

PRINCIPLES OF LAW IN LEGAL REGULATION OF PUBLIC RELATIONS IN MODERN CONDITIONS

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Abstract

The purpose of this paper is to conduct an independent study on the position of legal principles in the legal regulation of public relations in the context of digitalization. In writing this paper, the functional research method was used. The functional research method allows for a thorough clarification of the dynamic aspects of legal principles, their practical objectives, their position and role in the law and in other elements of the legal system of society in general, and their impact on social relations in the form of legal regulation and other forms of legal influence (informational, value-oriented, psychological, system-shaping, etc.). thoroughly clarify the Although the role of legal principles in today's various legal systems is not the same, it is nevertheless concluded that legal principles are one of the sources of law practically everywhere, whether nominal or de facto. The importance of legal principles is that they serve as a framework, the basic structure of the legal system; that they are a guide in the process of development and formation of law; that they have a significant impact on the formation of people's legal consciousness; that they can be a direct basis for making individual legal decisions in a particular case; that they can provide a legislative blanks, reflected in the fact that legal principles can be used as a legal basis for considering legal issues, and that legal principles contribute to the correct interpretation of legal norms while they serve as a source of law.

Keywords: *Positioning of Legal Principles; Legal Regulation; Legal Principles; Public Relations; Administrative and Legal Support.*

1. INTRODUCTION

The process of intensive renewal of the entire legal system of Ukrainian society seen in recent years is accompanied by attempts to formulate a fundamentally new legal ideology, so that the deep foundations on which the law is based cannot be ignored. It is preferable to think of legal principles as different legal norms of the most general nature, at a high level of abstraction. Principles of law are like the foundational foundation of law and serve as the source of law. Principles permeate all legal matters, all processes taking place in the legal sphere, and are in some way related to law. Principles represent the essence of law and determine its content and the general nature of legal regulation of social relations. The concept of "legal principles" is one of the basic legal categories.

It is mentioned in almost all monographic legal studies and in numerous educational manuals and textbooks in all areas of legal knowledge.

The question of the legal nature of the principles of law and their classification should be included in the current issues of jurisprudence. The leading role of principles of law is ensured by their direct or indirect fixation within the norms of law, since they are a comprehensive reflection of their essence.

In order for Ukraine to transition to a market economy and become integrated into the world community of economically advanced countries, Ukraine's domestic law must be brought into line with global standards.

The principles of law are mandatory, unconditional, intensively reflect the laws of social relations, and permeate the entire mechanism of socio-legal relations, including the organizational and socioeconomic structure of social relations. The relevance of the study is determined by the fact that the principles of law orient and synchronize the entire mechanism of legal regulation of social relations and reveal more fully the place of law in social life and its development.

Voloshin states that the term "principle" is used in various senses: 1) fundamental principles characterized by universality, general significance, and greater urgency, reflecting the essential provisions of theory, doctrine, science, national and international legal systems, politics, state and public organizations; original ideas (humanism, legality, justice, equality of citizens under the law, etc.); 2) a person's inner convictions, which determine his/her attitude towards reality, social thought and activity¹.

V.O. Kocuk points out that there are two terms in legal theory: "legal principles" and "legal principles". They are distinguished by the fact that legal principles, as a rule, arise long before the emergence of a legal system or legal regime². Legal principles that are enshrined in a legal system or legal regime are legal principles.

Bakunovska I.P. lists the following functions of legal principles: A) The regulatory function of legal principles is expressed in the fact that legal principles are an important component of the legal regulatory system³. The most obvious regulatory function of legal principles appears when they overcome a legal vacuum, but is not limited to this. The regulatory role of legal principles should not be considered exclusively voluntary in comparison to legal norms; legal principles can have a direct regulatory effect. B) system-forming function of legal principles. The function of these principles is to ensure consistency and uniformity of the legal system. C) Evaluation function of legal principles. The principles determine the worldview, ideology, goals, axiological, normative, and other directions of the formation, development, and functioning of the legal phenomena of society. This is natural for all legal systems in the world. D) guarantees legality and legal order and the effectiveness of legal regulation.

