ppi 201502ZU4645
Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185Depósito legal pp
197402ZU34

CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela

Vol.40

Nº 73
Julio
Diciembre
2022

Cuestiones Políticas Vol. 40, Nº 73 (2022), 693-712
IEPDP-Facultad de Ciencias Jurídicas y Políticas - LUZ

Forms of implementation of legal policy in the field of civil law

DOI: https://doi.org/10.46398/cuestpol.4073.39

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Abstract

One of the most pressing modern problems of international law is the study of the characteristics of the regulation of civil law, as well as the forms of application of legal policy in the field of civil law. The guidelines for the development of private law policy are not only related to the development of legislation and the improvement of civil law doctrine, but also to the reform of judicial approaches in the examination of civil law disputes. The aim of the study is to form a scientific understanding of legal policy in the field of civil law, taking into account its current state. The multiplicity of objectives is dictated by the search for legal tools that optimize the existing mechanism of regulation of civil law as a solid basis to guarantee the effective application and full protection of the subjective rights and legitimate interests of civil law. In carrying out the study of the subject, the traditional scientific methods of knowledge were applied in jurisprudence, whose basis is the method of materialist dialectics, which allows to provide a comprehensive analysis of the processes under study in their conditionality and historical interrelation.

Keywords: legal policy; private law; civil law; legal regulation; forms of application.

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Recibido el 12/04/2022 Aceptado el 15/06/2022

Formas de aplicación de la política jurídica en el ámbito del derecho civil

Resumen

Uno de los problemas modernos más acuciantes del derecho internacional es el estudio de las características de la regulación del derecho civil, así como de las formas de aplicación de la política jurídica en el ámbito del derecho civil. Las orientaciones para el desarrollo de la política de derecho privado no sólo están relacionadas con el desarrollo de la legislación y la mejora de la doctrina del derecho civil, sino también, con la reforma de los enfoques judiciales en el examen de los litigios de derecho civil. El objetivo del estudio es formar una comprensión científica de la política jurídica en el ámbito del derecho civil, teniendo en cuenta su estado actual. La multiplicidad de objetivos viene dictada por la búsqueda de herramientas jurídicas que optimicen el mecanismo existente de regulación del derecho civil como base sólida para garantizar la aplicación efectiva y la plena protección de los derechos subjetivos e intereses legítimos del derecho civil. En la realización del estudio del tema se aplicaron los métodos científicos de conocimiento tradicionales en la jurisprudencia, cuya base es el método de la dialéctica materialista, que permite proporcionar un análisis integral de los procesos en estudio en su condicionalidad e interrelación histórica.

Palabras clave: política jurídica; derecho privado; derecho civil; regulación jurídica; formas de aplicación.

Introduction

The political, social, and economic processes taking place in Ukraine prompt the search for a legal balance between property and other interests of various social groups, within which a balance must be found in the system of inter-branch relations of civil law and other legal branches, both private and public.

Civil law, despite the fact that it is largely stable and at the same time dynamic area of legal regulation, cannot cover all existing legal problems of private law, directly outside its scope. Accordingly, the study of forms of implementation of legal policy of Ukraine in the sphere of civil law is an urgent need both for the scientific community and for legal practitioners.

1. Development

At the present stage there is a significant increase in the volume of adopted normative legal acts, there are new legal provisions in the field of civil law, there is an active process of reforming the entire branch of civil law, taking into account the guidelines adopted in the international legal community.

Legal policy is a kind of-guarantee policy because its purpose is to structure the legal sphere, in its content serves as a civilized system of national, social, economic, and other relations. An imperfect legal policy and weak legal framework, containing gaps and contradictions in the legal acts, with unclear priorities, significantly complicates the civil turnover and hinders the development of the state.

2. Highlighting the scientific problem and setting research goals

In the modern political system, the law performs the most important task - it gives legitimacy to political decisions and, accordingly, ensures state power in general. The formation of the main directions of development in the legal sphere allows to determine its main priorities, to streamline law-making activity, i.e., to ensure the creation of an effective mechanism of legal regulation. The solution of such a problem can be achieved through the formation of legal policy, designed to balance, and streamline the legal life.

