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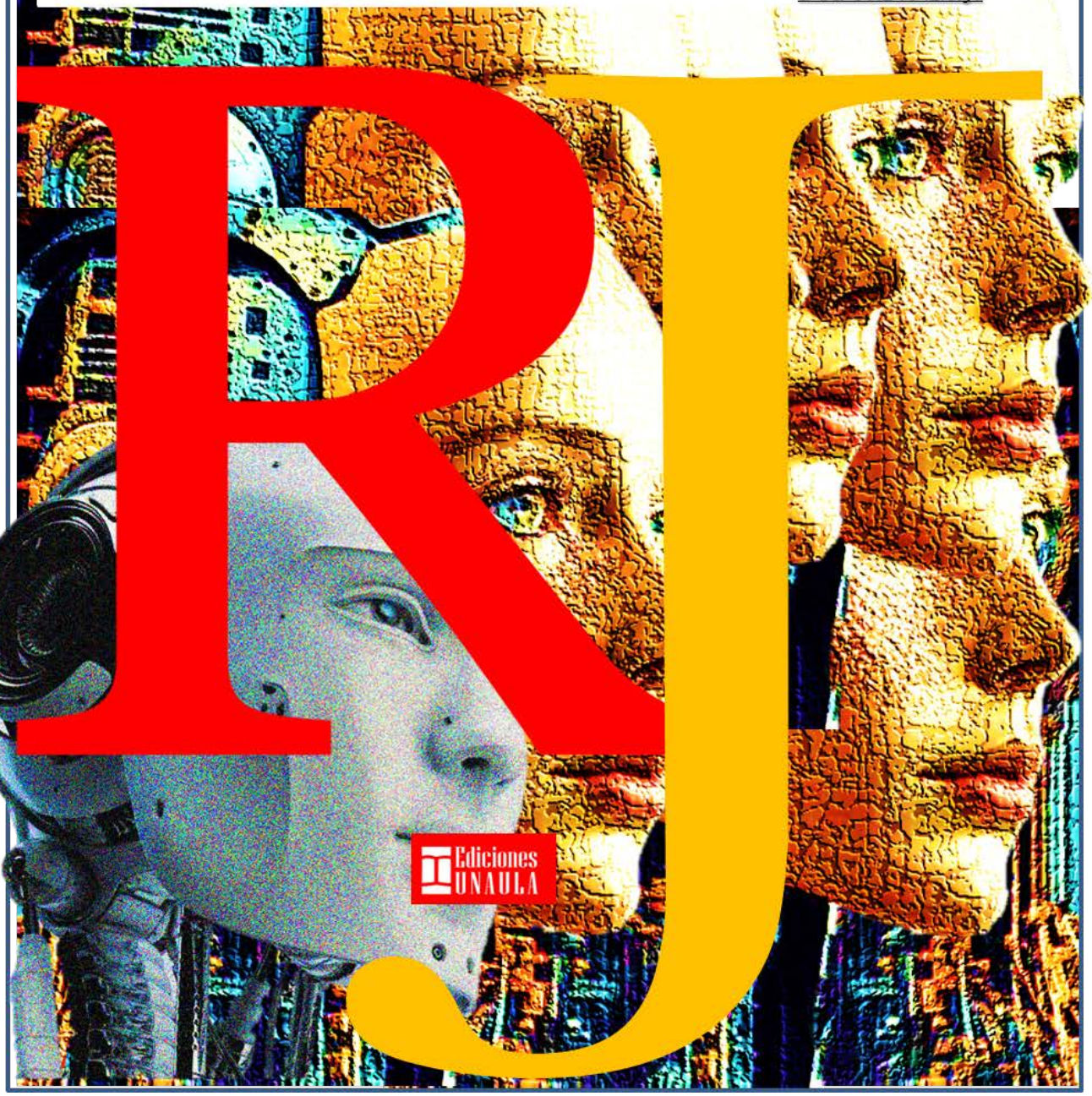

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The essence of public relations in modern administrative law

La esencia de las relaciones públicas en el derecho administrativo moderno

A essência das relações públicas no direito administrativo moderno

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Abstract:

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.

Key words: administrative justice, administrative process, human rights, legal sciences, access to administrative justice, judiciary, judicial reform, rule of Law.

