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REFLECTIONS ON CONTEMPORARY LAW AND ITS ROLE IN SOCIETY AND THE LIFE OF THE STATE

Abstract

State-legal realities, as well as political and legal processes, represent one of the most complex and important public spheres, on which the life of society as a whole largely depends. Their scientific understanding is not only an objective requirement of society but also a challenging task. The theory of the state and law studies, in a generalized form, the diversity of legal systems and states—both those from the distant and not-so-distant past, as well as those existing today. If science did not study and generalize this vast historical experience, state-legal practice would either remain stagnant forever or be destroyed, as people would forget the valuable experiences and achievements of past generations. Even today, ignoring science in state-legal construction leads to numerous negative consequences.

Through the study and synthesis of practice, the theory of state and law develops concepts and explanations of state-legal phenomena, formulates scientific recommendations and conclusions, and generates new ideas. This allows not only an understanding of the essence, content, and forms of the state and law but also their skillful application for the purposes of a progressively developing society.

Keywords: Law, Society, Legislation, Legitimacy, Justice

Introduction

The entire world supports the dynamics of change not only in technical and informational forms but also in the moral foundations and interpersonal relationships among people. Law has always been a crucial factor for peaceful coexistence, with its primary purpose being the regulation of social relations. In line with the changes occurring in society, the rules for organizing social interactions must also evolve.

Considering the evolution of the formation of contemporary law, it is important to note that law emerged a long time ago, as even in ancient times people desired a peaceful and orderly life. Global changes in society also contribute to the basis for global transformations in law.

Many sources express the view that law is one of the active forces of the state, but this idea of the concept of law is incorrect. This is because the principles of law reveal this concept from a different perspective, as the main purpose of law is to maintain the social and economic order of each state. Among the fundamental principles of contemporary law are:

- Justice
- Humanism
- Universal equality before the law and the courts
- Legality

The peculiarity of law is that it has a strong influence on the life of society because it performs certain functions. The functions of law primarily act as the realization of its social purpose. When discussing the sources of law, it primarily refers to the factors that determine the emergence and operation of law.

A source of law is the external form in which legal norms are expressed and consolidated. The formation of legal rules, that is, lawmaking, is carried out by the state through the adoption of normative legal acts or by conferring a legal norm character to a rule.

The Social Foundations and Functions of Law

The formation of law comes from various sources, which shape certain priorities in human behavior and form the modern system of norms. To date, there exists a fairly wide range of sources of law, which includes:

- Legal practice
- Judicial precedent
- Legal acts
- Legal agreements
- Religious and legal doctrines

Each of these sources possesses specific characteristics that merit detailed consideration. Legal custom emerges through the development and repeated practice of certain behaviors over time. In many cases, customs solidify over several generations, eventually becoming recognized at the state level, thereby facilitating the transformation of simple habitual practices into formal legal norms.

Judicial precedent refers to a court decision in a specific case that is granted binding authority. Courts, as bodies empowered by law, create decisions that subsequently serve as models for the adjudication of similar cases in the future, thereby guiding consistent legal interpretation and application.

A normative legal act is adopted by a competent state authority and serves to establish, modify, or abolish legal norms. In Georgia, normative legal acts constitute the primary source of law. The regulatory legal acts in force in the country collectively form a unified legal system.

Normative agreements, particularly regulatory contracts, are another key source of law, with international treaties being the most common form. Additionally, sources of law include international agreements, as well as norms and arrangements defining the jurisdiction and authority of Georgian state bodies and its autonomous units. Religious and legal doctrines are canonical texts that establish religious norms and are granted universally binding status by states (for example, the Bible and the Quran).

Law represents one of the most important instruments underpinning a flourishing and secure life. It reflects both the necessity of its application and its role in societal functioning. Over time, society evolves, along with its values and moral principles, which in turn drives changes in the legislative framework.

