



UDC 340:316.752:502.131.1
DOI: 10.31548/law2021.03.02

Legal values as determinants of sustainable development of society

Vira O. Kachur*

PhD in Law, Associate Professor
National University of Life and Environmental Sciences of Ukraine
03041, 15 Heroiv Oborony Str., Kyiv, Ukraine

Article's History: **Abstract**

Received: 14.05.21
Revised: 18.07.21
Accepted: 22.08.21

The goals of sustainable development have been outlined in the outcome document of the UN Summit “Transforming our world: the 2030 Agenda for Sustainable Development”, and they remain the main development model for all countries of the world. Sustainable development is formed and ensured by various determinants, among which the legal values occupy not the last place. They provide legal identification of objects recognized as benchmarks for sustainable development and form the value-legal orientations of subjects whose activities are aimed at fulfilling these tasks. The absence of a common system of legal values leads to a deformation of legal consciousness of the population, the dominance of nihilistic trends, and it makes it impossible to achieve constancy and stability in society. Therefore, the presence of a single value-legal paradigm is a consolidating factor of Ukrainian society, it forms a positive attitude of the subjects to the political and legal life of the country,

Suggested Citation:

Kachur, V. (2021). Legal values as determinants of sustainable development of society. *Law. Human. Environment*, 12(3), 15-23.



*Corresponding author

Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

it contributes to their legal socialization and the development of an appropriate legal position. This makes it possible to achieve social justice, build the principles of inclusive development, ensure the rule of law, eradicate corruption and restore trust in the state and its institutions, strengthen social cohesion, ensure the interaction of state authorities with the public and self-organize the activities of citizens. The following concepts occupy a special place among the legal values, which contribute to the achievement of sustainable development goals and form the foundation of legal culture: a person, justice, freedom of responsibility, equality, patriotism, religious tolerance, etc

Keywords: life choice, legal culture, legal position, legal values, legal-value orientations, sustainable development, legal-value directives

Introduction

The goals of sustainable development outlined in the outcome document of the UN Summit “Assembly Resolution 70/1 Transforming our world: 2030 Agenda for Sustainable Development: United Nations General” are still the main development model for all countries of the world [1]. The effective implementation of such global goals requires proper institutional support, which leads to further scientific research on the implementation of determinants of sustainable development of a particular society. At the same time, it is worth considering that determinism is one of the principles of scientific knowledge, which explains phenomena through empirically available factors that determine the patterns and interaction of the studied phenomena. Such factors can accelerate or moderate changes in any sphere of public life, by determining their specificity.

Any factors can be considered as determinants of sustainable development of society (for example, events, phenomena, features, individual features of an object) that

have a direct impact on society and ensure the constancy of its development.

Since the concept of sustainable development is based on its three-component nature – economic, environmental and social spheres, therefore, each of them will have their special systems of determinants, and a person will occupy a central place in each of them. It is the human that makes up the core of the concept of sustainable development of society, the human is proclaimed a high social value in some states, and human-centrism has become the dominant ideology of the 21st century. All the goals of sustainable development are determined by various manifestations of human activity and directly depend on the level of culture of a particular society. Achieving the sustainable development goals is related to the level of development of legal culture. Since legal values are the foundation of legal culture, they will act as determinants of the sustainable development of society.

A review of the literature sources of recent years showed that there were no

special scientific studies devoted to the consideration of legal values as determinants of sustainable development of society. However, the works of domestic scientists-jurists show the outstanding interest of scientific community in the value-legal issues. The works of the following researchers are still in demand: O. Bandura, H. Behruz, V. Bigun, P. Gaidenko, S. Gladkiy, K. Gorobets, O. Grischyuk, V. Dudchenko, K. Zhebrovskaya, A. Kozlovskiy, L. Makarenko, S. Maksimov, Yu. Oborotov, P. Rabinovich, S. Rabinovich and others. These are the theoretical basis for the study of legal values and their role in the dialogue of legal systems: the development of the above-mentioned domestic and foreign scientists in both the theory of state and other branches of law, the humanities and social sciences. The purpose of the article is to analyze legal values as a determinants of the sustainable development of society.

Results and Discussion

The scientific category “legal value” is collective one and it includes the concepts such as “value” and “right”. Each of them is also ambiguous, which determines its interdisciplinary nature.

