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Features of understanding social relations in modern law: theoretical, administrative, civil legal regulation

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Abstract

The purpose of the research was to redefine the concept of social relations from the point of view of its theoretical, administrative and civil aspects of legal regulation, considering, for this purpose, various scientific contributions. The main content is based on the meaning of the concepts of “public relations” and “social relations” as political and legal entities with different paradigmatic essence. The methodological basis of the research was constituted by the comparative-legal and systemic analysis, the formal-legal method, the method of interpretation, hermeneutics and the methods of analysis and synthesis. By way of conclusion the authors have established that the term “public relations” characterizes relations between people, which provide for the unconditional priority of the economy over other spheres of society (political, ideological, cultural), material and symbolic spaces where there is no place for a person with his values, rights and freedoms. At least, the latter do not acquire due regulatory support.

Keywords: administrative public relations; legal regulation; civil relations; legal theory; modern law.

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Características de la comprensión de las relaciones sociales en el derecho moderno: regulación teórica, administrativa, civil jurídica

Resumen

El propósito de la investigación fue redefinir el concepto de relaciones sociales desde el punto de vista de sus aspectos teóricos, administrativos y civil de la regulación jurídica, considerando, para ello, diversos aportes científicos. En el Contenido principal se fundamenta el sentido de los conceptos de “relaciones públicas” y “relaciones sociales” como entidades políticas y jurídicas con distinta esencia paradigmática. La base metodológica de la investigación estuvo constituida por el análisis comparativo-jurídico y sistémico, el método formal-jurídico, el método de interpretación, la hermenéutica y los métodos de análisis y síntesis. A modo de conclusión los autores han establecido que el término “relaciones públicas” caracteriza las relaciones entre personas, que prevén la prioridad incondicional de la economía sobre otras esferas de la sociedad (política, ideológica, cultural), espacios material y simbólico donde no hay lugar para una persona con sus valores, derechos y libertades. Al menos, estos últimos no adquieren el debido respaldo regulatorio.

Palabras clave: relaciones públicas administrativas; regulación jurídica; relaciones civiles; teoría jurídica; derecho moderno.

Introduction

In the last decade, many works have appeared in the scientific literature devoted to the philosophical and sociological analysis of the problems of the theory and history of the development of public relations. These studies allow a deeper understanding of the consistent patterns of the historical process, more accurately predict the future course of social processes. Such studies need further development of the categorical framework, where the central place is occupied by the concept of public relations.

In recent years, much attention has been paid to the analysis of the content of this category in the domestic scientific literature. Many aspects of this problem are reflected in the publications of the authors, however, some significant issues - and among them the issue of defining public relations - are still the subject of discussion and, as noted in the press, need to be further developed. This article attempts to highlight the most general characteristics of public relations that are needed to define this concept.

1. Literature review

The term “public relations” in scientific literature, in particular philosophical literature, is defined as “various connections that arise between the subjects of social interaction and characterize a society or community in which these subjects belong as an integrity” (Andrushchenko, 2006).

It is usually believed that this concept, being developed mainly by representatives of the Marxist intellectual tradition, is associated with the problems of social objectification- desobjectivation, social exclusion, social fetishism, social production, base and superstructure, social classes and social antagonisms (Andrushchenko, 2006).

Public relations are diverse and can be classified according to their objects, subjects and the nature of the relationship between them. So, the subjective basis for the identification of public relations is the social communities of people, and the objective basis is the ownership of the means of production.

It is known that the emergence and development of human society are considered a social form of the movement of matter, in contrast to mechanical, physical, chemical and biological, therefore, social relations and processes are understood, first of all, as all relations and processes, public life as a whole. In this sense, the classics of the Marxist intellectual tradition defined public phenomena as social, noting their differences from natural phenomena. On the other hand, they clearly and unambiguously noted the “personality” of social relations that develop between people of different formations.

Public relations were divided, as it is known, into two groups: material and ideological. Economic relations as different by nature connections between people in the process of production, exchange, distribution and consumption developed “regardless” of the will and consciousness of a person, represented the defining basis of public relations.

The varieties of public relations that were predetermined by material conditions included class and national relations, as well as everyday relations, family relations, etc., which had their own, relatively independent object, to study which they were aimed at: interclass – about a different form of ownership; interethnic – about the commonality of economic life, territory, language, culture; everyday – about ties in the non-productive sphere, family, marriage relations, family ties, etc. At the same time, political affairs were considered the highest level of development of public relations.

