



The Place and Role of the Theory of State and Law in the System of the Humanities

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ABSTRACT

This article discusses the place and role of the theory of state and law in the system of humanities. In the article, the author analyzes the methodological connection of the theory of state and law with other disciplines.

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INTRODUCTION

The problems of the emergence, nature, essence of state and law, their functioning, role and significance in the life of society, state and legal reality and trends in its development, political and legal processes and their reflection in the minds of people are among the most complex and key. The theoretical understanding of these problems is an objective need and a necessary condition for the scientific management of social processes. Life itself has put forward the theory of state and law among the fundamental sciences. Now its humanistic, cultural and creative mission has come to the fore, which is most clearly manifested in meeting the spiritual needs of people, in ensuring the rights and freedoms of man and citizen.

In our time, the theory of state and law pays more and more attention to the material and spiritual needs of a person, his dignity, legal and political outlook, human and civil rights and freedoms. With the perception of the ideas of the rule of law, the humanistic content of the modern doctrine of state and law was significantly enriched.

Any theory, that is, a system of ideas, concepts, judgments, acquires the status of science when it rises to the development of generalized and reliable objective knowledge about certain processes and phenomena of reality, offers a system of methods, techniques (mechanism) for using this knowledge in social practice.

The theory of state and law as a science has the goal of obtaining, updating and deepening

generalized, reliable knowledge about the state and law, seeks to know the stable, deep connections of state and legal life that determine its historical movement.

Each science has its own object and subject of study, which are closely related, but do not completely coincide. The concept of an object is broader, it covers the phenomena of the external world, which are subject to the knowledge and practical impact of subjects and people. The subject is one or another specific aspect of the object studied by this science; this is the circle of the main, most essential questions that she studies. The variety of objects and especially objects of knowledge, reflecting various aspects and manifestations of reality, determines the presence of many sciences.

The theory of state and law belongs to the social sciences, the humanities. The object of its study is such important and polysyllabic components of society as the state and law, state-legal phenomena of social life. However, they represent an object of study not only of the theory of state and law, but also of other legal disciplines, of all legal science (jurisprudence, jurisprudence) as a whole as a science of state and law.

At the same time, various independent legal sciences, including the theory of state and law, differ from each other in their subject matter, which determines their content, purpose, and the specific approach of each of them to the study of the same object.

Features, characteristic features of the subject of the theory of state and law: general specific patterns; major root issues; general theory; unity of science.

1) The theory of state and law studies the state and law in general, in their most general form, explores the general specific patterns of the emergence, development and functioning of the state and law as unified and integral systems. The subject of a special study of the theory of state and law is not the general laws of the development of society, but the specific laws of the emergence, development and functioning of its constituent parts such as the state and law.

The theory of state and law studies the general specific laws of the state and law in general, which at the same time apply to their structural parts and sides, serve as the theoretical basis for their knowledge. These patterns are: the emergence of state and law; unity and conformity of the type of state and law, the transition of one type of state and law to another; combinations in essence of state and law, universal and class principles; correlation of the type and form of state and law; the formation and functioning of the state mechanism and the system of law; lawmaking and law enforcement activities of the state; correlation between the rule of law and legal relationship; development of democracy, law and order; formation of the rule of law.

2) The range of issues related to the subject of the theory of state and law is not limited to their laws. Not all the numerous, very significant issues studied by the theory of state and law can be included in the definition of its subject. The main requirement: to reflect the main fundamental issues that characterize and reveal the state and law in general, studied and developed by the theory of state and law for the entire jurisprudence: essence, type, forms, functions, structure and mechanism of action of state and law, legal, system.

3) General theory of state and law. The most general concepts are called categories. The peculiarity of the concepts developed by the theory of state and law is that these concepts contain a theoretically generalized in content and short in form of presentation an answer to a question. The theory of state and law develops and formulates the concepts of state and law, type, form, functions, organ and mechanism of the state, legal consciousness, rule of law, form (source) of law, branch and institution of law, legal relationship, subjective law and legal obligation, legality and law and order, application and interpretation of the rule of law, legal responsibility, etc. On these concepts are based private or structural sciences in the study of their issues.

Each private or structural legal science also develops, in relation to its subject, its own theory,

for without an independent theory no science can exist.

The theory of state and law in relation to structural legal sciences acts as a general theory of state and law. This is what determines the leading, methodological role of the general theory of state and law in relation to the historical, legal, sectoral and other legal sciences, its priority place in jurisprudence as the theoretical basis of the entire legal science.

4) Study of state and law, state and legal phenomena in their organic unity. This feature of jurisprudence is manifested in the theory of state and law. This is a unified science, the subject of which is state and law, state and legal phenomena in their interconnection, interpenetration and interaction. This content of the subject of the theory of state and law, like other legal sciences, reflects the inseparability of state and law in real life.

