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PHILOSOPHICAL AND LEGAL SUBSTITUTION OF ORGANIC LAWS OF SOCIETY

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The article is devoted to the philosophical and legal justification of the organic laws of society and their significance for the stability of the social organism and the realization of human rights and freedoms.

Organic laws are considered fundamental principles that determine the internal integrity of society, ensure harmony between individual autonomy and collective interests, and serve as a criterion for the legitimacy and effectiveness of positive law. Organic interests are not the product of political will or coercion, but are an integral part of political will or coercion, as well as the declaration of several internal and external guarantees for the establishment of stable social goals.

The article also analyzes in detail the ontological, epistemological and axiological aspects of organic laws: ontological - as the fundamental structure of social existence; epistemological - through the prism of knowledge of life experience and intersubjective practice; axiological - as a set of moral and cultural values that ensure justice, freedom and solidarity in society.

Special attention is paid to the phenomenological approach, which allows us to consider human rights not only as formal rules, but as a living social phenomenon that is born in the practice of human interaction and only then crystallizes into formal norms. Modern challenges, including globalization, technological transformations and conflicts, show that organic laws act as stabilizing factors and guidelines for the adaptation of legal systems to new conditions.

The article demonstrates that without taking into account the organic laws of society, law loses its effectiveness, and human rights and freedoms remain declarative, which emphasizes the need to integrate these principles into modern legal and social practice.

The relevance of this topic is due to the fact that modern society is increasingly facing a crisis of normativity: legal systems often lose trust, laws are perceived as formal instruments of political struggle, and human rights are perceived as declarations without proper confirmation. In such a context, turning to the organic laws of society makes it possible to find the deep foundations of law, which are not reduced to positivist logic, but reflect the inner essence of social existence.

Keywords: organic laws, society, philosophy of law, freedom, man, positive law, morality, values, ontology, epistemology, phenomenology, social stability, rule of law.

Formulation of the problem. In modern society, there is an increase in formalism in the legal system, when laws and norms exist as declarations, often not ensuring the real implementation of human rights and freedoms. This creates a crisis of legitimacy of state institutions and a decrease in trust in the rule of law. In this context, there is a need to identify fundamental principles - organic laws of society, which form the internal structure of social existence, determine the boundaries of the legitimacy of law and ensure harmony between individual autonomy and the public good. The main problem is that without a deep philosophical and legal understanding of these laws, the implementation of human rights and freedoms remains declarative and formal.

Analysis of the study of the problem. The study of organic laws of society requires a comprehensive approach that combines ontological, epistemological and axiological dimensions. Previous research in the field of philosophy of law (Aristotle, Kant, Hegel) and modern concepts of human rights demonstrate the need to integrate organic laws into positive law in order to ensure its effectiveness and justice in modern conditions of globalization, technological change and conflicts.

The purpose of the article is to provide a philosophical and legal justification for the organic laws of society as a foundation for the legitimate and effective implementation of human rights and freedoms, as well as to develop a conceptual model of the interaction of organic laws and positive law in modern society.

Presentation main material. The philosophy of law has always tried to find universal principles that determine the vital activity of society and the rule of law. One of such fundamental concepts is the category of organic laws of society - those deep principles that form the integrity of the social organism and ensure the sustainability of its development. Unlike positive law, which is created by the state and can change depending on political will or historical circumstances, organic laws have a different status: they are primary, a priori and internally necessary for the very existence of the community. The interaction of organic laws and positive law is a necessary condition for the true rule of law and the sustainable development of the social community.

In the modern world, where legal systems are in a constant process of transformation - under the influence of globalization, war, environmental crises, technological changes - there is an urgent need to turn to the deep foundations of law and social order. The organic laws of society allow us to see behind formal norms those universal principles that determine the coexistence of people and provide grounds for recognizing rights and freedoms as an ontological reality, and not only as conventional provisions of the state or international organizations.

The organic laws of society are an integral part of its structure, as they determine how the social system responds to change and maintains its stability. These laws are universal in nature and apply regardless of historical and cultural conditions, which makes them the foundation of social development [1, p. 945]

Organic laws of society are fundamental principles that determine the internal integrity and stability of the social organism. They are inherent in the very nature of the social community and serve as metanorms that coordinate legal, moral, and cultural practices. Unlike positive law, organic laws are not created by the state, but exist as an internal structure of social existence.

Key characteristics of organic laws include:

1. Universality (they apply to all social institutions, forming a single holistic system of interaction);
2. Inalienability (the internal logic of society does not allow them to be violated without the risk of destabilizing the social organization);
3. Self-organizing nature (laws arise naturally as a result of the interaction of individuals, their needs, values, and traditions);
4. Supranormativity (they set the limits for positive law and determine which norms can be considered legitimate).

Organic laws can be thought of as the “structural rules” of society: they maintain a balance between personal and collective interests, define principles of justice, and ensure the stability of legal and moral norms. Their violation leads to social disharmony, loss of trust in institutions, and violation of fundamental human rights and freedoms.