It is the above reasons that actualize the task of meaningful, systematic formation of consistent activities of state bodies to regulate relations in the field of civil law.

3. The object and subject of the study

The object of the study were public relations that develop in the field of legal policy in relation to civil law, the mechanism and practice of its implementation.

The subject of the study is the legal policy of Ukraine in the field of civil law, its objectives, priorities, principles, and forms of implementation.

4. Tasks

To achieve the goal of the study the following tasks are set:

To explore the legal nature and essence of legal policy in the field of civil law as an independent type of legal policy.

To identify the importance of legal policy in the field of civil law in the construction of the mechanism of civil legal regulation.

To analyze the system of goals, tasks, and means of implementation of the legal policy in the field of civil law.

To propose ways and measures to optimize the modern legal policy in the field of civil law.

5. Methods and materials

In addition to the above methods the formal-logical method of research was applied, which allowed to assess individual legal concepts and existing in the science judgments about legal phenomena. Reliability and theoretical and practical validity of the study are provided by the use of other techniques and methods, the choice of which is conditioned by the specific goals and objectives formulated in the article.

Normative legal base of the article consists of the Constitution of Ukraine, civil legislation, as well as other normative legal acts on the topic of research.

The main part of the works is devoted to the essence of legal policy, the subject of civil law, its functions and principles, the system of sources of civil law regulation.

When preparing the article, the theoretical basis was formed by the works of Ukrainian and foreign authors on the history and theory of law and state, in particular: Dovhert, 2019; Muzyka, 2021; Harmathy, 2021 and others.

6. Results

Although the science of law, exploring the relationship between law and politics and social and economic progress, has evolved over the past four decades, this field of study remains unfamiliar to many scholars, lawyers, and policymakers (Lee, 2019).

The legal policy of the state is developed, carried out on the basis of interaction of all actors in the political system of society, and receives a concentrated expression, including in state target programs, concepts of development, in international treaties concluded by Ukraine, in laws and other normative legal acts of Ukraine, as well as in other official documents. Civil law initiative all over the world is aimed at measuring legal certainty in different national legal systems (Genicot, 2020).

Legal and political stability is an important prerequisite for economic development. Although political stability cannot be created by laws alone, an effective legal basis for political governance, such as a constitution, can promote political stability. Political stability is not synonymous with democracy; although the freedom of a state's citizens is often considered a key component of prosperity, it has historically been observed that the promotion of democracy, while an important value, does not necessarily lead to economic development (Lee, 2020). The will of each individual is an important right; this freedom is protected by human rights (Kudeikina and Palkova, 2020).

As L.A. Muzyka notes, civil law policy is an integral part of the legal policy of the state, and accordingly - social (and public policy in general), which can play an important role in the life of every person, society, and state. Actually, such state activity should precede the practice of formation and application of civil legislation. In turn, without a scientific substantiation of civil law policy, the legislator often acts at random, "using" instinct where science could create a rigid and reliable basis (Muzyka, 2016).

In our opinion, the definition of legal policy in the field of civil law should be understood as scientifically sound, systematic, and consistent decision-making by public authorities, local governments, their officials, non-governmental institutions, and organizations in the optimization of the mechanism of civil legal regulation, as well as providing these sub-directives to act to implement these decisions.

It is obvious that legal policy is a multilevel legal formation, which includes a three-tier structure, namely - at the first level - ideas, principles, goals, objectives that constitute a certain conceptual basis of policy in a certain area of law, and their absence will destroy the process of building a system as a unity of natural connections. This level is the starting point, a certain kind of basis, the philosophy of legal policy, from which all its other components will proceed.

Regarding the second level, it includes the legal and political conditions, by which it is necessary to understand the circumstances of legal and political life that have developed in a certain period of time. Such conditions determine the trajectory of further activity and are at the same time the object of influence since any changes in the legal regulation must lead to

the establishment of the planned legal and political conditions. The level of content of legal policy is significantly influenced by the specific overall situation in the country and the existing social needs and interests.

