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# MORAL ASPECTS OF DUTY AS A VALUE

Popovich Terezia<sup>1</sup>

**Annotation.** Law and morality are integral and important components of modern society and play an important role in regulating relations within it. Norms of law and morality are closely intertwined in the process of social regulation, which determines the mutual influence on the essential content of each of them. The interaction of the two categories is reflected in the fact that the law contributes to the realization of moral principles in the minds of all members of society, in turn, under the influence of moral requirements, the law is constantly improved and increases its role as a social regulator of social relations. In addition, the interaction of morality and law is manifested in the fact that today both the national law of most states of the world and international law use such well-known principles as humanism, justice, equality, integrity, which are a reflection of the influence of moral principles on the formation of law in general. In other words, legal norms, in order to ensure the effectiveness of their action, respond to the moral requirements of modern society, reflecting them in their content.

It is no less important to pay attention to the implementation of moral aspects in the formulation of legal obligations incumbent on citizens, since the level of their implementation and compliance directly depends on the level of implementation of moral principles and values prevailing in society. Regarding the moral aspects of duty as a value, it is worth noting that the process of formation of a legal duty was closely related to the precepts of morality, which was also reflected in the modern interpretation of duties. That is why we consider it expedient to investigate legal duty as a value for the presence of moral aspects in it and the importance of moral aspects in modern legal duty.

**Key words:** duty, morality, duty as a value, moral principles, effectiveness of legal duty, legal awareness.

**1. Formulation of the problem.** For all its relative independence, law in general and the institution of duty in particular did not develop in isolation and separately, but in a single complex and close relationship with other social regulators, including moral norms. However, the process of the influence of moral norms on the emergence of legal obligations, in particular under the prism of the historical development of society, has not been properly studied in legal science. Therefore, the analysis of the legal obligation in terms of its moral

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<sup>1</sup> Candidate of legal sciences, associate professor, associate professor of the Department of Theory and History of the State and Law, "Uzhhorod National University", ORCID: 0000-0002-8333-3921.

aspects as a whole and its definition as a value under the influence of such moral aspects is relevant, since the level of compliance and proper performance of legal obligations today directly depends on the level of reflection in them of the prevailing moral principles in one or another society.

**2. The state of problem solving.** As it was mentioned above, the topic of the influence of morality on the process of formation of legal duties in general and their determination as a value due to the moral aspects reflected in their content has not yet received a sufficient level of development in legal science, therefore there is a need to conduct an up-to-date and comprehensive study of the above topic. Separate studies on this issue were carried out in the works of I.R. Yurchak, V.V. Zavalniuk, and E.E. Zvonkova.

**3. The purpose of the article** is to outline the process of the influence of morality on the formation of a legal obligation, through the study of its historical genesis. In addition, the goal is to determine the role of moral aspects in the content of modern legal duties, as well as to reflect the relationship between moral principles and duty as a value.

**4. Presenting main material.** The formation of the category of duty throughout time took place under the influence of various factors, which to a greater or lesser extent influenced the expansion of its internal content, filled it with meaning and ensured recognition by society. In order to properly understand the process of formation of the category of duty, in particular under the prism of morality, it is worth turning to historical analysis, namely to the system of regulation of social relations in the period of the formation of society.

In the process of gradual development, primitive society begins to establish certain rules of behavior based on the traditionality and custom of certain actions. Such rules were mostly of a prohibitive nature, assigned their addressees, first of all, duties, had a collective nature and did not foresee the need for their awareness by members of society or justification, that is, they were taken for granted. However, over time, to the extent that with the development of self-awareness of individuals and the improvement of their mutual relations in the process of joint activity, an important revolution in the regulation of behavior takes place, the seeds of morality appear, which involve everyone's awareness of their personal duty to the clan and tribe. Prohibition as a means of social control, which involved refraining from any actions, is supplemented, albeit primitive, but by a moral obligation to perform certain active actions. As an argument to confirm this, we can cite the principle that took place at the early stages of the formation of society, namely "an eye for an eye". The principle of "an eye for an eye" or the principle of "talion" provided for the possibility of symmetrical (when an eye was taken for a damaged eye, not a whole life), appropriate retribution [4, c.2]. Thus, the talion principle limited the uncontrolled spread of evil, promoting the emergence of elements of proportionality and justice in social relationships. In turn, compliance with the principle of talion was the duty of the members of the society at that time, which indicates that duties acquired a number of moral aspects. Along with the principle of talion, other principles are beginning to appear, which are characterized by the embodiment of moral principles in them, in particular,

dignity, goodness, honesty and justice. All subsequent social duties are framed by the same moral principles.

The rapid development and complication of the system of social relations brings morality to a prominent place in society, which acquires the role of a general imperative, a basis for coordinating the interests and actions of individual individuals and entire social groups. This role is also emphasized during the emergence of law and the need to sanction legal obligations. Moral norms at that time were already a recognized regulator of social relations, having demonstrated their effectiveness and authority, and therefore the embodiment of prevailing moral principles in the content and basis of legal duty facilitated the process of law implementation in society. In this way, morality becomes the support of law at the stages of its adoption, which is clearly reflected in the content of newly formed legal norms in general and legal obligations in particular. Moreover, a number of scientists are inclined to the opinion that law originates precisely from morality, or rather from the moral rules that regulated relations within society. In particular, in their opinion, the right originates from a moral substance that has taken the social form of an obligation and assumes an altruistic motive as a proper and obligatory [3, c. 77]. That is, morality as a regulator of social relations consisted mostly of duties that were taken for granted by members of society and were subject to unquestionable fulfillment. On the basis of this statement, we can assume that it was moral obligations that became the basis for the creation of legal ones, although we cannot ignore the fact that a number of other social regulators, in particular, religious or customary norms, had their influence on the formation of law as such.

