

# THE PRINCIPLE OF HUMANISM IN THE LEGAL SYSTEM: GENERAL THEORETICAL ASPECTS AND CRIMINAL-LEGAL IMPLEMENTATION

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**Annotation.** The article examines the principle of humanism as a fundamental element of the modern legal system, analyzing both its general theoretical foundations and its practical implementation in the field of criminal law. The study traces the philosophical and historical origins of humanism — from ancient thought to contemporary human rights concepts — and establishes its normative significance as a cross-cutting principle that permeates the entire legal system. The authors demonstrate that humanism functions not merely as an abstract philosophical ideal but as a concrete legal mechanism that guides lawmaking, judicial practice, and law enforcement activity. Particular attention is paid to the systemic nature of legal principles, the classification of which reveals the hierarchical structure of the legal system and the central place of humanism within it. The article analyzes the dialectical opposition between humanism and anti-humanism as a methodological tool for understanding the dynamic development of humanistic principles in law. The study also critically examines the historical experience of declarative consolidation of humanistic principles in Soviet-era legislation, emphasizing the gap between formal proclamation and practical implementation. In the criminal law dimension, the authors explore the concept of humanization of criminal legislation, the development of alternative sanctions, and restorative justice mechanisms in light of international standards. The article concludes that the level of implementation of the principle of humanism in the legal system serves as an indicator of societal maturity, and that genuine humanistic progress requires not only legislative reform but also the moral development of society as a whole.

**Key words:** principle of humanism, legal system, rule-of-law state, human dignity, human rights and freedoms, principles of law, criminal law, humanization of legislation, social justice, legal principles classification.

## 1. Problem statement.

The principle of humanism is one of the basic principles on which the concept of a modern legal state is built. Its essence lies in recognizing a person, his rights and freedoms as the highest social value, and ensuring the dignity and well-being of each person is the primary task of state policy and legal regulation. In the dimension of legal statehood, humanism functions not only as a philosophical idea, but also as a practical guideline in the formation of legislation, the organization of the work of state institutions and the establishment of relations between government and society [1, p. 46].

The principle of humanism has its roots in the ideas of ancient thinkers, but its evolution continued until the formation of modern concepts of human rights. The establishment of this principle in the legal system means recognizing the supremacy of universal human values, guaranteeing the equality of all before the law, protecting the rights and freedoms of the individual, and creating appropriate conditions for its free development. In modern conditions, when globalization and rapid technological progress pose new challenges to society, the importance of the humanistic principle is growing significantly, turning it into a key tool for ensuring social justice and social stability [2, p. 301].

The implementation of the principle of humanism in a legal state is not limited to its declarative consolidation in constitutional and legislative norms - it involves the real implementation of relevant standards in all spheres of social life. This includes the humanization of the criminal law sphere, the development of an effective system of social protection, ensuring universal access to education and medical care, as well as the formation of effective mechanisms for protecting the rights of minorities and vulnerable categories of the population. At the same time, this principle obliges the state to constantly improve the legal system and public administration in order to fully meet the needs and legitimate interests of citizens - which, in fact, is a defining feature of a truly legal and democratic state [3, p. 30].

## 2. State of scientific research.

The general theoretical foundations of humanism as a legal principle were developed in the works of such foreign thinkers and jurists as R. Dworkin, who substantiated the concept of rights as “trump cards” against state arbitrariness, J. Rawls, who in his theory of justice laid the philosophical foundation for the humanistic understanding of legal regulation, as well as G. Hart, who studied the relationship between law and morality in the context of protecting human dignity. A significant contribution to the development of the humanistic concept of law was also made by N. McCormick, A. Pechenik and R. Alexi, who in their works on the theory of argumentation and principles of law emphasized the central role of man in the legal system. Among domestic scientists, the general theoretical aspects of humanism were studied by M. Kozyubra, P. Rabinovich and O. Petryshyn.

