потребують не тільки ґрунтовної нормативної організації поведінки, але і широкої сенсової орієнтації. Особистість прагне знайти певний сенс, тобто знайти всеохопну концепцію, яка дозволяє їй зрозуміти світ. Такі способи орієнтування у світі постають у формі релігійних чи інших світоглядних понятєвих схем. Усі загальні світогляди слугують не тільки для осягнення світу. Вони стають водночас орієнтирами, які керують нашими діями. Важливі ціннісні орієнтири містять передусім конституції держав, особливо та їх частина, де йдеться про основні права.

Виходячи з викладеного, постає питання: які методологічні і теоретичні положення західного вчення про нормативні сенси важливо використовувати у теорії і практиці теперішнього українського права з метою, щоб воно відповідало сучасним уявленням про природу права і його призначення в суспільстві? Це такі положення: невіддиференційованість права і нормативної етики, ціннісна природа права, ідея права як максима і регулятив, нормативна функція природного права, природні права як безпосередньо діюче право, плюралізм і ієрархія джерел права, нормативний і дескриптивний підходи до права, герменевтика як метод «наук про дух» і метод опису сенсу речей, формула contra legem, законне неправо і надзаконне право, феноменологічна редукція, ейдетичне право, пошук права.

Затвердження сенсових орієнтирів поведінки як нормативних передумов відповідає сучасній в епістемології вимозі цілісного способу розгляду усіх речей, включно і правових. За такого розгляду право у суспільстві не автономне і не самодостатнє (як у позитивізмі). Воно, як частка одного соціального цілого, має відображати суспільні духовні цінності, які надають значення і сенсу цьому суспільству.

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A PERSON'S AGE AS AN ANTHROPOLOGICAL FACTOR

Age is an important anthropological factor, which is necessary to consider in the lawmaking process. Each new generation reveals new opportunities for humankind. Human rights are natural belongings of every member of society from the time of birth. It could be said that respect for human rights starts from the attitude of the society to its children as well as to elderly citizens. Enforcement of children's rights is directly related to conscious, targeted state policy both on international and national levels as well as to activi-

ties of non-governmental civic organizations, which draw on recognition of inherent value of childhood.

Modern understanding of children's rights in compliance with the XXI century realia has to be the basis of juvenile state policy. States must not only take necessary measures to provide such protection, but they must also give it, using all necessary measures. For this purpose, first we have to establish clearly, who exactly is subject to such special kind of defense. In what kind of situations a child remains a child and is it possible that some events may come, except for a certain age, when he/she stops being a child? And on the contrary, what are the conditions when a person after reaching his/her lawful age remains a child? These issues could be solved in accordance with anthropological approach in science and in practical legal activities.

One of the important issues in the sphere of juvenile protection is the creation of appropriate legal basis, which is to be grounded on international principles and rules concerning the rights of a child. Unfortunately, nowadays there is no systematic legislation as to children protection issues, and in separate norms, a considerable part of provisions is of declarative character.

International law acts (Convention on the Rights of the Child, European Convention on the Legal Status of Children born out of Wedlock, European Convention on the Adoption of Children, European Convention on prohibition of children's labor and immediate actions as to its worst forms) embodied in themselves the most progressive principles of legal protection of children, which have been worked out for centuries.

Principles of legal protection of a child are indissolubly tied to the juvenile law principles, because they interact as a part and a whole. However, the problem of separation of juvenile law branch in the legal system of Ukraine remains discussive.

N. M. Krestovska considers juvenile law principles as legal regulation fundamentals, which are made in legal sense and formalized in international treaties ratified by Ukraine , they are aimed at social relations involving children, and also in legal behavior acts, connected with securing of survival, development and socialization of children [1, p. 214]..

