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META-ANTHROPOLOGICAL COGNIZATION «TRANSCEDENTAL EXCHANGE» IN LEGAL COMMUNICATION

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The problems of meta-anthropological consistency of «transcendental exchange» in legal communication are considered. Emphasis is placed on the results of activities, their driving force, which can be an equally powerful means of both constructive and correlative action. A summary of the meta-anthropological approach to methods of overcoming aggression, impatience, conflict expression is highlighted. Transcendental exchange is based on showing sincere interest in the fate of a person, restraining emotions in conflict communication.

It was established that the goal of the anthropological model of communicative interaction is equally extended to various spheres of activity: politics, economics, morality and law, etc. Its main functional role was noted: to ensure the effective interaction of legal subjects, their effective efforts to establish effective contacts that do not violate human rights and basic freedoms. The meta-anthropological interpretation of the exchange of opinions in legal communication is based on a complex socio-psycho-linguistic process. What actualizes the universalism of various models of social practices in communication. The concept of law as communication at the level of the sectoral legal goal of discourse is confirmed.

Keywords: meta-anthropological coherence; legal communication; communicative interpretation; interactions; behavior.

Formulation of the problem. The object of branch communication in the description of the idealized content, investigation, has so far been out of the attention of researchers, as well as practitioners. The traditional accentuation and interpretation of universal communication as communication greatly simplified the philosophical and legal approaches to legal evaluations of its foundations and the identification of the features of branch legal communication as socially significant. In today's crisis society, it is legal communication activity that is the main «lever» for the realization of legal rights and freedoms, ensuring the rule of law.

Research status. The fact is that, when communication acquires a legal character, it becomes the most powerful channel for the formation of legal culture, public opinion, and, accordingly, individual and social consciousness, and thus the direction of social processes. Therefore, the models of behavior and mentality programmed by legal communicative activity acquire, as a rule, the greatest effectiveness.

However, the results of such activities can be rather ambiguously directed: their driving force can be an equally powerful means of both constructive and correlative action. Therefore, there is a need for a modern design of the legislative provision of responsibility for violating the norms and principles of legal communication, for the negative consequences of communicative actions at the stage of interaction with legal subjects.

Outline of the main provisions. A comprehensive analysis of the organization and regulation of legal communication mechanisms in Ukraine provides grounds for systematizing the philosophical and legal foundations of its functioning, establishing ways of perspective development, as well as for determining its place and role in the normalization of public life in the state. The phenomenon of communicative action, legal discourse, formed on the basis of human and citizen rights and freedoms, their right to communication, can become an effective factor in breaking the stereotypes of authoritarian dictates in professional legal activity.

According to the communicative interpretation, law is not only a form of authoritative regulation of social relations, but, first of all, a guarantee of the inviolability of that «natural» range of the subject's freedom of existence, the encroachment of which should entail corresponding social and state-sanctioned opposition.

The role of legal communication increases in times of crisis. They arise precisely because the participants in social relations ignore the norms and principles of legal communication.

What are the main messages for the normalization of relations? Law becomes the heart of social relations; power (public) is responsible for the law; the most important criterion of law is human rights and democracy.

Metaanthropological intentions are successfully implemented by means of communication in a democratic state.

A democratic state, like any other, can only guarantee human rights, while guaranteeing itself is a matter for legal citizens themselves. Therefore, it becomes obvious that the legal culture in society is the fundamental defining basis of every state and its citizens.

The unsurpassed philosopher of the 19th century. P. Yurkevich expressed his convincing idea, to which the interest of researchers has not yet matured. And it, in our opinion, both simplifies and, at the same time, conceptualizes approaches to the practical solution of modern crisis domestic problems. «Already or many things can be imposed on a person from the outside; only the course of proof, if it is worth something, cannot be imposed from the outside, it must be an internal action» [9, p. 695].

Further, the philosopher in his «First Notebook» of the «Philosophical Diary» expresses the reasoning by which, in our opinion, metacommunicative human thinking should be praxeologized. For P. Yurkevich, it has the following solution: «How to reconcile individual development with universal development, especially with the general nature of our thinking?». Answering this question, the researcher states: «A person must be a person; a certain personality that does not dissolve in the general, and at the same time it must remain a person – this means to reveal in oneself, in one's individuality, the universal human nature» [9, p. 695].