Continuing the theme of the influence of morality, it is worth noting that the level of morality of legal obligations, both at the initial stages of the functioning of the law and today, directly affects the level of their implementation and compliance. A legal duty that is based on recognized moral principles receives some approval from society and does not cause rejection. Moreover, not only state coercion, but also public opinion, which will again increase the level of its proper observance and execution, will be a means of ensuring the legal obligation, in the event that moral principles are reflected in its content. In case of contradictions between the legal obligation and the moral beliefs of society, it can be assumed that its proper implementation will be ignored by such society. So, we can conclude that the harmonization and adaptation of legal obligations in accordance with the moral principles and views that are established in a certain society will contribute to increasing the effectiveness of legal regulation in general, and the observance and fulfillment of legal obligations in particular [2, c. 44].

Special attention should also be paid to the role of moral aspects in defining duty as a value. In its broadest sense, value is any material or ideal phenomenon that has meaning for a person or society as a whole. In turn, in our opinion, value is the ability of this or that object, phenomenon to satisfy the needs, desires, of a social subject - an individual, a group of individuals, society as a whole. Thus, we can confidently call the category of duty a value. We explain this by the fact that it is thanks to the legal implementation of duties that it becomes possible to ensure the interests of all social subjects, since the duty draws the attention of

a person to that behavior that would be useful for all members of society. That is, the implementation and fulfillment of legal obligations will serve as a reason to consider them valuable. It is thanks to the implementation and observance of that measure of proper, necessary and useful behavior that conditions will be created to meet the needs of every participant in social relations. Based on this, we can note that in order for a duty to be considered a value, an adequate level of its performance and compliance must be ensured.

However, the legal obligation is not always formulated in such a way that contributes to its effective implementation by society. This is where moral aspects come in handy, because, as mentioned above, the embodiment of moral aspects that are established and recognized in a certain society in the content of a legal obligation is able to ensure its proper perception by such society and increase the level of its implementation and compliance. That is, it is the moral aspects that are reflected in the content of the legal obligation that contribute to its recognition as a value in society, as they ensure the proper level of its execution and compliance, which, in turn, entails the satisfaction of the needs of every participant in social relations. Reflecting the principles of justice, equality, and freedom in the content of a legal obligation will certainly contribute to its proper recognition and acceptance by the society to which such an obligation is addressed.

Separately, it is worth emphasizing the stimulating role of moral aspects reflected in the content of legal obligations. Moral aspects reflected in the content of legal obligations have a stimulating effect to a certain extent, that is, they can prohibit or encourage the performance of certain socially useful actions, thereby strengthening the role of law [1, c. 4]. It should be noted that the process of exercising the right in the form of fulfilling legal obligations is impossible without certain internal motivations, feelings, emotions, etc., which can be considered as a kind of incentive for certain behavior. Accordingly, the moral principles that are reflected in the content of the legal obligation orient the legal consciousness of a person to those important and necessary values that are recognized by society, prompting him to choose a socially useful option of behavior. Embodying moral components, basic legal obligations are assimilated by broad sections of the population and become a component of their legal awareness [5, c. 45].

Thus, the stimulating role of moral principles results, once again, in increasing the level of proper performance and observance of legal obligations by individuals, as well as, no less important, improving the level of legal consciousness and legal culture of society as a whole. That is, moral aspects create the basis for society's orientation to prevailing values and stimulate it to choose socially useful options for behavior.

**5. Conclusions.** Summarizing all of the above, we can note that moral norms had a significant impact on the formation and development of law in general and legal duty in particular. Prior to the emergence of law, moral norms, which began to emerge in primitive society, occupied the position of an effective and authoritative regulator of social relations for a long period of time. With the advent of law, it was moral principles that made it possible to facilitate the process of implementing legal norms in society, reflected to some extent in their

content. The construction of legal norms in general and legal duty in particular on the basis of moral values recognized and prevailing in society contributed to the effective development and rapid spread of law as a newly formed regulator of social relations. Today, moral aspects in the content of legal obligations continue to play an important role. First of all, the moral basis of legal obligations leads to an increase in the level of efficiency of their implementation and compliance by society. The fulfillment of legal obligations is largely determined by the extent to which they meet the requirements of morality. Legal constructions must meet the requirements of morality and respond to them in a timely manner, thanks to which their authority will grow and their essential content will be enriched. In addition, the moral aspects reflected in legal obligations act as an effective means of orienting people in matters of the content and goals of life, forming a system of the most important social values, raising the level of moral consciousness of individuals, forming in them a sense of responsibility for fulfilling their duties. The implementation of moral aspects into the content of a legal obligation is accompanied by the awareness of moral values by the addressees and prompts them to choose permitted or legally encouraged behavior options that are recognized as moral and fair in society. Also, thanks to the implementation of moral aspects in the content of legal duties, and more precisely due to the more effective performance of duties based on moral principles, and as a result - the satisfaction of the needs of all members of society, there is an opportunity to interpret duty as a value.

Today, using the principles of good faith, justice, equality, humanity, integrity, etc. in both national and international legislation, we can speak with confidence about the presence of moral principles in the entire legal system and in individual legal norms. The moral aspects of law largely determine the stability of the effective functioning of all social institutions, including legal ones, their role and authority in society and the state.

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