This study is based on the work of foreign and Ukrainian researchers on methodological approaches to understanding legal principles in the context of contemporary globalization transformation. Using gnoseological methods, the essence of the methodological

¹ Voloshyn Yu.O. Principle: in 6 volumes. Kyiv: "Ukrainian Encyclopedia" Publishing House named after M. P. Bazhan, Vol. 5. (2004): 736.

² Kotyuk V.O. Theory of law: a course of lectures. Kyiv : Venturi, 1996. 208.

³ Bakhnovska I.P. Features of the principles of law: theoretical aspects. Scientific Bulletin of the Uzhhorod National University. "Law" series. 23 (1) (2013): 18-22.

approach to understanding the principles of law in the context of the transformation of contemporary globalization was investigated, and using logical-semantic methods, the conceptual apparatus was deepened to reveal the essence of the concept of the principles of law in the context of the transformation of contemporary globalization. By using system-structural methods, the components of a methodological approach to understanding the principle of law in the transformative context of contemporary globalization were investigated. Structural-logical methods were used to define the basic directions for the optimization of the methodological approach to understanding the principles of law in the transformative context of contemporary globalization.

O. Skakun also captures the principles of law in a broader context, according to the level of public relations governed by law. In her system of principles, she defines the following types: universal human (international, civil) principles, regional and continental principles, and national (domestic) principles. The latter are, in turn, divided into general law (general, fundamental) principles, inter-branch principles, sectoral principles, sub-sectoral principles, and institutional principles⁴. According to O. Skakun, universal humanistic (universal civilizational) legal principles include those principles that are valid within the international legal order and are determined by the level of human development achieved. In her opinion, these are the principles of humanism, legal equality, freedom, democracy, justice, and legality.

Universal (human-universal) principles of law, i.e., basic, fundamental legal principles inherent in all legal systems, formulated in the course of the history of the progressive development of law over the centuries.

Civilizational legal principles, i.e., those that characterize a particular legal culture or tradition embodied in each civilization legal rights familial principles, i.e., principles inherent in separate legal families (even within one civilization); and national legal principles, i.e., principles formulated and operationalized within the legal system of a country, reflecting the particularities of that country.

Regional and continental legal principles, which operate within national legal systems that have formed an interstate union on the world continent (for example, the principles set forth in the Treaty establishing the European Economic Community); A. Skakun believes that these principles are usually consistent with universal principles of humanity.

Other domestic jurists also tend to recognize the universal nature of certain legal principles, their civilizational and rights-family characteristics. In particular, S. Pohrebniak, in his system of general principles of law, determines a group of fundamental principles that «are placed at the foundation of the law and form its basis⁵.

Basic principles are not only the aggregate expression of the most important essential features and values characteristic of a given society, but also “the synthesis of the higher principles and values that in many cases form the universal dimension of that society. According to S. Pohrebniak, the basic principles of law include, in addition to justice, equality, freedom, and humanism, “most of these principles are based on ‘natural justice,’

⁴ Skakun, Olha. Theory of the state and law. Encyclopedic course. (2005). Kharkov. Ukraine.

⁵ Pohrebniak, Stanislav Petrovych. Fundamental principles of law (content description). (2008). Kharkiv: Right. Ukraine

which is common to all legal systems.” The basic general principles of law common to all legal systems were described by S. Shevchuk⁶.

A relatively autonomous system of legal principles is formed by the principles of international law. These include general principles of international law (according to the formula set forth in Article 38 of the Statute of the United Nations International Court of Justice (hereinafter referred to as the United Nations), “General Principles of Law recognized by Civilized Nations”), as well as sectoral principles and principles of international legal systems. Although many of these principles have their effect on national legal systems, it is not correct to equate the general principles of law entirely with generally accepted principles of international law, as is sometimes the case in the literature. We propose elements of the principles of law in public law relations.