Resumen

Las relaciones públicas/sociales determinan la naturaleza de la sociedad, los grupos etnonacionales y las comunidades de personas, un individuo, determinan su lugar en el espacio político y legal, garantizan derechos y libertades. El espacio de comunicación forma y asegura la realización de las capacidades de la persona, asegurando sus derechos y libertades, satisfaciendo sus necesidades, realizando sus aspiraciones y esperanzas, traduciendo los ideales en la práctica de la vida cotidiana. Al mismo tiempo, se asignan tareas especiales a la ciencia jurídica como medio y mecanismo para la regulación de las relaciones público/sociales, la socialización jurídica del ser humano, la garantía de sus derechos y libertades y, lo más importante, su formación como persona. ciudadano del país, como representante de pleno derecho de la sociedad civil. En la literatura científica, los términos “público” y “social” se utilizan tanto para referirse a los mismos fenómenos, eventos y procesos (falta de identificación), como a varios fenómenos sociales. En otros casos, lo social se identifica con lo público. Como regla, esto ocurre en dos casos: en el caso de comprender la totalidad de los fenómenos y procesos que existen en una sociedad particular, así como en los casos de énfasis en las diferencias que distinguen los fenómenos y procesos sociales de los naturales, técnicos, tecnológico e informativo. Este enfoque, que puede definirse como amplio, entiende las relaciones sociales como fenómenos y procesos económicos, políticos e ideológicos, mientras que las relaciones públicas se determinan como sociales.

Palabras clave: justicia administrativa, proceso administrativo, derechos humanos, ciencias jurídicas, acceso a la justicia administrativa, poder judicial, reforma judicial, estado de derecho.

Resumo

As relações públicas/sociais determinam a natureza da sociedade, grupos étnico-nacionais e comunidades de pessoas, um indivíduo, determinam seu lugar no espaço político e jurídico, garantem direitos e liberdades. O espaço de comunicação forma e garante a realização das capacidades de uma pessoa, garantindo seus direitos e liberdades, satisfazendo suas necessidades, realizando suas aspirações e esperanças, traduzindo ideais na prática da vida cotidiana. Ao mesmo tempo, tarefas especiais são atribuídas à ciência jurídica como meio e mecanismo de regulação das relações público/sociais, socialização jurídica do ser humano, garantia de seus direitos e liberdades e, principalmente, sua formação como pessoa, um cidadão do país, como representante de pleno direito da sociedade civil. Na literatura científica, os termos "público" e "social" são usados tanto para se referir aos mesmos fenômenos, eventos e processos (falta de identificação), quanto a diversos fenômenos sociais. Em outros casos, o social é identificado com o público. Via de regra, isso ocorre em dois casos: no caso da compreensão da totalidade dos fenômenos e processos existentes em uma determinada sociedade, bem como nos casos de ênfase nas diferenças que distinguem os fenômenos e processos sociais dos naturais, técnicos, tecnológico e informacional. Essa abordagem, que pode ser definida como ampla, entende as relações sociais como fenômenos e processos econômicos, políticos e ideológicos, enquanto as relações públicas são determinadas como sociais.

Palavras-chave: justiça administrativa, processo administrativo, direitos humanos, ciências jurídicas, acesso à justiça administrativa, judiciário, reforma judicial, Estado de Direito.

Introduction

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; Zaporozhchenko et al.,, 2023).

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 (Zaporozhchenko et al.,, 2023).

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 (Zaporozhchenko et al.,, 2023).

1. Literature review

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 (Zaporozhchenko et al., 2023).

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 (Zaporozhchenko et al., 2023).

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 (Zaporozhchenko et al., 2023). 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 (Zaporozhchenko et al., 2023).

The means of social regulation include, first of all, social norms: legal, moral, corporate, customs, etc. But the norm is never the only means of influencing people's behavior, since such means also include individual orders, authoritative commands, measures of physical, mental and organizational coercion, etc. **(**Marchenko et al., 2022).

Based on this, legal regulation can be defined as a purposeful effect on people's behavior and social relations with the help of legal (juridical) means (Romanchenko, 2013). Based on this definition, it is appropriate to conclude that regulation is only an action in which sufficiently marked goals are set. For example, in order to regulate the use of land, ensure its preservation, and improve efficiency of land use the legislative body adopts a law on land use. And the action of land legislation being the basis for legalization of goals set can be determined as legal regulation(Krasilovskaya, 2017).

