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POLITICAL AND LEGAL IDEOLOGY AS A SOCIAL PHENOMENON AND LEGAL CATEGORY

Abstract. The main ways to defining the meaning of the concept of "political and legal ideology" are described. The own way to understanding of the maintenance of the specified category, taking into account the purposes and functions of ideology in a political and legal life of a society is offered. It is proven that political and legal ideology embodies the legal principles of functioning and development of the state, norms of current legislation are legitimate means of forming the legal consciousness of man, his socialization, affirmation of personal, professional and civic features. It is proposed to understand political ideology as a social phenomenon, which is a system of conceptually designed legal ideas and views on political life, which illustrates the interests, worldview and social ideas.

Keywords: *ideology; political and legal ideology, the idea of the rule of law.*

Relevance of the study. Today, for every state that pronounced itself as the legal one, the problems of introducing effective legal mechanisms and guarantees for enduring and protecting human rights and freedoms are becoming essential. The political and legal ideology of the Ukrainian state is also formed on universal values, democracy, respect for human rights and freedoms, reflects the traditional foundations of Ukrainian statehood and law and order, forms public legal consciousness, promotes Ukraine as a socially oriented, sovereign, democratic state in the international arena. The main role of political and legal ideology in the formation of a democratic state was studied by A. Lutsky, who, in particular, stressed that the ideology of the state promotes and conditions the rule of law, stimulates lawful behavior, and the interests of citizens.

Recent publications review. The concept of political and legal ideology does not have a single meaningful interpretation among jurists. Scholars usually consider this ambiguous and complex phenomenon as a socio-political, legal and cultural phenomenon, as a legal category, as an element of legal consciousness, as a theoretical basis of state legal policy that shows the values, interests and principles of the Ukrainian citizens. Domestic political and legal science considers legal ideology, mainly as a component of legal consciousness, which is manifested primarily at the theoretical level, as it is a form of systematic, theoretical knowledge. In particular, such scholars as K. Belsky, L. Gerasin, Y. Kalinovsky, V. Kaminskaya, M. Nedyukha, P. Novgorodtsev, V. Khropanyuk and others studied political and legal ideology as an element of public legal consciousness [1-13].

The article's objective. In preparing this scientific article, the author set himself the purpose of analyzing the main approaches to understanding the concept of "political and legal ideology" as a social phenomenon and legal category. To manage this goal, the author illustrated the following research algorithm:

1. Analysis of the main scientific approaches to understanding the concept of "political and legal ideology";
2. Defining the content of the concept of "political and legal ideology" as a social phenomenon, defining its role and significance in society;

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3. Substantiation of scientific expediency of using the category "political and legal ideology" in legal research.

Discussion. Modern democratic ideals, the legal development of civilization give grounds to consider legal ideology a structural element of state ideology, which expresses the will and interests of citizens and society as a whole.

Thus, Kalinovsky argued that legal ideology is a social phenomenon embodied in public ideas, views, beliefs, theories, concepts of legal reality. Legal ideology, as a rule, does not arise spontaneously, it is developed by specialists and assimilated by the population in the process of legal education, during legal education, in the study of legal literature and regulations [2, p. 91]. M. Nedyukha thinks that the main purpose of political and legal ideology is to implement regulatory and managerial, stabilizing influence on the life of society, its individual areas, human behavior. This means that legal ideology is able to be embodied in the legal principles of the state, the norms of current legislation, to be a legitimate means of forming the legal consciousness of man, his socialization, affirmation of personal, professional and civic traits [5, p.299]. V. Tolstenko, argues that political and legal ideology is an element of the structure of legal consciousness and is a systematized set of legal ideas, principles, values, ideals, theories, concepts that are formed in society (independently or through purposeful state activity), reflects the current state legal relations, determines the foundations of public perception of law and order, establishes the main objectives of the legal system and the system of state legislation [8, p. 14].

Some legal theorists consider legal ideology not only as a reflection of legal reality, but also as a result of social compromise, which is achieved on the basis of established, value vision of the role of law in the state and civil society, and in defining the main goals, methods and mechanisms of legal regulation [10, p. 564]. Thus, legal ideology is a relatively independent political and legal phenomenon, the functional purpose of which is to determine the role of law as a means of regulating the life of the state, society, citizens in their subordination to the goals of social change.

Some scholars emphasize that this scientific category, its essence, is always determined by the rule of law. According to the form of reflection of social reality, legal ideology represents a consensus reached on the basis of understanding the essence of the rule of law as a formally binding rule of physical behavior, which is general and established or authorized by the state to regulate public relations and provide appropriate state guarantees [1, p. 3].

This way, H. Markovich defining legal ideology as a legal category that defines a system of concentrated legal views, which are based on certain social and scientific knowledge [4, p. 108], in fact reduces its essence to legal views, without explaining how they (legal views, although concentrated) are able to ensure the functioning of society as a systemic whole. According to D. Tsygankova, legal ideology is a system of ideas, legal views, scientific concepts, theories that express attitudes to legal reality and evaluate it [11, p. 65]. V. Khropanyuk sees the main content of legal ideology as a system of views and ideas in the form of reflection of public life, or legal reality, in the ideas and interests of society, legal norms and social order [12, p. 204]. A. Shevchenko sees the essence of legal ideology in the systematized scientific expression of legal views, requirements, ideas of society, social group [9, p.16]. Legal ideology, according to O. Tkachuk, is a system of ideas about the essence, features, principles of law and legal regulation, the forms of implementation of legal ideas in life, the objective necessity of the rule of law [7].

