

ACTUAL IMPLICATIONS OF THE JURIDICAL NORMS ON THE EVOLUTION OF SOCIETY

Mihaela-Adina Apostolache¹, Mihai-Cristian Apostolache²

^{1,2}*Petroleum-Gas University, Ploiesti, Romania*

ABSTRACT. During the history, from the objective needs of the reports' settlements of social living, the people were preoccupied by what they must consider good or bad, right or wrong, useful or useless, they tried to elaborate criterions for the appreciation and orientation of the attitudes and the inter human relations. The juridical norms, as rules which guide the human being behavior are a remarkable presence of the social and individual life, being required by the objective needs, by the need of sense, goal and efficiency of human actions. The merit of norms from modern epoch and implicit of the nowadays settlements consists in the fact that it offers a direction, indicates a limit, offers criterions, suggests a scenario to be followed, crystallizes a social experience. As it was remarked in the juridical doctrine, the evolution of law under the action of social facts is an inherent reality in law whose effectivity depends on the its adequacy to the needs of social life.

АКТУАЛНИ ПОСЛЕДСТВИЯ ОТ ЮРИДИЧЕСКИТЕ НОРМИ НА ЕВОЛЮИРАЛОТО ОБЩЕСТВО

Михаела –Адина Апостолаче¹, Михай-Кристиан Апостолаче²

^{1,2} *Университет по петрол и газ, Плоести, Румъния*

РЕЗЮМЕ. Исторически, още от създаването на обществения строй, хората са били погълнати от решаването на проблема за това, кое е добро или лошо, правилно или погрешно, полезно или безполезно; те са се опитали да създадат критерии за оценка и ориентация към манталитета и човешките взаимоотношенията. Юридическите правила като такива, които направляват човешкото поведение са забележителни като присъствие в обществения и индивидуалния живот, който се нуждае от обективни потребности, чувства, цел и ефективност от човешката дейност. Заслугата на правилата в съвременната епоха, а безусловно и сега се състои във факта, че те показват посоката, налагат ограничения, предлагат критерии, подсказват сценарий, към който да се придържаме, придобива се житейски опит. Както вече бе отбелязано в юридическата доктрина, усъвършенстването на закона под действието на социални фактори е родена истина в закон, чиято ефективност зависи от неговата адекватност към потребностите на обществения живот.

During the history, from the objective needs of the reports settlement of social living, people were concerned with what they must consider good or bad, right or wrong, useful or useless, they tried to elaborate criteria for the appreciation and orientation of interhuman attitudes and relations. Thus, ethics appeared as part of social conscience that reflects and settles the needs of behavior required by society through the force of public opinion in principles, norms and moral rules.

The juridical norms as rules which guide the human behavior are remarkable presence of social and individual norms being required by objective needs, by the need of sense, goal and efficiency of human actions. The Law may give to the social facts a significance and often juridical results besides the proportions that these can support.

Unlike the juridical norms, the moral principles and norms are not imposed through the law's force but their observance is based on public conscience and opinion.

Through their content the moral values offer a double opening: on the one hand to the ethics principles and on the other hand to the ethics norms, where the ideal, as a system of principles, values and ethics norms, tends to touch the domain of facts and moral manifestation materialized in models of conduct.

Morality doesn't limit at a part of phenomenon that can be localized pertaining to things or spatially, but what is more, it is

present in the social life domains: in the private and political life, in the interstate interpersonal and familial relations.

Morality has as object the appreciation of conscience internal facts of human actions while law has as object the appreciation of people's external facts in their relations with other people.

The influence of moral on law concerns both the process of law creation and the process of its application. In its turn, the juridical law represents an important means of moral education, the relation of law with ethics raise the problem of criteria settlement on whose base a certain relation goes from moral settlement in a juridical one.

In Romanian juridical doctrine the following categories of norms have been observed as being important for the system of social norms, ordinary norms, technical norms, political norms, religious norms and the juridical norms. As a results of community conscience, the social norms, on their whole, represents a main element of rationalization and normalization of conduct contributing to the social life settlement, to the stimulation of people's participation to the community existence.