And the meta-anthropological basis is an inevitable component of every legal interaction. On the basis of this principle, law-making activity should be considered, first of all, as the development of such a system of normative regulations that would ensure the full-scale realization of the constitutional rights and freedoms of some subjects (physical or legal) without «cutting» similar guarantees of the main Law in relation to others. The thus created «legal balance» in society is the communicative and philosophical content of social justice, equality, a free «intelligent, social and cultural being» [3, p. 207].

In O. Goefe, the idea of «transcendental exchange» is based on an objective assessment of human interaction. Unanimity of views is almost problematic. Because «Our common interests are diverse, especially in a pluralistic society where unanimity can be achieved through bigotry and collective delusion. Hoefe calls «only the interests of the highest level: conditions for the ability to act, «conditions of agency»

to be real and shared everywhere». However, when unanimity is not particularly taken care of or some of the transcendental interests are taken care of in such a way that joint public responsibility is not formed differently if the «transcendental interests» are realized «through interaction with one's own kind». During interaction, which cannot be done without, during immanent or innate interaction, everyone must agree» [3, p. 207]. According to O. Goefe's definition, the relevant interests are called human rights.

In such an interaction, the interdependence of law and human communication is observed: in the bowels of the latter, the natural (social-ontological) foundations of law as such (even not yet embodied in a positive legal norm) are objectively formed; being «extracted» from this social-communicative context, it, to the extent of its legitimation, acquires the force of a law intended for the normative regulation of social relations in general and communicative relations in particular. Therefore, human interests are segmented by mutual relations, not always balanced. There is a need to institutionalize a special field of law, namely, communicative law, which covers not only extra-legal relations, but also its own legal communication.

The concept of sectoral communicative action, represented by the right to communication, consists in the meta-anthropological creation of a system of legal norms that regulate the transcendental exchange in the process of interaction and the behavior of the subjects of communicative acts in the process of forced human interaction. The basis of law is the communicative rights and obligations of the participants in the communicative process, formed taking into account the individual's right to freedom of speech, the right to information, to freedom of expression, as well as the system of legal norms that provide for the limits of legal regulation of human relationships, taking into account the sovereign right of an individual and its autonomy. A sign of the universality of the effect of branch communication (in law enforcement) is its spread to all, without exception, types of law. The norms of communication in all branches of law are based on classical norms that determine the structure of the transcendental exchange of communicators in the field of legal relations and their responsibility for the consequences of communicative acts. Legal communication is based on its principles that balance meta-anthropological relations: it is the sovereignty of the individual; equality of interaction; consensuality

Professional and communicative activity in the field of law enforcement, which is analyzed at the intersection of many sciences, forms a separate subject area that investigates highly specialized acts of legal communication, conditioned both by the needs of observing human rights and freedoms, and by guarantees of the safety and security of lawyers. Since law is a specific type of social-normative regulation, a way of building and organizing meta-anthropological interaction, a means of determining mass human behavior acting through certain mechanisms, the communicative act, legal discourse is the most universal meta-means of legal normalization of escalating relationships.

The analysis of problems and errors, for example, at the stage of the investigation proves that a significant part of the difficulties encountered by inquirers, investigators, and prosecutors when solving issues of qualification of crimes, detection, correction and prevention of errors in the pre-trial investigation are caused by errors in communicative interaction with subjects and objects of the law, as well as shortcomings of the current legislation, the lack of explanations regarding the detection, correction and prevention of communication errors in the qualification of crimes. In fact, the entire process of «pre-trial investigation is based on the main means of this criminal procedural activity – the legal communication of the investigator on the criminal case initiated and accepted by him for his proceedings, the content of which consists in collecting, researching, checking, evaluating and using evidence, establishing the objective truth, the conduct of investigative and other procedural actions and the independent application of legal norms for the purpose of protecting the rights and legitimate interests of people, individuals and legal entities, creating conditions for the administration of fair justice».

A mistake, a mistake in communication is an incorrectness, inaccuracy in deeds, actions; incorrectness of the result of any actions; a false idea about something that interferes with the adequacy of understanding, memorization, perception and reproduction of information.

