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METHODOLOGICAL FOUNDATIONS OF ANALYSIS OF THE STATE FORM AND THE DEVELOPMENT OF MODERN THEORY OF STATE AND LAW

The article investigates methodological foundations of analysis of the concept of state forms in the classical and modern theory of state and law. The author reveals the methodological potential of this concept for the study of the state formation and development, as well as to explore its specificity compared with other public unions. Particular attention is paid to the definition of the elements of the state form, as well as to the methodological specifics of the state form studies while improving the principle of the rule of law. The role of state form concept in order to characterize the modern processes of state-and-legal development is substantiated.

Keywords: state form, state and law theory, methodology, elements of the state form, legal reality, state-and-legal development.

The modern theory of law not only provides answers to the most important issues related to the establishment of the laws of the state and law as the specific effects of social organization, but also develop new approaches and tools for categorical study of the phenomena that relate to the well-established subject of science. It is obvious to one of these events, as seen already from the title of that science, is the state. Thus, characterization and elucidation methodological assumptions of analysis as the state as a whole, and its shape is important and scientifically significant problem in the theory of law. Indeed, referring to the state, regardless of the degree of development, such as the dominant power of public relations, historical specificity, the nature of its interaction with society, etc., always specify its intrinsic and formal qualities and properties. That is, from the outset scientific study of the phenomenon of legal state and the state provides a theoretical definition of state forms to fill its concrete meaning through a description of the elements of state forms, and establish the role of this concept in the analysis of the processes of the rise and development.

In fact, the only day of the onset of modern times in Europe were asked to interpret the form of the state not just as a certain "external generation" which, so to speak, "attributed to" a matter of public power and public relations, but as a result of the internal constitution of the state and public power in a specific and functioning system.

An important step in the development of a new methodology for the analysis of state forms the refusal of her interpretation of both the external rational model (design), in one way or another "imposed" from outside the state and transforming power of public relations in accordance with the system of ideas and principles is carried by the ruling elite or taken separately rulers. Thus, according to new theoretical and methodological postulates form of the state has been interpreted as a logical and historically necessary result of the internal constitution of the public and government relations, their institutionalization and design, resulting in an analysis of the state allowed to select it as the essential and formal aspects.

Methodological the problem of typology of forms of state in the modern theory of law involves the study of this phenomenon at least two levels: a) the form of the state as a whole, as determined by the universal property of the form of organization and functioning of public authorities, which, in fact, is the methodological basis for definition of certain types of state forms; b) some elements of state forms when investigated the specificity of public power, the distribution of competences between the highest organs of state power, especially the mechanisms, methods and techniques of public power state. Such methodological pluralism is acceptable thing, because it allows you to explore the shape of the state not only from different angles, but also perform comparative analysis of specific elements of the form of the state, both diachronic and synchronic k and dimensions.

Applying the concept of state forms in the modern theory of law in the course of fundamental theoretical studies due to its significant methodological potential which allows to describe processes in the genesis of the state as the context changes the legal system (particularly in terms of changes in value, and the emergence of new types of relationships between the state and the law) and in terms of improving the structural organization of the public authorities. However, in a somewhat broader context, this allows the methodology to present the state as organic integrity of content and form, which in turn is the basis for the application of a number of fundamental philosophical methods and the field theory of law.