

Legal Policy: The Latest Dimensions of Development

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ABSTRACT

The relationship between such legal categories as "policy" and "law", which gives rise to such a legal phenomenon as "legal policy", is analysed. The general theoretical description of the concept of "legal policy", its features, principles of functioning are given. The essence of the legal policy is explained and the newest approaches in the formation of the legal policy are substantiated. The priority directions of implementing the legal policy in Ukraine, in particular on the basis of Christian legal traditions are also highlighted.

Keywords: *law, policy, legal traditions, Christian legal traditions, legal system, legal understanding*

1. INTRODUCTION

Building Ukraine as a democratic, law-governed state requires, on the one hand, the acceleration of state-building processes, and, on the other hand, strict adherence to the supremacy of law, strengthening guarantees for securing and protecting the rights and freedoms of a man and a citizen. The implementation of such a course implies a high level of justice and legal culture. However, the absence of stable democratic traditions in the Ukrainian society contributes to the dominance of legal nihilism, and the repeated attempts to achieve political goals through non-legal methods. The influence of policy on the legal system of the state is significantly amplified during social reform periods: democratization and humanization of public relations actively influences the formation of political consciousness and political culture of the population as elements of the political system that determine the effectiveness of the legal system. At the same time, the political system of the state becomes organic if it is based on law.

The relevance of the chosen research topic is due to the genesis of legal life in Ukraine. In the context of social development, there is a need for a net understanding of the factors that influence legal policy-making in general and in Ukraine in particular. The purpose of the article is to analyse the main theoretical approaches in understanding the essence of legal policy and to identify the tendencies of developing legal policy in reference to practical features of embodying Christian legal traditions in the process of its formation and implementation in Ukraine.

It should be noted that scholars have paid sufficient attention to the study of legal policy, in particular, as well as to the study of the concepts of "policy" and "law" and their interaction. These are the works of: O. Bogdan, N. Hnatenko, S. Gusarov, N. Zheleznyak, A. Zayets, M. Nedyukh, O. Petryshyn, O. Yarmysh, V. Selivanov, Y. Shemshuchenko and others, however, unified analysis of the "legal policy" has not been elaborated, nor is there a

single position on the use of Christian legal traditions in the process of its formation and implementation in Ukraine.

2. BACKGROUND

Traditionally, policy is defined as the art of government; organizational, regulatory and controlling spheres of society within which social activity is carried out, aimed primarily at the attainment, retention and realization of power by individuals and social groups for the fulfillment of their own requests and needs [1]. It affects the interests of social groups, classes, nationalities and is always determined by the economic condition of society. According to M. Weber, policy is the desire to participate in power or to exert influence on the distribution of power [2]. As we can see, according to the traditional understanding; policy is only an instrument, a means of gaining and retaining power by certain political forces. However, other policy definitions are emerging. For example, M. Pirin treats policy as a kind of activity to satisfy the long-term current interests of social groups [3]. R. Rose defines it as a long series of more or less responsible actions and their coordination in order to make a specific decision [4]. Today, the main activity of the state is aimed at meeting the needs of citizens, therefore, the policy should be interpreted as a certain strategy for making and practical implementation of obligatory decisions for society on certain issues. Since the central subject of political life is still the state, the purpose of the policy is to determine the essence of the problem, the solution of which requires the intervention of state authorities [5], which is already a state policy, because it is connected with the implementation activities of state power. Therefore, public policy is a deliberate activity of public authorities to solve social problems, achieve and implement the overarching goals of society development or its individual spheres. Therefore, in L. Pal's view, public policy is the direction of action or abstaining from it taken

by public authorities to solve a particular set of interrelated problems [6].

The orientation of public policy is connected with the process of ensuring social stability and satisfying public interests, i.e. it is the optimal synthesis of objective social development tendencies and subjective people's judgments about their own interests in society. Public policy is an important component of social life, having many dimensions and characteristics; it forms the appropriate system and mechanisms of socially oriented public administration, as it aims at improving the life quality of citizens and guaranteeing social stability.

