

HUMANISTIC PRINCIPLES OF THE LEGAL SYSTEM

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Annotation. The study focuses on the study of the principle of humanism as a key element of the modern legal state. The author traces the evolution of the humanistic concept from ancient times to the present, emphasizing its defining role in the formation of legal systems and state policy.

The article reveals the essence of the concept of “principle” in the legal context. Emphasis is placed on the systematicity, interrelationship, and hierarchy of the principles of law, which is crucial for understanding their functions in the legal system.

The analysis of the principle of humanism as an end-to-end component of the legal system occupies a central place in the research. Its main aspects are considered: the value of the individual, respect for dignity, ensuring rights and freedoms, orientation towards the common good. It is emphasized that humanism in law is not only an ethical ideal, but also a practical guideline for law-making and law enforcement.

The author explores the dialectical opposition of humanism and anti-humanism, which allows for a deeper understanding of the dynamic nature of humanistic principles and their influence on the development of the rule of law. Emphasis is placed on the need for constant critical analysis of existing norms and institutions regarding their compliance with humanistic ideals.

An important aspect of the work is the analysis of the relationship between the moral maturity of society and the realization of the principle of humanism. It is argued that in a morally developed society, respect for the rights and freedoms of the individual becomes an integral part of everyday life, creating harmony between ethical principles and legal norms.

The conclusions emphasize the importance of not only the legislative enshrining of humanistic principles, but also their practical implementation in all spheres of social life. This involves the constant improvement of the legal system and state administration for the maximum satisfaction of the needs and interests of citizens, which is a defining feature of a truly legal and democratic state.

Key words: principle of humanism, rule of law, human rights, system of law, moral principles of society.

1. Statement of the problem.

The principle of humanism is one of the fundamental principles on which the concept of a modern legal state is based. This principle reflects the idea that a person, his rights and freedoms are the highest value, and ensuring the dignity and well-being of each individual is the main goal of state policy and the legal system. In the context of building a legal state, humanism acts not only as a philosophical concept, but also as a practical guideline for the formation of legislation, activities of state institutions and interaction between the state and citizens [1, c. 46].

Historically, the principle of humanism has come a long way from the ideas of ancient philosophers to modern concepts of human rights. Its implementation in the legal system of the state means recognizing the priority of universal values, ensuring equality of all before the law, protecting

the rights and freedoms of citizens, as well as creating conditions for the free development of the individual. In the modern world, where globalization and technological progress create new challenges for society, the principle of humanism takes on special importance, becoming a key factor in ensuring social justice and stability [2, c. 301].

The implementation of the principle of humanism in the rule of law involves not only the declarative consolidation of relevant norms in the constitution and laws, but also their practical implementation in all spheres of public life. This includes the humanization of criminal legislation, the development of the social protection system, the provision of access to education and health care, the creation of mechanisms for the protection of the rights of minorities and vulnerable population groups. In addition, the principle of humanism requires the state to constantly improve the legal system and public administration in order to maximally satisfy the needs and interests of citizens, which is a key feature of a truly legal and democratic state [3, p. 30].

2. The analysis of scientific sources on the subject of the study demonstrates the significant interest of researchers in the issue of humanism in the context of the development of the legal system. The fundamental works of S. Pogrebnyak and V. Kolisnichenko laid the theoretical basis for understanding the principle of humanism as a key element of the legal system. In particular, S. Pogrebnyak in his writings considers humanism as a philosophical, ethical and natural-legal principle that gives a person the status of absolute value. V. Kolisnichenko emphasizes the systematic nature of the principles of law, which includes both the presence of relevant components and their interrelationship.

Contemporary research, presented in the works of scholars such as J. Dies, G. Dies, J. Emerson and R. Dart, expands the understanding of humanism in the context of global challenges and technological progress. These authors consider the principle of humanism not only as a theoretical concept, but also as a practical tool for the formation of legal policy and legislation.

Special attention in modern studies is paid to the problem of implementing humanistic principles in the conditions of digitalization of society and global crisis phenomena. The works of Ukrainian researchers, such as V. Nazaruk, N. Horishna, A. Kornetsky and M. Naumova, are focused on the analysis of the specifics of the introduction of humanistic principles into the legal system of Ukraine in the context of European integration and post-socialist transformations. These studies emphasize the need for a critical rethinking of the humanistic principles of law, taking into account new social, economic and political realities.

