

Bandura O. O., doctor of philosophical sciences, professor of department of philosophy of right and legal logic of the National Academy of Internal Affairs

BASIC QUESTION OF PHILOSOPHY AND PHILOSOPHY OF RIGHT

It is possible to think, that a questions about a world and about a man are the first of fundamental questions which stand before a man, are the world views questions. The question about the relation of man and world is the basic question of world view. The question about the relation of spirit and life is the basic question for religious world view.

A man is not only corporal but also spiritual creature. He needs to understand sense of the life. The value of this necessity is confirmed to those, that absence at the man of understanding of sense of own life is the important reason of suicide.

Our ancestor became homo sapiens, when he discovered force of mind and began to apply it in his activity. Application of mind for research of world views problems through some time resulted in creation of philosophy as universal science. The basic question she formulates as question about the relation of consciousness, spirit and matter, life.

The basic question of philosophy, as known, has two sides. First – that is primary, and that second – spirit, consciousness or life, matter, the second – is it possible to get to know a world. The looks of materialists and idealists in relation to the first side of basic question of philosophy conflict with each other. In our time contradictions in philosophy and in public life must be decided by harmonization of oppositions

Harmony between consciousness and life takes place, when they answer each other. If consciousness answers life, it means that it attained truth in relation to life. From other side, if life is co-ordinated with consciousness, it corresponds for our picture of that which it must be. Practical task of man in this world is to attain truth about

life, to build the picture of due on this basis and to change life properly.

Now we will pass to the basic question of philosophy of right. Its history begins from a fundamental practical problem too. This problem consists in necessity for man to be oriented in a social world, and for this purpose he must have legal world view. The basic question of this world view is a question about relation of man and the world of right. This world is life of right or legal reality in the wide sense – the aggregate of all phenomena of right.

It is expedient to divide this aggregate into such two constituents: to select sense of justice and legal ideas, conceptions, theories which enter to its composition; legal norms, legal institutes, legal relationships which are embodiment of legal ideas, come forward the second constituent, they can be named legal reality in the narrow sense. We consider that the relation of sense of justice and legal reality in the narrow sense it follows to examine as basic question of philosophy of right

Sense of justice represents not only legal reality in the narrow sense but also itself (legal self-reflection) that legal reality in the wide sense.

K. Marx and F. Engels sharply criticized the legal world view of bourgeoisie, in accordance with which activity of man in society must concerne by laws in force. K. Marx and F. Engels understood a right as the will of dominating class, elevated to the law. They called a proletariat to revolution and establishment of new, communist right. Victory proletarian revolution took place in Russia in 1917. The new legislation was accepted, but the basic idea of legal world view of winners consisted in that the so-called revolutionary expedience major from laws, and also from the norms of common to all mankind moral. A soviet right in essence became expression of not will of workers and peasants, and will of guidance of CPSU at the head with its Secretary General. Presently Ukraine is proclaimed by the democratic, social, legal state. The main sign of the legal state is supremacy of right.

A domestic right needs humanizing. It is necessary for this purpose, that sense of justice built the picture of the proper legal reality in accordance with all mankind values which simultaneously come forward the values of right.

Presently the task to help the lawyers of Ukraine to form such sense of justice, what would do possible the proper transformation of domestic legal reality, approach it to European appears before domestic philosophy of right, to create valuable civil society, and to reconstruct the democratic, social, legal state of the European type.

Until now the Ukrainian right was the instruments of power, which allowed her to demand people obedience; presently right must become the instruments of people by which he will be able to shield the rights. The question is about the radical change of essence and functions of domestic right.

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