State policy is manifested in various spheres of social life: economic policy, cultural, social, national, scientific, technical, financial, etc. Legal policy is a type of policy. Law, one way or another, draws up, enshrines all kinds of state policy, but has specific features and content; legal policy determines the legal development of the country. At the same time it is a means of accumulation and a leader of various social interests, needs, aspirations (economic, political, social, cultural, etc.). Generalizing different areas of human activity, it synthesizes them in legal norms and institutions, such as human rights institutions, elections, parliamentarism, etc., or codes - civil, criminal, tax, customs, procedural. This is where the mixed and essentially inseparable concepts emerged - economic laws, social legislation, labor, administrative, tax law, etc. Legal policy, therefore, is closely linked to all other varieties of policy and tends to embrace the full diversity of public relations.

Modern interpretation of the legal policy content cannot be limited to a narrow, applied approach, which consists only of utilitarian tasks of assessing the adequacy of the current legislation and further improving the legal system of the state. In essence and for social purposes, legal policy is a special and necessary component of public policy, a means of legal legitimation, consolidation and maintenance of the country political course, sanctioned by the will of the people and its political leaders, which takes place in the activity of power structures.

In the process of general theoretical understanding of the term "legal policy" it is appropriate to use legal thinking approaches, because the constituent of this category is "law". It is right to consider a system of mandatory, formally defined rules of conduct, which are authorized by the state. There are different approaches to legal thinking, and each of them covers the "right" only in a certain aspect, and the complex characteristics of the law can be provided only by analysing the multifaceted links with social activity [7]. From the standpoint of a normative positivist approach, the law has not only general features (inherent in all social norms), but also specific features: obligatory, state-sanctioned, etc.); sociological approach explains law as a natural "living", which is directly manifested in everyday social life; genetic approach reveals the causes and factors that influence the development of law. The use of an instrumental approach gives the opportunity to understand law as a specific tool that regulates the behavior of participants in social relation. Using an axiological approach, law appears as a

culture achievement, as a certain social value, while a systemic approach reveals law as a set of legal phenomena that are in some way interconnected and form an entire legal system. Thus, law is a system of rules (rules of conduct) and principles established or accepted by the state as regulators of public relations, which formally enshrine a measure of freedom, equality and justice in accordance with the public, group and individual interests (will) of the nation, provided by all measures of legal state influence, even coercion. [8].

Law as an integral part of legal policy is an instrument (weapon) of policy implementation. Law-based government reflects political justice. Any power that rejects law is power that has no purpose, and therefore power is accidental, despotic. Only the right can give purpose to the authorities and conquer it. A state that is not based on law and law is wrong, distorted, even if the majority is governed by that nation. The unlawful manifestation of the majority is not democracy, but ochlocracy is the power of the crowd. In the law-governed state the exercise of political power is possible only on the basis of law, because it regulates, "civilizes" policy, removes it from a wild state, in which there is only power, in a state where the rights and the interests of all, both the majority and the minority, are guaranteed. Thus, policy understanding becomes a political process, that is, the activity of solving common cases in a legally fixed way of reconciling the various interests that exist in society, and legal law is the basis and result of this process.

Any policy must be legal, that is, it should be created and implemented on the basis of legal rules, as well as through legal means. According to M. Matuzov, legal policy is a complex of ideas, measures, tasks, goals, programs, principles, guidelines that are implemented in the sphere of law and through law; it is a strategy of the activity of the state in the sphere of legal regulation, that is, it is the sphere of relations and interests, which are covered by the concept of "legal space" and objectively require regulation by the public authorities [9].

As a special form of expression of state policy, legal policy is a means of legal legitimation, consolidation and implementation of the country political course, the will of its official leaders and power structures. Being conscious, consolidated, this policy is first and foremost embodied in the constitutions, laws, codes, other fundamental normative legal acts of the state aimed at the protection of a given social and constitutional system, development of social relations in the right direction.

