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EXISTENTIAL RIGHTS, FREEDOMS AND HUMAN EXISTENCE AS LEGAL CATEGORIES

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The article is devoted to the rethinking and conceptualization of a number of concepts: “essential human rights”, ‘human freedom and liberties’, ‘human existence’ as key categories in the context of rapid civilizational transformations. By distinguishing and studying the interrelationship of these concepts, the article aims at substantiating their role as the backbone elements of legal doctrine. The author analyzes the ontological foundations of existential rights, emphasizing their inalienability which stems from the very nature of human existence. Freedom is realized as a primary existential and legal category necessary for the self-realization of the individual. The author analyzes that existence is a specific, spatially and temporally localized manifestation of being, which refers to the actual presence of objects. The author examines the interdependence and modern distinction between the terms “existential human rights”, “existential human rights” and “existential human rights”, proving that existential rights are the most comprehensive concept that includes both existential and existential aspects necessary for a full life in society. The author emphasizes the critical need for a qualitative expansion of the content of basic human rights in the light of modern technological challenges. It is emphasized that law should be ahead of scientific and technological progress, establishing a framework that will prevent abuse and protect human existence in its deepest sense. The author substantiates that freedoms are the primary conditions for the synthesis of the new, forming a space for spiritual and material culture, and are a unique tool for future legal consciousness. The theoretical methods used in the study include analysis: decomposition of complex concepts into their constituent elements for further study; synthesis: combining the studied elements into a single holistic concept; abstraction; generalization; instruction and deduction; modeling; logical and systematic approach. The results of the study allow deepening theoretical knowledge in the field of human rights and laying a solid methodological foundation for the development of effective legal mechanisms that will guarantee free human existence in the future.

Keywords: existential human rights, human freedoms, human existence, biotechnology, artificial intelligence, fundamental human rights.

Formulation of the problem. In the context of rapid civilizational transformations, characterized not only by technical breakthroughs (development of artificial intelligence, biotechnology) but also by deepening crises (armed conflicts, environmental challenges, pandemics, growing social inequality), the

fundamental understanding of the essence of a person and his or her place in the legal system requires a significant rethink. Traditional concepts are not sufficiently adapted to new realities. Human existence is becoming an object of threats and manipulations. There is a need for a deep philosophical and legal understanding to prevent dehumanization and instrumentalization of the individual. The content of basic human rights is evolving, and the lack of clarity in the understanding of freedom complicates their effective enforcement. The inconsistency of established legal definitions with new ones causes “gaps” in legal protection. In the context of a globalized world and total digitalization, there is a risk of turning a person into an object of data collection, an instrument of economic processes or an object of biotechnological manipulation. This actualizes the need for a theoretical justification of human existence as a valuable legal category in its own right, which cannot be reduced to functional value or biological material. It also creates the need to study the content of human freedom. After all, the existing theoretical and legal framework does not always keep pace with the dynamics of social relations generated by technological development.

Analysis of the study of the problem. Human rights, in terms of their content, content and purpose, are essentially existential, because they ensure the very existence of a person as a biosocial being. The first to define them as such, to provide a comprehensive, I would even say “living” interpretation, to fill them with relevant content, in particular in Ukraine, belongs to a great man, a legal titan – Professor Petro Moiseevich Rabinovych [1].

The problem of understanding freedom in classical times was addressed by many famous thinkers. For example, John Locke considered freedom to be a fundamental natural right of a person, the basis of the legal and social system, and emphasized its connection with choice [2]. Thomas Hobbes viewed freedom as the absence of external constraints, often in the context of the state of nature and the social contract [3]. Baruch Spinoza proposed the idea of freedom as a conscious necessity, where true freedom lies in the knowledge and acceptance of the laws of nature [4]. Charles Montesquieu studied political freedom, linking it to the separation of powers and the rule of law [5]. Jean-Jacques Rousseau developed the concept of freedom in the context of the social contract and the “general will” [6]. Immanuel Kant is a central figure in the philosophy of freedom. He distinguished between positive (autonomy, the ability to act in accordance with the moral law) and negative (absence of external coercion) freedom. For Kant, law is a condition for the coexistence of the freedom of some with the freedom of others [7]. Georg Wilhelm Friedrich Hegel viewed law as a form of being and expression of freedom that develops from abstract law to morality and ethics [8].