Politics, as already noted, was seen as a concentrated expression of the economy, its generalization and completion. Political relations arise, exist

and develop as issues of taking, retention and use of state power in the interests of realizing the economic and social interests of the ruling class. At the same time, one of the most important signs of political relations was considered to be a consciously organized nature, possible only if there were political organizations of the ruling class, the interaction of certain political ideas and organizations expressing the interests of this class.

The leading role was assigned to the socialist ideology, the mastery of which formed the only correct worldview. The ideological component of public relations assumed the introduction of socialist ideology into the mass consciousness and the provision of appropriate (class) education, which is rightly regarded as inciting enmity and class hatred.

So, the purpose of the article is to define the theoretical, administrative, civil-legal aspects of regulating public relations.

2. Materials and methods

The research is based on the works of foreign and Ukrainian researchers on methodological approaches to understanding public relations from the point of view of legal theory, administrative law, civil law, etc.

Through the use of the gnoseological method, the essence of public relations was clarified from the point of view of the legal theory, administrative law, civil law, etc., thanks to the logical-semantic method, the conceptual framework was deepened, the essence of the theoretical, administrative, civil-legal aspects of regulating public relations from the point of view of legal theory, administrative law, civil law, etc. Thanks to the existing methods of law, we were able to analyze the essence of public relations from the point of view of legal theory, administrative law, civil law, etc.

3. Results and discussion

O. Skakun defines the legal regulation of public relations as being carried out by civil society and the state with the help of the entirety of legal means of streamlining public relations, their consolidation, protection and development (Skakun, 2003).

The priority of general public interests is emphasized by M. Kelman and O. Murashyn (Kelman and Murashyn, 2006).

“Public relations” as a scientific term is a purely formational concept, the origin of which is associated with the Marxist intellectual tradition, the birth of which dates back to the middle of the XIX century. The long and

short of it is that the starting foundations of public relations are economic relations as priority (basic), which determines the nature of political and ideological relations as superstructural, secondary (Liutikov *et al.*, 2021).

The essence of public relations can only be understood by considering production relations as starting, fundamental, defining, above which the superstructure rises – political, legal, moral, philosophical and other views, as well as political and other institutions and organizations (Villasmil Espinoza *et al.*, 2022).

A feature of public relations is that their subjects are not all communities of people, but only those that arose objectively in the process of historical development: 1) socio-class communities (classes, intraclass and interclass social strata and groups); 2) ethno-national formations (tribes, nationalities, nations); 3) socio-demographic groups (family, men, women, youth, persons of retirement age, etc.); 4) socio-professional groups (workers, peasants, entrepreneurs, specialists, employees, etc.); 5) socio-territorial communities (population of separate administrative-territorial units, regions, residents of separate cities and villages, urban and rural population). It is obvious that there is no proper place for a person, his/her rights and freedoms, value and social priorities in this system of coordinates provision (Tylchuk *et al.*, 2022).

Also, public relations do not provide for the consideration of the individual as a full-fledged subject of social interaction: a human as a biosocial being with his/her interests, needs, freedoms and values fell out of the context of their definition, understanding and interpretation, since priority was given to public interests, public property, public organizations and single political party (of course, the communist one) as the highest form of organization of the ruling class. The personality as a subject of public relations was considered only as a representative and bearer of the interests of a social group (classes, nation, collective, etc.) (Matviichuk *et al.*, 2022).

The definitions of the essence of public relations, which are provided in the domestic scientific and educational literature, is a continuation of the Marxist intellectual tradition, which seems to be quite appropriate, provided that the monograph or textbook, teaching aids are prepared in accordance with the canons of the above tradition. However, in such cases there should be a clear distinction, given the multi-paradigm nature of scientific knowledge, intellectual traditions in their formational and civilizational dimensions, understanding of their fundamental irreducibility to one another (Leheza *et al.*, 2022).

Orientation of law to the regulation of public relations significantly impoverishes the regulatory potential of law, since the priority of the general (class) interest over the individual, the common good – over the personal, socio-public – over the civil is realized. Civic virtues are regarded

as secondary, and often even sacrificed to public interests as supposedly unconditionally priority and determining.

It is no coincidence that domestic scientists, considering the essence of social relations, rightly emphasize the importance of their correlation with social theories alternative to Marxism, in particular, social norms (E. Durkheim), social systems (T. Parsons), social action (M. Weber), social interaction and social role (G. H. Mead), social exchange (G. C. Homans) (Andrushchenko, 2006).

