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THE RULE OF LAW: PROBLEMS OF PERCEPTION IN PRESENT NATIONAL JURISPRUDENCE

The author of the article analyses the situation and shows the specifications of the rule of law concepts creation in present national jurisprudence.

Current status of ambiguity and contradiction of perception of the rule of law pending on existing of several approaches: traditionally soviet and formed in the frames of tradition of western liberal legal doctrine.

Vested in the Constitution of Ukraine clauses as to the rule of law determines requirement in definition of content of the principle of the rule of law from the position of legal positivism and explicitly normativism in its present interpretations («soft positivism»). The author shows insufficiency of such approach and assumes that doctrine definition of nature of the principle of the rule of law should be completed from the point of its valuable characteristics, namely: a) from the position of sociological approach, where its content and nature has specific character, because are determined taking into consideration specific-sociological

context and b) from the position of philosophic-legal approach.

From the position of sociological approach identification of nature and content of the principle of the rule of law in socio-cultural aspect means that this principle should be considered as common social theory of the legal system of a society. Therefore, such approach is effective only among those communities where the law is a value in the cultural tradition, the idea of social progress. From the position of philosophic-legal approach to the perception of nature of law, the content of the rule of law, as the value, determines in the context of other valuable components of absolute law.

In the frame of present philosophy of law, perception of nature of the principle and its content, to a great extent, embodied from the position of axiological, anthropological, communicational approaches. However, the author proves the necessity of perception of nature of the principle of supremacy of law from the positions of gnoseological approach.