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## The Value of Man in the Positivity Type of Understanding Law

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### Abstract

The purpose of the article was to clarify the essence of human value in the positivist type of legal understanding. To achieve the objectives of the publication, such methods were used as: philosophical dialectics, analysis, synthesis, functional, axiological, historical, special legal. As a result of the study it was concluded that the essence of human value in normative jurisprudence is due to the need to know the law and the need to realize the interests and needs of man by law. It was also argued that the basis of «humanistic» positive law should be natural law, which meets the need for its humanization, recognition and real process of realization of individual rights. The authors found that the knowledge of the essence of human value in the framework of positive law is possible only with the study of the theoretical foundations of normativism, identifying both positive and negative characteristics. It is concluded that it is proved that the use of general principles of law in the process of functioning of the legal system is an indicator of a high level of legal awareness of persons whose activities are related to law enforcement.

**Keywords:** natural law; human dignity; intrinsic value of the person; legal philosophy; legal positivism.

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## El valor de la persona en un tipo positivo de comprensión del derecho

### Resumen

El propósito del artículo fue esclarecer la esencia del valor humano en el tipo positivista de entendimiento jurídico. Para lograr los objetivos de la publicación, se utilizaron métodos tales como: dialéctica filosófica, análisis, síntesis, funcional, axiológico, histórico, jurídico especial. Como resultado del estudio se concluyó que la esencia del valor humano en la jurisprudencia normativa se debe a la necesidad de conocer el derecho y la necesidad de realizar los intereses y necesidades del hombre por el derecho. También se argumentó que la base del derecho positivo “humanista” debe ser el derecho natural, que responde a la necesidad de su humanización, reconocimiento y proceso real de realización de los derechos individuales. Los autores encontraron que el conocimiento de la esencia del valor humano en el marco del derecho positivo solo es posible con el estudio de los fundamentos teóricos del normativismo, identificando características tanto positivas como negativas. Se concluye que está comprobado que el uso de los principios generales del derecho en el proceso de funcionamiento del sistema jurídico es un indicador de un alto nivel de conciencia jurídica de las personas cuyas actividades están relacionadas con la aplicación de la ley.

**Palabras clave:** derecho natural; dignidad humana; valor intrínseco de la persona; filosofía jurídica; positivismo jurídico.

### Introduction

In the development of modern science, which studies the problems of man, his place and role in the multifaceted processes of public life, one of the most important areas of scientific knowledge is to study the essential characteristics of human legal value within the basic levels of law.

Based on the depth of the ages, the problem of understanding the law, the role of man in relation to law and law in relation to man does not lose its relevance in our time.

Any historical period brought its vision into the field of knowledge about man and law, and this was emphasized by the presence of various factors.

However, centuries of historical experience, the accumulated system of philosophical knowledge, which is permeated with various ideas, principles, etc., do not give us a clear answer to the question of what is a right. It follows that the awareness of law is directly dependent on the position chosen by a person who wants to know the phenomenon of law.

As you know, for a long historical time mankind has been interested in the values of eternal nature, which are inseparable from man and his life. This influenced the fact that in different historical periods the process of establishing these values took place taking into account certain changes in the genesis of certain states.

It is worth noting that the law, being inextricably linked to the specific conditions of society, is not in a static state. This is expressed in the fact that, above all, eternal values under the influence of various factors change their meaning. This provision is important for clarifying the importance of law for man and the value of man in relation to law.

These problems are of particular importance in the framework of the complication of the role of civil society and the strengthening of its influence on the development of law-making and state-making. This is especially important at the beginning of the 21st century in connection with the processes of globalization and anti-globalization, local world wars, and environmental problems facing humanity.

According to N.M. Onishchenko and N.M. Parkhomenko, “it is desirable to define a person not only as a person with consumer interests, but as an individual with certain unique features, whose potential can be realized only in the appropriate cultural and civilizational environment” (Onishchenko *et al.*, 2011: 41).

According to R.M. Minchenko:

It is necessary to make the direction of elimination of social apathy, civil impartiality, amorphousness of people’s thinking and actions, activation of their initiative, as well as social and legal affirmation of the individual who can use his rights, protect them through state bodies, authorities, management, court (Minchenko, 2008: 126).

In the scientific literature today, the idea of qualitatively new human capabilities in global world processes is quite relevant. In particular, according to V.V. Mykhieiev, developed the concept of “international man” – “a new type of people who think in world terms, not limited to the interests of their villages, countries, regions, and who have a desire for mutual unity and unity” (Mykhieiev, 1999: 213).

