

Yepur M.V.,
*Candidate of Law Sciences,
Senior Lecturer, Department of jurisprudence,
Mykolaiv Interregional Institute of Human Development,
Higher education institution
«Open International University of Human Development «Ukraine»*

THE TRIAL IN THE RUSSIAN LAW OF THE I HALF OF XVIII CENTURY

In the 20-ies of XVIII century Russia became an absolute monarchy. Formation of the absolutist state is associated with the name of Peter I, who was the first to embody the presence of autocracy in Russia.

The new form of government determines a new legal system. From the early years of the reign of Peter I began his law-making activity, so soon it became necessary to hold on a new codification of laws. Attempts to create a new code, like traditional Russian law of Muscovy era, failed. Then the king went through codification of certain areas of the law that was entirely new for Russia. The monarch began with the work on codification of criminal and procedural law. In the new legal acts there were increased

repressions by the state. Finally inquisitorial process was settled as the leading form of litigation. These processes, of course, affected the formation of the legal system of Ukrainian Hetman State, which could hardly resist the assimilation policy of the tsarist regime.

«Europeanization» of Russia, which took place during the first half of XVIII century, aggravated phenomena that existed in pre-Petrine day: bureaucracy, corruption, social corporatism. The reason was that the reforms were held «from upstairs», excluding the interests and aspirations of society and these reforms reinforced people's dependence on the state. The historical experience of a warning for today's Ukraine, who seeks the ways to integrate into the European community.

Lutskyi A.I.,
*Candidate of Law Sciences,
Associate Professor, the first Vice Rector of Ivano-Frankivsk University named
after King Danylo Halychskyi,
Professor of church-canonical disciplines and philosophy of law department*

THE ROLE OF LEGAL IDEOLOGY IN DEVELOPMENT OF SOCIAL AND LEGAL STATE IN UKRAINE

The content of the notion of social and legal state is characterized in the given clause. The social type of a state is defined as the most optimum model of social sys-

tem organization. Taking into consideration the level of development of Ukraine on a modern stage it doesn't belong, at least now, to the social model of a state.

A state can be called legal if it is based on the supremacy of law, ideas of humanism, justice, legal equality and freedom, and when human rights are recognized as higher social value. A developed civic society where economic relations are founded on free market acting solely on a legal basis is determined, in author's opinion, by the main criterion of a legal state. That is to say, a legal state is such a democratic state where prevalence of law, equality before the law and independent court are ensured, where human rights and freedoms are guaranteed, and the principle of division (separation) of legislative, executive and judicial power takes as a basis.

Correspondingly, the present Ukraine can't be referred to the legal model of a state yet because of almost total incapability of our citizens to use their rights and ignorance of them.

The author gives and analyzes two models of interaction of a state and a civic society, namely «statecentrism» and «anthropocentrism». The role of legal ideology in this case is in the fact that it defines what model of interaction of a state and a civic society is realized in every specific occasion (this, in its turn, also determines the features of a civic society itself). It defines its especial importance for a state as well as for a civic society.

The researcher points out that determination of our country's role in these

systems is not distinct since there are features of both models: state-centered is reflected in functioning of monopoly on state apparatus power, difficulties for average Ukrainians to protect their interests in courts etc.; human-centered is reflected through the increasing of power of social security institutions (Law of Ukraine «About appeals of citizens», wider publicity of power etc.)

The role of legal ideology in the process of development of a social and legal state in Ukraine consists in suggesting values, reference points and components of legal culture in the public consciousness. As a result legal ideology is not only a complex arrangement (system) of various legal ideas, values and principles but also an instrument of influence on public legal consciousness, which is able to guarantee its recognition by citizens and further realization of the stated ideas and values.

Correspondingly, due to legal ideology values and ideas become a part of reality or at least tend to it. Legal ideology has its impact on effectiveness of interaction between the state and civil society.

The liberal (neoliberal) doctrine which provides for the development of socially, materially and spiritually independent personalities who are able to protect their interests through legal means is the main legal ideological doctrine which is able to guarantee formation and development of a social and legal state.