Legal policy as an element of the legal system does not have a clear definition. Some scholars see it as an activity of the state and other political institutions, aimed at creating an effective mechanism of law action, civilized use of legal means to achieve legal goals (ensuring rights and freedoms, forming the law-governed state, changing law and order, etc.). For example, V.K. Babayev defines legal policy as the principles, directions, tasks, strategy and tactics of legal regulation of social relations [10]. For other scholars, legal policy is a complex of ideas, activities, tasks, programs, and regulations that are implemented in the fields of law and through law. These

are the areas of relations, interests covered by the concept of "legal space" and objectively requiring regulatory mediation (ordering) by public authorities. In particular, M. Nedyukh believes that legal policy is the most acceptable form of leadership and regulation of public relations, which is based on the optimal combination of legal means and legal structures that make up the effective mechanism of legal regulation, which has expression in various forms, mediates all levels of government, consistent with the developed concept of the state strategic development and has socially useful goals [11].

The main task of legal policy is to provide legal and regulatory support to the reforms that are taking place in the country. The most important feature of legal policy is its state-willed nature, power imperative content [12]. The legal policy of the state is a legal program of its activity, based on the system of modern legal values, principles, theories, concepts and aimed at improving the legal system, conducting legal reforms, maintaining law and order, ensuring the balance of mutual rights, duties and responsibilities of the state, society, person; is a kind and an integral part of the unified social policy of the state along with economic, foreign economic, budgetary, tax, customs, monetary, anti-inflationary, innovative policy. Without such a connection, it is impossible to realize the various tasks and functions of the state.

As a strategy of state activity in the sphere of legal regulation, legal policy is a special form of expressing state policy. It is aimed at ensuring the proper functioning of civil society and its political system, it is a way of legitimizing, securing and implementing the political course of the country, the will of its official leaders and power structures. Other types of policy can only be successfully implemented in conjunction with legal policy. In relation to the philosophical and legal content of the law policy, there are two opposing concepts of legal policy. Regarding one concept, legal policy is seen as a kind of social management technology, or a form of social engineering, and in this sense it embodies the essence of power. The second model of legal policy is in line with the requirements of modern post-industrial society, considering law as a dialogue between legal entities, above all between the institutions of power and civil society.

As a social phenomenon, legal policy is viewed both broadly and narrowly. In the narrow sense, it is the development and implementation of policies and strategies in the field of creating and applying the right on the general principles of humanism. In the broad sense, it is primarily the activities of state and municipal bodies, public associations, individual citizens, encompassing a system of ideas, goals, measures and methods that ensure the functioning and reproduction of the legal mechanism aimed at realizing the interests, rights and freedoms of the person in interaction with his or her responsibilities.

Legal policy is a special form, the legal means of securing and implementing the political course of the country, the will of its leaders and power structures. Legal policy is primarily embodied in laws and other by-laws and is aimed at protecting public relations.

From here it follows the logical conclusion that the most important feature of legal policy is its state-willed character, power-imperative content. The main features of legal policy are: being based on law; its implementation by legal methods; covering mainly the legal sphere of activity; reinforcement, when necessary, by force methods, coercion; publicity, formality; external expression in the form of legal and organizational forms of its implementation. In all cases, the right serves as a basic and consolidating element of legal policy. In the law-governed state, only the law, not the oligarchic groups, must rule, or, as I. Kozlikhin writes, there must be a "rule of law" [13].

Conceptually, the state legal policy of Ukraine can be considered as a means of legitimizing domestic and foreign policy, a particular form of achievement and the authorities of officially proclaimed political goals. Such a policy must be based on the provisions and norms of the Constitution of Ukraine, as well as the generally recognized principles of international law, which presuppose the observance of fundamental rights and freedoms of an individual and a citizen by the state, the protection of which has in fact acquired a supranational character.

The basis for the formation and implementation of legal policy is a set of principles as starting points for legal action, namely: supremacy of law; legality; consistency of interests of a person, a society and the state; taking into account national interests in resolving issues of implementing international standards of legal regulation; scientific validity; purposefulness and clear prioritization; the evolutionary nature of legal policy-making; focus on achieving the end results; combination of management mechanisms and self-organization, state regulation and self-government; systematic and gradual, persistent and predictable; openness of the formation and realization process; social conditionality; scientific validity; sustainability and predictability; legitimacy and democratic character; humanity and moral principles; justice; publicity; combination of interests of the individual and the state; the priority of human rights as the highest social value; compliance with the main provisions of European Union law and international law.