And if influence of a legislative act or its norms causes consequences that are not provided for by the legislation, and in some situations are contrary to the goals of the legislator, then such an action cannot be considered a legal regulation. So, under influence of land legislation, the price of land plots has grown, the number of speculative land transactions carried out for profit as well as unproductive use of land resources has increased. The negative impact of the land law on social relations cannot be determined as legal regulation, since it was not a part the legislator's goals, but was intended to regulate life of the society, to ensure the fair, reasonable nature of the use of such a value as land (Sidelnikov, 2017).

2. Results and discussion

An action carried out by non-legal means cannot be considered a legal regulation. Thus, influencing people's consciousness and behavior through the mass media, through propaganda, agitation, ethical and legal education and training cannot be referred to legal regulation as a special legal organizing activity. Influence over social relations and on people's behavior caused by special legal means and methods, in its turn, affects spiritual, ethical, ideological aspects of a person's life. Law cannot regulate all social relations, all social connections between members of the society. Therefore, at each concrete historical stage of social development, the sphere of legal regulation must be defined with a sufficient level of precision (**Petryshyn, 2002**).

In conditions of a narrowed sphere of legal regulation in the society, there is a threat of arbitrariness, chaos and unpredictability in those areas of human relations that can and must be regulated with the help of law. And in cases of unjustified expansion of the sphere of legal regulation, especially at the expense of centralized state-authority action, created are conditions for strengthening of totalitarian regimes, regulation of people's behavior, which leads to social passivity, lack of initiative of members of the society.

The sphere of legal regulation should include those relationships that have the following characteristics (**Petryshyn, 2002**).: reflection of individual and general social interests of society members; realization of mutual interests of their participants, each of whom narrows his/her own interests in order to satisfy interests of others; agreement-based formation of implementation of certain rules and recognition of their obligatoriness; compliance with rules obligatoriness of which is supported by a sufficiently effective legal force. The nature and type of social relations, components and subject of legal regulation determine the degree of intensity of legal regulation, that is, the breadth of legal action, the degree of bindingness of legal orders, forms and methods of legal coercion, the degree of detail of orders as well as intensity of legal action on social relations (**Oliinyk, 2001**).

In spite of different approaches to its definition, a certain understanding of the essence of legal regulation has been formed in literature sources. The term "regulation" comes from the Latin word «regulo» (rule) and means ordering, adjusting, bringing something into line with something else (**Oliinyk, 2001**). That is, legal regulation is an

action on social relations with the help of certain legal means, including primarily legal norms. In the conditions of forming the basis of a legal state, the role and importance of legal regulation of social relations acquires special relevance. It is about those social relations, which cannot function without the use of legal means (economic, political, and socio-cultural). However, not everything in social relations is regulated by law. For example, the following aspects are not regulated by law: in the sphere of economic relations - production processes; in the sphere of political relations - development of party programs and statutes; in the spiritual and cultural sphere - religious relations, etc. (Kivalov, 2005).

Legal regulation presupposes normalization, legal consolidation and protection of social relations through the use of legal means. The regulatory influence of law on social relations consists in the fact that, law in its norms constructs a model of mandatory or permitted behavior of various subjects of these relations.

Most authors understand legal regulation a set of techniques and means of legal influence over behavior of subjects of social relations. According to S.O. Sarnovska, certain legal regulation of social relations is carried out precisely from the moment of publication of the respective normative legal act (Sarnovska, 2003). A somewhat different point of view is held by P.M. Rabynovych, who believes that the rule of law begins to regulate behavior of subjects not from the moment the rule of law is issued, but from the time of occurrence of legal facts provided for by this rule (**Rabinovych, 2001**).

Since the subject of legal regulation consists in social relations, legal regulation is determined by some objective and subjective factors. Such factors may include the following ones:

— level of economic development of the society;

— social structure of the society;

— level of maturity and stability of social relations;

— level of legal culture of citizens;

— level of certainty of the subject, means and methods of legal regulation (**Kravchuk, 2002**).