Belorussian researcher O. M. Starovoitov emphasized the principle of inadmissibility of child's discrimination, the principle of serving the interests of a child, the principle of free expression of the child's own viewpoints, the principle of respect for child's entitlement to survival and healthy development, principle of special child protection. O. A. Laktunkina offered to separate general principles of a child's legal protection: the principle of special state protection of the rights of a child and the principle of publicity of a child's rights. N. M. Krestovska points out that juvenile justice of Ukraine is based on the following principles: priority of children's rights, principle of equality of children apart from any circumstances of their birth or actual state, principle of priority of family upbringing forms, principle of protectionism, principle of obligatory preparation for adult life, principle of respect and tolerance, principle of securing children's participation in social life, in

other words the principle of direct state wardship, positive discrimination principle (the principle of establishment of minimal age, for a child to be brought to justice), principle of encouragement of civil society organizations for actions on behalf of children [1].

As to the Convention on Children's rights one of the principles is the principle of the best enforcement of children's rights, which foresees the fact that in all actions concerning children, despite of the fact whether they are carried out by state or by private institutions, dealing with the issues of social welfare, courts, administrative or legislative bodies, serving a child's interest is mainly focused on.

Countries-participants are obliged to provide a child with such protection and care, which are necessary for its well-being, taking into account rights and duties of its parents, foster parents or other people who are responsible for it in conformity with the law and for that they take all necessary administrative and legal measures. Countries-participants provide that institutions, bodies and services responsible either for children care or for their protection pass the standards, which were established by competitive bodies, in particular in the sphere of safety and healthcare, and from the viewpoint of the number and availability of staff, as well as from the viewpoint of competent supervision.

Today issues, which are connected with aging, are one of the most actual branches of scientific research, which is closely related not only with the children's rights, but also with the rights of old people.

Vienna International Plan of Action on Aging approved by the United Nations General Assembly in 1982 (resolution 37/51) allots the following tasks:

a) to contribute to better understanding of the aging process on national and international levels as well as of its economic, social, cultural consequences for the processes of development;

b) to encourage understanding of human problems on national and international levels as well as the problems of development, which are connected with the process of aging;

c) to suggest and to stimulate policy and programs of practical character, aimed at guarantee of social and economic security of senior citizens and also at letting them take part in development and also make use of benefits, which they get as a result of development;

d) to assist the development of the corresponding branches of education, training of specialists and research in order to solve problems , connected with people's aging on Earth and to assist an international experience and knowledge exchange in this sphere [2].

Taking into account all the above mentioned we understand a combination of regulatory standards, aimed at balancing of citizen's state with other members of society when they grow old. It should be noted that medical science has not yet worked out the criteria of correct job standardization or

correct termination of work according to physiological state or biological activity of a person.

Research proves that the stage of aging (level of health accordingly), mostly depend on various social factors. Creation of social institutions aimed at the protection and guaranteeing of right's for people of different age is a top task for our society [3].

Such approach to the social protection of senior citizens is more human, and it is more corresponding to the requirements of anthropological expertise of legislation.

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ОВЧИННІКОВА АЛЬБІНА ПЕТРІВНА

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КАТЕГОРІАЛЬНИЙ СТАТУС ПРАВОВОЇ КУЛЬТУРИ І КУЛЬТУРИ ЛЕГАЛЬНОСТІ

Поняття «культура» зазвичай слугувало предметом жвавих наукових суперечок та дискусій; але після того, як воно з'явилося у соціоправових дослідженнях, це поняття спровокувало ще більш активну полеміку. Значення слова «культура» є різноманітним та внутрішньо нестабільним, воно розпливчасте, як з теоретичної, так і з практичної точки зору. Поєднання слів «правовий» та «культура» лише посилює протиріччя щодо їх змістовного наповнення. Складнощі виникають через змішування двох розумінь слова «культура». В одному з них його вживають для позначення сфери переконань та практик, які притаманні конкретній сукупності людей. Культура у другому розумінні має більш теоретичний характер, вона є абстрактною системою символів та змістів, що є продуктом та контекстом соціальної дії. У першому випадку термін «культура» позначає специфічні звичаї, погляди та