3. The authors **aim** to consider the theoretical aspects of the humanistic foundations of the legal system.

4. Presentation of the main material.

The word "principle" comes from the Latin "principium" which means beginning or foundation. This concept has a broad meaning and can apply to various spheres of human life and activity. In a scientific context, a principle acts as a fundamental proposition on which a certain theory or branch of knowledge is based. In the personal dimension, the principle is often considered as a deep inner conviction of a person, which determines his worldview and behavior [4, p. 547].

In lexicography, one can find the interpretation of "principle" as a scientific or moral principle, a basic rule that is strictly followed. Such an understanding emphasizes the normative nature of the principle, its role as a guideline in various aspects of life. At the same time, in a broader sense, a principle can be considered as a key idea underlying the organization or functioning of a certain system, be it a scientific theory, a moral code, or rules of social behavior. This is the cornerstone from which decisions are made and strategies are formed in various spheres [5, p. 41].

Thus, the principles of law can be considered as indicators that reflect the level of development of the legal system and determine the direction of its evolution. They act as original landmarks that indicate the vector of legal regulation in society. These fundamental principles are designed to embody the key values on which the law rests, thus forming the basis for an “ideal” legal system. The main role of legal principles is to ensure the ideological integrity of all aspects of the legal system – from the creation of laws to their implementation and maintenance of law and order. These principles permeate the entire legal structure of society, directing its development towards universally recognized and most valuable ideals. Among such ideals, one can single out democracy, justice, equality, humanism, individual freedom, and others.

Therefore, legal principles serve not only as a theoretical basis, but also as a practical tool for the formation and improvement of a legal system that meets the highest standards of social development and protection of human rights [6, p. 35]. Therefore, in the historical plan, principles precede the formation of a certain historical type rights. They serve as a kind of ideological plan, according to which legislation is formed, the practice of its implementation is developed [7, p. 35-36].

Systematicity is an integral characteristic of law, and this property naturally transfers to the principles of law, which are its fundamental component. Thus, the principles of law cannot be considered in isolation – they form an interconnected and interdependent system. This means that in order to fully understand and effectively apply the principles of law, it is necessary to take into account their complex nature. Each principle does not exist by itself, but functions in close connection with others, forming a coherent legal structure [8, p. 144]. Indeed, understanding the principles of law solely in the context of their systemic nature is critical to understanding their true role and meaning. This system is manifested in two key aspects: 1) organic relationship and interdependence of the principles of law. Each principle does not exist in isolation, but functions in close connection with the others. They complement and support each other, creating a complete legal picture; 2) hierarchy and interdependence of principles. The principles of law form a certain structure, where some principles can be more fundamental, and others - derived from them. At the same time, they mutually influence each other, forming a complex network of legal concepts. Without taking into account these aspects of systematicity, consideration of the principles of law loses its meaning. Their effectiveness and social significance can be realized only within the framework of an integrated system. Isolated application of individual principles without taking into account their place in the general structure of law can lead to distorted interpretation and incorrect application of legal norms. Thus, only a systematic approach to understanding the principles of law allows one to fully assess their role in the formation and functioning of the legal system, as well as their impact on social relations as a whole. [9, p. 201-202]. In V. Kolisnichenko's opinion, the system of legal principles means both the presence of relevant components and their connection [10]. Therefore, this property of the principles of law poses the task of their classification.

It should be noted that today there is no single list of principles of law, each author singles out his classification and adheres to his own opinion, but practically all scientists agree that the principles are objectively inherent in the law of quality [1, c. 47].

So, in particular, the main legal principles include social freedom, social justice, democracy, humanism, equality of all before the law, unity of legal rights and obligations, responsibility for guilt, legality [11, p. 215].

A consideration of the classification of the principles of law really reveals their complex hierarchical structure. This hierarchy reflects not just a list of principles, but their relationship and interdependence within the framework of the legal system. It is important to emphasize that the principles of law are not static. They are in constant dialectical development, responding to changes in society and the evolution of legal thought. This dynamic nature of legal principles allows the legal system to adapt to new challenges and needs of society. An example with the principles of the rule of law vividly illustrates this process. These principles were born as theoretical concepts long before the practical realization of the idea of the rule of law. In the context of Ukraine, they found their embodiment only in the process of forming new legislation after gaining independence. It demonstrates how principles of law can be ahead of their time, shaping the ideals to which society aspires in its legal development. Thus, understanding the

hierarchy and evolution of the principles of law is key to understanding the processes of law-making and law enforcement. It allows not only to analyze the current legal system, but also to forecast the directions of its further development, taking into account both historical experience and modern trends of social development [7, p. 31-32].