Most modern scientific works are devoted to legal regulation, and therefore to its spheres and boundaries, as one of the types of legal influence. In this regard O.M. Melnyk notes that some authors equate the concepts of legal influence and legal regulation, although boundaries of these concepts do not coincide. Others do not take

into account different forms of legal regulation. Hence we have the statement of some scientists that legal regulation begins with adoption of a legal norm and is confined to it, and opinion of others that it starts with the entry into force of the norm or with occurrence of a legal fact provided for by the respective norm of law. At the same time, research of the issue of the sphere of legal influence is not only of theoretical, but also of practical significance, because having defined the sphere of legal influence, we will be able to answer the question about what relations are subjected to such influence and we will establish the limit of legal influence (Villasmil Espinoza *et al*., 2022).

The sphere of legal influence, as well as the sphere of legal regulation, cannot remain constant. In this aspect, N.M. Onishchenko and S.V. Bobrovnyk note that changing the scope of legal regulation is a complex process in which opposite trends (expansion and narrowing of legal regulation) coincide (Tylchyk et al, 2021). The scope of legal regulation can expand due to the emergence of new relationships of social reality (those previously unregulated by law). Narrowing of this sphere occurs due to society's refusal to use the law and due to replacing legal regulation with other means of social regulation. Such a tendency is caused by the social nature of legal norms, their interrelationship with norms of social regulation.

. In this regard, M.P. Orzih notes that "the scope of the regulatory influence of law is limited to the normatively established variants of person's behavior in each typical situation" and "the wider the range of these variants is, the more meaningful legal freedom of an individual is, and the wider the framework of the sphere of regulatory influence becomes" (Leheza et al, 2021).

According to P.M. Rabinovych, the sphere of legal regulation can be defined as a social space actually regulated by law, or one that can be regulated by law. But such social space is always limited (Halaburda et al, 2021).

In Ukraine, the sphere of legal influence is in constant and rather contradictory movement in accordance with the pace of legislation formation and improvement However, many legal norms do not find their consistent application and implementation. At the same time, legal awareness of Ukrainian citizens still remains at a low level, and activities of state bodies often do not meet the standards of a law-governed state. Unfortunately important changes in law, often have a chaotic nature, so they remain disordered and lack a system-defined connections.

Thus, changes in the sphere of legal influence, as well as those in the sphere of legal regulation, depend on a significant number of factors, among which the following

ones can be singled out:

— degree and level of public assignment of law;

— changes in the legal system as a whole;

— priority of public and individual interests;

— progressive changes in the society associated with emergence of new social relations;

— increase or decrease in the level of legal awareness and legal culture of the society;

— progressive changes in the current legislation in the country, both in the direction of expansion and reduction of the regulatory framework;

— expanding rights and freedoms of citizens and creating favorable conditions for their implementation (Kobrusieva et al., 2021).

Problems in the sphere of legal influence are inextricably linked with the need to study the issue of legal influence limits. Any influence or regulation cannot be performed without boundaries and indefinitely, and therefore such influence must have a certain limit; if this limit is crossed such influence acquires new features and turns into another substance. So, S.V. Bobrovnyk emphasizes that limits of legal regulation constitute an optimal completeness of legal mediation of social relations, due to the need for state influence over spheres of social life, which cannot be regulated otherwise than with the help of law (Kolinko et al., 2019).

When analyzing the above first of all it is necessary to clarify the essence and meaning of the “limit” category for the purpose of researching the notion of “legal influence limits”. Given the fact that there are several types of definitions in science, first of all, it is necessary to give a scientific analysis of the concept of legal influence limits and choose the most optimal approach. In the process of forming a definition due to the closest genus and species difference, it breaks up into two relatively independent cognitions: definition of the meaning of the very concept of “limit”; establishment of the most significant distinguishing features of legal influence limits from all other subtypes of limits (Leheza et al, 2022).

It should be noted that the word “limit” is used for such entities (phenomena) that can be imagined in clear or unclear, but always specific units, parameters or characteristics. Thus, in the process of researching the issue of legal influence limits, we consider limiting characteristics of the action of law, real and potential possibilities of its influence over social relations and interests (Romanchenko, 2013).