In the field of criminal law, the principle of humanism has become the subject of thorough scientific analysis, primarily in foreign doctrine. A significant contribution to the study of the humanistic foundations of criminal law policy was made by the Italian educator C. Beccaria, whose work “On Crimes and Punishments” laid the foundation of humanistic criminal law, as well as modern researchers K. Hafke, K. Roksin and V. Hassemer, who developed the concept of personal legal benefit and justified the need to limit the state’s punitive influence on the individual. The issues of humanization of criminal legislation, alternative sanctions and restorative justice are actively studied within the framework of the European Institute for the Prevention and Control of Crime (HEUNI), as well as in the works of such researchers as T. Matthias, M. Torri and D. Van Zyl Smut. In domestic criminal law science, these issues were developed by V. O. Navrotsky, M. I. Khavronyuk, O. O. Dudorov and Yu. V. Baulin.

**3. The purpose of the article** is to study individual aspects of the principle of humanism as a fundamental means of the legal system — to clarify its general theoretical nature, philosophical and legal origins and patterns of normative consolidation, as well as to identify the features of its practical implementation in the field of criminal law regulation, taking into account modern international standards.

## 4. Presentation of the main material.

The word “principle” comes from the Latin “principium”, which means the beginning or basis. This concept has a broad meaning and can apply to various spheres of human life and activity. In the scientific context, a principle acts as a fundamental position on which a certain theory or field of knowledge is based. In the personal dimension, a principle is often viewed as a deep inner conviction of a person that 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. This understanding emphasizes the normative nature of the principle, its role as a guiding principle in various aspects of life. At the same time, in a broader sense, a principle can be viewed as a key idea that underlies 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 for action in various areas are formed [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 a kind of reference points that

indicate the vector of legal regulation in society. These fundamental principles are designed to embody the key values on which law is based, 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 generally recognized and most valuable ideals. Among such ideals, democracy, justice, equality, humanism, individual freedom and others can be distinguished.

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 historical terms, principles precede the formation of a certain historical type of law in time. They serve as a kind of ideological plan, according to which legislation is formed, the practice of its implementation is formed [7, p. 35-35].

Systematicity is an inherent characteristic of law, and this property naturally passes 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 for a full understanding and effective application of 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 holistic legal construct [8, p. 144]. Indeed, understanding the principles of law exclusively in the context of their systematicity is critically important for understanding their true role and meaning. This systematicity is manifested in two key aspects: 1) the organic interconnection and interdependence of the principles of law. Each principle does not exist in isolation, but functions in close connection with others. They complement and support each other, creating a holistic legal picture; 2) the hierarchy and interdependence of the 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 a holistic 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 us 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]. The systematicity of the principles of law, in the opinion of V. Kolisnichenko, 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 legal principles, each author distinguishes his own classification and adheres to his own opinion, but almost all scholars agree that principles are objectively inherent qualities of law [1, p. 47].

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

Consideration of the classification of legal principles really reveals their complex hierarchical structure. This hierarchy reflects not just a list of principles, but their interconnection and interdependence within 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 the principles of law allows the legal system to adapt to new challenges and needs of society. The example of the principles of the rule of law vividly illustrates this process. These principles originated as theoretical concepts long before the practical implementation 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. This demonstrates how the principles of law can be ahead of their time, forming the ideals that society strives for in its legal development. Thus, understanding the hierarchy and evolution of the principles of law is key to understanding the processes of lawmaking and law enforcement. It allows not only to analyze the current legal system, but also to predict the directions of its further development, taking into account both historical experience and modern trends in social development [7, p. 31-32].

Thus, the activities 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 indeed 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, p. 302].