The essential legal characteristics of legal principles include the following :

- 1) Objectivity of legal norms, i.e., the corresponding provisions, requirements, and principles must either be directly enshrined in the text of the existing law, or the corresponding requirements and principles must be derived without doubt (without allowing any other interpretation) from the content of the provisions of the existing law with the help of a systematic interpretation of the norms of the existing law;
- 2) Public Certainty. This characteristic is noteworthy when the principle of law is not confirmed by the text of the article. In such cases, it is clear that in order to acquire the character of a principle of law, the relevant provision or requirement must be of a public character, determined by a single practice of statutory interpretation and law enforcement;
- 3) It is a requirement, a principle, and in some cases a concept. Determining the external expression of a principle of law, the principle is often understood as a legal requirement (e.g., legality, equality) or a foundation (e.g., political, economic, ideological diversity). However, certain concepts that cannot be explicitly included in the requirements or foundations, such as the principle of good governance, for example, often become principles in appearance. Such a principle is a set of certain requirements that at some stage of social development (as a result of a unique combination of actual and necessary theoretical justifications) formed an indivisible structure, a single principle. A principle-concept is more complex, derived from a principle-requirement or principle-foundation, constructed by learned theorists and usually operationalized in more specific legal relationships;
- 4) Reflect the regularity of social development, embodying the main requirements of that development and adjusting the content of legal norms accordingly;
- 5) It is the real regulator of social relations. These characteristics can be further extended in several directions: a) when they permeate the legal consciousness of the participants in a legal relationship, legal principles become the main motivating lever and guidelines for certain legal actions of the relevant actors; b) when they permeate the legal consciousness of the participants in a legal relationship, they become the main motivating lever and guidelines for certain legal actions of the relevant actors. The parties to the legal relationship do not remember direct and clear norms from various legislative acts, but

⁶ Shevchuk, Svitlana. Judicial law-making: world experience and prospects in Ukraine. (2007). Kyiv. Ukraine.

are aware of the basic principles of legal regulation and are guided by them. It is the general and sectoral principles of law that make it possible to overcome these gaps and conflicts, to properly and qualitatively understand the essence and spirit of the law, to resolve legal disputes, and to adopt individual legal acts;

- 6) They orient the procedure of enactment of the law. Principles of law are programmatic in nature. They are the most generalized legal requirements that reflect the essence and content of the law and also serve as a constant reference point for the improvement and development of the current legal system, filling in gaps and overcoming conflicts.

The objective is to conduct an independent study of the position of the principles of law in the legal regulation of public relations in the context of digitalization. In order to achieve the set objectives, the following tasks were set and solved: to analyze the theoretical and legal basis of the essence of the principle of law in socio-legal relations; to identify the peculiarities of securing the principle of law in contemporary society.

Jurisprudence distinguishes between the principles of law, the principle of legal responsibility, the principle of the rule of law, etc. Principles describe the initial, fundamental, indicative, and legal requirements underlying a given legal phenomenon. Principles are universally binding and constitute the most important elements of any legal phenomenon. Principles consolidate the global experience of the history and development of law, the experience of a given civilization. Principles are the first provisions that establish the objective regularity of social life. Their leading role is provided by their direct or indirect enshrining in legal norms.

Voloshin states that the term “principle” is used in various senses: 1) fundamental principles characterized by universality, general significance, and greater urgency, reflecting the essential provisions of theory, doctrine, science, national and international legal systems, politics, state and public organizations; original ideas (humanism, legality, justice, equality of citizens under the law, etc.); 2) a person’s inner convictions, which determine his/her attitude towards reality, social thought and activity⁷.

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⁷ Yeytoshuk Yu. The principle of proportionality in the practice of the Constitutional Court of Ukraine. *Bulletin of the Constitutional Court of Ukraine*. 1. (2011): 90-101.

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2. ANALYSIS AND DISCUSSION

The process of intensive renewal of the entire legal system of Ukrainian society seen in recent years has been accompanied by attempts to formulate a fundamentally new legal ideology, so that the deep foundations on which the law is based could not be ignored.

Universal (human-universal) principles of law, i.e., basic, fundamental legal principles inherent in all legal systems, formulated in the course of the history of the progressive development of law over the centuries¹⁰.

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⁸ Starchuk O.V. Regarding the concept of principles of law. *Journal of the Kyiv University of Law*. 2. (2012): 40-43.

