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## **UNDERSTANDING THE METHODOLOGICAL MISSION OF THE PHILOSOPHY OF LAW THROUGH THE PRISM OF ANALYZING ADMINISTRATIVE OFFENSES RELATED TO CORRUPTION**

Human, as the most evolutionally advanced individual, endowed with awareness, control and self-organization, is prone to reflection, which distinguishes him from other living beings on the planet. Such cognitive skills of self-analysis have undoubtedly become the genesis for the emergence of such a field as philosophy of law. No lawmaking process is possible without studying the essence of law, its place in the world, the life of each individual, and relations in society and the state. As in every other field, the philosophy of law has its own valuable mission, which significantly distinguishes it from others. The methodological mission of the philosophy of law is based on the ways and means of cognizing law in its structure, internal relations and trends in the development of individual legal phenomena in their integrity and totality:

In the variety of philosophical trends, we can distinguish those that have had the greatest impact on the understanding of each individual provision of law and law in general: positivism, pragmatism, religious philosophy and existentialism. And to understand these principles, it is easier to consider them on the example of administrative offenses in the field of corruption. The philosophy of law is mandatory for a special subject of these offenses to study, as it can serve as a moral guide for law enforcement officers to make the right decisions when laws may have multiple meanings or be insufficiently clear.

First, we have to consider the direction of positivism, which was founded by Auguste Conte. Positivism favors empiricism, a method of cognition in practice, and points out the instability and fallibility of theoretical material. An example is Article 172-8 of the Code of Ukraine on Administrative Offenses, which sets forth liability for unlawful disclosure or other use by a person in his or her own interests or in the interests of another individual or legal entity of information about a whistleblower, his or her close associates, or information that may identify the whistleblower [1]. If we consider theoretically that information about a whistleblower may not be intended to harm the person who received it, we can conclude that there is nothing demoralizing about such actions if they do not entail any consequences. However, empirical evidence has repeatedly shown that such information is most often used against the person of the whistleblower, so the creation of this legal provision was necessary, since in the performance of their duties, police officers must first and foremost be guided by the principle of respect for human rights and freedoms, as human life, health and inviolability are the highest value [2].

The next direction of philosophy is certainly legal pragmatism, which was founded by William James and is based on the idea that the unity of the world lies in its materiality, and any actions caused by circumstances can always be questioned, because matter is superior to consciousness. For example, one of the methods of pragmatic research is to question a statement in order to establish the truth. Article 172-7 provides for the liability of a person in cases established by law if he or she has a conflict of interest at the place of service. This rule of law was created in compliance with the principle of pragmatism, as it immediately calls into question the use of a real conflict of interest for one's own selfish purposes, which is not known for certain, but exists and immediately excludes the interest of the parties.

We also cannot ignore religious philosophy, a strong link in philosophical knowledge, as part of the legal worldview. Religion has firmly rooted legal doctrines in society, since the religious development of the state and the existence of God's laws as one of the significant impetus for the establishment of legislation as such. Christian philosophy is permeated with the idea of «sinfulness» of being and responsibility for certain sins before God, which can be compared to disposition and sanction, and the ideas underlying the scriptures can be compared to many existing articles of current legal acts and are distinguished only by their modernity and adaptation to the progress of society [3].

Recalling the famous psychologist and philosopher Friedrich Nietzsche, one cannot but consider such a trend as existentialism, which is one of the fundamental ones in the philosophy of law: Existentialism emphasizes that a person should be responsible for his or her actions, when the one acts freely, has free will and the means to exercise it. For this reason, the vast majority of administrative offenses related to corruption emphasize guilt, which is based on direct intent and is defined by the example of Article 172 of the Code of Administrative Offenses, with the words «knowingly» «without good honorable reason», which emphasizes not an accident and coincidence, but the choice of the person to commit the offence.

Knowledge of the philosophy of law helps all participants in the law-making and law enforcement process to emphasize humanism and human-centeredness, even if the law has been violated, which promotes respect for human rights and freedoms even in the most difficult situations. A special tool such as the philosophy of law allows law enforcement officers to recognize their role and the importance of their service in ensuring stability and security, to understand the feelings of others and to develop a sense of responsibility based not only on the law but also on morality.

#### References:

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3. Balynska, O. M., & Yashchenko, V. A. (2018). Methodological principles of legal pragmatism. *Scientific Bulletin of Lviv State University of Internal Affairs*, 2, 20-30.