Considering the above, in our opinion, it is possible to distinguish two main approaches to understanding legal influence limits: an objective approach related to objectively existing conditions that do not depend on the will of social subjects or the state, cannot be changed at their will and are capable of limiting legal influence in a certain way. Such conditions may include certain regularities of social development (for example, cultural ones, economic ones, etc.), laws of development of nature; a subjective approach, which consists in one's own worldview, self-assessment by social subjects of their capabilities and legal capabilities. Thus, it is in the process of own perception, assessment and representation that the subjective approach to understanding legal influence limits is revealed.

It should be noted that this approach to characterizing the marginal indicators of legal influence depends on the level of legal awareness and legal culture of a particular society at a certain stage of its development. Therefore, the mechanism of legal influence as a whole will depend on how adequately law in its essence will be perceived.

Like any theoretical category, "legal influence limits" do not receive a full-fledged theoretical study without characterizing their main features. As noted by O.M. Melnyk legal regulation limits are determined by non-legal factors. They come from the very nature of human activities, they are determined by culture and civilization as well as by the existing system of relations, economic, historic, religious, national and other circumstances (Buha et al., 2022).

A peculiar place among subjective factors influencing determination of legal influence limits is taken by the dominating in the society and the state legal consciousness which is tightly related to certain common philosophic and world outlook views of the society and can determine limits of influence over legal awareness of a definite social subject. It is law that acts as a certain level of personality's freedom in the society, determines limits of such freedom and sets responsibility for violating the respective limit.

Factors of subjective nature determining legal influence limits may also include propaganda of law, legislator's intentions, motivation of law and legal innovations as far as they do not perform direct regulation and never initiate definite legal relations, but they have an influence over subconsciousness of subjects of law and so determine possible limits of their behavior (Bachun, 2010).

Similarly to objective factors, subjective factors are not exhaustive and may

change under influence of objective reasons. Such changes are presented as narrowing or vice versa expanding possible legal influence limits (Bezpalova et al., 2022).

In the European legal system, based on this principle, the principles of good governance and the principles of good administration have been developed. "The principles of good governance are one of the most important elements of the principle of the rule of law, are in direct connection with the fundamental principles of public administration (Tylchyk et al., 2021). The difficulty of implementing the principles of good governance in Ukraine is due not only to the terminological and cognitive aspects, but also to a number of objectively existing factors that hinder this process: high levels of corruption, resistance to democratic reforms, including administrative and legal direction within the apparatus of public administration, obsolescence of views and approaches to management both among civil servants and among scientists, researchers; biased attitude to the proposed models of reforms" (Tylchyk and Leschynsky, 2021).

The case law of the European Court of Human Rights is an important guideline for modern approaches to understanding the rule of law and its essential elements(Tylchyk et al., 2021). Generalization of the practice of interpreting the content and elements of the principle of the rule of law was carried out in the scientific works of A. A. Pukhtetska, where it was determined that "as a result of systematization of decisions of the European Court of Human Rights, which contain provisions on the rule of law, to the main groups of decisions, which specify the content of the rule of law (given that in one case or decision may contain two or more features, essential elements of the principle of the rule of law in accordance with their understanding, formed by the case law of the European Court of Human Rights)" (Pukhtetska, 2010).

In particular, the cited study identified the following groups of cases of the European Court of Human Rights that are important for the implementation of the rule of law in Ukraine: "1) decisions of the European Court of Human Rights decisions containing references to the content, legal significance of the concept and / or the principle of the rule of law in the generalized sense; 2) the decision of the European Court of Human Rights, which contains requirements for the quality of law, including legal restrictions on the exercise of human rights and freedoms; 3) judgments of the European Court of Human Rights, which address various aspects of access to justice

and a fair trial, which ensures a special mechanism of the Convention and compliance with the rule of law; 4) decisions of the European Court of Human Rights, which establish the limits of discretionary powers and requirements for limiting the arbitrariness of public authorities in accordance with the principle of the rule of law; 5) decisions of the European Court of Human Rights, which contain requirements for effective control over the exercise of human rights and fundamental freedoms guaranteed by the Convention, and are related to the implementation of the rule of law. This list of judgments of the European Court of Human Rights is not exhaustive, but allows us to see the most typical aspects of the application of the rule of law and to help judges make a decision (Pukhtetska, 2009).

The term “natural person” is a generalization and includes such concepts as citizens of Ukraine, foreigner and stateless person. The mentioned concepts have been captured in the national legislation(Tylchyk et al, 2021).

