

З урахуванням викладеного доходимо висновку, що правові основи цільового програмування у сфері науки в Україні є на сьогодні декларативними, оскільки немає відповідного його практичного механізму і відповідних жорстких заходів контролю за його дотриманням і виконанням. Тому доцільно внести зміни до Закону України «Про наукову і науково-технічну діяльність», у якому основною формою планування у сфері наукової та науково-технічної діяльності визначити розробку державних цільових програм, спрямованих на розв'язання найважливіших проблем розвитку науки. При цьому, на рівні постанови Кабінету Міністрів України, затвердити Порядок оцінки ефективності наукових цільових програм, яким би визначалися: правила оцінювання проміжних та підсумкових результатів наукових цільових програм, їх окремих заходів; система вимірних програмних індикаторів (показників); методика відповідних розрахунків; правові наслідки оцінки ефективності наукових цільових програм.

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FORMATION OF INDIVIDUAL LEGAL CULTURE: ASPECTS OF THE THEORY

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The article analyses the concept of the legal culture of the person. It indicates that the formation of the legal culture of the person is influenced by a row of objective and subjective factors such as the family education, the social personal environment, the nature of the activity, the mass media influence, the communicative experience with the agents of the authorities, the availability of the legal information, the social activities in the sector of the rights and freedoms' protection and other factors. It proves the necessity of creation the moral basis of the legal culture of the society and of the person, in connection with it there is a necessity of consulting philosophy and natural sciences. The article offers a version of the philosophical moral-legal theory of the environmental and inner world structure of the person, that can be a base of the formation of the legal culture of the person. Familiarization with the subject of the theory proposed below, its discussion in educational establishments will contribute to the formation of the legal orientation to keep rights and freedoms of the person followed, inadmissibility of signs of illegal behaviour. Categorical imperative, according to which "each person must be taken as the biggest value, that can't be used as a way of achieving one's own aims", must be formed in the legal conscience of the person. Besides, the conception pointed out gives to such a categorical imperative a scientific basis, confirmed by well-known laws of nature. The proposed theory doesn't agree with religious and moral convictions of representatives of the main world religions and can become one of the efficient instruments of the legal education.

Key words: the legal culture, the ideological basis, the legal education, rights of the person, legal values, the formation of orientation, conception, theory.

Ганзенко А.А. ФОРМИРОВАНИЕ ИНДИВИДУАЛЬНОЙ ПРАВОВОЙ КУЛЬТУРЫ: АСПЕКТЫ ТЕОРИИ / Запорожский национальный университет, Украина

В статье анализируется понятие правовой культуры личности. Указывается, что на формирование правовой культуры личности влияет ряд объективных и субъективных факторов, среди которых: воспитание в семье, социальное окружение личности, характер и род ее занятий, воздействие средств массовой информации, опыт общения с представителями государственной власти, доступность правовой информации, социальная активность личности в сфере защиты своих прав и свобод и другие факторы. Обосновывается необходимость создания морально-этической основы правовой культуры общества и личности, в связи с чем возникает необходимость обратиться к помощи философии и естественных наук. В статье предложен вариант философской морально-правовой теории устройства окружающего мира и внутреннего мира человека, который может быть положен в основу формирования правовой культуры личности. Ознакомление с содержанием предложенной концепции, ее обсуждение в учебных учреждениях будет способствовать формированию правовой установки граждан на соблюдение прав и свобод человека, недопустимость проявления противоправного поведения.

Ключевые слова: правовая культура, идеологическая основа, правовое воспитание, права человека, правовые ценности, формирование установки, концепция, теория.