⁹ Voloshanivska, Tetiana, Inna Pozihun, Serhii Losych, Olha Merdova and Yevhen Leheza. 'Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

¹⁰ Volobueva, Olena, Yevhen Leheza, Vita Pervii, Yevhenii Plokhuta, and Roman Pichko. 'Criminal and Administrative Legal Characteristics of Offenses in the Field of Countering Drug Trafficking: Insights from Ukraine'. *Yustisia Jurnal Hukum* 12, no. 3 (2023): 262-77. <https://doi.org/10.20961/yustisia.v12i3.79443>

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¹¹ Starchuk O.V. Regarding the concept of principles of law. *Journal of the Kyiv University of Law*. 2. (2012): 40-43.

¹² Pohrebniak, Stanislav Petrovych. Conclusions and recommendations from the national legal debate. *Law of Ukraine*. No. 7. (2017). Kyiv. Ukraine

foundations, such as the principle of good governance, for example, often become principles in appearance. Such a principle is a set of certain requirements that at some stage of social development (as a result of a unique combination of actual and necessary theoretical justifications) formed an indivisible structure, a single principle. A principle-concept is more complex, derived from a principle-requirement or principle-foundation, constructed by learned theorists and usually operationalized in more specific legal relationships;

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In jurisprudence, legal principles are considered as ideas or as norms. When the principles of law are presented as ideas, they are given a purely doctrinal character,

13 Hidayah, A., Fahrozi, F., & Rifani, A. (2023). The Role of Environmental Principles in Mining Resources: A Discourse of Islamic and Indonesian National Law. *Jambe Law Journal*, 6(1), 23–45. <https://doi.org/10.22437/jlj.6.1.23-45>

14 Setya, K. W., Nasihuddin, A. A., & Wook, I. (2023). Fulfilling Communal Rights through the Implementation of the Second Principle of Pancasila towards the Regulation on Agrarian Reform. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 6(1), 89–102. <https://doi.org/10.24090/volksgeist.v6i1.7867>

which reduces their role in terms of practical application. Principles determined by the essence of law are initially ideas, but later acquire the characteristic of normativity. Normativity gives rise to practical value as a basis for law formation, which is confirmed in particular by the practice of the Constitutional Court of Ukraine¹⁵.

It should be noted that the Constitutional Court of Ukraine, in its activities, is obliged to comply with the principles of the rule of law and to take into account international standards (especially European standards) on the application of the principle of proportionality. The latter is one of the requirements of the rule of law and has important implications for judicial proceedings, including constitutional proceedings.

Pursuant to Article 8, paragraph 1 of the Constitution of Ukraine, the principle of the rule of law is recognized and operated in Ukraine. One of the manifestations of the rule of law is the fact that law is not limited to legislation in one of its forms, but also includes other social regulatory elements, such as moral norms, traditions, and customs, which are legitimized by society and defined by the historically achieved cultural level of society. All these elements of law are integrated by the ideology of justice, a quality corresponding to the idea of law, which is largely reflected in the Constitution of Ukraine.

Therefore, the principles of law should be regarded as legal norms of a different and highly abstract nature of the most general nature.

We believe that principles of law should be defined through the term “requirements”. According to this approach, principles of law are recognized not as declarative statements, but as tools with an active functional load. The principle of law should not be considered as one of the forms of the external manifestation of law, i.e., it should not be regarded as a source of law in a formal sense. Principles of law, which are concrete (fundamental, abstract, etc.) rules of law, must be expressed in certain external forms (constitutions, laws, judgments, doctrines).

Epistemological function of legal principles. It cannot be equated with the epistemic function fulfilled by concepts, elements of theories, etc. of science. The epistemic aspect of legal activity is in some way connected with the use of legal principles. In law-making, the activities of the subject are subordinated to the system of “principles of law” and, in the principles of law, to the regulatory function, which is the primary function.

Thus, the functional approach provides an opportunity to thoroughly clarify the dynamic aspects of the principles of law, their practical purpose, position and role in the other elements of law and in the legal system of society as a whole. The essence and content of the principles will be specifically identified in terms of their function, individual nature and aspects.

The function of the principle of law is to ensure the equal formation of legal norms and to influence social relations in the form of legal regulations and other forms of legal influence (informational, value-oriented, psychological, institution-shaping, etc.).

Therefore, the main functions of legal principles should be understood as relatively separate directions with homogeneous effects on subjective and objective reality,

¹⁵ Nastyuk V. Ya., Belevtseva V. V. Administrative and legal regimes in Ukraine: Kharkiv monograph. Law, 2009. 128 p.

resulting in certain changes in the sphere of regulation and legal regulation of social relations¹⁶.