Legal policy is a concentration of different spheres of human activity; it synthesizes them in norms and institutions, in turn, having a stabilizing influence on them. Content of legal policy includes a large number of structural components: legislation strategy, principles of legal regulation, constitutional construction, implementation of state-legal reform, protection of human rights, improvement of suffrage, basic principles of social and constitutional order, strengthening of law, order, discipline, judiciary - legal and administrative reform; search for optimal reform of parliamentarism and more. Legal policy can be regarded as "the elaboration and implementation of tactics and strategies in the field of the creation and application of law on the general principles of humanism [14].

Legal policy is a specific cross-sectoral legal category that defines principles, strategic directions and ways of

creating and implementing legal norms based on general and specific laws of developing the national legal system, aimed at strengthening the regime of legality and security, the ability of citizens to form a developed legal culture, using legal remedies to satisfy their interests, protect their rights and freedoms and at the same time are a static element of the legal system [15]. Against this background, there are two areas of legal policy: foreign and domestic. Foreign policy is aimed at ensuring the sovereignty, independence and territorial integrity of the state. The internal direction is connected with the democratic foundations of the state development, the priority of guaranteeing human rights and freedoms. In addition, it is necessary to distinguish those components of domestic legal policy that are associated with the guarantee of these rights and freedoms: state building, financial economic development, law enforcement, defense, justice, justice, etc. The external direction of legal policy is mainly foreign affairs, foreign economic activity.

The phenomenon of legal policy can be characterized by its properties and features. The most important features of legal policy are its state-willed nature and imperative content. Legal policy is law-based and connected with law; carried out by legal methods; covers, for the most part, the legal field of activity; relies, when necessary, on coercion; is public, official; differs normative and organizational principles. Right is a basic element of policy.

Exactly this concept of legal policy makes it possible to consider it not only in the totality of all legal phenomena - elements of the legal system, but also in interinfluence and interaction, that is, it allows to analyze law in general, since law is not only the basis of legal policy, but also a means of its implementation. Therefore, legal policy is a policy of the state aimed at ensuring the rights and freedoms of citizens, law and order in public relations. Policy priorities are the defining directions, emphases, advantages in the activity of public authorities, which are constructed in accordance with its ideas about the hierarchy of social values, which are subject to the protection and provision of law in the first place [16.]. Therefore, the priorities of legal policy can be regarded as a tactic that creates favorable conditions for the implementation of a legal policy by the state, as well as the decision of its tactical (intermediate) tasks aimed at achieving strategic goals. From these positions, the strategic direction of legal policy today is the transformation of society through law into a qualitatively different state - the formation of civil society, the rule of law, and ensuring their sustainable gradual development. The goal of legal reform is to place the individual as the highest social value at the center of the legal system, with its diverse spiritual and material interests. Accordingly, the priorities of modern legal policy are personality, family, society, and the state. These priorities must be pursued with the help of all branches of law as a unifying, systematic basis of the legal system. On this basis, law-making, legal implementation and other legal and organizational forms of implementation of state legal policy should be carried out. Without the integrated

interaction of all the legal system components, the goals of legal policy cannot be realized.

Formation of the legal field, that is, lawmaking, is known to be a process of knowing the legal needs of society and the state, its citizens, forming and adopting on the basis of the acquired knowledge of legal acts by authorized entities within the relevant procedures. First of all, it is a form of governmental activity aimed at the creation of laws and other normative legal acts by which legal norms are introduced, amended or abolished in the current legal system [17]. Lawmaking determines the process of forming an internally agreed national legal field, which defines the forms, methods and limits of regulatory activity of executive bodies. Formation of legal culture and citizens' awareness as a direction of realization of state legal policy is to exert a deliberate influence on different social strata of the population with the purpose of raising their justice and legal culture, bringing to their attention official views on the mentioned policy.

