DEVELOPMENT OF CIVIL SOCIETY
AND COMMUNICATION PROPERTIES
OF LEGAL SCIENCE

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Summary. The article is devoted to the value-communicative potential of modern legal science in building a mature, active civil society. In particular, the role of legal science in establishing the general discussion between man, civil society and the state is emphasized. A separate vector of consideration is the coverage of the role of legal science in modern law-making processes: increasing the role of legal culture, legal consciousness, overcoming the phenomena of legal nihilism and legal pessimism, as well as the importance of civic education in modern democratic processes.

Keywords: civil society, legal science, communicative function of legal science, legal nihilism, legal awareness, legal communications.

One of the important resources being discussed today is that no one doubts the need for a developed, active and influential civil society. It is such a civil society that is necessary for the general development of world civilization. Such a civil society is necessary to improve the reform changes that are taking place in Ukraine today. Yes, there is no doubt that the development of democracy, the rule of law and civil society are objectively interconnected phenomena of social reality. We would like to note that we have repeatedly emphasized in the legal literature: 1) the rule of law does not function at the proper level without the democratic institutions of civil society; 2) civil society does not get proper development without the functioning and development of the rule of law; 3) mutually appropriate development of both the rule of law and civil society are called today to fulfill perhaps the most important mission – to educate a person able not only to perceive the processes of renewal of state – legal life today, but also to be an active participant in change and movement «for the better». It is no secret that various «recipes» for improving civil society have been proposed today. Only definitions of the doctrinal type of this category exist near or even more than 50. However, no definition leads to an understanding of how it is possible and necessary to improve the «education» of civil society as a necessary...
subject and factor of reform change.

It should be understood that the improvement of civic education or the process of awareness of the rights of each member of civil society, to achieve the desired result is not always possible, because these are tangential, but not identical processes.

Thus, we propose in this article to consider one of the arsenal of tools for the formation of a mature civil society, namely: the communication capabilities of modern legal science.

It should be noted that the communicative tools include universal values inherent in humanity as a whole – these are the institutions of state, law, morality, culture, socially active behavior.

It would not be an exaggeration to note that the communicative elements of society have long been known to socio-cultures in different spatiotemporal coordinates. It seems to us that the history of the development of communicative principles is unjustifiably left out of the attention of modern researchers.

Communicative properties belong to many institutions, which can be attributed to the universal heritage. Today it is impossible to complain about the complete lack of scientific developments, scientific achievements in the field of studying communication as such. This issue, for example, was considered in many reference sources [1]. However, it is the legal context, it is the doctrinal section of this issue that is insufficiently developed and begins to be worked out only recently [2]. In our opinion, learning the «art of communication» is more necessary than ever in various areas of human life. Unfortunately, the art of communication, tolerance, prudence in decision-making for the sake of their validity is not taught in secondary schools, free educational institutions, in professional development, etc. However, today modern society, of course, considers science to be one of its «pillars» on which it is based. It should be noted that, without a doubt, legal science through legal education and civil law education is beginning to increasingly influence the public consciousness, and its state determines the basic principles of legal communication necessary for the development of civil society [3].

F. Nietzsche defines the role of science and scientists as follows: «They will extend a creative hand into the future, and everything that is and has been, becomes for them a means, an instrument, a hammer. Their knowledge is creativity, their creativity is the law, their will to the truth is the will to power» [4].

According to modern scientists, philosophical and legal scientific understanding of the phenomenon of social and legal communication of science is an urgent task of today, which can establish a dialogue between legal science, education, man and civil society. Thus, we propose an anthropological approach to this consideration. Man – should be the epicenter of scientific, including legal research. This is an urgent problem for modern Ukraine, because it is directly related to legal reform, without which it is hardly possible to build a democratic, legal state.

It is clear that when studying the communicative-legal relations of man and law, one cannot ignore the analysis of the essence of man himself, and this essence is quite complex and multifaceted, in practical and scientific senses [5].

Ancient thinkers already understood that in order to know what man has created, it is necessary to know man himself first. For example, Heraclitus was
convinced that it is impossible to know the secrets of nature without knowing the secrets of human existence. Socrates and Plato declared man the measure of all things. Socrates, the great anthropologist of antiquity, did not leave us a definition of man, because he believed that man is a special being, researching which, you can not use the same empirical tools that we use in researching nature. He was inclined to think that reason is the essential meaning of man. After all, even then the thinker noticed that man is a being who seeks an explanation of his existence and at every moment tests himself and the conditions of his life. Aristotle thought of man as a political being. In general, the merit of ancient thinkers in the interpretation of man is to recognize his autonomy and self-sufficiency.

In the Middle Ages, man was thought of as a creature created «in the image and likeness of God», as a being primarily spiritual, imbued with faith and, at the same time, as a sinful being, that is, weak and not self-sufficient. According to M. Berdyaev, the «closed sky of the medieval» and the world of antiquity opened with the infinity of worlds in which man was lost [6].

The Renaissance forms a new idea of man. She appears intelligent, strong-willed, creative, with many individual virtues, which gives her the opportunity to become the creator of her own happiness. This worldview creates a picture of the world with two centers: one – God, the other – Man.