Thus, the activity of the state should be aimed at ensuring compliance with all established human rights and freedoms. So it is quite obvious that all these legal axioms are designed to ensure individual rights and civil liberties. The principle of humanism can really be considered as the fundamental basis of the modern legal system. This principle embodies the idea that a person, his rights and freedoms are the highest value in a democratic society [2, c. 302].

Humanism as an end-to-end principle of law permeates the entire legal system, acting as a guide for law-making and law enforcement. It provides: 1) recognition of the inherent value of each person; 2) respect for human dignity; 3) provision of conditions for the realization of rights and freedoms; 4) striving for the common good as the ultimate goal of social development.

The importance of this principle is difficult to overestimate, as it forms the basis for the development of all other legal principles and norms. The level of implementation of the principle of humanism in the legal system is an indicator of society's maturity and its readiness for further progress. At the same time, it is important to emphasize that humanism in law is not just an abstract idea, but a practical guideline for the development of legislation, the formation of judicial practice and the activities of law enforcement agencies. It affects all areas of law, from criminal to civil, ensuring a balance between the interests of the individual and society [3, p. 31].

Thus, the principle of humanism acts not only as an ethical ideal, but also as a specific legal mechanism that ensures the protection of human rights and freedoms. Its implementation is a key factor in building a rule of law and developing a democratic society. The future of not only the legal system, but also humanity as a whole depends on how deeply this principle is rooted in public consciousness and legal practice. [13, p. 27].

In modern philosophical literature, humanism (from the Latin *humanus* - human) is understood as a system of worldview guidelines, the center of which is a person, his personality, high purpose and the right to free self-realization. Humanism defines the release of human potential, its well-being as a criterion for assessing social institutions, and humanity as a norm of relations between individuals, ethnic and social groups, and states [11, p. 134]. Humanism as a feature of world culture has enriched ethical thought by recognizing the self-worth of human and earthly life. From here, the idea of happiness, justice and equality of people gradually developed [12, p. 6].

The concept of humanism has a wide range of philosophical interpretations. Definitions of this category cover the key aspects of this concept: 1) recognition of the value of the human personality is a fundamental position of humanism, which places a person at the center of philosophical and legal thought. It emphasizes the uniqueness and importance of each individual; 2) the right to free development and manifestation of abilities – this aspect reflects the idea that every person should have the opportunity to realize their potential, develop their talents and abilities without undue restrictions; 3) the right to freedom and happiness – this provision emphasizes the importance of personal freedom and the pursuit of happiness as inalienable human rights. It involves the creation of conditions where everyone can strive for their own understanding of happiness and self-realization; 4) approval of human welfare as a criterion for evaluating social relations – this aspect indicates that social institutions and relations should be evaluated from the point of view of their impact on people's well-being. This creates an ethical basis for the formation of social and legal norms. This understanding of humanism has profound implications for the legal system. It provides that laws and legal institutions should be aimed at ensuring the dignity of a person, protecting his rights and creating conditions for comprehensive development of the individual.

In the context of the rule of law, this definition of humanism can serve as a guideline for the development of legislation, the formation of judicial practice and the implementation of state policy. It requires that all aspects of the legal system – from constitutional principles to specific legal norms – correspond to these humanistic ideals.



It is also important to note that this understanding of humanism creates a basis for a balance between the rights of the individual and the interests of society, emphasizing that social progress should be evaluated through the prism of its impact on the well-being of individuals [13, p. 14].

At the same time, let's note, the approach to understanding humanism through its opposition to anti-humanism allows for a deeper understanding of the essence of both phenomena. Let's consider the key aspects of this opposition:

1. Humanism vs. Anti-humanism:

- Humanism strives to expand the possibilities of a person, his creative potential.
- Anti-humanism, on the other hand, limits human development by establishing the framework of “usual” and “acceptable”.

2. Innovation vs. Dogmatism:

- Humanism is open to innovation and change.
- Anti-humanism is manifested in the ban on innovation, conservation of existing dogmas.

3. Freedom vs. Unfreedom:

- Human history is seen as a constant struggle between the desire for freedom and the forces that limit this freedom.

4. Creativity vs. Limitation:

- Humanism supports the creative development of the individual.
- Anti-humanism sets historical and cultural limitations on creativity.

5. Dynamics of the historical process:

- Human history is presented as a constant interaction and struggle between humanistic and anti-humanistic tendencies.