Ганзенко О.О. ФОРМУВАННЯ ІНДИВІДУАЛЬНОЇ ПРАВОВОЇ КУЛЬТУРИ: АСПЕКТИ ТЕОРІЇ / Запорізький національний університет, Україна

У статті аналізується поняття правової культури особи. Відзначається, що правова культура особи є системою правових переконань та позитивних правових установок, які знаходять своє вираження в готовності до повсякденної правомірної поведінки, повазі до прав і свобод інших людей, та здатності захистити свої права на основі достатніх правових знань та навичок. Формування високого рівня правової культури громадян є однією з найважливіших умов формування в Україні соціальної правової держави. Вказується, що на формування правової культури особи впливає ряд об'єктивних та суб'єктивних факторів, серед яких: виховання в родині, соціальне оточення особи, характер та рід її занять, вплив засобів масової інформації, досвід спілкування з представниками державної влади, доступність правової інформації, соціальна активність особи у сфері захисту своїх прав та інші фактори. Обґрунтовується необхідність створення морально-етичної основи правової культури суспільства і особи, у зв'язку з чим виникає необхідність звернутися за допомогою до філософії та природознавчих наук. Існуючі способи та методи правового виховання не здатні істотно вплинути на правову свідомість у зв'язку із перенасиченістю інформаційного поля та низьким рівнем довіри громадян до органів державної влади. У статті запропонований варіант філософської морально-правової теорії устрою навколишнього світу і внутрішнього світу людини, який може бути покладений в основу формування правової культури особи. Метою вказаної теорії є формування у особи переконання в тому, що кожна людина є найвищою цінністю і не може використовуватися як засіб досягнення певних цілей. Обґрунтовується положення про те, що моральні норми так само обов'язкові, як і закони природи, а порушення прав і свобод іншої людини неодмінно потягне за собою негативні наслідки для правопорушника. Ознайомлення зі змістом запропонованої концепції, її обговорення в навчальних закладах буде сприяти формуванню правової установки громадян на дотримання прав і свобод людини, неприпустимість прояву протиправної поведінки. Перспективність подальшого дослідження цієї теми не викликає сумнівів, адже формування правової культури особи є складним процесом, на який впливає значна кількість економічних, політичних, соціальних та інших факторів.

Ключові слова: правова культура, ідеологічна основа, правове виховання, права людини, правові цінності, формування установки, концепція, теорія.

Relevance of research. The formation of the social legal state is impossible in Ukraine without high level of the legal conscience and the legal culture of all the citizens. Different aspects of the formation of the legal culture were studied in the works of such scientists as V. Babkin, M. Baumov, S. Drobiazko, V. Kartashov, S. Maksimov, A. Meniuk, P. Rabinovich, V. Salnikov, A. Semitko, O. Skakun, V. Selivanov, U. Todyka and other famous researchers.

The legal culture of the person represents a system of the legal convictions and the positive legal orientations that are shown by conscious readiness for every day legal behavior, by respect of the law in general and respect of other persons' rights and freedoms, and by the capacity to protect rights on the base of the legal knowledge and skills [1-3]. The formation of the legal culture is influenced by a row of objective and subjective factors such as the family education, the social personal environment, the nature of the activity, the mass media influence, the communicative experience with the agents of the authorities, the availability of the legal information, the social activities in the sector of one's rights and freedoms' protection and other factors. The core of the personal legal culture is its ideological basis, its legal convictions, ideals, values set in the legal conscience.

In the Constitution of Ukraine there is a norm saying that any ideology can't be taken as obligatory [4]. That's why there is a mounting question of creation the moral basis of the legal culture of the society and of the person, in connection with it there is a necessity of consulting philosophy and natural sciences. A version of the philosophic moral-legal theory of the environmental and personal

inner world structure that can be a base of the formation of the legal culture of the person is described below.

The Ideological basis of the formation of the legal culture of the person. Many books and articles were written about the sense and the purpose of human life. One can easily get confused in the variety of theories and opinions and it is difficult to find the truth. Difficult terms, composite sentences give the impression of scientific character, but having read them we face unresolved issues, gaps in our knowledge and uncertainty again. The truth is not supposed to be cumbersome, it doesn't have to weary and leave uncertainty, it must be understandable to everyone.

Let's draw a picture of the Universe together, understandable and accessible, without difficult terms and unnecessary words.