The author’s analysis of the phenomenon of value made it possible to identify its following properties:

- the key feature of the «value» category is its «significance» («importance», «relevance»);
- the subject builds values in the process of his life activity, starting from the stage of goal setting;

- knowledge is a cognitive component of value that allows the subject to distinguish properties of the phenomenon, and the subject will evaluate them according to their significance;

- evaluation is the emotional component of the value, which help the subject to fix what is appropriate, to assert his interest and find out whether it meets his needs and whether it is meaningful for him;

- assessment is a process or procedure of providing value to certain phenomena (appreciation or denial), which is considered as a prerequisite for establishing value and consists of the subject and the object of assessment, as well as its objective and subjective side;

- value cannot be separately identified neither with the subject and his needs, nor with the object of evaluation endowed with certain properties, since they do not provide value;

- the process or procedure of establishing a value involves the execution of certain mental and emotional actions in sequence;

- values have a purely social nature;

- the same phenomenon can have different value for different subjects. As a result, this has given the grounds for defining values as phenomena of the objective world (material and spiritual), which are important for the subject when he makes a life choice [2].

G. Ball [3] considers the values as defining feature of a personal choice, and at the same time, he points out the need to distinguish between the following two qualitatively different variants:

a) when a person has clearly defined in advance regarding the values that he/she

prefers (and values that he/she rejects); therefore, for the implementation of a specific act of choice, it is required only the identification of the representation of these values in the available alternatives;

b) when it is needed to make a choice between the values. At the same time, the researcher emphasizes that “in any case, in order to make a successful choice, the subject (albeit with a clear value certainty) needs a sufficient level of intellectual culture, that is, he must be well aware of what task he solves, what is the goal, and what is a means. Otherwise, instead of promoting the realization of values that are important to him, he runs the risk of slowing it down”.

The social system covers various types of sub-systems that use their own normative regulators of social life. Any of these subsystems (be it economic, political, religious, moral or legal ones) contains its own set of values that make up their axiological foundation. Therefore, the above-mentioned general features of value will be inherent in the values of any of the indicated sub-systems of the social system. Moreover, they can be repeated. However, in any case, they will be distinguished by the nature of social phenomenon, which will determine a certain area of social regulation (economics, politics, law, religion, morality, etc.).

Regarding the legal system, in which the social regulation is determined by the specific properties of law, the legal values acquire a higher level of normativity. Therefore, legal values are material or spiritual phenomena of the objective world, which

are important for the subject of law when he makes his legal choice.

In this context, the author understands the legal choice as the intention of the subject of law to perform any lawful actions in order to achieve a certain legal result. The intentions of the person are determined by the legal position of the person. It is the latter one that shows the internally conscious readiness of a person for legal behavior, which is based on his/her value-legal attitudes and legal worldview and reflects his/her attitude to the legal reality [4].

The inner attitude of person for appropriate actions is formed in the process of training, education and communication, and its occurrence depends on the current need for the individual and the objective situation, in which this need can be satisfied [5]. Therefore, knowledge about the system of legal values that determine the value-legal attitudes of the subject of law is of great importance not only for the legal regulation of social processes taking place in a particular country, but also that are capable to ensure their sustainable development.

When it comes to the system of legal values, the author clearly understands that it is possible to talk about their hierarchy according to certain criteria. However, there is no single approach to such a classification and cannot be.

Modern Ukrainian legal opinion, when determining the hierarchy of the basic values of law, follows two fundamentally different paths. The first of them is to substantiate the system and hierarchy of law values through the prism of humanistic tradition, and the second way is normative one and

it consists in the study of the hierarchy of law values reflected in the Constitution of Ukraine, normative and individual legal acts [6]. For example, a representative of the humanistic tradition (when speaking about the classification of legal values) indicates that, according to the criterion of usefulness, the values for a person are classified as follows: values that consolidate and legally ensure the rights and freedoms of an individual (the right to life, the right to freedom and personal integrity); arise from the humanistic essence of law (humanism, freedom, equality); arise from the normative-regulatory essence of law (legality, law and order, etc.); reflect the essence of law as a measure of human freedom (freedom of movement); arise from the essence of law as a normative-value imperative as a universally binding specific behavior; are aimed at forming among citizens a positive attitude towards the law as a universal human well-being. Within each group, it is proposed to consider legal values depending on the scope: legal values as a specific expression of general values (freedom, justice, law-obedience, etc.); legal values that determine the essence and content of laws that regulate various spheres of society (legality, legitimacy, etc.); institutionalized legal values that exist in the form of various social institutions (court, law enforcement agencies, advocacy, etc.) [7].