The third level of the content of legal policy is the strategy and tactics of legal development. Legal strategy includes the issues of prospective planning and forecasting, conceptual and long-term approaches to the development of legal practice, while the tactics of legal development are the means and techniques of achieving the intended goal in the field of legal regulation. The technology of selection and justification of the need for legislative enshrining should be the basis for the formation of legal policy.

It is important to understand that a multilevel legal policy is not a mechanical merger of politics and law, because it is a creative process of applying law to solve political and managerial problems in all spheres of life. For this process to be successful, it is necessary to have a clear idea of what factors of law affect its effectiveness. These include a clear understanding of what law is, what its role in public life is, and how best to use it.

Thus, the purpose of legal policy in the civil sphere is to ensure, through consistently organized legal means a real guarantee of the possibility of exercising and protecting subjective civil rights and legitimate interests, the creation of an integral system of legal regulation.

The ongoing period of formation of new civil legislation in Ukraine entails both conceptual theoretical problems and difficulties in the creation of individual structural elements of legal structures and legal mechanisms due to objective reasons. Modern civil society as a multicomponent social formation poses to the state more and more complex policy problems that are not easy to solve.

We agree with N.O. Davydova (2021) that: the tendencies of its development as defining directions, advantages in the activities of the authorities, taking into account the norms of civil law. Highlighting trends in the development of civil policy creates favorable conditions for the implementation of its main tasks in the national and international legal field. Trends in civil policy: development of categorical and defining materials, conceptual provisions and strategic directions of civil policy:

- Providing civil policy with aspects of a scientific nature and validity, consistency and expediency.
- Development of a new civil policy based on the recognition of human and civil rights (development of principles of civil policy).
- Strengthening the rule of law in the field of civil relations.
- Development of positive decisions of civil court practice, taking into account the provisions of the judicial and legal reform; improvement of civil legislation.

- Development of a single national long-term legal civil policy of the state and determination of its main priorities.
- Openness, transparency of civil policy (communicating its provisions to citizens) modernization of the content of legislation on civil policy should become a tool for harmonizing public and private relations, unifying common goals in the areas of interaction with international allies.
- Search for new forms and methods of improving civil legislation.
- Creation of favorable conditions for the development of civilized regulation of civil law relations.
- To form a general concept of legal policy, to determine its main components, objective requirements and criteria, development trends, social orientation.
- To create a concept of civil policy in order to orient legal science and civil practice towards a common understanding and strict adherence to the basic principles of legal policy.
- A clear civil policy will contribute to the formation of a legal worldview in state and public institutions and citizens, a high level of legal culture and responsibility.

The social orientation of civil policy is the achievement of legal, social progress of the country, taking into account the world trends in the development and democratization of social relations" (Davydova *et al.*, 2021).

The study of legal policy in the field of civil law should also take into account the fact that technologies related to artificial intelligence are developing rapidly. As a consequence, artificial intelligence is used in many areas of life and increasingly affects the functioning of society (Ziemianin, 2021).

The issues of civil law and state assumed particular importance in countries where the system of planned economy was established in accordance with Marxist theory. In these countries, a central political direction prevailed, and civil law was mixed with elements of public law. After the collapse of the system, a new state, a new economic and legal system was to be created (Harmathy, 2021), and an analysis of the threats and failures of the democratization process in Eastern Europe provides important insights into the functioning of political institutions and their interaction with law (Segert, 2017).

Fundamental issues of civil law and the role of the state are of theoretical and great practical importance, and the most productive changes in civil

law are associated with consistent systemic measures of formation of mechanisms for exercising civil rights (substantive, obligatory, corporate).

When the system of norms regulates a verified sequence of actions, leading the subject to the actual receipt of a good. This is the task of any developed legal order, associated with substantial expenditures, both intellectual and material in nature, and expenditures of time.

The world economy is developing against the backdrop of global challenges that affect the functioning of the mechanisms of social reproduction. The world is currently undergoing significant global changes and transformations (Stolitnii and Makhinchuk, 2019).

The processes of European integration and the impact of globalization on the national legal system, new global challenges are the factors prompting the development of sustainable and dynamic legal policy. From the methodological point of view, it is extremely important to harmonize domestic private legal tools with international legal acts in the field of private law, among which the Sustainable Development Goals adapted for Ukraine (2015-2030), the Association Agreement between Ukraine and the EU can be highlighted.