In modern and contemporary times, the issues of freedom have been considered by a number of the above-mentioned researchers. Young scholars K. M. Siliuchenko, A. A. Marchenko, V. M. Siliuchenko are actively researching the axiology of law and the value of freedom [9]. American Ronald Dworkin studied freedom, individual rights and equality, as well as their relationship with judicial interpretation [10]. Friedrich Hayek is a prominent representative of libertarian theory, who emphasized negative freedom (freedom from coercion) and its connection with the rule of law [11]. Another representative of the libertarian theory, Robert Nozick, defended the minimal state and individual rights, including freedom [12]. A significant contribution to the development of the concept of freedom, human rights, and the rule of law was made by Ukrainian theorist Mykola Kozyubra [13]. The study of the dimensions of freedom as its triadic relationship belongs to Felix Oppenheim [14]. Søren Kierkegaard deeply studied the problem of choice and responsibility as key aspects of freedom [15]. Erich Frome analyzed freedom from a psychological and social point of view, in particular, the “escape from freedom” [16]. John Rawls authored the theory of justice, where freedom and equality are the basic principles of a just society [17]. The concept of freedom is an eternal topic for philosophical and legal reflection, and each of these thinkers considered it from his or her own unique angle.

The purpose of the article is to provide a deep philosophical and legal understanding and conceptualization of the concepts of “existential rights”, “freedoms”, “liberty”, “freedom”, “human

existence” through the prism of their content and role in order to create a holistic theoretical and legal framework for further development of human rights which would reflect their existential needs and ensure effective protection of their existence in a globalized and technologically advanced world. Analyze freedom not only as the absence of external obstacles, but as a primary condition for self-realization of the individual and an integral element of human existence, which is reflected in the human rights system. To consider human existence (in its integrity: biological, social, spiritual) and to comprehend it as an independent legal category. To clearly distinguish between the concepts of “existential rights”, “human freedoms”, “freedom” and “existence” as interrelated legal categories, demonstrating their synergy in ensuring a decent human life in the complex conditions of rapid technological development. To develop a theoretical and legal basis for the formation of legislative policy, law enforcement practice and international protection of human rights, especially in the context of modern challenges (development of AI and biotechnology).

Presenting main material. The modern world is being transformed in an unprecedented way due to the development of artificial intelligence and biotechnology. These are innovations that promise new horizons for humanity, while at the same time raising fundamental questions about the understanding of life, freedom, and human existence. Rethinking these categories is becoming not just an academic exercise, but an urgent need to preserve the human and humanistic principles.

All societies of the modern world use the term “human rights”. A correct understanding of human rights, namely the content of their nature and scope, has a significant impact on the formation of a worldview. And it determines the affirmation of man on Earth, his guiding force and vitality. Awareness of the social value of human rights is a simple, minimum necessary thing that forms a harmonious and balanced society, civil society and the rule of law.

Human life in society is simply impossible without a number of basic rights. It was these rights that were singled out and so named by Petro Moiseevich among a wide range of human rights [18, p. 30]. Previously, scientists often called them fundamental, basic, fundamental, and philosophers – natural. It seems fundamentally important to state that the use of the term “existential rights” enriches not only the Ukrainian language, but also the entire scientific world with the immanent need to search for their scope and time-varying content, context, and content, since humanity is characterized by progress and development. The concept of “proper human existence” is a category that changes over time. The very “proper” existence is determined by society, based on the conditions of human existence on the planet, in a particular state, and as time shows, the spectrum of opportunities for a person in some areas is expanding, in others – narrowing at each turn of the spiral of human progressive development, which is also governed by certain laws, often not perceived by human consciousness.

