

UDC 342.1

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Dziubak, Taras (2024). The legal norm as a fundamental element of the mechanisms for establishing the rule-of-law state. *Entrepreneurship, Economy and Law*, 3, 91–94, doi <https://doi.org/10.32849/2663-5313/2024.3.16>

THE LEGAL NORM AS A FUNDAMENTAL ELEMENT OF THE MECHANISMS FOR ESTABLISHING THE RULE-OF-LAW STATE

Abstract. Purpose. The purpose of this study is a comprehensive examination of the legal norm as a fundamental element of the mechanisms for establishing the rule-of-law state, to clarify its essence, characteristics, and functions, as well as to determine its role in ensuring the rule of law, stability of legal order, and the realization of human rights and freedoms. **Research methods.** The research methodology is based on the application of dialectical, systemic, formal-legal, and comparative-legal methods, which made it possible to comprehensively reveal the essence of the legal norm, its characteristics, and functions. The generalization of scholarly approaches ensured the formation of a holistic understanding of the role of the legal norm in the mechanisms of establishing a rule-of-law state. **Results.** The study established that the legal norm is a fundamental element of the legal system that ensures the regulation of social relations. It has been proven that its features (universality, formal definiteness, impersonality, systemic nature) directly determine its main functions – regulatory, protective, unifying, stabilizing, educational, integrative, modeling, and organizational. It was found that the effectiveness of a legal norm depends not only on state coercion but also on the level of legal culture and legal consciousness of society. It was emphasized that the legal norm serves as a key link between the abstract values of law and the concrete behavior of subjects, ensuring the integrity of the legal order and the functioning of the institutions of the rule-of-law state. **Conclusions.** It is concluded that a legal norm is not merely a formally established rule of conduct but also a kind of “code of social life” that reflects the balance between rights and duties, freedom and responsibility. It ensures the ordering of social relations, creates conditions for predictability and stability, while simultaneously serving as a carrier of fundamental values – justice, equality, and respect for human dignity. Its multifunctionality allows law to be not merely a system of norms but a living mechanism integrating various spheres of social life into a unified whole. Precisely due to the legal norm, the principle of the rule of law acquires real content, while the rule-of-law state obtains practical instruments for its consolidation.

Key words: legal norm, rule-of-law state, rule of law, functions of legal norms, legal regulation, legal consciousness, legal culture, legal liability, mechanism of statehood under the rule of law.

1. Introduction

The construction of a rule-of-law state is a strategic goal of modern Ukraine. This process involves not only the enshrinement of the fundamental principles of a democratic system in the Constitution and laws but also their real implementation in social relations. The central instrument of this process is the legal norm – the primary basis of the entire legal system, which defines the scope of permissible and obligatory behavior, ensures the balance between the state and the citizen, and serves as a means of guaranteeing individual rights and freedoms. The effectiveness and efficiency of legal norms

serve as the measure of the level of rule-of-law development.

The issue of the legal norm as a fundamental element of the legal system has been widely covered in the works of Ukrainian scholars. Significant contributions have been made by M.I. Koziubra, M.V. Tsvik, N.V. Pylhun, M.O. Hryhorenko, among others, who defined the legal norm as the fundamental “cell” of legal order and a key structural element of law. At the same time, further in-depth analysis is required of the functional purpose of legal norms, their capacity to ensure the regulation of social relations, and their role as a basic mechanism in the establishment of a rule-of-law state.

2. The Legal Norm as an Element of the Legal System

A legal norm is the primary unit of the legal system that establishes the rights and obligations of subjects, determines permissible and prohibited forms of conduct. It ensures the regulation of social relations and creates the prerequisites for the functioning of the institutions of the rule-of-law state. It is precisely through the legal norm that the principle of the rule of law acquires real meaning.

A legal norm is a universally binding rule of conduct established or sanctioned by the state, which defines the scope of permissible and obligatory behavior of legal subjects. M.V. Tsvik interpreted "legal norms" as socially conditioned rules of conduct aimed at regulating social relations, which are established or sanctioned by the state and ensured not only by the consciousness of subjects and educational work but also by the possibility of applying state coercion in the event of their violation (Tsvik, 2016).

According to M.I. Koziubra, legal norms are fundamental, initial components of the entire legal system. They are designed to regulate social relations, establish models of lawful conduct, determine the legal consequences of their violation (typical norms), or contribute to such establishment and clarification (specialized norms). At the same time, each norm has its own forms of external expression. More broadly, the scholar defined a legal norm as a universally binding rule recorded in the sources of law and reproduced in the practical activity of subjects, which sets the standard of permitted or obligatory behavior and prescribes legal consequences for its non-compliance. Its effectiveness and validity, in Koziubra's view, are guaranteed by the state (Koziubra, 2015).

Therefore, scholarly thought reveals a unified idea: the legal norm is a fundamental, integral element of the legal system, reflecting its essence and principal characteristic – normativity. It is the link through which law is realized in social relations, ensuring their regulation and predictability. In this context, the legal norm not only prescribes a model of lawful conduct but also performs an important integrative function, uniting the ideas of justice, the legal consciousness of citizens, and mechanisms of state coercion.