## 1. Methodology of the study

The research method used the method of philosophical dialectics, as well as a number of general and special scientific methods. The method of philosophical dialectics was aimed at proving the regularity of gradual change in the understanding of the essence of human legal value in normative jurisprudence, elucidating the causal links between modern

interpretation of human legal value and humanization of law. The method of analysis allowed to highlight the specifics of the interpretation of the legal value of man in the positivist type of legal understanding, to give it a description, to clarify the features and basic features.

Their synthesis made it possible to give the concept of “human legal value” a holistic image, to find out that the modern understanding of human legal value is integral, which includes such features as self-determination, value orientation, effectiveness and responsibility. The application of the system method made it possible to determine the legal value of man as a phenomenon of the system order. The latter is also a system that has a holistic nature, a dynamic nature, which is based on human rights and freedoms, its needs and legitimate interests.

Based on the use of the functional method, the place, significance, role of a person and his purpose were determined depending on the peculiarities of the content of the normative understanding of the essence of law. The application of the axiological method made it possible to conclude that the legal value of man is based primarily on his awareness of the importance of natural and legal values and, secondly, the need to reflect them in positive law. The hermeneutic method allowed to interpret the works of scholars who contain research on the legal value of man in the context of the positivist type of understanding of law, objectively and critically evaluate the various definitions of this concept.

The historical method was aimed at understanding the historical process of the genesis of awareness of the legal value of man. The authors of this publication have established that the essence of the legal value of man in normative jurisprudence is due to the need for knowledge of law and the need to realize within its interests and human needs. The use of a special legal method made it possible to investigate the interpretation of the content of human legal value using legal terminology.

## **2. Analysis of recent research**

A limited number of scientific works are devoted to the study of human value in positivist jurisprudence. This is a clear confirmation that the research topic is new and relevant enough to conduct scientific research in this area.

Problems of solving the search for an individual in a positivist type of legal understanding were studied Minchenko, 2008, Mykhieiev, 1999. Issues of humanization of law and understanding of the legal value of man in normativism were raised in the works of domestic scholars (Onishchenko *et al.*, 2011; Shevchenko *et al.*, 2020; Shevchenko *et al.*, 2020). A number

of works by scholars have been devoted to the legal status of man and citizen in normative jurisprudence (Hart, 1985; Dworkin, 1977; Ilin, 1993; Kozlovskiy, 2005; Koziubra, 2013).

In addition, the literature review is devoted to an important series of works, which explored the problems of interpretation of individual rights in the normative concept of law (Bergel, 1985; Brugger, 1995; Bobrovnyk *et al.*, 2022). The works of a number of scholars are devoted to the problems of the ratio of human legal value in positivist and integral concepts of legal understanding (Kozlovskiy, 2005; Pohrebniak, 2008; Poliakov, 2004; Shevchenko *et al.*, 2020).

### 3. Results and Discussion

#### 3.1. Problems of humanization of positive law

Given the fact that at the beginning of the XXI century there is a mass violation of human rights both at the level of functioning of non-democratic countries and in the system of interstate relations, this issue remains relevant today, which requires further efforts to study it by philosophers and lawyers, sociologists, psychologists, etc.

“A positive phenomenon in the functioning of the theory of state and law is that it has lost its political color and acquired status of science” (Shevchenko *et al.*, 2021: 12).

It should be taken into account that the axiology of a person is reflected in the right cognition of a person and the right realization of a person in the right based on the right determined by the human dimension. Therefore, it should be used in the process of researching the legal value of a person in positivist jurisprudence due to the need to axiologize normative law.

Humanism of law consists in ensuring and guaranteeing the real process of realization of natural human rights. It is worth noting that with the help of normative consolidation of natural human rights, positive law is filled with universal content, its humanization. Humanization means the axiology of the process (in the sense of giving a person social and legal value) and anthologizing (it is assumed that a person has a sufficient list of rights and freedoms). In general, the features of a person are defined as a biological but socialized being, in the philosophical aspect, he achieves the goal of his life activity - the acquisition of an ideal creature.

“Today, the constitutional consolidation of human rights and freedoms as the highest value and their compliance with international law is one of the important features of a democratic state” (Shevchenko *et al.*, 2020: 143). However, human existence is characterized not only by the natural

aspect, but also includes psychological and social conditions that affect the “modelling” of law, giving it a humanistic or anti-humanistic direction. In this context, it should be noted that in the emergence of objective law, subjective factors play an important role: emotions, moods, experiences, attitudes to law and the existing legal reality of those who participate in law-making.