Human needs are formed depending on the environment in which they find themselves. “Normalcy of the environment” is a time-varying category, but at the same time it is also eternal (as a social value), because it will always be understood by everyone, forming the limits of permission, ways of realizing and using rights at every stage of society’s development. Human biological and social needs are an eternal subject of research for all time [19; 20, p. 199]. Human needs will always be variable in accordance with historical (time) periods and the social and natural development of mankind. And the scope of human capabilities will always be determined by the capabilities of humanity and the level of its development: economic, technological, etc.

Another important property of existential rights is that they must be equal. These are certain starting points, “yardsticks” for all people.

This is why such opportunities acquire legal features (from the words “right”, “fair”, “lawful”). Being rights can never be taken away or alienated by anyone. In order for such human opportunities to be real, there is a duty of other subjects to realize them, to implement them, to remove obstacles or to formulate prohibitions in law to do so. Otherwise, they will become null and void. Fundamental human rights and freedoms are impossible without the obligations of other participants in public life. Such duties are a necessity, a social and natural law.

The identified aspects of freedom create a very large space for further research, so I also joined this process. Freedoms are a certain nature of being inherent in society as a collective entity and its respective individual subjects without the obligations of any other entities. The ability to act at one's own discretion without external interference (as long as it does not harm others, i. e. "freedom from"). Only if there is harm does the state have a duty to protect the rights of other subjects, due to the existence of their respective rights. Freedoms are the natural will, the "matter" that can only exist in the consciousness of the respective subject of being and not be manifested in any way, i. e. "freedom to". It is freedom to freedoms that are objectified, defined, or otherwise manifested by humanity. The most expressive manifestation of the internal contradiction is that the "freedom to" will remain at the level of potential, thought, dream, and will not transform into any form of actual existence due to internal human barriers (fear, lack of will, human stereotypes, imperfection, lack of a clear understanding of desires) and external circumstances that are somewhat "higher" than a person – repressive regimes, economic dependence, limited resources (internal or external), a state of war, social injustice, etc. This is the most acute paradox. "Freedom to" is a space of possibilities. Intention is an inner force, a "fire" that activates action.

Freedom is the ability to choose between different options for realization, i. e. "freedom for". It is a condition for human autonomy and future responsibility. Freedoms objectified in law should not be confused with human intentions. Although intentions are the driving force for action, freedoms are spaces for the realization of intentions. Recognizing the difference helps to understand the nature of human actions and responsibilities. Intention is an internal state. Freedoms are spaces for action, opportunities to realize an intention. It means that a person has a choice and no external obstacles, no coercion. The freedom to realize an intention may be limited. For example, a person may have a strong intention to fly to Mars, but he or she does not have the freedom to do so (currently, there are no technological capabilities, resources, etc.). However, everyone can have the freedom to go on vacation (if they have the time and money). This is about having a choice and not being subject to external obstacles and coercion.

The concepts of "freedom" and "intention" are interdependent. Intentions require freedom to be realized. For an intention to become an action, a person needs a certain degree of freedom. If he or she does not have freedom of action, the intention will remain unrealized. Freedom without intention can be aimless, "latent". Having complete freedom, a person without intentions may not know what to do with this freedom. So, intentions provide direction and purpose for the use of freedom. Figuratively speaking, an intention is an imaginary car, and freedom is the road on which the car can move. The road does not emerge from either the imaginary or the real car. A person can imagine it in great detail: what color it is, where he or she will drive it, what he or she will do. But this is not yet reality. It is a potential that exists in thoughts, dreams, and is waiting to be realized. But without a road, even a real car cannot reach its destination. It is the physical space and conditions that allow a real car to move.