The philosophy of law allows us to understand why organic laws have ontological, epistemological, and axiological status.

Ontological - organic laws exist in the very essence of social existence. They form a "living" order that cannot be reduced to a set of formal norms. As in a biological organism, where the functioning of each organ is subordinated to the integrity of the system, in society every institution, social institute and legal norm is subordinated to the internal organic order.

Epistemological – for the knowledge of organic laws, formal legal methodology is not enough. A phenomenological approach is necessary: analysis of experience, everyday practice, moral assessments and interaction of people. Human consciousness acts as a source of recognition of organic laws of social life: it is through intersubjective comprehension that people determine what is fair, proper and legal.

Axiological – the organic laws of society are based on universal values: freedom, dignity, solidarity, justice. They form the ethical framework of law and set guidelines for positive legislation. Without an axiological basis, legal norms turn into formal prescriptions that lose touch with social and moral reality.

The organic laws of society define the limits of the legitimacy of law. Positive law implements these laws, specifying them in norms, procedures and institutions. At the same time, it must remain in harmony with the basic principles:

- ensuring freedom and human rights;
- balance of interests of the individual and the community;
- preservation of traditions, culture and moral values;
- ensuring the stability and development of the social system.

Thus, the philosophical and legal understanding of organic laws allows us to substantiate them as universal, deep, and vital principles of social order.

The organic laws of society perform a key function in ensuring the realization of human rights and freedoms. They determine not only the boundaries of what is permitted, but also the very logic of the interaction between the individual and the community. The realization of rights in this context is viewed not as a simple fulfillment of formal norms, but as a process rooted in the internal structure of social life.

Organic laws are a bridge between moral values and legal norms. Classical positivism often ignores this aspect, perceiving law as an autonomous system of rules that operates “from the outside.” However, any violation of the organic order of society—for example, neglect of solidarity, dignity, or freedom, or moral culture—renders formal prescriptions ineffective.

Moral culture is one of the aspects of the general culture of a person, characterized by a system of moral values, which are formed throughout the life of a person and act as the main criterion in choosing a model, goal, means of implementing behavior, as well as the dominant motive of any conscious activity [2, p.133].

Society carries out moral protection of the nation by living in virtues in the sphere of spiritual and moral improvement. There is a social morality, the spirit of which positively affects the members of society. This, in particular, concerns the protection of the dignity and honesty of a member of society, compensation for various moral damage. The main content of this ordological law is that society itself creates moral norms that protect it from within.[7].

The organic laws of society ensure this internal harmony: they set the framework within which rights and freedoms become real, not declarative. Therefore, state institutions must take these laws into account when shaping policy, legislation, and judicial practice.

Human and civil rights and freedoms are fundamental values that guarantee the dignity, autonomy and development of every person. They form the basis for the formation and socialization of the individual, allowing the latter to freely express their thoughts, beliefs and ideas, to choose life goals and ways to achieve them. The issue of human and civil rights in conditions of martial law is extremely complex and multifaceted. Martial law reflects a state of society when a country faces major security threats or is experiencing internal or external aggression. Under such conditions, the question arises of how to ensure the security of the nation without violating the fundamental rights and freedoms of people. The war launched by Russia against

Ukraine on February 24, 2022, became a turning point for the entire Ukrainian people and affected all spheres of public life. At this time, Ukraine, for the first time in the years of its independence, found itself in conditions of martial law, the legal regime of which covered its entire territory and became the cause of restrictions on human rights and freedoms. In the context of the issue under study, it should be noted that the military aggression of the Russian Federation began in 2014, when Russia occupied Crimea and then supported the military conflict in eastern Ukraine. In conditions of martial law, priorities change, new situations and challenges arise, which require adaptation and development of effective mechanisms for the protection of human rights and freedoms. Active discussion and development of such mechanisms for the protection of human rights is extremely important for ensuring justice, developing democracy and restoring peace in our country [3] .

In times of war, the organic laws of society play a critical role: they define the limits of the legitimacy of violence, protect the rights of civilians, and set moral criteria for evaluating the actions of the state and military structures. Violation of these laws leads to the degradation of the social fabric and the loss of trust in institutions.

Organic laws form mechanisms for balancing individual and collective interests. For example, the right to freedom of speech should not violate the rights of other people to safety and dignity. Such harmonious relationships arise naturally if society is guided by organic laws, and not exclusively by formal legal logic.

Spinoza appears in philosophical and legal thought as a well-known pantheist: he identifies God and nature, considers them a single substance. The state and law appear in him as organic parts of nature, substance. The thinker identifies the laws of law with the laws of nature. By the law of nature, Spinoza understands the laws or rules according to which the Universe lives, everything happens in the world and which represent the power of nature. The natural law of man contains what he desires and on the basis of which he acts. The law is a universal guideline according to which each individual or all individuals must act in a certain established way. Laws can depend either on natural necessity or on the expression of human will [4, p.127] .