The New Age is approaching the study of man, as well as nature – with the use of empirical methods. And he thinks of man accordingly: he is a natural being endowed with reason. It will be a long time before I. Kant and L. Feuerbach partially destroy such a mechanistic-artificial idea of man. I. Kant will look at man as an intelligent being and write: «Man, like any intelligent being in general, exists as a goal in itself, and not just as a means for any application by one or another will» [7]. The thinker believed that only man is an absolute value, everything else around him is relative values that make sense only depending on the interests and needs of man.

XIX–XX centuries bring new features and characteristics to human understanding. F. Nietzsche, for example, thinks of her as a strong-willed being, a «white-bearded beast» which aspires to power. According to him, S. Freud declares the essential content of man to be the biopsychic unconscious, «libido», which decisively affects the individual [8]. Even a brief overview of the problem of human essence allows us to state that, despite the scientific achievements, in modern anthropology there is still no single general theory of man and a well-established interpretation of its communicative essence, and therefore requires study and analysis of communicative properties of the modern world.

Socio-communicative qualities of man are formed as a result of contacts, human interaction with other people, in the process of human creativity, the assimilation of various forms of spiritual experience of mankind. As a social being, man thinks, evaluates, makes decisions, acts, communicates and is responsible for the consequences of his activities.

Man is a social, public being. To meet her needs and interests, she enters into various relationships with other people every day, forms public organizations and cells. Moreover, its participation in these relations may have varying degrees of social significance. By his behavior, an individual can bring both significant benefits and significant harm to contractors. In this regard, the state, as the official representative
and guarantor of the security of all members of civil society, establishes a kind of boundaries of socially significant behavior of its citizens, collectives, officials (therefore, the focus of jurisprudence should always be behavioral models of civil society members). What does a person today want from law, what tasks does he impose on him, what are the expectations of the average person from this social phenomenon? And what can science do so that law is not just perceived in society as a necessary tool for regulating social relations and protection and defense of human rights, freedoms and legitimate interests, but acquires real authority as a factor of freedom and justice in the struggle for universal values [9].

In terms of causation, every phenomenon that effectively performs its functions is influential and authoritative in a given society.

This issue should be the focus of constant study of legal science. Today, the relationship between man and the state and civil society is changing significantly. And these relations are not intended to give one part of the population more freedom than another. On the contrary, a civilized democracy is interested in providing an appropriate level of freedom to all citizens and members of civil society.

It is this democratic institution that should be facilitated by the communicative function of legal science. It is extremely important, from our point of view, in further scientific research to determine the following phenomena of legal reality, namely: «legal communication», «legal science and communication», «communication through legal science». The most important thing is to ensure the effectiveness of modern law through communication.

It is no exaggeration to note that the communicative elements of society have long been known to certain socio-cultures in different spatiotemporal coordinates. It seems to us that the history of the development of communicative principles is unjustifiably left out of the attention of modern researchers [10].

The proposed approach to the study of the communicative function of law significantly contributes to the solution of cognitive and practical problems in the field of state law. Its essence is to identify the target principles in the formation of the functions of legal science. In this case, the goal is the reason that forms the means of implementing the system of functions.

Indeed, the law absorbs and then reproduces in scientific research (legal monitoring, legal analysis, legal analytics) a huge amount of information about various phenomena of civic life, as it contains a huge number of scientific definitions, legal formulas, historical and life differences, political and legal assessments, legal recommendations, prohibitions, permits, etc.

In addition, legal, scientific communication is authoritative information, with its help expresses (and accordingly formulated) a certain worldview. The information capacity of law is one of the essential factors that allows to attribute it to the elements of the spiritual culture of society. There is no doubt that the law first of all arises not as an informant, but as a regulator of public relations. The state and society have enough channels through which to inform the subjects of law [11; 12]. However the law, as the regulator of public relations, at the same time carries out a role of the informant of their subjects [13, p. 160]. Thus, law, legal science perform a communicative function along with their purely legal tasks, also acquiring informational quality. This is manifested in its social nature, the ability to influence the will, consciousness and
psyche of man, to be realized through human perception.

Implementation of the functions of law in the form of information provides a wide range of state permits and prohibitions, information on methods, means of achieving socially useful goals. Legal awareness of members of civil society is a necessary condition for the functioning of the legal system.

Understanding the problems of the essence of law and its necessity in society, we must proceed from the needs and dictates of life. Legal mediation of human relations is mostly manifested with the development of civilization. The main task of law is the ability to ensure fair relations between people living in a state-organized society and seeking a conscious just law and order.

The communicative function of science is related to other functions such as regulatory, protective, epistemological, heuristic, predictive, critical and others.

The communicative function of legal science ensures that participants in legal relations receive information about the state's position on necessary, permitted or prohibited behavior. The social life of individuals is organically linked to the receipt, perception, assimilation and use of such information. Legal information is a type of social information. With the help of legal norms, the state informs the participants of public relations about the position of the state regarding the necessary, permitted or prohibited behavior.

Yes, indeed, we can talk about the communicative potential of legal science and the exchange of the necessary standards established by law between civil society, the state, individual societies and individuals.

Thus, legal science should use the entire communicative arsenal to crystallize step-by-step changes in improving social relations (the concept of market change), improving legal development, improving the efficiency of many civil society institutions, structures and institutions.

It is the developed communicative function of legal science today that can contribute to the establishment of the general discussion: man – civil society – the state and contribute to the development, if you will, «education» and formation of a mature civil society as the bearer of interests of each subject of social relations.

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