Legitimacy, Morality, and the Rule of Law

To date, the principles of the rule of law have been implemented and disseminated across the territories of individual states. These principles are realized through the equality of citizens, participation in the life and development of the state, and the equal weighting of votes. This ensures that the majority, regardless of social status or income level, determines the political course of the state.

In this context, the formation and development of society occur alongside the globalization of the understanding of public life and the increasing complexity of social structures, leading to the emergence of new forms of relationships. This stage is characterized by democratic foundations for public administration, based on the protection and realization of human freedoms. A key element in governing society is equality, wherein public freedom is understood in terms of the self-determination of all members. The extent of this equality directly affects the future capacities and policies of societal governance.

Such governance capacities transform the social position of each individual, fostering a sense of solidarity and belonging to the life of the state, while establishing the foundations of equality and justice among fellow citizens.

Today, for the principle of the **rule of law** to be fully effective, it must undergo a long process of formation as well as a rigorous test of reliability, since the legal concept of society can only determine norms based on this foundation. According to some English philosophers, if a practical principle “X”

emerges in society today, its significance and legitimacy should be evaluated through the following logical framework:

- **Step one:** Establishes the subject's social attitude, meaning that principle "X" is necessary to create a general framework of behavior.
- **Step two:** Concerns the subject's psychological disposition, reflecting the motivations to act in accordance with principle "X."
- **Step three:** Refers to the subject's personal commitment, requiring the individual to voluntarily perform actions based on principle "X."

Today, law and morality are closely interconnected, not only in the realm of obligations, which society itself demands. As G. Lobzhanidze¹, emphasized, "Only morality can legitimize the normativity and binding force of the law." It is also undeniable that the distinction between moral operations and legality is necessarily subject to change if all internal actions are without exception attributed to morality, while only external actions are classified as legal.

A model of moral reasoning can realize inherent essence as well as the authority of declared norms. For this reason, the expression of moral significance can also be embodied in legal norms.

In society, the current period of implementing correct and equitable behavior is defined by specific limits of permissibility, which are established not only by social interaction guidelines but also by the legal norms in force across any country. Accordingly, it is important to emphasize that these principles are oriented toward providing society with practical guidelines for real-world decision-making, while also allowing for the assessment of their probable effectiveness.

According to J. Rawls², the understanding of **justice** in society is constant and focuses on a social structure that, once codified into law, will be fair for all. Doubts are unlikely to arise because, today, this structure is primarily embodied in the state. The state reinforces values that determine not only the relationship between the individual and society but also the fate of the state itself.

The application of **moral law** in the exercise of will is a matter of judgment. It is in this context that a mutation occurs, whereby the principle of law and the significance of justice transition from a **teleological** to a **deontological** framework. The central emphasis is on the formal status granted to universal protection, where the principle of law manifests simultaneously as both a **moral law** and a **legal law**.

When discussing the **consolidation of legal principles**, G. Gurvich³, emphasized that they should aim not only at regulating collective life but also at ensuring the safety of each individual member of society: "In the sphere of law, justice is often sacrificed. The principle of security, as embodied in positive law, represents one manifestation of this concern for safety. However, in pursuit of these security interests, the enforcement of law is often recognized in ways that nullify certain preexisting positive rights. For example, the operation of revolutionary law, with its unforeseen nature, is in itself a product of the flawed practices of revolutionary tribunals."

Conclusion

Thus, taking into account the **history of law formation**, it is necessary to highlight different approaches, even in contemporary times. A clear and definitive history of legal evolution does not exist, but it is possible to identify factors that have significantly influenced the formation and development of law. The most important subject is the human being, who becomes not only the agent in constructing law but also the object of its regulation.

¹ See: Givi Lobzhanidze, *State Law (Theoretical Foundations)*, Tbilisi, 2022, p. 33.

² See: Rawls' Theory of Justice (Brief Overview), <https://www.scribd.com/document/151102556>

³ For detailed discussion, see: *Bourgeois Sociology of Law*, available at <https://www.google.ge/books/edition>