To begin with, look around you, listen to the sounds, feel with your skin somebody's touch, taste something eatable, smell the scents. Now try to recollect the simple and indisputable truth from your school course of biology – your eyes, ears, nose, skin, tongue, coming in contact with the external matter, transmit signals to the brain. And there, inside our head, brain cells create picture in colour, sound, the sense of touch, smell and taste of an object. That is to say, when we hold an apple in our hands, smell it, we actually hold in our hands a part of our creative thinking, that occurs in the brain cells, inside our head.

So, the first thing to remember is that our brain creates objective reality, receiving only monotonous impulses-signals from sense organs. In other words everything we see, hear, feel – this is the thing, that is out of our body, our brain, our mind creates it all. Nobody argues that “outside”, out of body, the picture (colours, smells, sounds) is the same. But we see, feel exactly what our brain has “drawn” for us. This fact is indisputable and it was proved by numerous experiments.

But can the brain create a picture of objective reality without setting in contact with the external material world, without signals from sense organs. Of course, it can. Remember your dreams – sometimes they are difficult to distinguish from the reality. In our dreams we see, hear, feel. Many people will say that in the sleep the brain just endures things that it apprehend during wakefulness, but the main thing here is the fact itself – our brain, our mind can independently create absolutely objective reality, indistinguishable from a reality of an external material world.

Not less evidential proof of the ability of our brain to create absolutely real picture of the reality – are drug influenced hallucinations, in the state of delirium tremens and hallucinations of morbid people. It was experimentally proved that a person apprehends hallucination as a reality, sees non-existent objects, hears voices, perceives smells. That is and in this case as well, the brain itself creates the picture of reality.

One more evidence of the brain potential – is the hypnosis. Being in a state of hypnosis a person is in that illusory reality that the hypnotist has modeled for him. And the person believes in what is happening around, though, in fact the situation around him remains unchanged.

Of course, hypnosis and mental disorders are rare, but everybody has dreams – and their frequent reality is an undeniable fact. Thus, the brain ability to create absolutely factual reality without any contact with external matter on the basis of gained experience – is the undeniable fact.

There are few who haven't fly in the sleep, after all flight of a person without any devices contradicts one of the fundamental laws of nature – the law of gravitational attraction. Thus, the ability of our brain to create the illusion of absolute reality, which doesn't submit to the laws of physical nature, is the undisputable fact.

And now let's return to the outer matter that surrounds our body.

The law of the gravitational attraction is one of the fundamental laws of the physical nature. We all are adhered to the Earth by the force of gravitation. Each body and object has its weight and in order to get it off the Earth it is necessary to make an effort. Besides gravitation there is an electromagnetic attraction and body repulsion, gravitation forces at the level of atoms and molecules. It is possible to say that the whole our world, our nature and the Universe are based on the laws of gravitation and repulsion – atoms are combined into molecules, molecules are linked into organic compounds. Our bodies are combination of huge set of the corpuscles connected by gravitational force.

We live in the epoch of technological progress, but science still doesn't know the weight nature, it can't explain the inner nature of the attraction and the repulsion. Yes, there exist sound formulas and experimental verification of the described laws of the gravitational, electromagnetic attraction, but there is no explanation – why it happens this way – what attracts one object to another, smaller weight to bigger one, positive charge to the negative. After all, everything should have a mechanical basis, accurate and clear mechanism of action. Otherwise – search of the initial cause will be everlasting – corpuscles move the field (gravitational, electromagnetic), but what is the mechanism of this influence, why does the field of one particle tend to the field of another one or attracts it to itself? There is no explanation.

Now we can conclude that recognition of the existence of the chain images, in every scene of which one particle is getting closer to the other is the only way to explain gravitation and repulsion mechanisms. When energy moves upon this chain of images we, as spectators, have an illusion of an attraction of these particles. Exactly as, for example, in an old film – in each shot (fragment) a falling apple is represented closer and closer to a surface of the Earth and when the film tape moves through a projector beam, we see on the screen how the apple falls from a tree to the ground. But in fact, actually, there is no fall present – it is the illusion which we perceive as the reality.