This approach allows for a better understanding of the dynamic nature of humanism. It is not a static set of ideas, but is constantly evolving in opposition to forces that seek to limit human freedom and development.

In the context of the rule of law, this opposition is important: 1) it emphasizes the need for constant vigilance regarding laws and practices that may limit human rights and freedoms; 2) prompts a critical review of existing norms and institutions for their compliance with humanistic ideals; 3) emphasizes the importance of innovations in the legal field for adaptation to new challenges and needs of society; 4) reminds of the need for a balance between the stability of the legal system and its capacity for renewal and development.

Thus, the understanding of humanism through its dialectical opposition to anti-humanism allows for a deeper understanding of the role of humanistic principles in the formation and development of the legal state, emphasizing the need for constant movement towards greater freedom and the disclosure of human potential.

By its essence, writes S. Pogrebnyak, humanism is a worldview, at the center of which is the idea of a person as the highest value, an ideology that focuses primarily on the positive of a person while recognizing his negativity, which needs control and limitations. In the most generalized form, humanism is a philosophical, ethical and natural-legal principle that gives a person the status of absolute value [14, p. 33]. At the same time, the scientist quoted by us rightly observes, the highest humanitarian principles determined by the essence of society and a person's desire for a high, dignified position are realized primarily in the values of natural law. However, the researcher notes, humanism, along with freedom, justice and equality, is undoubtedly also one of the main principles of positive law. This must be taken into account during the creation, implementation, application and interpretation of legal norms [14, p. 34-35].

The fundamentality and general recognition of the principle of humanism is determined by the system of its imperatives and sub-imperatives, its structural components. When considering the formal and practical aspects of the implementation of the principle of humanism, we inevitably face the problem of its polystructurality, because the implementation of this principle affects the need to implement its components [15, p. 25].

In our opinion, the key factor in the development of society is the level of its moral maturity. The progress of society is inextricably linked with the personal growth of its members - ordinary citizens, civil servants and other representatives of society. In a community where high moral standards prevail, the formal establishment of human rights becomes secondary, as their observance occurs naturally as an integral part of social culture. This concept emphasizes that in a morally developed society, respect for the rights and freedoms of the individual becomes not just a legal norm, but an organic component of everyday life. This creates an environment where ethical principles and legal norms coexist harmoniously, supporting each other. In this context, the legal system acts not so much as an instrument of coercion, but as a formal reflection of moral values and practices already existing in society. This idea emphasizes the importance not only of improving legislation, but also of developing the moral consciousness of society as a key factor in building a truly humanistic and legal state.

It is worth noting that the concept of humanism is not a new phenomenon in legal thought. In particular, during the existence of the Soviet Union, the prevailing idea was that socialist law is the embodiment of the highest humanistic principles. This position was based on the belief that socialism represents the most progressive form of social organization. The humanistic nature of Soviet law, according to the scholars of that time, was manifested primarily in two key aspects: 1) the declarative elimination of class and social contradictions, which theoretically should ensure the equality of all members of society; 2) formal consolidation of a wide range of rights and freedoms of citizens in the Soviet constitutions of different periods. However, it is important to understand that this concept of humanism often remained at the level of declarations and was not always reflected in real legal and social practice. This emphasizes the need for a critical analysis not only of the formal enshrining of humanistic principles in legislation, but also of their practical implementation in the everyday life of society [16, p. 30].

5. Conclusions.

Thus: 1) the principle of humanism is the fundamental basis of the modern legal state, which recognizes a person, his rights and freedoms as the highest value. This principle requires not only declarative consolidation in legislation, but also practical implementation in all spheres of social life; 2) humanism as a legal principle has a systemic nature and cannot be considered in isolation from other legal principles. It permeates the entire legal system, influencing law-making, law enforcement and judicial practice; 3) understanding humanism through its opposition to anti-humanism allows for a deeper understanding of its essence and dynamic nature. This opposition emphasizes the need for the constant development of the legal system in the direction of expanding human freedoms and opportunities; 4) the level of implementation of the principle of humanism in the legal system is an indicator of the maturity of society. At the same time, an important role is played not only by the formal establishment of rights, but also by the general level of morality of society, which ensures the natural observance of humanistic principles; 5) historical experience shows that the declarative declaration of humanistic principles does not guarantee their real implementation. This emphasizes the need for a critical analysis of not only legislation, but also the practice of its application in order to assess the real state of humanism in the legal system.

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