

Epistemological component of the characteristics of the system of principles of legal responsibility

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The epistemological connection between the specific assessment and application of legal responsibility was first emphasized in Plato's works [1, p. 297]. So, according to his view, the cognitive assessment of responsibility is the epistemological basis for the correct formulation and interpretation of the rules according to which the society exists. At the same time, the legal postulate value that consolidates or determines the extent of what is permissible for legal liability in such a case is directly proportional to a historical stage of the society, to the specified internal and external factors, to certain social regulators characterizing the value and genuineness in a particular civilizational and cultural plane.

As a result, the legal values that legal epistemology operates with are related to the field of law enforcement. Particularly, in order for a court verdict to have proper social value, it must be based on the genuine picture of a criminal event, genuine crime qualification (which implies the genuine interpretation of legal norms), genuine understanding of a defendant's individuality. The integrity of values and genuineness to a certain extent characterizes the execution of punishment as well. The judicial practice is a universal criterion of both the genuineness and value in their integrity, which is directly derived from the interpretation and characterization of the system of principles of legal responsibility, which stipulate the provisions of relevant profile norms.

The historical retrospective review has considerable experience that confirms the inalienability of the genuineness both as a principle and as a category, including epistemological one. For instance, the law development after bourgeois revolutions in the United States of America and France was accompanied by a major breakthrough of views, reassessment of values, which eventually formed the basis for the consolidation of human rights and freedoms (for example, the American Declaration of Independence of 1776 and the French Declaration of the Rights of Man and the Citizen of 1789) [2, p. 115].

The cognitive and intellectual component of the characteristics of the system of principles of legal responsibility is also expressed in the fact that this element generalizes the thought process of applying these principles, because the completeness and integrity of their use is the criterion that, among other things, requires significant cognitive intervention and comprehension [3, p. 203]. Furthermore, the epistemological process of comparing a real-life event with the ideal construction of this event provided for by a legal norm. The final stage of this process is always formalized (objectified-proclaimed, set out in writing, etc.).

In addition, as T. Kokhaniuk states, the "legal responsibility" category is epistemological. This is the assessment level of an act from the standpoint of justice and law. The existence or absence of public danger in certain actions determines its punishment, significance as an offense [4, p. 10].

The profound works and publications of Hans Jonas, a German philosopher, a representative

of the Marburg School of Law and Philosophy, are exceptional from the point of view of our study, because his works were largely devoted to the search for an ideal, legally optimal and moderate social layout of the system of principles of legal responsibility. In his work “The Principle of Responsibility. In Search of Ethics for Technological Civilization” [5, p. 127-134] he emphasizes two fundamental connotations, conclusions that essentially reflect the nature of epistemology in relation to the institution of legal responsibility: 1) the responsibility is epistemological, and therefore it is always conditioned by cognitive processes. That is why the cognitive activity degree determines the responsibility nature and extent; 2) the responsibility is hermeneutic, i.e., it is based on a scrupulous comparison of externally expressed reality and subjective vision, when explanation or interpretation is significantly related to personal beliefs, but it refers to jurisprudence at the same time. Any other responsibility (physical or physiological, moral or religious, political or economic, or any other) is only hermeneutic legalized varieties of responsibility, because they are always associated with the violation of accepted norms, objective laws or established rules and therefore with the need for ontological sanction in its specific types.

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