Only in space area not the chain of images moves through the light ray, but light (energy) moves along the chain of images in every frame of which, our Earth is represented. In each following shot the picture is new and energy as if revives it, transforming it into reality which we perceive. That is, our future already exists in the space depth and energy goes to it with a velocity of light. The light overcomes distance in 300 000 kilometers in one second, the diameter of the Earth – is approximately 12 756 kilometers, that is energy, moving at a velocity of light (300 000 km/s) per a second, overcomes distance equal at about 24 diameters of the Earth, passes through 24 shots of the image chain and in every frame of which the Earth is reflected. 24 frames per second – is the speed of change of shots, images, which is necessary for perceiving the picture in dynamics and for the image not blinking – this is an indisputable fact.

Thus, we've got mathematical acknowledgement of our statement about the fact that our world – is the chain of images stretching through space and with energy flow moving along it, successively filling our Earth's three-dimensional frame-images. Energy revives recurrent instant of the human history filling another three-dimensional frame-images of our Earth. That is the flight of the time is literally a current of energy flux throughout the shots, fragments of the chain of images at the velocity of light from the infinity to the infinity of space.

Such statement allows to explain not only attraction and repulsion of particles and bodies, but reasonableness of nature as well.

Pay attention to indisputable facts attentively – nature is arranged as a perfectly thought-out model. Behaviour of many animals, insects couldn't be just the result of evolution, of complexification and emergence of new species. The simplest example is bees. The organization of their cellular cities couldn't arise simply with time flow. Bees have got the division of labor – honeybees, nurses-bees, bee guards and each of them has its own distinct functions. This is the modeled reasonable pattern of a community. Trillions of years of evolution could pass, but such a labor division couldn't appear due to species complexification and improvement. Bees couldn't invent such a rational organization of their community – their nervous system is primitive. This implies the conclusion that they act according to the accurately put program.

Not less vivid example is spiders and their ability of spinning webs for insect hunting. The web perfection, its reasonableness and accurate spider's actions is a thought-out way of hunting with adaptation which had to be created. A spider just like a bee can't think, it acts according to the accurately put program as well.

And there are thousands of such examples. Take nuptial animal and bird dances alone – they couldn't emerge by themselves – the order of their execution is also passed on in the form of instincts, accurate behavioural programs from generation to generation. The main thing is that these behavioural programs couldn't have an initial point – animals couldn't create and model them by themselves. That is, there exist two variants – either these programs were created by outer mind, i.e. by Lord, or they have been existing eternally and materialized one more time.

The chain of images puts everything to its places – organisms become more complicated in every following shot and we get the illusion of evolution. That is, evolution of nature, the development of flora and fauna was uncreatedly imprinted in the chain of images of our Earth. It is like a film about the life on the planet of Earth which nobody has ever filmed, it has always existed in space and energy has revived it, has filled its shots, has turned into that reality which we perceive.

Thus, our statement about the fact that our world is the chain of images stretching in space infinity explains two irresolvable puzzles at once – the nature of weight, gravitation and repulsion, and also rationale nature organization, a well thought-out animal behaviour and evolution of all living on the Earth.

And at last, the main thing is that the world around us is a three-dimensional chain of form-images, in every shot of which the earth is represented, including everything, even us in a particular moment of time. The energy sequentially fills the shots of the chain images of the Earth and in such a way time is flowing – the future becomes the reality, remaining shots become the past. But you do remember that everything we feel, hear, see is created by our brain, our mind. So every our “I” has its own chain of images. It is similar to external one, but it can include its own forms of images as in the case of hypnosis, during hallucinations or in the sleep.

Why there is its own chain of images for every person if we are in one three-dimensional chain of images of the Earth? It is because our life on the Earth is an instant moment as compared with our planet’s life. 70-100 years of human life is rather small interval in the chain of images the globe Universe. After passing away our soul leaves its body and levitates above the earth and the chain of images of every person is separated from the chain of images of the earth, getting independence from material bonds. The time is transient and the death of a physical body is inevitable, that’s why every has its own chain of images and having got the experience of living on the Earth, our mind gets into another world which is not connected with Earth’s matter. This release, separation from the Earth’s chain of images is like a sleep, so, the chain of images of our “I” starts living by its own scenario creating for us its own absolute reality.