The merit of norms from modern epoch and implicit of nowadays settlement consists in the fact that it offers a direction, indicates a limit, offers criteria, suggests a scenario to be followed, crystallizes a social experience.

As it was shown in the juridical doctrine, the evolution of law under the action of social facts is an inherent reality in juridical domain whose effectively depends on its adequacy to the needs of social life.

The Law realization, of normative settlement means putting their rights and obligations stipulated in the juridical norms in everyday life and respecting their prescriptions by the addressee of juridical norms.

The existence of each person as social being required many obligations practiced during their life materialized in a series of norms which complete each other and some appear in contradiction with the others being specific to some groups of different interests. They do not expel each other because the total of the human actions implies a lot of values, interests and motivations which creates the dynamics of the society as a whole.

The juridical norm with its main features such as: violability, generality and impressionability, imprerativity refers to a intersubjective report, it is in complex relations with value. Once can see the power of value about juridical norm, this being the value itself, giving a juridical dimension that "operationalizes", establishes limitation which defend the value in different ways, through prohibition, obligations, allowed behaviorism variants.

The process of juridical norms' setting up implies an inherent value dimension because this reports to the plenum of possibilities and virtuality, the will reporting to what it hasn't been yet, to an ideal to which such a reality must tend.

In the process of creating the law, the legislator takes into consideration the feeling of solidarity, the of social solidarity.

The juridical norms can be conceived as abstract and general models of intervention in inter-individual and group relations in such a way to keep the consideration of individual conduct with the objective value aspirations estimated and at the same time being satisfied the material and spiritual interests of majority of people from community.

Analyzing the role of social values as configuration facts of law it can be seen that the values that guide the law are not strictly and exclusively of juridical nature, on the contrary they have a larger dimension of moral, social and philosophical nature. These values must be understood in their historical-social dynamics. Although some of them can be reformed in all systems of law, such as justice, the specific an historical particularities let their stamp on them: the social values of a society must be firstly reduced from the social philosophy, moral philosophy, political philosophy and the juridical one that guides the social forces from one society.

The moral value does not limit to the characteristic which remains in the norm. moral values are relative and nobody can determine what must be considered as right. It might be sustained that the idea of value is not applicable for those who don't respect the law because these don't respect the values either.

Generally speaking, the word norm is the same to that of rule, and in dictionaries its definition is given by referring to the conduct rule. The Law norm contains what a subject must fulfill, what it has the right to do or what it is recommended or is stimulated to fulfill.

As a constitutive element of law "its basic cell", the juridical norm represents a rule of conduct, established by the public power or recognized by this whose respecting is guaranteed, in need, though the coercive force of state. The aim of the juridical norm corresponds to law's finality an this is to assure the social life together guiding peoples behavior to the values' promotion that governs that society.

The variety of the social relations determines the existence of a multitude of social norms and a variety of forms through the people's conduct is influenced in the frame of these relations.

The juridical norm is not only a general and abstract or specific prescription, it sees people according to its people. Keeping in mind a norm, the subject will act according to the conduct of that norm, will refuse a forbidden/ prohibited aim by normative prescription obtaining its action or, on the contrary, it will assume the risk of the action, evading or violating the prescription.

The juridical norm contains an abstract model for a possible agent of social action. It imposes to this agent a way of behavior while this has more variants.

Beginning with the general feature of the juridical norm, Hegel characterized the norm as "universal determination that must be applied to a certain case".

In reality the juridical norms are the means of realization, a justice ideal according to the social life which is expressed in its stipulations. To fulfill its aim- the assurance of social order- the juridical norm must correspond to the superior structures and needs of the society, must be reorganized as compulsory by the majority of its addressee in its necessary character.

The juridical norm is compulsory because it will involve in advantage for the human life together and in defense of people's life values each time the conditions are set in its hypothesis.

Bibliography

- Craiovan, I. *The General Theory of Law*, Sibila Publishing House, Craiova, 1999
- Djuvara, M. *The General Theory of Law*, The Juridical Encyclopedic, Vol. I, Bucharest, 1990
- Dobrinescu, I. *Justice and Culture's Values*, Romanian Academy Publishing House, Bucharest, 1992
- Popa, N. *The General Theory of Law*, Actamy Publishing AHouse, Bucharest, 1997