The effectiveness of legal policy is also significantly influenced by the cultural traditions that have developed in society, especially the psychology and mentality of the nation, as well as the processes of self-organization and self-government of the population. The construction of a rule of law can only be achieved by having a coherent system of all law-making and state-forming processes and institutions based on in-depth scientific studies of the social factors that determine the development of law and the legal system, in particular legal traditions and Christian-legal traditions. The development of social relations testifies to the need to know the truth of the social values of law through the incorporation into the latest content of Christian-legal traditions, which can become effective stimulative motives for individual behavior, including in the processes of social transformation. This is due, first of all, to the fact that social values are based on the moral and Christian laws of a society, which are objectively necessary for the existence of any social structure. Christian legal traditions are the normative factor of the social-regulatory system, which influences both individual and collective behavior. The value of the Christian legal transformation of law lies in the ability of the right to meet the needs of the public. Returning to the involvement of Christian-legal traditions in the transformational processes of developing the national legal system causes a profound impact on the change and modernization of law, state-law institutions, norms and relations at world, macro-regional and national levels, stimulates, accelerates and updates the processes of universalization in the field of law. [18]. However, it should be emphasized that the Christian-legal transformation of law as a result of the globalization process is objective and inevitable. Therefore, depending on the peculiarities of developing the state-legal sphere of society, there is a strengthening of: integration processes of the state and law development; the relationship between the state and law as a means of managerial and regulatory influence on society; the role and importance of Christian legal traditions as social factors influencing the development of the state and law. The process of Christian

legal transformation of law promotes the interconnectedness of the state and ethno-national communities. The interaction of Christian legal traditions and modern legal systems is manifested in a variety of forms. The specificity of the legal tradition that has emerged in the process of the Ukrainian society sociopolitical development is the perception of law as a coherent normative system, based on a harmonious combination of legal, moral and religious norms. An analysis of the main stages of the historical development of the domestic legal system and statehood shows that the state and the church are in a relationship and unity, influencing the processes of lawmaking and justice.

The phenomenon of tradition is considered by legal scholars mainly in the dialectical unity of logical and historical, static and dynamic, stereotypical and innovative, conservative and progressive foundations of the development of society and the legal system [19]. Tradition is associated with important spheres of social life, as a mechanism of grouping, harmonizing, consolidating and transmitting political, moral, legal, religious values within a specific national culture, the formation of the domestic legal tradition was influenced by the legal cultures of the West and the East, which contributed to the special synthesis of these cultures in the form of a continental model of the legal system adapted to the religious dogmas of Eastern Christianity. Orthodoxy, as the dominant religion, defined and formed the foundations of the religious and legal tradition, which became a unifying factor and effective regulator of social relations in the religious and ideological unity of society and the formation of legal culture. Yes, the moral values of a society are closely linked and driven by religious-normative ideals. However, in the moral sense, spiritual and moral values have traditionally been associated with state-legal ideals of universal, super-denominational and supranational significance [20]. Therefore, today the state aims to protect the constitutional rights of citizens on the one hand, and to protect society from the danger of destructive ideological and religious influences, on the other hand.

The values of national legal traditions are based on the religious-normative value relations between the subjects of religious relations. As a result of religious relations between believers, religious normative requirements arise; socially significant religious norms and ideals are formed. Action that conforms to religious norms, prescriptions of religious norms and ideals is of value to both the subject of religious relations and society as a whole. In the process of religious relations, which cause the emergence of religious normative phenomena and the formation of religious and normative facts that have individual and social significance, the value of Christian-legal value, the value of Christian-legal orientation and the value of Christian-legal are formed.

The value of Christian law should be regarded as a religious judgment about the value to believers or the individual subject of religious relations of the Christian legal traditions, religious events, religious norms, Christian normative ideal. Christian-legal traditions as a value

require, first of all, the perception of their practical importance in the mechanism of social normative regulation of social relations. That is why it is important for the believer, as a social entity, for his valuable Christian-legal orientation.

The value of Christian law traditions is to regulate religious relations in order to achieve and maintain a certain level of religious freedom, justice and the establishment of religious consensus. The Christian-legal traditions, being transformed into religious norms, establish for the subjects of religious relations the space for the exercise of religious subjective rights, define and consolidate the desired and proper religious behavior, with the aim of eliminating religious arbitrariness, confrontation, overcoming religious conflict. That is, Christian legal traditions are of unique religious and social value because they embody the fundamental foundations of a civilized organization of religious relations in society, their normative requirements. Christian-legal traditions as religious-normative principles ensure the realization of Christian-legal ideals and values in religious relations, their undeniable status in public life.