The relationship is manifested in the fact that the state and law arise simultaneously due to the same reasons; in the process of their historical development, the type of state and law coincide, corresponding to a certain socio-economic formation; the state and law are organically linked and closely interact in the process of their functioning, in practice they cannot exist separately.

The unity of the subject of the theory of state and law is determined by its practical and scientific-conceptual unity. The state and law are inseparably linked with each other, and therefore the theory of state and law is not isolated branches of knowledge, but a single science.

So, the subject of the theory of state and law is such phenomena of social life as state and law, the basic laws of their emergence and development, their essence, purpose and functioning in society, as well as the features of political and legal consciousness and legal regulation.

The theory of state and law as a fundamental science performs a number of important functions. The functions of the theory of state and law reveal and show the role of this science in public life, its importance for public and legal practice. In textbooks on the theory of state and law, there is no single position regarding what functions the theory of state and law performs by science. Most often, its functions are named as epistemological (cognitive), practical-organizational, ideological, prognostic and methodological. These functions are the most significant for the characteristics of the science of the theory of state and law, and they can be called the main ones.

The epistemological function is expressed in the fact that the theory of state and law, like any other science, realizes the knowledge of the surrounding world. She learns the state, law and other state and legal phenomena, receives the necessary knowledge about them, explains them from a scientific standpoint.

The practical-organizational function is expressed in the fact that the theory of state and law, like any science, should serve practice. It should develop, and develops recommendations aimed at improving state and legal construction, legislation, legal practice.

The ideological function of the theory of state and law is characterized by the fact that this science accumulates various ideas, views, ideas about the state and law, develops certain ideological guidelines associated with the explanation of state and legal phenomena.

The essence of the predictive function is that the theory of state and law should predict the future of state and legal phenomena. Revealing the patterns of their development, the theory of state and law is quite capable of making forecasts, both for the near future and for the future in the form of scientific hypotheses (assumptions).

The methodological function of the theory of state and law is expressed in the fact that this science acts as a kind of methodological basis for all other legal sciences. First, it explores the methodological issues of the entire legal science, while forming the main approaches to the knowledge of state and legal phenomena. In this regard, the theory of state and law acts for other legal sciences as a kind of philosophy of state and law. Secondly, being the most general science in the system of legal

sciences, it develops fundamental state-legal concepts (categories), provisions and conclusions that are used by other legal sciences as basic starting points in the study of their subjects.

The theory of state and law deduces from the entire complex of scientific knowledge obtained by humanity at a certain stage of development, those laws that determine the trends of state and legal development.

Based on the knowledge gained in this way, the theory of state and law puts forward hypotheses and makes predictions. It is important to note that all functions are closely interrelated, each of them is performed on the basis of or in combination with the others (for example, predictions can only be made based on practice).

This classification, like most, is conditional and not unique. There are other classifications in the educational literature.

The ontological function is the first and starting point. Ontology is a doctrine of being, in which the foundations, principles of being, its structure, laws are investigated. Fulfilling an ontological function, the theory of state and law answers the questions of what the state and law are, how and why they arose, what they are at the present time, what is their fate, etc.

World outlook - to develop legal values, improve the legal consciousness of society, its legal culture, form the foundations of legal propaganda and legal education.

Praxeological (applied) - to formulate practical proposals for improving the public administration and legal system.

Predictive - to identify trends in the development of state and law, predict and simulate options for their future development.

Heuristics is the art of finding truth, new discoveries. The theory of state and law is not limited to the knowledge and explanation of state-legal phenomena, but opens up new patterns in their development, in our time, in particular, in a market economy.

Ideology is a system of fundamental (basic) ideas, concepts, views, in accordance with which the worldview and life position of an individual, social groups, and society as a whole are formed. Neither the individual, nor the state, nor society can do without basic integrating ideological attitudes and motives. It is no coincidence that periods of crisis in the life of society are usually accompanied by the loss of ideological guidelines, lack of spirituality and unrest. The theory of state and law accumulates and brings into the system ideas about state law, creates a scientific basis for the formation of public and individual political and legal culture.

Thus, it affects public life, people's behavior not only through the state and law, but also directly, as an important ideological factor that influences the legal consciousness of subjects of law and thereby on the regulation of public life in general.

Based on the recognition of the laws of development of the state and law, the analyzed science puts forward hypotheses about their future, the truth of which is then verified by practice. Scientific forecasting is of great importance for foresight in the state and legal sphere, it allows you to "look" into the future of statehood. The functions of the theory of state and law are interrelated and complement each other. Only taken in unity, in the system, they give a complete picture of the purpose of the theory of state and law.

The achievements of state studies and jurisprudence in the past are significant, their problems are relevant today, and fruitful directions for further development are important.

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