It is obvious that the process of adaptation of Ukrainian legislation to the EU legislation cannot be rapid, there are too many questions about the essential impossibility of the latter in some sectors of Ukrainian legislation due to the inconsistency of many of its norms and institutions with the relevant components of EU legislation (Hetman, 2012).

The development of jurisprudence continues to grow in accordance with the existing laws in society, not coinciding with the law in legal development. This is not due to the rigid nature of law, only regulating general nature, and the process of its formation takes a long time (Rohaedi, 2018). Simultaneously with this process, private and civil rights are recognized in both law and jurisprudence, with rapid social and economic developments (Zhang, 2016).

As noted by A.S. Dovhert, for the start of the process of re-codification of the Civil Code of Ukraine, now there are the necessary factors and prerequisites, among them in particular: the availability of standards-models of international acts; experience in re-codification of civil codes of France and Germany – "bastions" of private law; legislative example of new EU members - former socialist countries; the necessary capacity of domestic private law science (Dovhert, 2019).

The purpose of improving the law has been, and continues to be, to be aware of the techniques and processes of law reform used throughout the world in civil law, and to strive (to the extent possible) to assess how tangibly the effectiveness of these mechanisms in implementing the law is improving in practice (Teasdal, 2017).

According to the Plan of legislative work of the Verkhovna Rada of Ukraine for 2020 it is supposed to update the Civil Code of Ukraine in accordance with the new political, economic and social conditions, to bring it in line with EU requirements and best international practices in this sphere, elimination of mistakes, duplications and gaps, as well as transferring to the Civil Code of Ukraine the Family Code of Ukraine, certain provisions of the Commercial Code of Ukraine, the Labor Code of Ukraine, the Housing Code of RSFSR, the Law of Ukraine "On Private International Law" (cl. 21).

It is obvious that the research should also pay attention to the issues of legal policy in the field of civil law, given the political events that are now taking place in Ukraine: the temporary occupation of the Crimean Peninsula and the armed aggression of the Russian Federation against Ukraine.

Reasonable is the position of L.A. Muzyka, who notes that the problem areas of relations that require close attention and response from Ukraine, its officials and individual citizens are nationalization and forced seizure of property of different forms of ownership (state property of Ukraine, communal property of territorial communities of Crimea, private property of legal entities) of persons of Ukraine and private property of citizens of Ukraine); forced re-registration and liquidation of Ukrainian legal entities; conclusion of transactions contrary to Ukrainian legislation; confiscation of property of Ukrainian church communities; violation of human and citizen's rights and the occupied territories; privatization of housing in the occupied territories; conclusion, implementation and defense in relations for the transportation of goods, cargo and passengers to/from the occupied territory (Muzyka, 2016).

No less important is law-making policy as a form of implementation of legal policy in the field of civil law, which in legal science is understood as a scientifically sound, consistent, and systematic activity of state and non-state structures aimed at determining the strategy and tactics of law-making, at creating the necessary conditions for effective law-making work.

The process of law-making is determined by legal policy. At the same time, the norms created as a result of law-making allow us to assess the correctness of the strategy of the state's activity in the sphere of legal regulation, including civil, in particular, about how it corresponds or does not correspond to the generally recognized international principles and norms, theory and practice of building a state of law.

This process is very important, since the defects of law-making have a negative impact on the effectiveness of legal policy in the field of civil law, in particular, they include: systematic exit of the legislator beyond the sphere of legal regulation, which entails the appearance of acts without legal content; inconsistency of domestic legislation with international obligations of Ukraine; lack of hierarchy of normative legal acts in the civil

legislation; presence of gaps in civil law; disregarding the legal content of civil law in the system of legal regulation.

Elimination of these deficiencies in the process of law-making will contribute to the creation of appropriate conditions for the implementation of the legal policy of the state in the field of civil law in accordance with its priorities.

In order to successfully solve those problems that face the law-making policy of Ukraine in the field of civil law, it must be based on a system of certain principles, which, in our opinion, include scientific validity, consistency, predictability and consistency, the principle of continuity.