Analyzing the system of legal values, first of all, it is worth starting from the subject that will use it during the implementation of its legal choice. In law, the individual and the state are such players. The principle of human-centrism, which has taken

a leading place in the Ukrainian legal doctrine, encourages putting the hierarchy of legal values of person in the first place. At the same time, it should be considered that the hierarchy of human legal values directly depends on the needs, which can change under the influence of life circumstances. The basic human values (which are highly likely to be manifested in all cultures) are those representing the universal needs of human communication (biological needs, the need for coordination of social interaction and the requirements for the group functioning), united in ten motivationally different basic types. According to the theory of dynamic relations between value types, the actions performed in accordance with each type of values may conflict, or conversely, be compatible with other types of values [8].

The state also faces the difficult task of enshrining the hierarchy of legal values in the law that will implement the legal needs of state as an independent subject of law and an institution that ensures stability and law and order on its territory. Such a hierarchy of values should provide for a block of such legal values that will be identical to a certain part of legal values of a single person.

Value-legal attitudes form the core of the legal position of the individual, as they allow the subject to realize his own assessment of the object and determine the readiness to act on it in accordance with the existing system of legal values. All human attitudes, including the legal ones, have the common features such as:

- 1) specific objectivity, that is, focus on a specific object, and in this particular situation;

2) vigorous activity, which means the presence of an immediate readiness to act in accordance with the assessment and situation of satisfaction [9].

Consequently, the hierarchy of legal values depends on the person who will use it to satisfy the own legal needs. For the state, this hierarchy is static, since it is normatively fixed in the formal sources of law and acts as a “legal lighthouse” that highlights a certain area of social space within which a person will satisfy his legal needs. As for people, the hierarchy of human legal values will be dynamic, since it directly depends on legal needs that will determine a specific life situation that requires a legal regulation. According to the human-centrism principle that is enshrined in the law of most countries, including Ukraine, considering the human needs is in the first place, while the static system of legal values of society will become a certain guideline for it.

Legal culture will help bring the dynamic hierarchy of legal values of people closer to the static hierarchy of legal values of the legal system, which should become a value-legal orientation point for every person. The tasks performed by legal culture make it possible to rethink the role and importance of state and legal institutions to ensure sustainable development both at the everyday and at the scientific level. These tasks include: the formation of philosophy of the sustainable development among the population, understanding of the values and needs of stakeholders, involvement of individuals in the system of legal values and legal support of all activities aimed at achieving the goals of sustainable develop-

ment outlined in the outcome document of the UN Summit on sustainable development “Transforming our world: the 2030 Agenda for Sustainable Development” [10]. By involving an individual in the system of legal values of state, the legal culture carries out his legal socialization, establishes a certain balance between his legal values and the legal values of society.

It is well known that the high level of legal culture of the state’s population indicates a high level of their legal awareness and willingness to comply with the state’s requirements regarding their behavior. In their activities, they will be guided by those legal values that will become their value-legal attitudes and which a person will include in the own hierarchy of legal values. The question arises: what legal values does a person include? What legal values will a person perceive as a guide to action? The answers to these questions depend on education, upbringing, the specifics of a person’s micro-environment and macro-environment and their mutual influence.

The state should also join this process, because the legal values that make up the static hierarchy are designed to become the value guidelines in the formation of legal worldview of the individual, which will contribute to his/her legal socialization, the acquisition of appropriate legal experience, the ability to create the own legal position and defend it. The violation of legal education of citizens by the state gives rise to various deformations of their legal consciousness (legal nihilism, legal idealism, legal infantilism, legal dilettantism, legal demagoguery, legal pragmatism, etc.), it

introduces an imbalance in public life, by giving rise to various forms of deviant and unlawful behavior, the manifestation of criminal “romance” and lynching, corruption, distrust of justice, it can ensure the sustainable development of society and can also cause the emergence of separatist movements and threat to the territorial integrity of the state. Such a state will not be able to ensure the stable development of society.

A state that strives to ensure the sustainable development of its society clearly establishes a static hierarchy of legal values in the legal system that meet the current legal needs of society at a particular historical moment, and takes all measures so that these values take their proper place in the dynamic hierarchy of values of its citizens, as well as officials.

Analysis of the “Assembly Resolution 70/1 Transforming our world: 2030 Agenda for Sustainable Development: United Nations General [1]” has shown that its content is permeated with legal values that make up the hierarchy of legal values of both the individual and society. Among them, there are the human rights, dignity, rule of law, justice, equality, non-discrimination, tolerance, multiculturalism, gender equality, responsibility, intolerance to corruption, inclusion, etc. All these legal values have been defined at the international level and they can be found in the Sustainable Development Goals: Ukraine. National report [11].

However, there are a number of legal values that are not mentioned in these documents, but they have a significant impact on the level of legal culture of the population

and ensure the sustainable development of Ukrainian society. Among them, there are the virtue, good neighborliness, trust, patriotism, freedom, etc.

