

## II. POLITICAL AND LEGAL SCIENCES, HISTORICAL STUDIES

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### MORAL PRINCIPLES OF SOCIETY AS SOCIAL REGULATOR OF CIVIL RELATIONS

**Introduction.** Since the times of Ancient Rome moral regulators are perceived as those who have a direct legal force. Thus, even Roman lawyer Paul stated: “A good conscience gives its owner as much as the truth, because the law does not prevent it”. After the fall of the Roman Empire, concept of integrity as a principle of carrying out of agreements arises again in the practice of European traders during the XI and XII centuries [1: 351]. The regulation of civil public relations in Ukraine is carried out by a number of social means. And the leading place among them is legal means, namely: acts of civil law, contract and legal customs. These are, in particular, the rules of public morality, or, as defined in the Civil Code of Ukraine, the moral principles of society [2: 72].

**Review of recent publications.** Civil codex of France, developed by the governmental Commission with the participation of first consul of French Republic Napoleon Bonaparte, took effect on the 21st of March 1804. The principles and the rules of the Roman digests were put into the basis of the codex. In fact, this document has become the result of the norm synthesis of the Roman private and common law, and resolutions and regulations of the Republican legislation. Despite the enormous social, economic and political changes that have occurred since then for over the past two centuries, formulated by codex basic principles of French private law to this day remain actual for the legal system of France [3: 5].

An original diagram of the process of legal principle binding was offered by A. V. Popova and it contains the following stages:

- 1) design of internal (subjective) position of individuals for desirable and proper behavior in society using the specific norms of morality;
- 2) transformation of the moral norms of behavior of people into social norms that defines the main objectives, forms and regulates of individual`s behavior in the most meaningful to the Community spheres of existence;
- 3) design of social norms in the rules of the behavior, and then in the law;
- 4) formulation of norms of the natural law appeared due to their long-term usage in a form of a habit;
- 5) formation of a legal idea, which through scientists` law-consciousness becomes the norm – an idea;
- 6) transition of the rule – an idea from the common law expression in the norms of positive law [5:13].

**Objectives of the paper.** The main objectives are: analyzing information about moral principles in the civil relations, defining a concept of moral principles, formulating legal idea, summing up researches of the paper.

**Results of the research.** The sphere of regulation of legal civil relations the moral principles of society is determined, above all, those kinds of civil social relations, which are built on personal relations between people. First of all – family relationships. It is no accident that part 9 of Art. 7 of the Family Code of Ukraine states that “family relations are regulated on the principles of justice, fairness and reasonableness, in accordance with the moral principles of society”. In this case, the legislator creates restrictions for subjects of legal regulation of civil relations, prohibiting legal regulation that does not conform to moral principles of society [2:73].

A system of life principles, views, judgments, and people's assessments, as well as the corresponding norms of behavior recognized and supported by the majority of members of society, reflect the views that have developed in society about good and evil, duty, justice and injustice, dignity and dishonor, about approbation and shame, etc., represent the moral principles of society as the basic principles of social morality. Social morality fulfills a function similar to the functions of law, but differing from them by origin, form of expression, sphere of regulation, degree of compulsory, means of provision, etc. [2:73].

Law and morality often intersect in their norms. For example, when moral behavior is legal, and immoral is considered illegal. More relevant are the problems of immoral law, that is, a law that recognizes lawful immoral acts or unlawful moral. This question is a problem of philosophy and the theory of law.

According to the research it was found that today there isn't a single thought as for the need in defining of the content of the main grounds of justice, integrity and reasonableness, subjects and methods of its implementation. A normative approach is the dominant in any formal functioning society to law understanding. The strengthening of the opposition of different approaches to law understanding happen in the periods of quality changes in the system of social relations. The responsibility for social problems is put to normative approach. The most competitive approaches in the analysis of the law understanding problems become normativism, natural law and sociological approach. The society becomes clamped in obsolete law norms. The moral and legal principles are one of the most important parts of the system of the principles of civil law. Their presence indicates a relationship of moral and law in civil law, its moral and spiritual base allows you to form a positive attitude to the realization of civil legal norms in law consciousness of citizens. The most important among the common principles are the principles of justice, integrity and intelligence, the contents of which form the idea of goodness, honesty, decency, humanity, etc., representing the essence of civil law as private. The law may be legal or illegal.

It is argued, that the formation of modern military relations, based on the principles of morality, a pluralistic democracy and respect for human rights is impossible without leaning on public morality, that can be defined, as a system of ethical standards, rules of conduct, that appeared in a society based on traditional and cultural values of kindness, honor, civic responsibility, conscience and justice. It is

thanks to the morality a man has an inner freedom and responsibility for his decisions, and that's why human moral values are called life goals. It's worth to pay attention to an opinion that the system of legal norms should cover only the spheres of social relations, where their regulation functions have a certain effect. Thus, morality and law are on the same level [5: 25].

It was researched that if the law does not take into account the moral factor, it's not legal. In some cases, civil law recognizes the impossibility of violating moral prohibitions and establishes the consequences of their violation. And, the moral principles give an assessment of the concepts used in the settlement of civil legal relations.

**Conclusions.** We can argue that morality, as a principle, is the basis for lawmaking, for a proper understanding and application of civil legislation. The morality of the law stimulates voluntary execution of legal standards by all subjects of civil law, ensures the implementation of civil rights and interests. Needs and interests of society cause the necessity of new social-partners' settlement, based on a single measure which reflects their common patterns. That is the system, the complexity and the recurrence of social life assumes its legal position that would mostly match the entity processes taking place in reality and this is possible only when such position relies on principles. In some cases, civil law recognizes the impossibility of violating moral prohibitions and establishes the consequences of their violation. And, the moral principles give an assessment of the concepts used in the settlement of civil legal relations [5: 27].

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## **DIGITAL DIPLOMACY IN UKRAINE**

**Introduction.** It is hard to imagine the life of a modern person without the Internet and social networks. Today, they are extremely important informational resources and instruments of influence. This is the reason why in the 21st century a digital element has appeared in public diplomacy of many countries. Electronic diplomacy is a young phenomenon in international relations that arose in the United States, and got there its theoretical and practical design. The phenomenon does not have a common name and definition, but in the international arena it is more often than not called "digital diplomacy".

**Review of recent publications.** Given the urgency and demand for the implementation of Information and Communication Technologies (ICTs) in the field of diplomatic relations, the scientific community quite actively explores the issue of e-diplomacy. Among the contemporary scholars in Ukraine the issues of digital diplomacy have been considered by J. Turchin, N. Grushchinsky, D. Gaidai, B. Gumenyuk, L. Litra, Y. Kononenko, Y. Falk, O. Sahaidak. Also, in the post-soviet space Russian scholars, namely E. Pantelev, L. Permyakov, N. Tsvetkov, E. Zinoviev, and others tried to elucidate the subject of e-diplomacy. Mostly, researchers have been developing the concepts and definitions of diplomacy, which uses ICT, in particular the Internet, as one of the working tools. Among foreign researchers F. Hanson, G. Gerbner, J. Grunig, L. Pai have been actively engaged in digital diplomacy issues.

**Objective of the paper** is to explore such element of Ukraine's foreign policy activities as digital diplomacy considering the process of its formation and the current state of this phenomenon.