Regarding the main priorities of this form should include such as the creation of an effective mechanism of legal regulation; ensuring the necessary legal conditions for the real, comprehensive development of the individual, the development of a democratic state governed by law and the development of civil society institutions; building a system of civilized, based on the law, interaction between society and the state.

Universal means to achieve these goals of law-making policy in the field of civil law are its inherent basic principles of systematic approach, information support of law-making activity, compliance with legal technique in the creation of normative legal acts in the field of civil law.

Ukrainian law-making policy in the sphere of civil law of the state has two main levels of implementation: national and regional, within which there are problems and specific ways to solve them. The most dynamic level of law-making policy of Ukraine in the field of civil law in modern conditions is the regional level, which can be explained by the solution of problems arising at this level. They require active use of various forms and methods of law-making policy with an emphasis on scientific potential of regions and interaction of regions among themselves.

The law-making policy of Ukraine in the sphere of civil law is embodied mainly in the adoption, amendment and abolition of normative acts and contracts, and one of the priority tasks is that they should be united into a single system. The basis for the formation of law-making policy should be the urgent need for legal regulation of certain areas of public relations for the benefit of the population, both the entire country, and that part of the population, which is included in certain regions.

Lawmaking policy is not only an expression of the political will of the lawmaker, but also, first, a complex legal technique for selecting and systematizing normative content, necessary and adequate to certain social, political, economic, institutional realities (Andreescu, 2016).

Consequently, law-making of state bodies in the field of civil law can be divided into law-making of representative authorities and law-making

of executive authorities, while the decisive role of law-making belongs to representative authorities, which adopt the most important normative acts - laws.

As for the law enforcement form of legal policy in the field of civil law, it is implemented in documents of individual, personalized nature, called law enforcement acts. They are issued on the basis of legal norms and legal facts, determine the rights and obligations of specific subjects in different situations.

Individuals or groups, such as civil society representatives, companies, government agencies or officials, and donor organizations with a common social or political goal, are involved in the lawmaking process; they are not necessarily participants in the same organization: they are united by a common policy goal. For individuals and organizations cooperating as a political community, a common goal guides all of their activities, part of which is the development of the law (Vel *et al.*, 2017).

Enforcement policy is heterogeneous, as a general generic concept, it is concretized in different directions of state activity to manage the processes of power implementation of legal norms. Each of these directions of law-enforcement policy, along with common, has some specific features, which allows to distinguish its varieties within the framework of a single law-enforcement policy.

As a criterion for classification, we can consider the system of current law (constitutional, criminal, administrative); subjects forming and implementing law enforcement policy (law enforcement policy of legislative, executive, and judicial authorities); objects of its managerial influence (law enforcement policy on citizens, stateless persons, foreign citizens); degree of achieving the goals set (effective and ineffective).

Thus, no less important form of implementation of legal policy of Ukraine in the sphere of civil is law enforcement, that is, the form that is conditioned by the interests of political power; which is a kind of general legal policy of the state, characterizing its managerial activity in the field of implementation of law by using special political and legal means, expressed in a set of program-directive instructions, organizational and managerial means and directions (trends) of law enforcement practice.

It is obvious that its existence is mainly determined by the need for adequate implementation of public-law interests enshrined in the relevant legal norms, taking into account the dynamics of public relations, goals of legal policy, needs and opportunities of law-enforcement practice.

In our opinion, it is advisable to highlight the main elements of the content of the law enforcement policy of Ukraine in the field of civil law, namely: part of the preparation of programs and the provision of appropriate orders

for their implementation - these are the means of ideological management of law enforcement (introductory part of law enforcement policy); part of the organization and management, this is a human resource, selection and appropriate qualification training of personnel of law enforcement agencies, as well as their activities and control over such activities, as well as ensuring the coordination of their activities (the main part of law enforcement policy); part of the generalization and summing up is a reflection of the main directions of the development of law enforcement, the real use of means and methods of solving legal cases (the final part of the law enforcement policy).

Regarding the issue of civil law policy, it determines the conditions created by the state for the development of civil-law relations. Forms views on the activities related to the execution of contracts, implementation of business activities, etc. This policy coordinates the entire human rights system in the emergence of disputes between the state represented by its bodies and individual citizens (Lobodenko, 2019).