Freedom as a category of law is a form of self-determination of the subjects of law to choose their life goals and means of achieving them [21, p. 49]. Berlin I. sees two kinds (types) of freedom: a) hateful freedom, as an emphasis on the absence of interference from other people; b) positive freedom, as the ability of a person to decide how to act independently [22, p. 59]. V. V. Kozhan distinguishes between the right to freedom and the right to personal integrity. He emphasizes their synergy and says that they enshrine different aspects of freedom [23, p. 171]. Therefore, the following aspects of freedom in the philosophical sense follow: the right to freedom is a positive aspect, and the right to personal inviolability is a negative aspect.

"Being human rights" – the term coined by P. M. Rabinovich [18] has a special 'shade', 'shine' compared to the term 'fundamental'. This is a hint of the eternity of human life, something that will always contribute to its existence, both in general and in its individual communities, and will be the "cross" of the fate of an individual. They are the basis of human expectations of truth and justice.

Fundamental human rights exist independently of the will of the state and its laws. However, states are forced to recognize them and form the relevant law, "bowing" to their power, which is filled with life and their affirmation, and which is an element of all living things, carrying the social life-giving spark.

Existential rights, freedoms and human existence as legal categories

P. M. Rabinovich emphasized that any human activity is a process of satisfaction of its numerous and diverse needs [24, p. 17].

Being rights are about “to be or not to be” in which there is no third option.

Rabinovich's definition of existential rights has become a classic. “Fundamental rights and freedoms are certain human capabilities that are necessary to meet the biological and social needs of their existence and development in specific historical conditions, objectified by the achieved level of development of society and ensured by the duties of other subjects” [24, p. 17].

P. M. Rabinovich briefly provides the following statement: “any human right is the right to satisfy certain needs” [24, p. 19; 22].

The universality of this statement lies in the fact that the need-based interpretation of existential rights is humanistic, human. Conscious needs are not peculiar to any other creature, but are inherent exclusively to humans, both individuals and their groups, and to humanity as a whole. At the same time, this is about the need for positivist fixation, objectification in written law of the “humane” norms of civilized society, which would guarantee the initial equality of people for the possibility of life, for the nurturing of this value phenomenon, out of respect for it, its unanimous recognition and elevation as a universal quintessence. Human existence is the “dark energy” that has not been fully understood by the society, which humanity will be unraveling and studying throughout its existence. This is the fundamental interaction of all living and nonliving things, among all types of interactions in the phenomena of both the natural and social world (space), and the all-encompassing human nature that now objectively exists on a cosmic scale.

No one denies the diversity of needs and the complexity of their satisfaction, but there are those without which human life is impossible. That is why they are considered basic, platform, and fundamental.

The existential human rights are characterized by qualitative and quantitative indicators, because these rights are a relevant social phenomenon. And where there is a phenomenon, there is a manifestation of change, a certain “amorphousness” and “flow”. This phenomenon is inherently natural, caused by the laws of social nature, conditioned by them and bearing their studied features.

Modern human rights theory increasingly affirms the concept that human rights are interpreted primarily as a system of guaranteed opportunities (powers). This approach has become dominant and has gained almost global acceptance in legal discourse.

The most fragile material in the world is human life. Every day it is formed and every day it crumbles into fragments that will never be repeated again. It is unique, like every moment, unlike the previous one. Each of us will not have another time; all the opportunities we have arise in relation to a specific time period, an era. The eternity of humanity on planet Earth is an unproven category, and it is even quite doubtful, given the current nuclear arms race, the creation of space laser weapons, the rapid development of other new technologies, including the unbridled human desire to create intelligent machines, and the ongoing wars.

Rabinovich describes basic human rights as an “eternal”, in a way “sacred”, high and binding category for states, which allows to seek and find answers to all questions that arise or may arise in connection with them.

P. M. Rabinovich has been searching for a definition of this category of rights for a long time. When I was a student, in his lectures, he put the term existential rights on a par with the term existential, existential rights (from my own notes on his 1992 lectures). In 2021, in the aforementioned textbook, as well as in his last lectures [25], we find his emphasis on this name. This is logically proven. After all, the terms “existence” and “being” have different meanings in philosophy, although they are often used interchangeably.