Citizen of Ukraine is a person who has acquired the citizenship of Ukraine according to the procedure prescribed by the laws of Ukraine and international treaties of Ukraine (Article 1 of the Law of Ukraine “On Citizenship of Ukraine”) (Law of Ukraine, 2001).

As provided for in Article 1 of the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons”, a foreigner is a person who is not a citizen of Ukraine and is a citizen (national) of another state or states. A stateless person is a person who is not considered as a national by any State under the operation of its law (Law of Ukraine, 2012).

The term “legal person” and its contents are fixed in the Civil Code of Ukraine; according to Article 80 of this Code legal entity is an organization established and registered in accordance with the law (Law of Ukraine, 2003).

According to their administrative procedural status and the purpose of participation in legal proceedings participants are divided into main and auxiliary ones (Tylchyk et al, 2021). Main participants of administrative legal proceedings are: the parties (plaintiff and defendant), third parties, their procedural representatives (Tylchyk et al, 2021).. These persons initiate administrative proceedings, change these proceedings on the will of the parties, third parties, representatives which depends, in particular, on emergence of appeals, cassation appeals, commencement of enforcement proceedings (Leheza et al, 2022).

Auxiliary participants of administrative proceedings are those who do not significantly influence the course of such proceedings in general, but by virtue of their appointment and powers ensure its quality, completeness and objectivity. Such participants include: court session secretary, court administrator, witness, expert, specialist, translator (interpreter) (Tylchyk et al, 2021)..

Classification of participants of administrative legal proceedings according to their procedural status has been to a certain extend determined in the CALP of Ukraine. In particular, Chapter 4 of the Code provides for a group of persons involved in legal proceedings (parties, third parties, representatives of the parties and third parties) and a group of other participants in administrative proceedings (judge assistant, court secretary, court administrator, witness, expert, specialist, translator (interpreter) (Tylchyk et al, 2021).

Depending on their organizational structure participants of administrative legal proceedings may be divided into individual ones (natural persons) and joint ones (legal entities, collective entities without the status of a legal entity, association of residents of a house, neighborhood committees, street committees, etc.) (Halaburda et al, 2021).

In order to ensure the possibility for participants in administrative legal proceedings to exercise their subjective interests, perform their tasks, the administrative procedural legislation (Chapter 4 of the CALP of Ukraine) stipulates their procedural legal personality, which will be discussed in the following sections of our research (Leheza et al, 2021).

At the same time, it should be noted that the system of subjects of administrative procedural is considered as a single holistic set of subjects of various categories (individual ones and joint ones, private ones and public ones), and within this set they are in a state of structural and functional links between each other in order to ensure their optimal performance within the respective legal relations (Tylchyk et al, 2021). For example, each organizational and legal form of a legal entity structurally and functionally complements other forms, subjects of private law implement their legal capabilities in direct interaction with public law entities; by means of combining their efforts individual subjects, form complex, multifaceted sub-objects of law, etc. (Leheza et al, 2022).

System of administrative procedural law subjects is determined by the corresponding system of legal regulation in the sphere of legislation. In the science of

national administrative law there are various views on the system of administrative law subjects and administrative process (Tylchyk et al, 2021). Summing up the different points of view of scientists, the system of administrative process subjects can be presented as follows: Individual subjects; joint subjects (Kivalov, 2005).

Conclusion

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.

So, legal regulation demonstrates interference of the state into vital activity of the society in general as well as that of each separate personality. This interference in the modern democratic society must have its limits, i.e. limits of dictatorial interference of the state and its bodies to the system of social relations. And violation of these limits by the state, application of prohibited methods of influence over social relations should be viewed as interference of the state to insubordinate spheres of social regulation.

In a modern democratic state, the nature and types of these means are determined by a complex of factors; among these factors we can first of all highlight patterns of development and principles of the legal system, as well as the level of declared and actually effective rights and freedoms of human and citizen established both in national legislation acts and international acts ratified by the legislative body of that state. In addition to that, legal, democratic and social state should recognize priority of rights, freedoms and legally protected interests of a separate person over its own interests. Despite declarativity of this statement it has a significant importance for choice of priority guidelines and means for legal regulation of social relations.

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