It is obvious that for the positive influence of man on the process of law-making it is necessary to have a qualitatively full-fledged personality, i.e., one that would be the bearer of cultural values. As N.M. Onishchenko rightly points out, a cultured person is a personality who has such traits as responsibility for the harmony of life, moral and metaphysical intuition, the ability to perceive what is useful for their society and so on. “Such people strive for Beauty, Truth, Justice, Harmony, Order and Acceptance” (Onishchenko, 2008: 213).

Note that having the appropriate value potential, a person is able to be a participant in the relationships that develop in society. It is worth agreeing with a number of scholars that the existence of a value individual requires various spheres of human life and the law itself, which must be considered in inseparable connection with it.

The level of awareness of the value of law, the effective process of law-making and the application of legal norms - all these are indicators of interest of various actors, the right to implement it in the system of public relations (Shevchenko *et al.*, 2020). In this regard, issues of particular importance are related to the formation of a highly spiritual, educated and harmonious individual, able to form a positive humanistic direction in order to protect the interests of man and civil society.

The source of human rights is man himself, his needs and interests, his way of existence and progress. Since natural law does not require any normative consolidation and reflection for its existence, it does not depend on the will of the state. But the above does not mean that there is no connection between natural and positive law.

That is why they must be considered inseparable, unthinkable without each other. Normative law should be evaluated as one of the resources of law as a whole, a necessary element of which should be its complexity of nature.

In principle, the basic normatism is possible, but it is possible to trace a number of its inherent features, namely: the positivity of law consists in the fact that it arises as a result of the will of the state and finds its reflection in various forms of law; the right is considered as an order subject to mandatory execution; law is a tool of the state to solve various social issues; the value of law derives from the value of the state, and its emergence is considered as a function of the state, the result of the will of the state and the

functioning of the state power, which enforces legality in society; positivism directs a person to law-abiding behavior, making it impossible to criticize the existing legal order.

The well-known modern theorist of positive law G. Hart recognizes that the contribution of J. Austin to the development of a system of views on the understanding of law is that it is quite important to distinguish between positive law and morality. According to G. Hart, J. Austin not only laid the foundation of the science of law, but also freed the concept of law from a number of disastrous consequences to which it led. Positive laws, according to G. Hart, must have legal force, and at the same time the law can be unfair. He noted that the law as such can be immoral, and in this case, it will be our moral duty not to obey it (Hart, 2005).

Unfortunately, anti-democratic state-legal regimes orient a person to obedient behavior, legislative positivism draws attention to the agreement of society and the state. The opinion is expressed that law includes two components: natural and positive law, the dominant element of which is natural law, since it establishes its own laws and rules.

The task before a person is to identify these laws and turn them into rules of their activity, into norms of behaviour. In this way, the rules of existence become the rules of man. "And those norms that contradict the laws of existence are destroyed by being" (Kozlovskiy, 2005: 36). It is worth agreeing with the opinion of I.A. Ilin:

that the main task of positive law is to accept the content of natural law, to develop it in the form of a series of rules of external behaviour, adapted to the conditions of life and the needs of this time, to give these rules meaningful form and vocabulary in the consciousness and will of the people as the dominant command".  
"Positive law is an appropriate form of maintaining natural law (Ilin, 1993: 137).

We believe that with such a set of features inherent in legal positivism, a number of questions arise, namely: is such a right capable of protecting a person?

Problems of the relationship between law and legislation become very dangerous in extreme cases of legal positivism. When distinguishing between legislation and law, it should be remembered that legislation is a form of law. It will be considered identical to the law only when it is fair and excludes any arbitrary prescription or claim. This is particularly important in the context of recognizing the need to limit public and administrative interference in the lives of individuals and civil society.

It should be noted that the modern legal practice of most countries mostly lags behind the existing views in science. Evidence of this is the reluctance of the subjects of law to resolve specific life situations, guided primarily not by the letter of the legislation, but by the humanistic spirit of law.



The future development of universal principles of law should take place at the regional, continental levels and in the middle of the state. Only then can we talk about the effectiveness of legislation and its impact on the genesis of the state's legal system. Recognizing the significant role of general theoretical legal science in the study of the principles of law, we note that the real process of resolving specific life situations often occurs by neglecting the humanistic spirit of law.