Existence usually refers to the fact that something exists in reality. It describes that something is there, regardless of its nature or characteristics. For example, when we talk about the existence of an object, we mean that this object is actually present in the world.

Being, on the other hand, is a broader and deeper concept. It encompasses not only the fact of existence, but also the nature, essence, and mode of existence. Being includes all aspects of reality, both tangible and intangible. In philosophy, being is often seen as a basic category that describes everything that exists, including ideas, thoughts, processes, and phenomena. Being encompasses both the material and the

ideal, the past, the present, and the future (a universal category). It is characterized by volume, the broadest category. Being is an abstract concept – it has no specific features or limitations. Moreover, it is primary – a prerequisite for everything else.

Thus, existence can be seen as a part of being, but not vice versa. Being is a more fundamental and comprehensive concept that includes existence as one of its aspects. Existence is a more specific and limited category than being. It often means real, actual, empirically accessible, or spatially and temporally localized being. Existence refers to what is actually there, what has a certain presence or can be experienced. From such visions come the characteristics of existence: concreteness (it can be associated with a certain form, place, time), actuality (it concerns what is “here and now” or “was/will be” as a real fact), and limitation (existence is one of the manifestations of being, it does not exhaust it).

We can say that existence is a concrete manifestation of being. Existence is a special case of being. It is like an “apple” is a part of a “fruit”. Every apple is a fruit, but not every fruit is an apple. Similarly, everything that exists is part of being, but not all being necessarily “exists” in the same sense.

Existentialism gives the category of existence a special meaning, in particular when it comes to human existence (Heidegger’s *Dasein* [26]), emphasizing its uniqueness, freedom, and responsibility. They view existence as a category that precedes essence, i. e., a person first exists and then determines his or her essence through his or her actions and choices. Heidegger used the term *dasein*, which means “being-here”, “being-about”, and defines it as human, as its corresponding way. The essence of uniqueness lies in the human being’s awareness of his or her own being and its human finitude. The existence of a person precedes his or her essence. Thus, other things simply exist as objects, while man raises the question of his being. Existentialists emphasize the radical freedom of man, which entails a huge responsibility. The choice is not justified by anything and is not based on anything. According to Heidegger, man first exists and then creates himself through his own choices. A person is the basis to which “everything gathers” [27, c. 134]. This is what makes his existence unique. A person has a special status within existence. A human being exists in a unique way, is self-determined, is aware of his or her existence, freedom and responsibility. The essence of man is formed in his existence.

Existentialism rethinks the place and role of a person in existence in the course of existence, which gives him or her essence.

In order to understand the interdependence and modern conscious theoretical and legal distinction between the concepts of “existential human rights”, “existential human rights” and “existential human rights”, let us consider and define each of these terms.

Research shows that these three terms have similar but somewhat different meanings, reflecting different aspects of human rights. Thus, existential human rights – this term usually refers to the rights that provide basic conditions for human existence as a person. They include the right to life, liberty, and security of person, as well as rights that ensure human dignity and self-realization. Existent human rights (modern literal understanding) – the term covers the rights that are necessary for the physical and biological existence of a person. They include the right to life, health, housing, food and other basic needs. Fundamental human rights is a term often used as a synonym for basic or fundamental human rights. They include the rights without which normal human existence in society is impossible, such as the right to life, liberty, security of person, freedom of thought and conscience.

Of these three terms, existential human rights are the most inclusive, as they include both existential and existential rights, as well as other fundamental rights necessary for a person to live fully in society.

“To be or not to be” is the initial statement of the famous monologue of the protagonist of Shakespeare’s play *Hamlet* (Act III, Scene 1) [28, p. 465–466]. In the future, to paraphrase, what is more noble? To exist or to be? What is the reason for hesitation? And what is the impetus for action? The fact is that human life is action. Existence “loses the color of life”. Human intentions are also born through action – the corresponding mental activity. All that a person has is a process that does not stop, flows, transforms, and simply exists at any given moment in time, as long as he or she is alive as a biosocial being.

