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## **Y. TRUBECKIY AND NATURALLY LEGAL IDEAS OF ANCIENT ROMANS**

*The article is devoted to the little explored the impact of natural law ideas of Roman jurists on the national philosophy of law the late nineteenth and early twentieth century. It is shown that within the national philosophy of law should adhere to the views of indirect influence of ancient natural law theory on the formation of common as well as philosophical and legal concepts of national thinkers. Special attention is paid to the philosophical and legal concept E. Trubeckogo, scientific handling of which were attempts to rehabilitate the natural law ideas in contemporary native legal opinion.*

*Distinguishing natural and positive law is found already in the Greek philosophers, is repeated in the Roman lawyers, developed in the Middle Ages and in modern times dominates. However, the unity of the ideas do not provide a unified content of natural law over the centuries. The difference content of natural and positive law can be seen in the views of the Sophists (underlined convention, with respect to any positive law), Socrates, Plato and Aristotle exercises («natural» definition of the rights of different nations have, of necessity, and irrespective of the human mind), the Stoics, Roman lawyers, Thomas Aquinas.*

*Natural law for E. Trubeckogo has a complex, hierarchical, pyramidal structure. At the top of the pyramid - the God of his Christian understanding. Next is the eternal, absolute and unchanging moral law, and further, to the base of the pyramid are various specific historical people's ideas about truth and justice, and based on their beliefs about the principles of the organization of society and the state, the place and role of personality in them. And the more recent views are broader and richer in content earlier. This is proved by the fact that society is progressing in the area of morality, and consequently, in estestvennopravovyh views .*

*Natural law is, based on generally accepted ideals of goodness and justice system of beliefs about the principles of the organization of society and the state, and the place and role of personality in them. Moreover, this belief system is expressed as a natural and positive law. They are not separated from each other. They act as a struggling opposites in a single historical process of development rights. Natural law plays the role of content, and positive law - the forms. They can say, dialectical interaction determines the course of development of law throughout the history of mankind.*

*Natural law as the content of the right is characterized by moments of unconditional and conditional. Unconditional acceptance of such values is in the right, as a human being, its prosperity and freedom.*

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