For example, in the modern conditions of human existence, the problem related to the implementation of a number of basic provisions is becoming more acute, namely: observance of human rights and freedoms; territorial integrity of states; equality of peoples. Normative activity, especially the law-making process, depends on the interests of the authorities, leaving aside the problems of ordinary citizens. In this context, it is very important to note the axiological and anthropological aspects: the legislation of any state should be aimed at ensuring the social and legal value of a person, and taking into account the rights, freedoms and legitimate interests of a person.

### **3.2. The role of the principles of law in the context of regulating social relations**

It is worth noting that a number of scientists objectively studied the principles of law and determined the direction of the affirmation of natural-law ideas. Scientific developments of scientists who emphasized the need to use progressive ideas of natural law in the formation of the constitutional and legal framework and take into account the principles of law in the modernization of the legal system of society deserve special attention (Koziubra, 2013; Pohrebniak, 2008).

In this context, it is worth noting that natural law is reflected not only in the Constitutions of the countries of the world or their legislation, it encompasses the worldview of citizens of different countries in philosophical and theoretical-legal dimensions, and is the basis for solving many modern problems.

It is worth agreeing with those scholars who claim that “a principle as an appropriate standard should be followed not because it favors or protects a desired economic, political, or social situation, but because it is a requirement of justice, honesty, or some other dimension of morality” (Dworkin, 1977: 261):

The process of emergence and development of general principles of law is influenced not only by the rules of positive law, but also morality, religion, customs, politics, scientific concepts, which changes the prerequisites of legal regulation and determines its direction for the future, and finds its expression in the judicial practice (Bergel, 1985: 217).

Significant application of various principles of law in the process of law making would allow to circumvent the problems associated with excessive regulation. This situation, when the rule-making subject directs its activities to the adoption of rules of law with detailed content, is evidence of excessive care of society by the state.

This state of affairs has a negative impact on the genesis of the legal system, which permanently increases a large array of legislative material. Secondly, paternalistic sentiments in society are growing, which leads to the formation of appropriate stereotypes of behaviour, which are devoid of signs of legal activity, initiative, creative approaches to addressing certain issues of public life.

Thirdly, increasing the role of the principles of law in the context of legal regulation would help to create appropriate conditions for the selection of the best options for behaviour, taking into account specific life circumstances in the absence of legal norms that directly regulate public relations.

The active use of the principles of law in the process of functioning of the legal system is an indicator of a high level of legal awareness of both lawmakers and persons whose activities are related to the use of legal norms. This is a marker of the state's trust in a person and the person's belief in his defense, certainly by the state.

The state only determines the most optimal scale of behaviour of subjects who have a wide field of choice of options for solving the relevant life situations. The support of a person by the state within the framework of a positivist approach to the understanding of law has very real reasons for its existence. It arises as a result of the objective-historical struggle of man for his rights and their reflection in the norms of normative law.

The state of respect for the value of man himself, his life and freedom is not static, but dynamic, as it requires constant control of civil society over the functioning of state structures. The state power is able to get rid of its signs and features, having embarked on a totalitarian path of activity.

And, unfortunately, civil society cannot control the government for objective reasons. In the opinion of the authors of the article, lack of control over the activities of state structures is a direct path to the usurpation of power through the adoption of anti-democratic laws.

For states whose system operates on the basis of the rule of law, this practice is unacceptable. The development of the rule of law, as stated in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen, 1990), means not only the significance established at the legislative level, which reproduces the democratic order, but also justice, which is based on the recognition of the highest value of a person and is guaranteed by state and municipal institutions.

Thus, when considering the value of a person in the framework of positive law, it is advisable, first of all, to address the origins of the law-making process, which is inextricably linked with the quality of persons involved in the preparation and adoption of relevant law. After all, the assertion of the legal value of a person in positive law is closely linked to the internal potential of lawmakers.

We are talking about the level of legal thinking and legal awareness of people's deputies. They must be subject to special requirements regarding the quality of their knowledge, skills and abilities in the legal field. That is, it is necessary for lawmakers to achieve a quality level of legal training and skillful use of practical skills in the field of law.

In the process of resolving this issue, it is desirable to proceed from the existing in the theory of law scientific views on the legal consciousness of the individual.

Characterizing its elements in relation to legislators, we note the following: first, the legal ideas of this category of persons are the appropriate image of law in a generalized form, resulting from the assimilation of various information about him.

It should be remembered that any knowledge is only a relevant part of the holistic view that the subjects may have about the functioning of the legal system of the state. Secondly, the knowledge itself is not once and for all defined, constant, but is in constant motion, subject to change, addition, and so on. Their type of legal consciousness depends on the type of thinking, people's ability to accumulate and process valuable information.