Each person, having come into this world, wants to live, be active and responsible, acquires his or her own status (a set of rights and responsibilities), and this is helped only by the bright or not so bright colors of our imagination, which “lose color” when they acquire negative features and “brighten” when the intentions are high, universal and embodied in active behavior, the actions of the subject.

A person can, to a certain extent, alienate himself from himself, from society, from history, but his existential rights are inalienable. The problems of human existence have always been and will be complex and require scientific understanding. Scientific consideration will be given to certain aspects of the portrayal of human existence, or even to the features of existential thinking of a particular person or researcher. Such subjects of research will always shape the existential problems of a society of a particular time, level of development, and will actually objectify its degree and state.

Human existence is a constantly “slipping away” category that seeks to overcome its own limitations (cloning, human enhancement through implanted neurointerfaces, etc.). The question often arises: “How to build a life to fulfill oneself as a human being?”, ‘What is the meaning of life?’, ‘What are the spiritual properties of a person?’. All these questions will always be a relevant and complex subject of scientific research for every human rights researcher.

P. M. Rabinovich has determined that the differences between the concepts of human rights and freedoms are not fully clarified at the general theoretical level, and are often identified [25, p. 18]. In my opinion, freedom is a condition of rights and the source that serves as the basis for their emergence. The moral aspirations of the spirit are born out of human freedom. This is the coordinate system in which any possibility can be set. It is in such conditions that human rights are synthesized and asserted as a special kind of cognition of the human being. Freedom shapes the culture of thinking. It is a human skill that depends on a person’s choice and will, his or her social development, and the “core of his or her spirit”, the will.

The traditional understanding of human existence was formed over centuries and was based on certain axiomatic truths: the uniqueness of consciousness, the uniqueness of the individual, biological integrity and value, the ability to choose and take responsibility. The architecture of human existence was built on these and similar principles. Today, artificial intelligence and biotechnology are challenging this paradigm. Possibilities of human genetic modification, reproductive technologies, cloning, creation of hybrid organisms (chimeras), implanted or external “human” neural interfaces and biological tissues for humanoid androids, and other new technologies blur the boundaries between natural and artificial, biological and technological. The right to life, the right to individuality, and one’s own genetic identity are taking on a new and complex dimension. Does a person have the right to change his or her own genome? What are the consequences for future generations? Can a creature created or significantly modified by biotechnology be considered a human being? These questions require deep ethical and legal reflection and the willingness of humanity to take a step or refrain from doing so.

Clearly, existential rights in the light of technology should be expanded qualitatively. The right to life may now include the right to a “quality” life, potentially improved by biotechnological intervention. And the right to personal integrity extends to biometric data and digital identity. The right to dignity can be called into question if a person is perceived as a mere data set or biological object to be optimized. Understanding all these challenges requires the development of a new paradigm that takes into account progress while protecting fundamental values. Effective mechanisms for international and national regulation of AI and biotechnology need to be established, based on the principle of expediency and fairness. The law should not lag behind scientific and technological progress, but should be ahead of it, establishing a framework that will prevent abuses and protect human existence in its deepest sense. It encourages a dialogue on what it means to be human in the modern era to ensure a humane future in a technologically advanced world.

Intellectual freedom and intellectual independence are the primary conditions for the creation and synthesis of the new. A person is not a tool of an alien mind, but rather of his or her own mind, which can be developed and acquired as an important life wisdom.

The rapidly changing world requires non-standard, creative solutions. They can emerge only under one condition: freedom. That is, in the context of human rights, freedoms appear as certain layers, a kind of

“quantum void” that a person in a particular period of society’s development will notice and make rights. This is the elusive and objectively existing “catching” of which humanity will receive a reliable tool for the realization and exercise of its essential right.