The legal norm is the normative foundation of legal regulation and possesses a number of general and special features that determine its place in the legal system. It serves as a form of enshrining rights and obligations: a right reflects the possibility of certain conduct, while an obligation signifies the necessity of performing or refraining from certain actions. As a universally binding rule of conduct and an authoritative prescription of the state, the legal norm obliges every citizen to comply with established

requirements and to be guided by them in their activity. Its universal nature lies in the fact that it does not apply only to a specific case but extends to typical social relations, systematizing and generalizing them. An important feature is formal definiteness, since the legal norm is enshrined in normative legal acts, has a written form and official certainty, establishes the rights and obligations of participants in social relations, and prescribes legal liability for their violation (Pylhun, Hryhorenko, 2022).

In addition, legal norms are characterized by special features. They possess systemic nature, being coordinated with one another and structured hierarchically with institutions and branches of law; a representative-binding character, as they grant rights to some subjects while imposing obligations on others; microsystemic structure, since they consist of a hypothesis, disposition, and sanction, thus forming their own internal mechanism; impersonality, as they are addressed not to a specific individual but to an indefinite circle of subjects, setting general standards of behavior; and the authoritative expression of the state, which sanctions, protects, and ensures their implementation, applying coercive measures when necessary (Tsvik, 2016).

The functions of legal norms directly derive from their general and special features, which determine the essence and place of norms in the legal system. First and foremost, since a legal norm enshrines rights and obligations (Tsvik, 2016), it performs a regulatory function – it structures social relations, defines standards of permissible and obligatory behavior, and ensures the ability to predict the actions of other subjects. Through this function, legal order is established, within which citizens, organizations, and state bodies act according to clearly defined rules. The regulatory function promotes social stability, as it allows for avoiding chaos in interactions among participants in legal relations, ensuring their coherence and predictability. It is a crucial condition for the realization of the principle of the rule of law, since it is through legal norms that abstract values are transformed into concrete rules of conduct, guaranteeing a balance between rights and obligations, and between the interests of the individual, society, and the state.

The universal nature of the norm, which extends to typical situations (Tsvik, 2016), determines its unifying function, as it generalizes diverse social interactions and establishes uniform rules for all. Through this function, law ensures the unity of the legal space, forming common standards of conduct regardless of social status, profession, or group affiliation. The unifying function is of key importance for maintaining societal stability, as it prevents legal chaos, guarantees equality of all before the law, and strengthens the principle of legal certainty. In modern conditions, it also serves

as a safeguard for the harmonization of national law with international standards, which is particularly significant for Ukraine in the context of European integration processes.

3. Sanctions for Violations of Legal Norms

The formal definiteness of a legal norm (Tsvik, 2016), enshrined in normative legal acts, underscores its stabilizing function, which lies in creating predictability of legal regulation and ensuring legal certainty. It is precisely due to the stabilizing function that citizens and organizations are able to navigate within the legal environment, foresee the consequences of their actions, and build long-term social and economic strategies. This function also contributes to strengthening trust in the state and its legal system, since the predictability and consistency of legal norms serve as a guarantee of legal order and social cohesion.

At the same time, the existence of legal liability for violations of norms realizes their protective function (Tsvik, 2016), as the state guarantees compliance with established rules through the possibility of applying sanctions. Its essence lies not only in punishing the offender but also in preventing unlawful behavior, ensuring the restoration of violated rights and interests, and reinforcing trust in legal order. The protective function has both preventive and restorative character: on the one hand, the threat of punishment stimulates compliance with legality; on the other, it allows for the restoration of justice and compensation for damages. Under modern conditions, it serves as a key instrument for ensuring the stability of social relations and supporting the principle of the rule of law.

In addition to the regulatory and protective functions, the educational function of legal norms also plays a significant role. It consists in shaping citizens' legal culture, respect for the law, and awareness of personal responsibility for one's actions. Legal norms not only establish rules of conduct but also, through a system of incentives, prohibitions, and sanctions, cultivate in society the notions of justice, equality, and freedom. In this way, they foster the development of an internal conviction regarding the necessity of compliance with the law not merely out of fear of punishment but as the result of a conscious social need.

The educational function manifests itself in daily practice – from participation in elections to observing traffic regulations. It enables citizens to perceive themselves as active bearers of legal culture and cultivates a responsible attitude toward the state and other members of society.

The special features of legal norms also reveal their functional potential. The systemic character of norms (Tsvik, 2016; Pylhun, Hryhorenko, 2022) contributes to the realization of their integrative function, since they

operate in correlation with legal institutions and branches, forming a unified legal system. Through the integrative function, individual legal norms are harmonized with one another, which ensures the internal unity and coherence of legal order. It prevents contradictions in legal regulation, promotes the harmonization of national legislation with international standards and European law. In this sense, the integrative function is crucial for the development of a rule-of-law state, as it guarantees coherence in the actions of different branches of government, stability of the legal environment, and effectiveness of law enforcement practice.