Humanism as a cross-cutting principle of law permeates the entire legal system, serving as a guideline for lawmaking and law enforcement. It involves: 1) recognition of the inherent value of each person; 2) respect for human dignity; 3) ensuring 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, since 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 the maturity of society 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 branches 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 legal state and the development of 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 liberation of human capabilities, his well-being as a criterion for evaluating 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 intrinsic value 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. The definitions of this category cover the key aspects of this concept: 1) recognition of the value of the human person is a fundamental provision of humanism, which places the 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) the affirmation of the good of man as a criterion for assessing social relations - this aspect indicates that social institutions and relations should be evaluated from the point of view of their impact on the well-being of people. 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 assumes that laws and legal institutions should be aimed at ensuring human dignity, protecting their rights and creating conditions for the comprehensive development of the individual.

In the context of a state governed by 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 the basis for a balance between the rights of the individual and the interests of society, emphasizing that social progress should be assessed through the prism of its impact on the well-being of individuals [13, p. 14].

At the same time, we note that the approach to understanding humanism through its opposition to antihumanism allows us to more deeply understand the essence of both phenomena. Let us consider the key aspects of this opposition: 1) Humanism vs. Antihumanism: humanism strives to expand human capabilities, its creative potential; antihumanism, in turn, limits human development, establishing the framework of the "usual" and "acceptable". 2) Innovation vs. Dogmatism: humanism is open to innovation and change; antihumanism is manifested in the prohibition of innovation, the 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. Restriction: humanism supports the creative development of the individual; antihumanism sets historical and cultural limits on creativity. 5) Dynamics of the historical process: human history is presented as a constant interaction and struggle between humanistic and antihumanistic tendencies. This approach allows us to better understand 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) encourages a critical review of existing norms and institutions for their compliance with humanistic ideals; 3) emphasizes the importance of innovations in the legal sphere for adapting to new challenges and needs of society; 4) reminds of the need for a balance between the stability of the legal system and its ability to renew and develop.

Thus, understanding 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 rule of law, emphasizing the need for a constant movement towards greater freedom and the disclosure of human potential.

In its essence, writes S. Pogrebnyak, humanism is a worldview centered on the idea of man as the highest value, an ideology that focuses primarily on the positive side of man while recognizing his negative side, which requires control and restrictions. In its most generalized form, humanism is a philosophical, ethical, and natural-law principle that gives man the status of absolute value [14, p. 33]. At the same time, the scientist we quoted correctly notes that the highest humanitarian principles, determined by the essence of society and man's aspiration for a high, dignified position, are realized primarily in the values of natural law. However, the researcher notes that humanism, along with freedom, justice, and equality, is undoubtedly also one of the basic principles of positive law. This must be taken into account when creating, implementing, applying, and interpreting legal norms [14, p. 34-35].

The fundamentality and universal recognition of the principle of humanism is due to 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 encounter 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 consolidation of human rights becomes secondary, since 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 harmoniously coexist, supporting each other. In such a context, the legal system acts not so much as an instrument of coercion, but as a formal reflection of the 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 idea prevailed that socialist law was the embodiment of the highest humanistic principles. This position was based on the belief that socialism represents the most progressive form of social order. The humanistic nature of Soviet law, according to contemporary scholars, was manifested primarily in two key aspects: 1) the declarative elimination of class and social contradictions, which theoretically was supposed to ensure the equality of all members of society; 2) the formal consolidation of a wide range of rights and freedoms of citizens in 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 consolidation 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 a modern legal state that 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 public life; 2) humanism as a legal principle has a systemic nature and cannot be considered in isolation from other principles of law. It permeates the entire legal system, influencing lawmaking, law enforcement and judicial practice; 3) understanding humanism through its opposition to antihumanism allows us to more deeply comprehend its essence and dynamic nature. This opposition emphasizes the need for 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. In this case, an important role is played not only by the formal consolidation of rights, but also by the general level of morality of society, which ensures natural adherence to humanistic principles; 5) historical experience demonstrates that the declarative proclamation of humanistic principles does not guarantee their real implementation. This emphasizes the need for a critical analysis not only of legislation, but also of the practice of its application in order to assess the real state of humanism in the legal system.

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