Christian legal traditions emerge as a legal category, a phenomenon of legal culture, an element of the legal system and a component of the law continuity, which captures generalized legal experience, legal memory, legal knowledge and legal ideas that are passed down from generation to generation as acceptable ways of organizing society, models of formation of legal order, order in law, hierarchy of values in law, etc. Christian legal traditions emerge as a conglomerate of legal ideas, values, knowledge, experience, ideas, beliefs, symbols, norms, institutions, etc. that have been passed down from generation to generation in different historical and cultural periods and in their entirety constitute the legal tradition of the legal system. Christian legal traditions summarize national law at the level of legal space; reflect the unity of the legal system in which the legal personality and identity of the country are fixed, thus influencing the formation of the national idea.

The National idea is a kind of national goal that unites and elevates the people, integrates and harmonizes the interests of the nation, all its representatives - political forces, ethnic groups and religious denominations - is the social foundation that consolidates Ukrainian society into a single national organism, political nation [21]. The national idea must be shaped in accordance with historical and political realities, accumulating historical experience and current stages of state building. Since the national idea is a certain socio-political ideal of the nation, it should be the most perfect model of the national-state system, which fully corresponds to its traditions (legal, Christian legal), aspirations, cultural and psychological institutions, ensuring the further development of Ukraine. It should be noted that in the present conditions the Ukrainian national idea is at the same time a program of revival of the nation and a kind of national-state construction project.

Depending on the direction of public authorities activity, three directions of implementing legal policy can be distinguished, namely: 1) formation of the domestic legal

field; 2) realization of national interests provided the requirements of the current legislation are observed; 3) formation of legal culture and citizens' consciousness [22]. The main means of implementing state legal policy are the methods of persuasion (rationality, validity and expediency of the legal regulation of social relations and processes) and coercion (legitimate, socially justified, differentiated), which are carried out in different forms, manifestations and combinations. The main methods of implementing a legal policy are to believe in the rationality, expediency of certain decisions and regulations, as well as coercion (legitimate, socially justified). The various forms and combinations of these methods create a wide range of tools and techniques of legal influence on people: education, punishment, legal responsibility (positive and negative), sanctions (encouraging and punitive), prevention, legal education, the development of legal culture and justice. It can be argued that most forms of the exercise of law (observance, enforcement, use and enforcement) are inherently the same as those of legal policy.

Legal policy is designed to ensure the realization of the interests of the state, and through the state - the interests of the whole society, the interests of citizens, the strengthening of statehood.

The main task of the modern Ukrainian legal policy is to solve legal problems of social problems; maintaining law and order; ensuring the functioning of branches of state power and local self-government, communication of the individual, society, state; ensuring peace and stability domestically and internationally. In consolidated form, legal policy is embodied in the Constitution of Ukraine, laws, codes, other normative-legal acts aimed at protecting and restoring the emergent social relations and the existing political regime.

In the contemporary legal policy of Ukraine, the priority of the individual, his rights and freedoms should be purposefully affirmed as the basic values of being, combined with the organizing and stabilizing functions of the state and its bodies. Person and power, citizen and state are holistic, inseparable concepts. Therefore, it is advisable to show their interdependence, unity of rights and responsibilities. Most clearly the connection between the individual and the state in the context of legal policy is traced in the forms of its implementation.

Any policy, including legal policy in particular, needs to be put into practice from the outside. Only then will it fulfill its social purpose. At the same time, the process of implementation of the legal policy must have an appropriate envelope, that is, take place in specific forms. Forms of implementing legal policy are objectively expressed and formally separated activity of the state as the main subject of the political system, carried out on the basis of law through political means and methods, aimed at achieving specific goals.

Form and content are also known to be indissoluble. In terms of content, legal policy may be aimed at creating, amending, repealing laws, concluding and terminating domestic and international treaties. The content of legal policy is objectively determined by the will of the people.

Forms of implementing legal policy can be defined as a set of objectively expressed, interdependent relations, regulated on the basis of law through political means, techniques to achieve the specific goals of the formation and development of a legal, social, democratic state, rule of law and supremacy of law [23].