In the context of law-making, the relationship between the state and law is clearly traced, and the influence of factors is not only objective but also subjective. By establishing the rights and responsibilities of individuals, the law not only brings order to society and the state, but also creates the preconditions for the functioning of all institutions of the state legal system.

As for their further development, there may be reasonable objections, namely: no development of law can be discussed in the conditions of non-democratic political regime. For certain reasons, the law is not based on the historical laws of the state, but on the authoritarian attitudes and prejudices of the authorities.

Under such conditions, the rule-making activity of the state is frankly subjective. This can be traced on the example of Germany, where, as A. D. Mashkov notes, between 1918 and 1949, the ban on the rights of national minorities changed several times, either from formal equality based on nationality to a ban based on racial affiliation, discrimination provided by the Constitution of the Weimar Republic - and to the declaration of racism and nationalism, which were recognized as the main principles of social and

state practice in Hitler's Germany - and back to their prohibition (Mashkov, 2011).

We can also cite the example of Bolshevik Russia and the USSR, because these states committed genocide of national minorities, proclaimed a totalitarian system, and prohibited the right of Ukrainians, Belarusians, Kazakhs, Uzbeks, Crimean Tatars, Georgians, and other peoples to self-development.

The analysis of law-making and the qualitative filling of its axiology, which man recreated during the historical period of competition for his rights and freedoms, is the direction that will make it possible to make a historical map of the vision of the law, to clarify the role of man in his knowledge and creativity, the application of law in the system of legal relations and understanding it as the basis of statecraft.

It should be emphasized that the right to life, freedom, equality, fair treatment of the individual must be concretized not only at the level of normative consolidation, but also at the level of the real process of their implementation (Bobrovnyk *et al.*, 2022).

### **Conclusion**

The essence of the legal value of man in normative jurisprudence is due to the need to know the law itself and the need to realize the interests and needs of man through law. The basis of human values-oriented law is humanistic law, which constitutes the essence of natural law and contributes to the reproduction of the inalienable rights of people, which are markers of the norms of legislative law.

Knowledge of the essence of the legal value of man is possible only if the study of the theoretical foundations of legal positivism and its acceptance as a relevant value for man can not be completely arbitrary. The value of positive law is possible only in the case of its unquestionable conformity to natural law.

The application of the principles of law in the process of modernization of the legal system is a marker of a high level of legal awareness of legislators and citizens of the state. On such grounds, state authorities respect people as an absolute social and legal value, and a person is fully under the protection of state and municipal authorities and management.

The assertion of the legal value of a person in positive law is closely related to the theoretical and practical potential of the subjects of lawmaking in general and lawmaking in particular.

The use of dialectical philosophical methodological and axiological and anthropological approaches, which consider a person as a socio-legal value, is a direction to the positive content of legal normativism and its perception as a significant element in the knowledge of the legal system.

It should be noted that the scientific study of the social and legal value of a person within the framework of axiological, anthropological and positivist legal understanding certainly leads to the integration of scientific research regarding the recognition of the following fact: the social and legal value of a person is manifested in his understanding of the relevance of natural legal values and the need to specify them in legislation. However, it makes it possible to consider the efforts of scientists to combine the axiological and anthropological resources possessed by legal understanding, which are determined by different sources of law.

In modern science, the problem of substantiating the integrative approach to legal understanding, within which the anthropological-communicative concept of law has developed, is quite debatable.

One of its developers, Poliakov stressed that the ideology of human rights should not be cultivated, substituting the essence of law for it. It is more appropriate to lay in the essence of law the most important social communications.

Since law is an integral part of society, a person as a social subject cannot be constructed without law, rights and responsibilities, which are realized in legal communication (Poliakov, 2004).

Some scholars have drawn attention to the possibilities of an integrative approach, in particular, that it can act as an appropriate approach, way, method for understanding law, knowing it as a special and holistic social phenomenon (Shevchenko *et al.*, 2020).

In the context of substantiating an integrative approach to legal understanding, the position of W. Brugger is quite interesting, as he proposed a kind of formula for the image of man, presenting it as a holistic system of characteristics that includes the following subsystems: self-determining, value-oriented, responsible, vital and individual-stylistic (Brugger, 1995).

Recently, scientists have been paying particular attention to the problem of human capabilities in the context of globalization, expressing different opinions depending on belonging to groups of “globalists” or “anti-globalists”.