Although all human rights must be aligned on the same basis, their implementation must have a well-defined and general order. In doing so, clear shared priorities allow states to have a more concrete and achievable implementation plan that serves both as a guide for states and as parameters for human rights oversight bodies (Quintavalla and Heine, 2019).

It should be noted that in recent years the human rights movement has been challenged by events and trends around the world, including terrorism, right-wing nationalism, and authoritarianism (Kuosmanen, 2021). People's actual experiences with human rights reveal which are most common in their daily lives and thus provide a possible basis for assessing their relative importance and for adopting appropriate policies (Montgomery, 2002).

It should be remembered that personal rights are rights inherent to the individual, endowed with reasonableness and conscience, they are fundamental rights provided for by the supreme law of the state. The peculiarity of fundamental rights is that they are subjective rights, necessary for the life of the citizen, his freedom, and his dignity, necessary for the development of the human personality, secured and guaranteed by the constitution and laws (Popescu, 2013).

An important form of implementation of the legal policy of Ukraine in the sphere of civil law, which largely depends on the compliance with the real goals and objectives of the real results, is a legal interpretation policy - scientifically sound, consistent and systematic activities of government and non-government agencies aimed at determining the strategy and tactics of the interpretation of legal provisions, creating the necessary conditions for effective interpretation of legal prescriptions.

The problem of interpreting the law by clarifying the text of the norm of law the actual will of the legislator is quite relevant at the present time. As part of the formation, implementation and improvement of this form requires the development and adoption of clear recommendations on the procedure, competence, boundaries of interpretation, etc.

Interpretation of norms of law is an intellectual and volitional activity of the legislator, which is carried out according to the principles and with the help of interpretations and is aimed at clarification and/or specification of the content of law norms for understanding and applying them in practice. Interpretation may be enshrined in special acts of interpretation, scientific-practical commentaries to legislation, doctrinal sources, and other external forms of interpretation (Liutikov and Bilous, 2021).

Both the private-legal sphere in general, and the sphere of civil law in particular, are quite a mobile system, which are completely amenable to reform. In connection with the allocation of the civil sphere there is a need to analyze it from the position of private-law policy, carried out by the state.

Legal policy in the field of civil law in the development of the rule of law state, taking into account the acquisitions of EU member states with a sustainable democratic development, is built with a reasonable balance of politics and law.

On the one hand, law and all its forms of expression and manifestation (legal consciousness, legal culture, legal mentality, legislative acts, judicial practice, normative treaty, legal custom, legal doctrine, principles of law, etc.) become necessary foundations of politics, sensible measures of politics and political relations.

On the other hand, legal policy in this area is formed and implemented on the basis of the constitutional idea of the power of the people, the recognition of the people as the only source of state power, with the help of democratic norms and institutions, within the framework of a reasonable relationship between the government and the population, the state and civil society.

The main difference between legal policy at the modern stage of development of society is that nowadays human rights are a criterion of the legal nature of politics, the activities of the subjects of politics and the political system, as well as the legal quality of political decisions.

Legal policy in the field of civil law is aimed, firstly, at the systematic and systematic development of civil legislation in accordance with a scientifically based concept, a thorough analysis of judicial practice and foreign experience.

The theory of division of law into private and public and belonging of civil law to private is important and necessary for further development of

modern doctrine of civil law and stopping the attempts to revise it within the framework of subjectivism and idealism; construction of civil law doctrine on the basis of ideal legal constructions, detached from socio-economic realities. An example of the named phenomenon can be the theory of a single property right, which encroaches on such a fundamental value of civil law as property and ownership rights, as well as on the diversity of their forms.

Secondly, legal policy in the field of civil law is aimed at establishing a close and stable connection between civil law and civil law - the core of private law and the fundamental branch of domestic law. Without this connection, the stable further development of civil legislation is impossible, although they try to destroy it under the slogan of the convergence of private and public law.

However, the obvious fact is that it does not depend on the will of people whether these or those branches of law exist or not, because they are objectively existing, conditioned by the material conditions of society. Science cannot create a system of law, it can only properly recognize, investigate, and highlight it.