Today, the dialogue of cultures, the dialogue between teachers and students, a dialogue based on respect for the dignity of all people, representatives of different cultures, is important in communication . "The defining feature of human life is its fundamentally dialogical character. We become real people, able to understand ourselves, and therefore to define our identity, when we master the whole wealth of languages in which people express themselves" [5, p. 35].

A person who embodies the organic laws of society does not always think about the fact that he is, at a subconscious level, the creator of the cultural process of ionization of norms, which as a result become a balanced mechanism of his being and existence. If there are behavioral, vital constants, dogmas in the Universe, then they are also mandatory in the society that a person creates in his synergistic activity. As a result, the harmonizing organization of society corresponds to a precise and orderly Universe. The search for a balance of social interests leads to a metaanthropological understanding of good and evil, their incomplete organicity, since a person cannot establish the boundaries of good and evil. Everything that exists in society is valuable. If it is good, then it brings a model of how to act, if evil, then how not to act. This nature of good and evil is firmly rooted in the metaanthropology of man, and therefore is an organic-deontological law of society. The main thing is to maintain the natural compass of society and not to lead it astray from the ontological path, not to lead it into a state of corruption [6, p.171]

Conclusions. Philosophical and legal understanding of the organic laws of society allows us to consider them as fundamental principles that form the internal structure of the social organism and determine the logic of interaction between individuals and communities. These laws ensure a harmonious balance between personal rights and collective interests, create the foundations of the legitimacy of legal norms and determine the boundaries of justice in society.

Organic laws are not the product of political will or formal legal constructions, they arise from the very nature of social existence and reflect the deep laws of the life world, moral assessments and value orientations of the community. It is through their consideration that law acquires internal legitimacy and the ability to implement human rights and freedoms in practice, and the rule of law becomes not a declaration, but a real function of social life.

The phenomenological approach to the analysis of organic laws emphasizes that human rights are not only formal norms, but a structured social phenomenon that arises in life experience, intersubjective practices and moral assessments. Modern challenges - globalization, technological transformations, social conflicts - demonstrate that ignoring organic regularities leads to the formalization of law, the loss of its legitimacy and the limitation of the effective protection of rights and freedoms.

Thus, the organic laws of society are not only a philosophical category, but also a practical guideline for building just, stable and legitimate legal systems. Their interaction with positive law ensures the real rule of law, the stability of the social community and the harmonization of the legal, moral and value structures of society.

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ФІЛОСОФСЬКО-ПРАВОВЕ ОБҐРУНТУВАННЯ ОРГАНІЧНИХ ЗАКОНІВ СУСПІЛЬСТВА

Стаття присвячена філософсько-правовому обґрунтуванню органічних законів суспільства та їхньому значенню для стабільності соціального організму та реалізації прав і свобод людини.

Органічні закони вважаються фундаментальними принципами, що визначають внутрішню цілісність суспільства, забезпечують гармонію між індивідуальною автономією та колективними інтересами та виступають критерієм легітимності та ефективності позитивного права. Органічні інтереси не є продуктом політичної волі чи примусу, а є невід'ємною частиною політичної волі чи примусу, а також оголошенням кількох внутрішніх і зовнішніх гарантій встановлення стабільних соціальних цілей.

У статті також детально аналізуються онтологічні, гносеологічні та аксіологічні аспекти органічних законів: онтологічний – як фундаментальна структура соціального буття; гносеологічний – через призму пізнання життєвого досвіду та інтерсуб'єктивної практики; аксіологічний – як сукупність моральних і культурних цінностей, що забезпечують справедливість, свободу та солідарність у суспільстві.

Особлива увага приділяється феноменологічному підходу, який дозволяє розглядати права людини не лише як формальні правила, а як живе соціальне явище, що народжується в практиці людської взаємодії і лише потім кристалізується у формальні норми. Сучасні виклики, включаючи глобалізацію, технологічні трансформації та конфлікти, показують, що органічні закони виступають стабілізуючими факторами та орієнтирами для адаптації правових систем до нових умов.

У статті демонструється, що без врахування органічних законів суспільства право втрачає свою ефективність, а права та свободи людини залишаються декларативними, що підкреслює необхідність інтеграції цих принципів у сучасну правову та соціальну практику.

Актуальність цієї теми зумовлена тим, що сучасне суспільство дедалі більше стикається з кризою нормативності: правові системи часто втрачають довіру, закони сприймаються як формальні інструменти політичної боротьби, а права людини – як декларації без належного підтвердження. У такому контексті звернення до органічних законів суспільства дає змогу знайти глибинні основи права, які не зводяться до позитивістської логіки, а відображають внутрішню сутність соціального буття.

Ключові слова: органічні закони, суспільство, філософія права, свобода, людина, позитивне право, мораль, цінності, онтологія, гносеологія, феноменологія, соціальна стабільність, верховенство права.