Conclusions

Despite the three-dimensional nature of the concept of sustainable development, which detailed in 17 goals and 169 tasks, its core is a person. It is the human that is proclaimed a high social value in some states, and the human-centrism has become the dominant ideology of the 21st century. The values play the main role in a person’s life that determine his/her behavior and development. Values play an equally important role in ensuring the sustainable development of society, by uniting it both to achieve some common vital interest, and to achieve the global goal – survival and development. Each area of public life has its own values, but the legal values have a special mission – to become normative regulators of public relations in any area of public life.

Each state, which wants to effectively solve the tasks outlined by the international community to ensure sustainable development, first of all should develop a clear hierarchy of legal values. These legal values will become the determinants that will determine the proper interaction of various groups of society on the path to achieving the Sustainable Development Goals and solving problems at the national level. In addition, these legal values should also become a part of the dynamic hierarchy of legal values of each member of society and its value orientations not only in certain legal situations, but also in everyday life.

References

- [1] Assembly Resolution 70/1 Transforming our world: 2030 Agenda for Sustainable Development: United Nations General. (2015). Retrieved from <http://sdg.org.ua/ua/resources-2/344-2030-2015>.
 - [2] Kachur, V.O. (2020). The category “value” in the theory of legal culture: to define the concept. *Law. Man. Environment*, 11(1), 10.
 - [3] Ball, H. (2005). The phenomenon of choice in the context of social behavior. *Social Psychology*, 1, 3-13.
 - [4] Kachur, V.O. (2019). Legal position as a subjective part of legal culture: before the question. *Right. Man. Environment*, 10(4), 6-12.
 - [5] Pryadko, S.A. (2004). Life position of the individual in the aspect of modern socio-philosophical understanding. *Multiverse. Philosophical Almanac*, 40, 56-63.
 - [6] Sparrow, K.V. (2012). Hierarchy of legal values. *Bulletin of the Academy of Advocacy of Ukraine*, 2, 75-81.
 - [7] Hryshchuk, O. (2019). *Philosophy of constitutional values*. Kyiv: Company BAITE.
 - [8] Telychko, T. (2010). Influence of socio-demographic characteristics on the value of “tradition-conformity”. *Social Dimensions of Society*, 2, 335-344.
 - [9] Kutirova, V.I. (2009). Political orientations as a sociological concept. *Bulletin of Kharkiv National University named after V.N. Karazin*, 881(24), 103-109.
 - [10] Kachur, V., Khomyachenko, S., Moriak-Protopopova, H., Protosavytska, L. (2020). Legal culture as a condition for sustainable development of Ukrainian society. *European Journal of Sustainable Development*, 9(4), 211-218.
 - [11] Sustainable Development Goals: Ukraine. National report. (2017). Retrieved from: <http://sdg.org.ua/ua/sdgs-and-governments>.
-

Правові цінності як детермінанти сталого розвитку суспільства

Віра Олегівна Качур

Кандидат юридичних наук, доцент

Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна

Анотація

Цілі сталого розвитку, окреслені у підсумковому документі Саміту ООН «Перетворення нашого світу: порядок денний у сфері сталого розвитку до 2030 року», і надалі залишаються головною моделлю розвитку для усіх країн світу. Сталий розвиток формується і забезпечується різними детермінантами, серед яких не останнє місце займають правові цінності. Вони забезпечують правову ідентифікацію об'єктів, визнаних бенчмаркінговими орієнтирами сталого розвитку, та формують ціннісно-правові орієнтації суб'єктів, діяльність яких спрямована на виконання цих завдань. Відсутність спільної системи правових цінностей призводить до деформації правосвідомості населення, панування нігілістичних віянь, унеможлиблює досягнення сталості та стабільності у суспільстві. Тому наявність єдиної ціннісно-правової парадигми є консолідуючим фактором українського суспільства, формує позитивне ставлення суб'єктів до політико-правового життя країни, сприяє їх правовій соціалізації та виробленню належної правової позиції. Це дозволяє досягнути соціальної справедливості, розбудувати засади інклюзивного розвитку, забезпечити верховенство права, викоринити корупцію та відновити довіру до держави та її інституцій, зміцнити соціальну згуртованість, забезпечити взаємодію державних органів з громадськістю та самоорганізувати діяльність громадян. Серед правових цінностей, які сприяють досягненню цілей сталого розвитку та становлять фундамент правової культури, особливе місце займають людина, справедливість, свобода відповідальність, рівність, патріотизм, віротерпимість тощо

Ключові слова: життєвий вибір, правова культура, правова позиція, правові цінності, ціннісно-правові орієнтири, сталий розвиток, ціннісно-правові установки