The formation of legal policy in carrying out legal reforms of the civil law system should be carried out in two directions: the modernization of the substantive content of legal forms and the creation of an effective procedural mechanism for the implementation of legal prescriptions.

It is clear that only the duality of legal policy directions in their interaction ensures the effective functioning of the mechanism of legal regulation. Without the substantive content the capabilities and obligations of the subject will be unfulfilled and the procedural options for their implementation will remain unfulfilled; without the form of implementation of capabilities and obligations they can only be something like a "declaration", promised by the state.

It is an undeniable fact that the system of both substantive and procedural law, providing normative expression of private interests, contains a significant number of public law norms, which confirms another trend in the development of legal policy - the integration and interpenetration of private and public elements.

It must be stated that at the present stage of development of Ukrainian statehood as parallel processes take place, on the one hand, the introduction of private law elements in the sphere of public law ("privatization" of land legislation by strengthening contractual, in fact civil law relations, cases of private and private-public charges in criminal proceedings), and on the other - public law elements in the system of private law ("publicization" of private law, especially family and labor law, and also, in a certain article).

It should be noted that at each particular stage of development of civilization private-legal regulation of public relations, which constitute the subject of civil law, to some extent must be adjusted by public-law elements. At that, the limit of necessary and permissible intervention is objectively determined by concrete-historical conditions of society's existence.

It is necessary to emphasize the importance of legal policy in the field of civil law of the Civil Code of Ukraine, which acts as a kind of private law charter. It includes norms of intersectoral significance (for example, for labor, family, housing, business law), which establish the guiding principles and the system of civil law, the range of relations regulated by it, the legal status of the subjects of civil law, the grounds for their rights and obligations, fixing the general provisions on the contract, ownership, and other civil law institutions.

According to the above, it is necessary to note the conceptual function of legal policy. It consists in the fact that it acts as a reference point and direction of movement, providing the structural unity of the system of law as a whole. Legal policy in the sphere of civil law should include the principal provisions, the basic ideas and serve as a kind of ideology in the creation, implementation, as well as monitoring and, where necessary, control over the implementation of legal norms.

It is obvious that the desired result can be obtained by developing programs, concepts of legal policy in the civil sphere, which will cover not only the legal means, and concerning both organizational, and material, and, if necessary, human resources needed to solve problems of national importance.

The civil law programs proposed for development will not replace the normative provisions and at the same time will make it possible to coordinate different areas of activity to achieve a common goal: to link economic, political, social, and legal systems.

It is clear that the overall goals of legal policy in the sphere of civil law are the sustainable development of private law in general, ensuring a reasonable combination and balance of private and public interests in society, maintaining private initiative for the benefit of economic, legal, political, and spiritual development of society as a whole. A reasonable balance of interests is ensured by laws and agreements, the terms of which, in the absence of a peremptory norm, become the subject of a judicial dispute (Svirin *et al.*, 2019).

We can conclude that as the means of implementation of legal policy in the field of civil law, first of all, we must distinguish legal acts. But, in general, the set of means of implementation of civil-law policy should be understood much wider - it is a totality of directly allowed or legally prohibited techniques, methods and legal tools used by the subjects of legal policy, to achieve its goals and objectives.

7. Discussion

In the course of the study, the authors achieved their goals and objectives.

The legal nature of legal policy in the sphere of civil law is multicomponent in its content and acts as a purposeful, comprehensive, science-based activity to form and implement the political will of the state and civil society actors in achieving strategic goals and tactical tasks of transforming society on the basis of creating and increasing the effectiveness of the mechanism of legal regulation through the use of legal means in the civil sphere.

Political-legal means aimed at suppressing private interests, particularly in civil law, and subordinating them to public interests, as well as the replacement of the concept of "public interest" with the concept of "majority interest", speculation with the concept of "state interest" generates oppression, social and spiritual degradation of society, unjustified change of values, which may ultimately lead to the uncertainty of individuals in exercising and protecting their rights and distrust of the state.