Summing up the above, we believe that political and legal ideology as a social phenomenon is a system of conceptually designed legal ideas, ideas and views on political life, which reflects the interests, worldview, ideals of social status, nations and more. Structural elements of political and legal ideology are the rules of law, legal customs and traditions, political theories and ideas, concepts of political development and development of legislation, socio-political and legal ideals, values.

In other words, the legal ideology of the state is designed to reflect the will and interests of the people, and among its functions should be distinguished the following:

a) orientational, the essence of which is to give the socio-political system certain meanings and orientations. This function should determine the ideological strategic line of activity of the branches of government to achieve the declared goals, serve as a means of avoiding confrontation and dispute, defining authority, cooperation and interaction;

b) integrative, the purpose of which is to unite people around vital meanings, counteract possible disintegrative tendencies, orientations, interests in political and legal life;

c) depreciation - as a means of understanding, interpreting and explaining social and political and legal reality, ideology is able to reduce conflicts, social tensions in society.

Conclusions. So, political and legal ideology contributes to the creation of such conditions for participants in public, in particular, political and legal relations, which would improve the realization of their political rights, freedoms and interests. The implementation of the ideological postulates of a democratic state should contribute to raising the level of public legal culture, individual and public legal awareness. Therefore, the assertion of the ideological basis is directly related to the law, which is one of the defining constitutional values and should be based on the ideological principles of the state in accordance with social needs.

Characteristic of political and legal ideology as a social phenomenon are the functions, above all, the ideological provision of social protection, political rights, freedoms and human interests; ideological struggle and counteraction to social inequality, political oppression; popularization of state policy in all spheres of public life.

Conflict of Interest and other Ethics Statements

The author declares no conflict of interest.

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Олена ГАВРИЛЕНКО
ПОЛІТИКО-ПРАВОВА ІДЕОЛОГІЯ ЯК СОЦІАЛЬНЕ
ЯВИЩЕ ТА ПРАВОВА КАТЕГОРІЯ

Анотація. Охарактеризовано основні підходи до визначення змісту поняття «політико-правова ідеологія». Запропоновано власний підхід до розуміння змісту означеної категорії, з урахуванням цілей та функцій ідеології у політико-правому житті суспільства. Доведено, що політико-правова ідеологія втілює правові засади (принципи) функціонування та розвитку держави, норми чинного законодавства, є легітимним засобом процесу формування правосвідомості людини, її соціалізації, утвердження особистісних, професійних і громадянських рис. Автором пропонується розуміти під структурними елементами політико-правової ідеології - норми права, правові звичаї та традиції, політичні теорії та ідеї, концепції політичного розвитку та розвитку законодавства, соціально-політичні та правові ідеали, цінності.

Визначено такі функції політико-правової ідеології: орієнтаційна, інтегративна,

амортизаційна, які зводяться відповідно до визначення ідейної стратегічної лінії діяльності гілок влади щодо досягнення задекларованих цілей; єднання людей довкола життєво значущих правових сенсів; послаблення конфліктів, соціальної напруги в суспільстві, забезпечення соціального захисту, політичних прав, свобод та інтересів людини; ідейна боротьба та протидія соціальної нерівності, політичних утисків; популяризація державної політики в усіх сферах суспільної життєдіяльності.

Пропонується розуміти політико-правову ідеологію як суспільне явище, що є системою концептуально оформлених правових уявлень, ідей і поглядів на політичне життя, яка відображає інтереси, світогляд, суспільні ідеали.

Ключові слова: ідеологія; політико-правова ідеологія, ідея верховенства права.

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PROTECTION OF THE RIGHTS OF MINORS FROM THE MANIFESTATIONS OF BULLYING: THE CONCEPT AND ESSENCE

Abstract: the problem of bullying is modern, acute social. You cannot close your eyes to it, because cruelty sometimes exceeds all permissible limits. The concept of bullying first appeared in the twentieth century, but its meaning is relatively modern. Bullying is a rather serious problem of our society, because this concept is the aggressive behavior of one person or team to another. Discussions on this issue have begun to take place actively over the last thirty years at the international level. Many scientists from around the world are trying to fully disclose this topic and establish the best ways to combat this concept.

Keywords: bullying, observer, observer injury, bully, victim.

Relevance of the study. Bullying is not an easy topic for discussion and research: on the one hand, almost all people have encountered bullying situations in one way or another, on the other hand, they are associated with experiences of fear, guilt, shame, helplessness, hatred, despair, and these experiences are very little discussed. Scandinavian researchers made the greatest contribution to the solution of the problem: the Swedish school doctor Peter-Paul Heinemann, especially the Norwegian psychologist-researcher Dan Oleos, the teacher and sociologist Erving Georg Ruland, the Estonian-Swedish cognitive psychologist Anatol Picas. In recent years, the Finnish psychologist Christina Salmivalli has made a significant contribution to the research and development of the prevention system in education. The work of Dan Oleos was especially significant: it was thanks to him that the phenomenon of bullying in the scientific field became visible and for a long time determined the trend of world psychology [1].

Recent publications review. Problem of bullying is researched by such scientists as: Myskevych T., Sorochan D., Melnichuk O., Androsyuk V., Sudenko Yu., Mironyuk T., Zaporozhets A., Dzhuska A., Dzhusky V. and others.

The article's objective is to investigate the aspects of Protection the rights of minors from the manifestations of bullying.

Discussion. First, thanks to the work of Scandinavian psychologists, research in the

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