Human needs and views do not arise on their own; they are social in genesis. They are formed, emerged, generated. They synthesize a new reality and the possibility of realization, which is asserted by the relevant subjects in legal relations between them. Without respect for freedom, even a person to a person is, if not a prison, then a cornerstone of new problems. Freedom is a space for spiritual and material culture. And freedoms are the products of this space, often not yet realized by a person and not distinguished by him or her, by his or her consciousness. Freedoms are a unique tool for shaping the future legal consciousness. The purpose of positive law is not the construction of laws, but their transformation into real rules of common social interdependencies of society members, for the sake of their coexistence (not to be confused with coexistence). Humanity is constantly searching for “economic recipes” instead of searching for the content of its own human nature, which is in the hands of the individual, his or her own will and the possibility of at least a reasonable, if not wise, choice. Legal (positive) law is not enough to build a state governed by the rule of law. Equally important is a person’s conscious understanding of his or her nature and choices. Under such conditions, basic human rights will not only be a positivist constant of human life, but will also emphasize its beauty and the value of life-giving progress of mankind, which is especially important for a person.

Conclusions. Thus, in the theoretical and legal sense, the existential rights and freedoms of a person are two interrelated but different categories relating to the legal status of an individual. Their difference lies in the emphasis on content, although they often overlap in practical application. Human existence exists in two contexts – the literal sense of existence as a form of nature and the content-filled existence of the intellectual and emotional building blocks of nature of their choices and capabilities, which are constantly changing throughout their lives in physical or digital form.

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БУТТЄВІ ПРАВА, СВОБОДИ ТА ІСНУВАННЯ ЛЮДИНИ ЯК ПРАВОВІ КАТЕГОРІЇ

Стаття присвячена переосмисленню та концептуалізації низки понять: “буттєві права людини”, “свобода та свободи людини”, “існування людини” як ключових категорій в умовах стрімких цивілізаційних трансформацій. Шляхом розмежування та вивчення взаємозв’язку цих понять стаття має на меті обґрунтувати їхню роль як системоутворювальних елементів правової доктрини. Розглядаються онтологічні засади буттєвих прав, підкреслюючи їхню невід’ємність, яка походить із самої природи людського існування. Свобода реалізується як першочергова екзистенційна та правова категорія, необхідна для самореалізації особистості. Аналізується, що існування є конкретною, просторово- та часолокалізованою маніфестацією буття, що стосується фактичної присутності об’єктів. Досліджується взаємозалежність та сучасне розмежування термінів “екзистенційні права людини”, “існувальні права людини” та “буттєві права людини”, обґрунтовуючи, що буттєві права є найбільш всеосяжним поняттям, яке охолює як екзистенційні, так і існувальні аспекти, необхідні для повноцінного життя у суспільстві. Підкреслюється критична необхідність якісного розширення змісту буттєвих прав людини у світлі сучасних технологічних викликів. Наголошується на тому, що право повинно випереджати науково-технічний прогрес, встановлюючи межі, що запобігатимуть зловживанням та захищатимуть буття людини в його найглибиннішому сенсі. Обґрунтовується, що свободи є первинними умовами для синтезу нового, формуючи простір для духовної та матеріальної культури, та є унікальним інструментарієм для майбутньої правосвідомості. Використано такі теоретичні методи, як аналіз: розкладання складних понять на складові елементи для їх наступного вивчення; синтез: об’єднання досліджених елементів у єдину цілісну концепцію; абстрагування; узагальнення; інструкція та дедукція; моделювання; логічний та системний підхід. Результати дослідження дають змогу поглибити теоретичні знання у сфері прав людини та закласти міцну методологічну основу для розробки ефективних правових механізмів, що гарантуватимуть вільне буття людини у майбутньому.

Ключові слова: буттєві права людини, свободи людини, існування людини, біотехнології, штучний інтелект, фундаментальні права людини.