The formation and development of non-linear intellectual traditions are associated, as it is known, with human-centrism, respect for the dignity of a human, ensuring his/her rights and freedoms as starting and determining points in the process of functioning of society. Structural functionalism as a scientific paradigm arose as the personification of the natural human right to a decent life. It is significant that the variants of natural law theory in different periods of history acquired a characteristic meaning and ideological orientation.

Separate provisions of natural law theory date back to V-IV century B.C.E.: the philosophers of Ancient Greece in a dialogue form developed the ideas of character, essence, rooting of law in the objective and subjective nature of things, in the eternal order of the universe with its subordination to the flow of time and the immutability of human nature. It is still relevant to raise the question of law as a result of a “voluntary agreement” between the citizens of Athens (Kobrusieva *et al.*, 2021).

Socrates, Plato and Aristotle denied the sophists’ understanding of law as an “artificial invention of people”: written laws do not exclude eternal, unwritten legal truths, as well as laws “imbedded in the hearts of people by the divine mind itself”. The eternal, unshakable divine order determines not only the essence of human relationships, but also the universe. For example, Aristotle saw two main parts in law: natural and conditional.

The natural component of law consists in its equal significance in all social strata, being independent of the degree of its recognition or non-recognition. While a conditional law, being originally formed by a human as “indifferent”, in the case of determining its social priority, this indifference overcomes (Rabinovych, 2001).

The natural legal tradition underwent a significant evolution in the era of the Middle Ages, the Enlightenment and the Modern Age, developing the postulates of eternity and the immutability of human nature, the divine and natural origin of law, which was reflected in the intellectual activity of the great thinkers of the past: H. Grotius and B. Spinoza (Holland), T. Hobbes and J. Locke (England), J-J. Rousseau and P. Holbach (France) (Petryshyn, 2002).

Recently, the natural legal tradition has been developing as a starting, defining intellectual theoretical and methodological platform for the humanization of law, its approximation to civilized standards of freedom, social justice, guarantees of human and civil rights and freedoms. In Ukraine, this direction of law is implemented, in particular, as a process of approximation (adaptation and harmonization) to the legal standards of the member states of the European Union (Kopechikov, 2002).

The above proves, in our opinion, the priority of natural law, which, being related to the legal norm, legal law, the supremacy of law, affirms the validity of the statement “Human is the measure of all things” (Heraclitus), the truth of which could not overcome the living procession of History with its ups and downs, gains and losses, challenges and dangers (Halaburda *et al.*, 2021; Leheza, 2022).

Conclusions

Therefore, it can be argued that public/social relations determine the nature of society, ethno-national groups and communities of people, an individual, determine his/her place in the political and legal space, guarantee rights and freedoms. The space of communication forms and ensures the realization of a person’s capabilities, ensuring his/her rights and freedoms, satisfying his/her needs, fulfilling his/her aspirations and hopes, translating ideals into the practice of everyday life.

At the same time, special tasks are assigned to legal science as a means and mechanism for regulating public/social relations, legal socialization of a human, ensuring his/her rights and freedoms and, most importantly, his/her formation as a person, a citizen of the country, as a full-fledged representative of civil society.

In the scientific literature, the terms “public” and “social” are used both to refer to the same phenomena, events and processes (lack of identification), and various social phenomena. In other cases, the social is identified with the public. As a rule, this takes place in two cases: in the case of comprehending the entirety of phenomena and processes that exist in a particular society, as well as in cases of emphasis on the differences that distinguish social phenomena and processes from natural, technical, technological and informational.

This approach, which can be defined as a broad one, understands social relations as economic, political, and ideological phenomena and processes, while public relations are determined as social ones.

This circumstance gave rise to some authors to consider social relations as synthetic, generalizing the interaction of material and ideological social

relations. However, in our opinion, social relations do not just reflect the most important signs of human interaction, but are primarily are the result of the direct influence of civil society, which is being formed in Ukraine, and consist primarily in ensuring human and civil rights and freedoms, the implementation of universal human values as unconditional priorities of the process of social change.

Outside of the human-centric orientation as determining in terms of determining the nature (type) of relations, relations between people do not acquire a social character, which allows them to be characterized as public, where, as already noted, relations concerning mode of production, the nature of distribution, exchange and consumption of material good are priority.

In other cases, the concept of “social” is interpreted narrower than “public”, is considered only a part or a constituent of the latter. Under such conditions, social relations stand out as allegedly special in the system of public relations, are considered on a par with economic, political, ideological forms of human interaction. This approach rather unifies the essence of social relations than demonstrates their difference, the fundamental irreducibility of one social phenomenon to another.

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