When examining the form of expression of legal principles, one comes to the conclusion that legal principles are not mere theoretical categories used by the legal sciences, but legal norms that fulfill a regulatory function.

Like all legal norms, legal principles find their expression in the substantive law, and such integration gives them the character of universal obligations. Legal foundations find their external expression in traditional forms such as constitutions, laws, judicial practices, and legal theories¹⁷.

An analysis of Ukrainian law reveals a lack of unity of approach in the reflection of legal principles in normative legal acts. Legal principles are often confused with other categories, which leads to misunderstanding of the meaning of legal principles in the application and interpretation of the law¹⁸.

As V.M. Kosovic points out, the following question arises. How should the drafters of the law formulate legal principles in the form of fundamental abstract provisions or as legal norms (rules of conduct) in the provisions of normative legal acts?¹⁹ The author points out that there is no contradiction here, since it is recognized that at the doctrinal level, the principles of law are formally (normatively) established and at the same time can take the form of stable beliefs, mainly at the level of legal consciousness of the legal community²⁰.

For example, Article 3 of the Ukrainian Civil Code enumerates the principles of civil law as follows: No intervention of any kind in the private sphere of a person is permitted; no deprivation of property rights, except as provided by the Constitution and laws of Ukraine; freedom of agreement; freedom of business activity not prohibited by law; judicial protection of civil law and interests; justice, conscience, and reasonableness. Solidifying the defining principles of civil law as a major branch of private law through terms that are not formally defined, the law-making body sets forth a fundamental and legally constructive approach to regulating the non-property and property relations of individuals, regardless of their institutional characteristics²¹.

Therefore, it is correct to enumerate and disclose the content of the principles of law in codified law, especially in criminal law, criminal procedure law, and civil procedure law. This is because, in applying the law, it may become necessary to refer to principles that are not explicitly stated in the law.

16 Leheza, Yevhen. Shcherbyna, Bogdan. Leheza, Yulia. Pushkina, Olena. Marchenko Olesia. "Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine". *Revista Juridica Portucalense*, (2023). 340–359. Retrieved from <https://revistas.rcaap.pt/juridica/article/view/29662>

17 Makeeva O. Principles of legal communication: theoretical and legal aspects. *Legal Bulletin. Air and space law*. 1. (2018): 48-53.

18 Leheza, Yevhen. Pisotska, Karina. Dubenko, Oleksandr. Dakhno, Oleksandr. Sotskyi, Artur. "The essence of the principles of ukrainian law in modern jurisprudence". *Revista juridica portucalense*, december, (2022): 342-363. [https://doi.org/10.34625/issn.2183-2705\(32\)2022.ic-15](https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15).

19 Lysenkova S.L. Theory of the state and law: a textbook. (2005). Yurinkom Inter, Kyiv. Ukraine

20 Kosovych V.M. Normative consolidation of the principles of law as a factor in the perfection of normative legal acts of Ukraine. *Scientific and informative bulletin. "Law" series*. 7. (2013): 40-50.

21 The Charter of the United Nations and the Charter of the International Court of Justice of the United Nations: International document of June 26, 1945. Supreme Council of Ukraine. https://zakon.rada.gov.ua/laws/show/995_010#Text

When do principles of law trigger the emergence of new legal norms? We proceed from the fact that general, sectoral, and intersectoral principles of law “serve” their respective subject areas (science of all kinds, legality, democracy, etc.). And from the substantive aspect of law formation, it includes all forms and means of law emergence, development, and change, especially in the form of non-institutional forms (legal consciousness, legal principles, legal theories, concepts, etc.)²².

The process of law formation is not reduced solely to the legislative activities of various state institutions, but is a long-term creative process that can be divided into three traditionally selected stages:

- 1) The formation of specific legal relations directly related to public life and their self-regulation, based on the material conditions for the existence of society and the experiential legal consciousness of the people participating in these relations;
- 2) the generalization by the state of specific legal relations arising through evolution, the formulation of relevant rules of general conduct and their reflection in normative legal acts or other legal documents
- 3) the introduction of formalized legal norms, still into specific social relations, but already into more ordered, stable and protected social relations²³.