The representative-binding character of legal norms (Tsvik, 2016; Pylhun, Hryhorenko, 2022) reveals their guaranteeing function, since legal norms balance the interests of different subjects by granting rights to some while imposing obligations on others. This establishes a mechanism of social equilibrium, whereby the exercise of the rights of some individuals is possible only if others fulfill their obligations. The guaranteeing function thus serves as a kind of “bridge” between right and duty, ensuring a fair distribution of legal opportunities within society.

It manifests itself across a wide range of spheres: in labor relations (the right of an employee to remuneration corresponds to the employer's obligation to provide it); in property relations (the right of an owner to possess and use property is accompanied by the obligation of others to refrain from its infringement); and in public law (the right of citizens to participate in elections is linked to the obligation of the state to organize a fair and transparent electoral process).

The microsystemic structure of legal norms (the presence of hypothesis, disposition, and sanction) (Tsvik, 2016; Pylhun, Hryhorenko, 2022) demonstrates their modeling function, as it clearly defines the conditions of application, the options of conduct, and the consequences of non-compliance. In this respect, a legal norm acts as a kind of “model of behavior” that sets the boundaries of what is permitted and obligatory, prevents chaos in social relations, and shapes predictable scenarios of development.

The modeling function enables legal subjects to foresee in advance which actions are permissible and which will lead to legal liability. It also creates the conditions for the unification of law enforcement practice, since identical hypotheses, dispositions, and sanctions apply in similar situations. In this sense, a legal norm becomes not only a means of regulating conduct but also an instrument for predicting legal consequences, which is of particular importance in conditions of political and social instability.

Moreover, the impersonality of legal norms ensures their universal function, since they reg-

ulate the conduct not of specific individuals but of a broad range of subjects in diverse life situations. Finally, their authoritative expression reflects their organizational function, which guarantees the close connection of norms with the state and confers binding force upon them. The organizational function is manifested in the fact that legal norms serve as an instrument for structuring the activities of both state authorities and civil society, creating a system of coordinates within which the entire legal order operates. It also presupposes the possibility of applying state coercion in cases of violations of norms, thereby strengthening the stability of legal regulation and ensuring the effectiveness of the legal system as a whole (Tsvik, 2016; Pylhun, Hryhorenko, 2022).

4. Conclusions

Summing up, the rule of law is not merely a formally established rule of conduct but a kind of “code of social life” that reflects the balance between rights and obligations, freedom and responsibility. It ensures the ordering of social relations, creates conditions for pre-

dictability and stability, and at the same time serves as a conduit for fundamental values—justice, equality, and respect for human dignity.

Its multifunctional nature allows law to operate not only as a system of norms but as a living mechanism that integrates various spheres of social life into a coherent whole. It is precisely through the legal norm that the principle of the rule of law acquires real substance and the legal state obtains practical instruments for its consolidation.

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НОРМА ПРАВА ЯК БАЗОВИЙ ЕЛЕМЕНТ МЕХАНІЗМІВ ФОРМУВАННЯ ПРАВОВОЇ ДЕРЖАВИ

Анотація. Метою роботи є всебічне дослідження норми права як базового елемента механізмів формування правової держави, з'ясування її сутності, ознак і функцій, а також визначення її ролі у забезпеченні верховенства права, стабільності правопорядку та реалізації прав і свобод людини. **Методика** дослідження базується на застосуванні діалектичного, системного, формально-юридичного та порівняльно-правового методів, що дозволило комплексно розкрити сутність норми права, її ознаки та функції. Узагальнення наукових підходів забезпечило формування цілісного уявлення про роль норми права у механізмах становлення правової держави. Результати. У ході роботи з'ясовано, що норма права є базовим елементом правової системи, який забезпечує упорядкування суспільних відносин. Доведено, що її ознаки (загальнообов'язковість, формальна визначеність, неперсоніфікованість, системність) безпосередньо зумовлюють основні функції – регулятивну, охоронну, уніфікуючу, стабілізуючу, виховну, інтеграційну, моделюючу та організаційну. Встановлено, що ефективність дії норми права залежить не лише від державного примусу, а й від рівня правової культури та правосвідомості суспільства. Підкреслено, що норма права виступає ключовою ланкою між абстрактними цінностями права і конкретною поведінкою суб'єктів, забезпечуючи цілісність правового порядку та функціонування інститутів правової держави. **Висновки.** Зроблено висновок, що норма права – це не лише формально закріплене правило поведінки, а й своєрідний «код суспільного життя», що відображає баланс між правами та обов'язками, свободою та відповідальністю. Вона забезпечує упорядкованість соціальних відносин, створює умови для передбачуваності та стабільності, а водночас виступає провідником фундаментальних цінностей – справедливості, рівності та поваги до людської гідності. Її багатofункціональність дозволяє праву бути не просто системою норм, а живим механізмом, який інтегрує різні сфери суспільного життя в єдине ціле. Саме завдяки нормі права принцип верховенства права наповнюється реальним змістом, а правова держава отримує практичні інструменти свого утвердження.

Ключові слова: норма права, правова держава, верховенство права, функції норм права, правове регулювання, правосвідомість, правова культура, юридична відповідальність, механізм правової державності.

The article was submitted 13.11.2024

The article was revised 04.12.2024

The article was accepted 24.12.2024