

M. Osyadla

*Maria Osyadla, postgraduate student
of Institute of state and law name after Koretsky
of National Academy of Sciences of Ukraine*

JURISTIC FREEDOM AS THE FUNDAMENTAL PRINCIPLE OF CIVIL SOCIETY

Freedom - is a complex, multidimensional phenomenon that is the basis of human existence, longing for it sets main principles of freedom genesis and the law as social institutions. In scientific literature freedom is cognized as a general way of individual activity, which determines individual choice of the activity, means and ways of their implementation.

Taking into account stated above it is significant to emphasize interconnection of freedom and law, where law recognizes a certain defined sphere of freedom. In the case of violation of these limits and illegal restriction of freedom, a person may apply for protection. Thus, the actual freedom turns into a legal (protected) liberty by which law serves as a scale freedom.

It is important to emphasize that individual freedom and the opportunity to be oneself not isolated from the society, namely due to the institutions, becomes a reality only within the legal space. The relations in civil society as social interaction require regulatory harmonization, streamlining – where juristic freedom a prerequisite it involves imposing of certain restrictions and guarantees setting.

As part of civil society and its institutions freedom manifests itself not within the country where a person assertions himself as a passive individual, since it is an object attention of manipulation, concern and punishment. In civil society individual claims his autonomy and freedom. A man equal among equals, as people by their will have established associations and determined values, rules and regulations to be followed.

Hence juristic freedom determines the scope and degree of individual freedom within a civil society. The measure of freedom, and therefore a choice in the civil

society is more important than the relations between "citizen - state." As long as people create their unions in they are able to interfere actively in this creative work. However, once this gets some form of work, it gets a relative autonomy, independence from those who have created it, since in its development, it is a subject to its laws and not the will of its creators.

That is, the development of a civil society on the level of juristic freedoms is recognized in this society and can be used as a criterion for typification of society considering its political characteristics.

Reforming in Ukraine, in the process of European integration is impossible without of a mature modern society and the State development. In the scientific literature it has been indicated that unless a civil society, is formed there will be no effective rule of law, due governance necessary for further development of Ukrainian society. However, it is essential to comprehend that the rule of law, a civil society is not a target in itself, and a social and historical conditioned form of expression, organization, regulation and protection of rights and freedoms (juristic freedom) in public relations.

Juristic freedom acts as a main element in a civil society development based on democratic principles and institutions. One of the main conditions in this process is to ensure juristic freedom that can only exist when civil society members with a high level of moral, social and intellectual development, endowed with inner freedom are able to act independently within the abstract limits, but are realized in subjective rights and are guaranteed by law.