Depending on whether the laws of a particular country (legal system) belong to a particular legal family, the weight of these stages in the law-making process varies.

We believe that the algorithm of the process of approval of legal ideology as a principle of law formation should include the following actions

1. the legal idea, concept, or theory is scientifically examined and approved in the scientific community
2. legal ideas must be validated by the practice of their application at the level of legal experiments, better examples, and positive experiences
3. the legal idea should be an element of professional legal recognition, primarily of legislative bodies²⁴.

The principles of law should be considered in their systematic unity. At the same time, they appear in Ukrainian law as a structure that includes norms, institutions, subdivisions, branches, and the entire system formed around them, and find a kind of reflection in each component.

Also, issues related to the interaction of international law with domestic law and the implementation of international law in the Ukrainian legal system cannot be ignored²⁵.

The Constitution of Ukraine of 1996 provides the basis for this in Article 9: 9. 55, paragraph 4, and 124, paragraph 5. 124 Article 38 of the Statute of the United Nations

22 Averyanov V. B. Affirmation of the principle of the rule of law in the new doctrine of Ukrainian administrative law. Bulletin of the Ministry of Justice of Ukraine. 2006. No. 11. P. 57-70

23 Leheza, Yevhen. Filatov, Viktor. Varava, Volodymyr. Halunko, Vira. Kartsyhin, Dmytro. “Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine. *Journal of Legal, Ethical and Regulatory Issues*”. Vol. 22, Issue 5, (2019). 1-8. Available online: <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>

24 Leheza, Yevhen, Volodymyr Shablysty, Irina V. Aristova, Ivan O. Kravchenko, and Tatiana Korniakova. “Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect”. *Journal of Drug and Alcohol Research*. 12 (4). (2023): 1-8. <https://doi.org/10.4303/JDAR/236240>.

25 Constitution of Ukraine: Law of Ukraine dated June 28, 1996 No. 254k/96. Verkhovna Rada of Ukraine. Information of the Verkhovna Rada of Ukraine. 1996. No. 30. Art. 141

International Court of Justice contains a list of sources of international law, which includes “general principles of law recognized by civilized nations”²⁶.

General principles of law are general legal concepts, logical rules, and “technical” principles used in the interpretation and application of law (e.g., an equal has no rights against an equal, no one may assign more rights than he has, no one may be a judge in his own business (e.g., no equal has rights against an equal, no one can transfer more rights than he has, no one can be a judge in his own business, etc.). These general principles are, for the most part, the rules of application of legal norms in any legal system. In international law, they are very useful because procedural international legal norms are underdeveloped. However, the commonality of a particular principle in a national legal system does not imply its automatic introduction into the international legal system. To be included in the latter, such principles must be at least implicitly recognized as norms of international law. In this case, however, they lose their character as a special source of international law²⁷.

References to international legal norms have become a common phenomenon in the activities of law-making and law-enforcement agencies as well as all actors of national law. In the past, the use or reference to international legal norms was mostly found in court decisions on a fairly narrow category of cases. Today, international legal norms are increasingly referred to by state and local government institutions, businesses and companies, lawyers, attorneys, politicians, and citizens in the course of their activities²⁸.

Nevertheless, today there is no unified view on what principles and norms should be considered universally recognized. In our opinion, such principles and norms should include a significant number of norms of international law that are officially recognized by most states as mandatory, regardless of their political or ideological orientation. Principles of international law are the most common among them²⁹.

According to the Constitution of Ukraine, the exercise of state power can be guided by an algorithm only if the letter of the law is always observed in applying it. To do so, however, the law must be algorithmized by a human or self-learning system. While this is a difficult task requiring developers with very deep knowledge in information technology, mathematics, and law, it may be possible in principle. However, many legal norms cannot be described in terms of single-valued variables characteristic of algorithms³⁰. This is due both to the inevitable ambiguity of the human language, which is the instrument of law, and to the intentional ambiguity of the law to ensure its flexibility. Instead of step-by-step instructions (conditional programs), laws often use

26 Civil Code of Ukraine: Law of Ukraine dated January 16, 2003 No. 435-M. Verkhovna Rada of Ukraine. <https://zakon.rada.gov.ua/laws/show/435-15#Text>

27 Leheza, Yevhen, Larysa Yerofieienko, and Volodymyr Komashko. “Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects”. *Revista Justiça Do Direito*. 37 (3). (2023): 157–172. <https://doi.org/10.5335/rjd.v37i3.15233>.