Hence the logical conclusion, our “I” serving its biological (continuation of the species), social (work for the benefit of the society within definite profession, realization of its own social role) and spiritual role (the development of intellect, moral qualities, perception of the world as a whole) transforms into conscious, valid personality who is ready to live in its own chain of images, in its own world.

In other words, we learn to live, reflect, create, enjoy on the Earth. We all are adhered to one physical body and during our mortal life, in fact, we play one social part of a worker, a farmer, an engineer, a teacher, a manager, a doctor, a policeman, a homeless, an oligarch, an actor, a singer, a writer, a cleaner, a barman, a builder, a driver, a bureaucrat. But it’s just during your short life on the Earth within its chain of images. Out of earth connection, our “I” in its chain of images can play any social part, become any personality in any moment of human history, possess any property, any abilities and potentialities.

It’s all because out of other personalities and the matter of the earth chain of images ties, our mind will create desirable reality, it is like programmed dream, but everything will be absolutely real. Our “I” will be able to choose any scenario of reality development, it is like ordering future for yourself or like turning on the computer, we choose what film to watch, what game to play in, what music to listen to.

So, the content of eternal “I” life is pleasure – it is the transition from not having to possession, from ignorance to knowledge, from pain to pleasure, from hatred and indifference to love, from suffering to bliss. Only hungry man can really get pleasure from food, only after long separation meeting becomes extremely desirable and after privation and pain we realize joy of acquisition and happiness of pleasure more acute and deeper. Everyone during his life creates billions of starting points for the development of scenario of eternal “I” life.

Absolutely logical is the fact that our Earth’s chain of images has its own “I”, because all our seven billion persons play their role in one great play under the title The History of Mankind. We all get pleasure and suffer, lose and find love, dream and create, hate and destroy, invent and build. An accurate scenario is seen in all the variety of human’s life on the Earth – it is the development of civilization and breeding on the whole, creation of new personalities. Game and life itself is the main thing. Every day almost seven billion people live a unique day, play seven billion parts. Whom is this

play for? The answer is predictable – it is for eternal “I”, personalities who had their way on the Earth, formed their mind, intellect, worldview and had released from material bonds with Earth’s chain of images.

Religions of different countries call them God, Angels, Spirits but the sense doesn’t change. There is no need in proving the existence of the soul, it is obvious, in order to do this you’d better look around – your body’s feelings and everything that our mind creates around it, due to movement of “I” energy along individual chain of images. Advantage of eternal “I” is in the fact that, God’s personality covering all Earth’s chain of images, can be every of us for a while, it can embody in any person after that and develop, continue the play by own scenario. For the eternal personality reality is what we dream about.

That is, shots of the chain of images of the whole Earth are filled with eternal person’s energy which has our seven billion “I” at its disposal, all social roles, all our dreams and desires. The abilities of eternal personality are boundless; it chooses its scenario of life, any body form, any social role, any capabilities and possession by itself. All world’s wealth belongs to eternal “I”. The main thing – is our future. Space is endless and everyone will get huge three-dimensional chain of images, its planet and its humanity, boundless capabilities and abilities, power over the time, matter and space.

Imagine the possibility of becoming any person by your choice for a while, at any moment of mankind history. And, herewith, have unlimited abilities, perfect health, any property. It is like when the actor chooses definite part and plays it in the film or play, as if becoming another person. The difference is that eternal “I” entirely and completely embodies into one person out of billions of people on the Earth. There is no stage make-up, no director and operators, script writers and producers – everything is absolutely real. It can’t be described, independence of eternal “I” is boundless and the whole Earth and mankind belong to it.

The reality of such universe system is obvious and can’t be refuted because we can’t see or measure the chain of images from the side; we are its part, as if eye can’t see itself without mirror’s help. But it is enough to look at nature’s perfection, at our body; in order to understand that Gog is our whole world, our whole mother Earth and we, as his children, grow in his world, connected with each other and everyone plays his own part in his “film” about the humanity. As like children grow up and become parents, as we will get the right to freedom, our own world and eternity. It is impossible to imagine delight and happiness of human “I” which after living on the Earth becomes eternal person – it is too fine and fantastic.