Communicative shortcomings allowed by investigators during pre-trial investigation when applying criminal or criminal procedural legislation, deviation or incorrect application of forensic

recommendations, which were the result of «honest mistake» and led to negative consequences, confirm the conscious and unconscious disregard of the norms and principles of legal communication, which lead a person to the way he needs to achieve agreement, understanding.

The identified signs of investigative errors make it possible to distinguish them (errors) from other shortcomings in the investigation (negligence, corruption offenses, crimes against justice). The main criterion in this process is the internal attitude of the investigator to his actions and their consequences. It is possible to talk about the wrongness of the investigator's actions only when they were the result of «honest mistake».

Compliance with the norms of communicative activity should be included in the practice of lawyers and be carried out in accordance with the principles of the right to communication, deontological norms that ensure the operation of the principle of the rule of law: «the constitutional rights and freedoms of a person and a citizen cannot be limited» (Article 64 of the Criminal Code) and «every is obliged to strictly adhere to the Constitution of Ukraine and the laws of Ukraine, not to encroach on the rights and freedoms, honor and dignity of other people» (Article 68 of the Criminal Code; Articles 19, 28 of the Universal Declaration of Human Rights). These norms oblige a lawyer to express respect for the thoughts and words of a person, which are a manifestation of his rights and freedoms, honor and dignity, and not to limit the ways of expressing the freedom of speech of citizens. The meta-anthropological approach is reduced to methods of overcoming aggression, impatience, and conflictual expression. Instead, transcendental exchange is based on showing sincere interest in a person's fate, restraining emotions in conflict communication; show surprise at voicing incomprehensible places of discourse, try to understand what was said in the person's interpretation, observing the interlocutor's non-verbal information, correlating it with what was said. Legitimization of responsibility for communication, which (according to Y. Habermas) would prevent the mechanisms of creating such an interaction that destroys the rule of law, is of particular importance.

Conclusions. The ability of law enforcement agencies to provide efficient, effective human rights services lies in the ability to find ways to resolve specific conflicts and problems of protecting citizens. For this purpose, a significant preventive role is played by the practice of penetrating the meta-anthropological essence of developing communication skills with the population, the ability to build relationships during potential conflicts, misunderstandings during interrogation, control of public security, detaining persons for search, etc. Check criminal cases, give instructions to the investigator about the conduct of the pre-trial investigation, about being brought as an accused, about the qualification of the crime and the scope of the accusation, knowing the deep psycholinguistic processes of transcendental interaction.

At the pre-trial investigation, the person in whose proceedings a criminal case is pending has the greatest opportunity to identify and correct errors in the classification of crimes (in particular, at the metatext level). At this stage of the criminal process, there are no procedural barriers to identifying and correcting such errors.

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МЕТААНТРОПОЛОГІЧНА УЗГОДЖЕНІСТЬ «ТРАНСЦЕДЕНТАЛЬНОГО ОБМІНУ» У ПРАВОВІЙ КОМУНІКАЦІЇ

Розглянуті проблеми метаантропологічної узгодженості «трансцедентального обміну» у правовій комунікації. Наголошується на результатах діяльності, їх рушійній силі, яка здатна бути однаково потужним засобом як конструктивної, так і корелюючої дії. Виокремлюється зведення метаантропологічного підходу до способів подолання вияву агресії, нетерпіння, конфліктного висловлювання. Трансцедентальний обмін вибудовується на виявленні щирої зацікавленості долею особи, стримуванні емоцій у конфліктному спілкуванні.

Констатовано, що метаантропологічні моделі комунікативної взаємодії однаково поширюються на різні сфери діяльності: політику, економіку, мораль і право та ін. Зауважено її основну функціональну роль: забезпечити ефективну взаємодію суб'єктів права, їх результативне намагання встановити дієві контакти, що не порушують прав людини і її основних свобод. Метаантропологічне трактування обміну думками у правовій комунікації ґрунтується на складній соціопсихолінгвоментальній моводії, що актуалізує універсалізм різних моделей соціальних практик у комунікації. Підтверджується концепція права як комунікації на рівні галузевого юридичного метадискурсу.

Ключові слова: метаантропологічна узгодженість; правова комунікація; комунікативна інтерпретація; інтеракції; поведінка.