28 Pranoto, E., & Sudarmanto, K. (2023). The Positive Fictional Principle After the Implementation of The Job Creation Law: A Prophetic Legal Paradigm. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(1), 46–59. <https://doi.org/10.29303/ius.v11i1.1168>

29 Korniienko, Maksym, Anatolii Desyatnik, Galina Didkivska, Yevhen Leheza, and Oleksiy Titarenko. “Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect”. *Khazanah Hukum*. 5 (3). (2023): 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.

30 Kolodiy A.M. Constitution and development of the principles of Ukrainian law (methodological issues): diss. to obtain the degree of Dr. law Sciences: 12.00.01; 12.00.02. Kyiv, 1998. 391

result-oriented programs³¹. General objectives such as improvement of living conditions, public participation and awareness, balance and integration of interests, sufficiency of information, and appropriate, economical and rational land use; discretionary powers such as the right of law enforcement to issue warrants to persons responsible for public order in order to counter threats or eliminate violations; overriding public interest ambiguous legal terminology, and dangerous general principles such as human dignity, proportionality, and equal treatment³².

It is proposed that the possibility of developing artificial intelligence be enshrined in the following principles of law, taking into account international standards: 1) inclusive growth, sustainable development, and the promotion of well-being; 2) the rule of law at all stages of development, the fundamental rights and freedoms of human beings and citizens, compliance with democratic values, implementation of artificial intelligence systems and the provision of adequate guarantees during the use of such technologies; 3) compliance with the requirements of current legislation on the protection of personal data and with the constitutional right of everyone to non-interference in personal and family life in relation to the processing of personal data; 4) information about artificial intelligence systems shall be disclosed exclusively in a transparent and be disclosed in a responsible manner; and 5) the need to ensure the reliability and safety of the functioning of artificial intelligence systems and to permanently assess and manage potential risks³³.

3. CONCLUSION

In summing up the above provisions, it is worth emphasizing that while legal principles are one of the most effective catalysts for the evolution of any legal system, the evolution of law has its own internal patterns, and these patterns set certain directions for innovation in this area. Thus, the principles of law, which are an integral part of the legal system, differ from ordinary legal norms by their fundamentality, degree of generalization (abstraction), stability and solidity, and importance in the whole process of legal regulation.

The role of legal principles in different legal systems today is not the same. Nevertheless, it is one of the sources of law virtually everywhere, whether nominally or de facto, including the Ukrainian legal system. The inclusion of universally recognized principles and norms of international law in national legal systems significantly changes their content and raises new issues of interaction, the hierarchy of legal acts according to their legal effect, and the meaning of the norms they contain. It has a significant impact on the internal structure of the legal system, often qualitatively changing it.

The importance of legal principles is reflected in the fact that they function as a framework, the basic structure of the legal system. Legal principles are guiding principles

31 Galunko V. Administrative law of Ukraine. Full course. Kherson: ALDI-PLUS, 2018. 446.

32 Dymko, Iegor. Muradian, Arsen. Leheza, Yevhen. Manzhuha, Andrii. Rudkovskyi. Oleksandr. "Integrated approach to the development of the effectiveness function of quality control of metal products". Eastern European Journal of Enterprise Technologies. 6/3 (90). (2017). 26-34. DOI: 10.15587/1729-4061.2017.119500.

33 Davydov D.O. Procedural-legal regime: theoretical and applied principles: diss. to obtain the degree of candidate. law Sciences: 12.00.01. Lviv, 2019. 234 p.

in the process of development and formation of law, have a significant influence on the formation of people's legal consciousness, and can serve as a direct basis for making individual legal decisions in specific cases. Legal principles contribute to the correct interpretation of legal norms while functioning as a source of law.

The role of legal principles is even more important in that they fill a legislative vacuum. If the law does not provide for a certain issue or is not sufficiently clear, the court must find a solution in light of legal principles.

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