The main thing is that we are all equal “I”, connected to each other by one planet, owing to the fact that we become rigorous persons, create or unique world and continue human generation. It is necessary to live behind despondency and depression, fear and uncertainty, indifference and hopelessness, living on the Earth – is the way to eternity, full of difficulties and pleasures. Everyone is not only the body endowed with mind, senses and feelings, every our “I” – is a new world, it is eternity.

It means that each person is the biggest value in the world. Love for another person isn’t a duty, it’s a natural state of mind, because all of us are actors of the same theatre, of the same cinema about humanity. Hurting another person causes equal suffers for the person who hurts. God isn’t an abstraction, He is the whole world and its laws, the commandments are as obligatory to keep as the laws of nature. Christianity, Islam, Buddhism, Judaism are the religions establishing objective truths. God has many faces, for each nation He has its own image. As well as here on the Earth each person and humanity in general need a leader, a teacher, a tutor, after physical death human soul need a spirit-guide. That’s why the fact that God exists is necessary and obvious. The same thing is about his antipode. The fight between good and evil, light and darkness, love and hate allow to feel the difference, to recognize the value of the life and its uniqueness. Each of us sooner or later will make the right choice, will become a Human.

This way, the ideological basis of the formation the legal culture of the person, described in the article can become one of the instruments of the legal education.

Familiarization with the subject of the theory proposed above, its discussion in educational establishments will contribute to the formation of the legal orientation to keep rights and freedoms of the person followed, inadmissibility of signs of illegal behaviour. Each person must be taken as the

biggest value, that can't be used as a way of achieving one's own aims. Besides, such a categorical imperative gets a scientific basis, confirmed by well-known laws of nature. The proposed theory doesn't agree with religious and moral convictions of representatives of the main world religions.

The potential of the scientific research of the subject is out of question, because the formation of the legal culture of the person is the most difficult process, that depends on a number of objective and subjective factors: historical, social, economical, political, mental and other ones. By the way the formation of the legal culture of the person is influenced by the processes of the globalization, that leads to the phenomenon of "multiculturalism", wiping borders between counties and national cultures. As a result people feel disappointed with a number of the legal ideals and values. In connection with it, searching for innovative, untraditional forms and ways of the formation of the legal culture is obvious. Both the conception proposed in the article and its author are ready for the constructive criticism and for searching for alternative ways of the legal education of the person.

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КОНЦЕПТУАЛЬНІ ПІДХОДИ ДО ДІЯЛЬНОСТІ ПОЛІЦІЇ

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У статті викладаються сучасні концептуальні підходи до поліцейської діяльності держави як об'єкта адміністративно-правового регулювання і виділяються найбільш ефективні та дієві з них для застосування в правовій демократичній державі. На підставі аналізу концептуальних підходів формулюються характерні риси, яким повинна відповідати сучасна поліцейська діяльність. У статті дається визначення поліцейської діяльності, під якою слід розуміти охоронну діяльність держави, яка має своїм предметом охорону громадського порядку, а також існуючі блага, особисті та майнові права людини. Поліцейська діяльність має на меті охорону всіх форм громадського порядку і спрямована, у першу чергу, проти ексцесів у громадських місцях. Подальше вивчення концептуальних підходів до поліцейської діяльності держави сприятиме майбутньому розвитку наукового пошуку та обґрунтуванню оптимальної моделі поліції для конкретної держави, що, у свою чергу, зміцнить громадський порядок і ставлення населення до поліції.

Ключові слова: поліція, держава, поліцейська діяльність, об'єкт, адміністративне право, громадський порядок.

Лошицкий М.В. КОНЦЕПТУАЛЬНЫЕ ПОДХОДЫ К ДЕЯТЕЛЬНОСТИ ПОЛИЦИИ / Национальная академия внутренних дел, Украина

В статье излагаются современные концептуальные подходы к полицейской деятельности государства как объекта административно-правового регулирования и выделяются наиболее эффективные и действенные из них для применения в правовом демократическом государстве. На основании анализа концептуальных подходов формулируются характерные черты, которым должна отвечать