At the present stage of the Ukrainian state development, the following forms of implementing the legal policy in Ukraine can be distinguished: law-making, human rights protection, legal support of state authorities, doctrinal, legal education and development of legal science.

Law-making legal policy. Creating legal norms is the most important area of state activity. Legal policy aims to create the conditions for effective law-making activity, to set appropriate strategic goals and priorities for it. Nowadays, the quality of lawmaking must meet the goals and objectives that arise in the process of forming the Ukrainian legal and social statehood.

Applicable legal policy. In the sphere of the law application, the content, the potential of the legislation are realized, exactly here the legal culture, legal nihilism and legal unculture are most clearly manifested. The enforcement form is mainly embodied in human rights acts, documents of an individual, personalized nature. There are many problems in law enforcement. One of them is the effectiveness of enforcement, the use of its implementation means, in particular the importance of the law as an act binding on all.

Human rights legal policy covers protection of the rights, freedoms and legitimate interests of the individual and the citizen, law and order, various forms of ownership. Considering the importance of other forms of implementing legal policy, it can be stated at the same time that this form is of particular importance in the current context.

Legal policy can only be effective if it relies on solid legitimate authoritarian leadership. Own law and power have always gone hand in hand in achieving common goals and working closely together.

The relevance of legal policy-making at the current stage of Ukraine's development remains unresolved. Scientists consider it advisable to formulate the Concept of Ukrainian Legal Policy, which should be approved as a system of basic official views on its essence and content, important components and priorities of social direction [24]. The ideals of justice, equality and freedom should be the value base of the concept, and the constitutional ideas, principles and norms of building a democratic, social, rule of law and civil society, ensuring legality in the country should be the political and legal basis.

On the other hand, widespread public awareness of the state's legal policy and legislation is a series of measures aimed at creating appropriate conditions for citizens to acquire the legal knowledge and skills necessary for citizens to exercise their rights and freedoms, as well as entrusted to citizens' duties.

For the legal policy of Ukraine, it is urgent to solve the problem of reaching such a state of the legal system development, under which the right will become a special mechanism for the implementation and maintenance of a

stable, continuous functioning of the state, society and country in the right parameters. The need for concentrating efforts of all branches of power to raise the level of justice, legal culture of a person, including officials of state bodies, overcoming legal nihilism, is long overdue.

The legal policy of the state is in constant motion, dynamics, it is influenced by many factors of objective (economic, political, etc.) and subjective nature (image of the president, etc.) that are changing. There is a possibility for new aspects of its development or change of priorities at some stage. However, in its essence it is intended to be stable: its basis must be democratic, humanistic principles. Such stability of policy, with all its mobility, ensures with the help of law the reliability of the formation and functioning of the legal system of society.

Among the priority areas for the development of legal policy in Ukraine are: 1) implementing the supremacy of law principle, building a law-governed, civil society; 2) strengthening the preservation and protection of human

3. CONCLUSION

Summarizing the above, legal policy is a complex social phenomenon that is a means of accumulating and expressing different social interests, needs, aspirations, closely linked to all other varieties of policy, and tends to embrace the full diversity of social relations; is a set of ideas, tasks, programs, methods for the formation and development, regulation and protection of public relations through law. That is, it summarizes the views, opinions and beliefs of Ukrainian citizens regarding the future development of our country; forms tasks that are a continuation of social ideas and a demand to state and local governments to improve the "life of the country"; is a set of actions, logically ordered, subordinate to a single goal, which must ensure the achievement of the tasks; is the activity of legal entities in the strict enforcement of laws and regulations.

Legal policy is a set of ideas, tasks, programs, methods for the formation and development, regulation and protection of public relations through law. Modern Ukrainian legal policy is a policy of transition. It is developed and implemented on the basis of the interaction of all actors within the political system of society, reflecting the interests of the state and civil society. Legal policy is a set of activities, tasks, goals, programs, and installations that are implemented in the field of legal activity through legal methods [26]. This is a special form of state policy expression, a means of its legal legitimation, as well as a form of consolidating the political course of the country, the will of its official power structures. Today, the problems of scientifically balanced legal policy formation are extremely important, since it itself accumulates different spheres of social activity and organizes it in different norms and institutions, and therefore has a stabilizing influence.