In the conditions of ongoing legal reform in Ukraine and the creation of the foundations of legal policy in the sphere of civil law it is necessary to take into account the scientific achievements. In accordance with this it is necessary to state that by no means always, especially at the level of regional law-making, there is an appeal to legal scholars, whose task is to provide scientific advice in the creation of legal acts.

The consequence of this phenomenon is the loss of the important state of the systematic nature of the normative array and the emergence of technical and legal errors.

It should be particularly noted that in creating the foundations, the formation of the concept and principles, in accordance with which will develop not only the system of civil law, but also the system of private law as a whole, the scientific experience is even more important.

Most of the problems in the formation and implementation of legal policy in the field of civil law arise due to the lack of clear and specific ideas about its goals and objectives. In turn, it is in the absence of a clear strategy for the entire civil law policy in modern Ukraine is the main reason for its inconsistency, especially in determining the tasks and means of implementation.

Essential for the proper formation and understanding of the essence and nature of civil legal policy is a scientifically sound definition of goals and objectives. However, in any case, for the formation of directions and full-fledged institutionalization of legal policy in the sphere of civil law it is also important to recognize the study of the means of its implementation, otherwise the full structure of the policy itself becomes difficult to comprehend.

The creation of a clear system of principles, as well as the consistency of their content, the elimination of multiple interpretations affects the effectiveness of legal practice, especially in cases where there are conflicts of law or identified gaps in the law, and applying the law are forced to base their decisions not on specific rules, but on the original primary sources, with the legality of their decisions determined by the correct use of principles.

Civil legal policy, which in general is focused on optimizing the mechanism of civil legal regulation, is a special kind of legal policy of the state, insufficiently investigated. Further scientific research of this issue is relevant, because without a verified and structured civil legal policy we cannot talk about systematic activity of domestic legislator and effective application of scientific developments in the field of civil law in practice.

Ignoring this aspect demonstrates the low-quality and slow process of implementation and protection of subjective civil rights and legitimate interests of individuals and legal entities, which certainly affects the mechanism of civil legal regulation as a whole. And the matter here is not only low legal culture and legal activity of citizens, but also the imperfection of the whole mechanism of civil legal regulation, which the state bodies have developed for the needs of ordinary legal relations.

In our opinion, on the basis of the proposed changes for the legal policy in the sphere of civil law, which were discussed above, it is important to form both a holistic view of the directions of development of civil-law branch, and its separate subdivisions - real law, law of obligation. If we know how the system of civil law will develop in the future, we can partially predict future problems and find appropriate ways to eliminate them. In order to solve this problem, modern comprehensive studies of the system of civil law branch as a whole and legal policy in the sphere of civil law are necessary.

The essence of civil legal policy is just in the implementation of a set of measures, ideas, and programs in the field of civil legal regulation for the fullest implementation and protection of subjective civil rights and legitimate interests of individuals and legal entities.

The above justifies the practical relevance of civil legal policy and the need for its implementation in real life, since the proposals made on the topic of this study will increase the level of realization of the rights, freedoms and legitimate interests of individuals and legal entities, effective protection of violated or disputed rights, as well as improve the mechanism of civil legal regulation through the development and approval at the legislative level of the relevant state programs, in particular, the concept of civil legal policy of Ukraine.

Conclusions

We can conclude that the primary goal of modern legal policy can be defined as a comprehensive and systematic improvement of the mechanism of civil legal regulation for the most effective implementation and full protection of subjective civil rights and legitimate interests of individuals and legal entities. At the same time, it should be noted that the purpose of legal policy in the field of civil law is a permanently changing phenomenon, as public relations in recent years are experiencing a period of dynamic transformation and reforming.

Forms of implementation of legal policy in the sphere of civil law can be protective and regulatory, depending on the direction of their focus, organizational and functional, depending on the nature of the norms themselves, normative legal acts of international and national level, by-laws adopted by the relevant subjects within their powers, depending on their influence. Since the legal means listed above are diverse and different in content, it is advisable for subjects of legal policy in the field of civil law to competently combine and combine in their use.

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CUESTIONES POLÍTICAS

Vol.40 Nº 73

Esta revista fue editada en formato digital y publicada en julio de 2022, por el ***Fondo Editorial Serbiluz, Universidad del Zulia. Maracaibo-Venezuela***

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