формуванню уявлень, пропозицій, принципів і рекомендацій щодо вдосконалення правових відносин, норм й інститутів. Це вказує на її функціональну природу. З'ясовано, що держава і право є невід'ємними складовими суспільного розвитку. Вони розвиваються і вдосконалюються згідно з загальнолюдськими ідеалами й цінностями. Право є законним механізмом забезпечення справедливості, рівності та свободи. Простежено, що правова ідеологія формується разом із правом. Її вважають уявленням про право та його поясненням. Правова ідеологія у своєму понятті поєднує визначення ідеології та права й пов'язана з системою принципів, ідей, теорій, концепцій, які відображають наукове осмислення правової дійсності. Розглянуто мету ідеології, яка полягає у впливі на свідомість соціальної спільноти. Показано, що лише за допомогою впливу на свідомість людей їх можна спрямувати на перетворення дійсності. Встановлено тісний зв'язок правової ідеології з реальністю. Розробляючи певні ідеали, правова ідеологія, передбачає реальні зміни в політичній, правовій, соціальній та інших сферах суспільного життя. Особливо наголошено на структурі правової ідеології, яка забезпечує її функціонування та цілісність. Доведено, що громадянське суспільство є важливою ідеєю, що входить у зміст правової ідеології сучасної держави. Зроблено висновки, що правова ідеологія зміцнює громадянське суспільство, забезпечуючи його політичну та соціальну стабільність. Вона формує індивідуальну, суспільну правосвідомість, сприяє утвердженню правопорядку за допомогою впливу на економіку, політику, культуру та різні сфери життя.

Ключові слова: правова ідеологія, правосвідомість, громадянське суспільство, право, держава.