However, we can agree with the view of A.M. Kolodii, which identified the preservation of modern civilization as a priority of mankind, and integration processes can meet the needs and interests of each person (personal value of the integration process), social communities and associations (group

value of the integration process), society as a whole (social value of the integration process) (Kolodii, 2015).

### **Bibliographic References**

- BERGEL, Jean-Louis. 1985. *Théorie générale du droit*. Dalloz. Paris, France.
- BOBROVNYK, Svitlana; NOVYTSKYI, Andrii; KUDIN, Serhii; SHEVCHENKO, Dmytro; SEROHINA, S; BOLDYRIEV, Serhii; STESHENKO, Tetyana. 2022. "The legal value of man in the context of the natural-legal concept of legal understanding" In: *Journal of Legal, Ethical and Regulatory Issues*. Special Issue 2, pp. 1-8.
- BRUGGER, Walter. 1995. "Das Menschenbild der Menschenrechte" In: *Jahrbuch fuer Recht und Ethik*. Vol. 3, pp. 121-134.
- DWORKIN, Ronald. 1977. *Taking Rights Seriously*. Harvard University Press. Massachusetts, USA.
- HART, Herbert Lionel Adolphus. 1985. "Positivism and the differentiation of law and morality" In: *Harvard Law Review*. Vol 71, pp. 593-629.
- ILIN, Ivan. 1993. *On the essence of legal consciousness*. Rarog. Moscow, Russia.
- KOLODII, Anatolii. 2015. "Value and legal bases of the integration process in Ukraine" In: *Almanac of law: value and legal principles of modern integration processes in Ukraine*. Vol. 6, pp. 29-35.
- KOZIUBRA, Mykola. 2013. *Legal understanding: pluralism of approaches to the possibility of their combination. General theoretical jurisprudence, rule of law and Ukraine: a collection of scientific articles*. Spirit and Letter. Kyiv, Ukraine.
- KOZLOVSKYI, Anton. 2005. "Epistemological principles of law" In: *Problems of philosophy of law III*. No. 1–2, pp. 32-44.
- MASHKOV, Andrii. 2011. *Problems of the theory of state and law: relations and boundaries*. K.I.S. Kyiv, Ukraine.
- MINCHENKO, Raisa. 2008. *Theoretical and legal problems of organization and functioning of state power in terms of modernization of the mechanism of Ukrainian statehood: a monograph*. Phoenix. Odesa, Ukraine.
- MYKHIEIEV, Volodymyr. 1999. *Homo-International: The theory of social development and international security in the light of the needs and interests of the individual*. IDV RVN. Moscow, Russia.

- ONISHCHENKO, Nataliia. 2008. Perception of law in the conditions of democratic development: problems, realities, prospects: Monograph. Legal opinion. Kyiv, Ukraine.
- ONISHCHENKO, Nataliia; PARKHOMENKO, Nataliia. 2011. The social dimension of the legal system: realities and prospects: a monograph. Legal opinion. Kyiv, Ukraine.
- POHREBNIAK, Stanislav. 2008. Fundamental principles of law (substantive characteristics): monograph. Law. Kharkiv, Ukraine.
- POLIAKOV, Andrii. 2004. General theory of law: problems of interpretation in the context of a communicative approach: a course of lectures. Saint Petersburg State University. Saint Petersburg, Russia.
- SHEVCHENKO, Anatolii; KUDIN, Serhii; KAMARALI, S; DEI, M. 2020. "Issues with interpreting the social and legal value of a person in the context of the integrative type of legal awareness" In: Fundamental and applied researches in practice of leading scientific schools. Vol. 38, No. 2, pp. 54-61.
- SHEVCHENKO, Anatolii; KUDIN, Serhii; LOSHCHYKHIN, Oleksandr. 2020. Reflection of the essence of the social and legal value of a person in the normative law. Theoretical foundations of jurisprudence: collective. Primedia eLaunch. Boston, USA.
- SHEVCHENKO, Anatolii; KUDIN, Serhii; NIKOLENKO, Myroslav; MALYSHEV, Borys; KUNENKO, Iryna. 2021. "Axiological Determinants of Cognition of Law. Studies of Applied Economics" In: Development of a Market Economy in the context of the Global Financial Crisis. Vol. 39 No. 9, pp. 3-17.
- SHEVCHENKO, Anatolii; KUDIN, Serhii; SVETLICHNY, Oleksandr; KOROTUN, Olena; ZAHUMENNA, Yuliya. 2020. "Constitutional Foundations of Ensuring the Human Right to Health: Comparative Legal Aspect" In: Georgian medical news. Vol. 3, No. 30, pp. 140-146.



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