The state of Ukraine's legal policy, its problems and prospects for development have been and remain relevant.

rights; 3) overcoming legal nihilism and idealism, raising the level of legal culture of the population, etc.

The legal policy of the state is reflected in program-legal documents (program of legal reform), projects (drafts of the Constitution), concepts (concepts of civil, criminal, administrative and other codes), statements, legislative acts, in particular those related to the law enforcement sphere [25].

Going on the path of development and becoming a sovereign, legal, social democratic state, formation of civil society, focusing on internationally defined democratic and humanitarian international standards, Ukraine has set itself the task of developing and implementing a unified purposeful universal law. As a kind of social phenomenon, legal policy arises in society only if the society develops in a democratic, legal way.

After all, we live in an age of turbulence, chaos, when some legal systems are destroyed and new ones are not properly created. That is why every effort should be made to streamline the legal sphere, which, through its legal tools, is able to optimize economic, political, social, environmental and other relations [27]. For, as practice has shown, the effectiveness of regulating the most complex and important social relations is considerably increased if it is carried out by means of legal policy, since it involves purposeful activity on the basis of scientifically sound mechanisms, means and principles for the achievement of strategic goals and tactical tasks of the state and society.

The appeal to the problem of legal policy formation is primarily due to the fact that legal policy as a concept and reality in its ideological, scientific and practical dimensions today is characterized by a certain imbalance, structural imperfection [28], which in turn is explained by the fact that the process of determining the strategy of society legal development, awareness of the integration possibilities the potential of civil society and the state on the basis of recognition of the human rights inviolability, the rule of law has not got its logical completion.

Legal policy-making is an objective necessity in a democratic state dominated by the rule of law. The managerial function of law, the role and importance of justice are constantly growing and increasing, and the contractual principles of legal regulation are expanding, which also to the actualization of legal policy issues [29]. The implementation of an effective legal policy at the present stage of Ukrainian society development is one of the decisive conditions for its further democratic reform, strengthening the country's institutions, a competitive market economy, ensuring the realization of human and citizen's rights and freedoms. However, to achieve this goal, it is imperative to overcome many problems, in particular, organized crime and inclusive corruption, including the legislature and the executive.

Ukraine's legal policy is based on a number of priorities, which are understood as the primary tasks, problems, issues that need urgent solution by the state authorities today and in the near future. Their priority is determined in

accordance with the prevailing notions of a hierarchy of social values in civil society, which are the subject of priority provision and protection of law. Defining the primary objectives of legal policy creates favorable conditions for the successful resolution by the state of tactical (intermediate) tasks aimed at achieving strategic goals in the legal field. Legal policy as a strategy and tactics of legal development of society should take into account the qualitative changes in all spheres of public life, due to the intensive development and use of legal means and mechanisms of regulation of social relations, as well as to promote the level of justice and legal culture of the individual, officials and public bodies of the public authorities, overcoming legal nihilism and other manifestations of the deformation of legal consciousness [30]. As policy, first of all, is the management of social relations, that is, the unidentified, mass relations between people, where legal, political, organizational, financial and other measures are applied.

Also, it should be noted that the legal policy of Ukraine does not correspond to the tasks of modernization of society and the state in modern conditions. Therefore, in order to overcome urgent problems and effectively develop them in the near future, it is necessary, first of all, to modernize the state and its institutions, to reform the entire political system of the country and to subordinate the decisive goal - the creation of a stable economy capable of meeting the social and cultural needs of the citizens and meeting the fundamental needs of democracy - freedom, justice, humanity [31]. It is difficult to overestimate the role of legal education, formation of citizens of our country, taking into account historical peculiarities, traditions, specificity of Ukrainian national idea, legal culture and legal outlook. Legal education is a necessary prerequisite, condition and result of the state's implementation of legal policy. And in this area one of the main priorities should be to overcome the legal nihilism that has prevailed in the Ukrainian state for centuries. In order to ensure an effective state legal policy, the main purpose of which is to protect the rights and freedoms of citizens, the need for forming and adopting a general concept of legal policy in Ukraine has grown ripe today.

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