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## HISTORICAL TYPES AND PHILOSOPHICALLY LEGAL DOCTRINES OF THE PHILOSOPHY OF LAW

Consideration of the philosophy of law through the prism of its history will be effective provided that the philosophy of law is perceived as a real phenomenon of human culture that exists not only in time and space, but also beyond time. This approach allows you to objectively analyze each philosophical and legal concept, determine its place and social value in the system of knowledge of a particular stage of development of society, determine its practical significance for today [3, p. 234-237].

The development of philosophical and legal ideas is a coherent and consistent process in which each successive period does not completely negate the previous ones, where the range of study of legal ideals changes. That which is actual and characteristic of one period develops in another, coexists and interacts with another, is enriched by it [2, p. 78-85].

The philosophical and legal approach to the history of law orientes and requires to take into account the dialectic of the phenomenon and essence, their internal logic, which allows to distinguish the beginning of the process of formation of the ideal first principles of law, the conditions of its origin and the possible direction of development of law [3, p. 45-49].

The philosophy of law is that its cultural purpose is to accept the challenge from the depths of the world of law, to work with it and to draw certain conclusions that will open up another side of teaching [1, p. 40-69].

The beginning of a revolutionary reassessment of religious and political values, designed to provide the bourgeoisie with ideological, political, legal and economic domination in society, new concepts of state and law – all this is the emergence of a new era of Renaissance and Reformation.

The recognition of man as an individual has led to a new search for the justifications of the essence of society and the state. One of the first philosophical and legal concepts of the period was the concept proposed by an Italian politician, writer, historian and military theorist, Niccolo Machiavelli, who sought to create a stable state in an unstable socio-political situation in Europe at that time [2, p. 80-112].

Machiavelli identified three forms of government: monarchy, aristocracy, and democracy. According to him, all of them are unstable and only a mixed form of government gives the state the most stability. Machiavelli sang the

will, power, energy of man. These qualities must, first and foremost, belong to the ruler. He did not idealize human nature, but evaluated it harshly and meticulously. The thinker proceeded from what is, not from what should be, in this manifested Machiavelli's realism regarding the assessment of human behavior, which is determined not by Christian morality but by benefit, power, calculation, natural selfishness [3, p. 456-472].

Modern times give us three systems of natural law – deontological, logical and ontological. It begins to see a set of those ideal norms that should serve as a prototype for any legislation. Its founder was Dutch lawyer, politician and diplomat Hugo Grotius, a deontological system that identifies law and justice, defining the latter as lacking injustice. Grotius' most famous work is "On the Law of War and Peace," in which he develops the idea of a law that can be applied in all conditions, including war. The tasks of the philosophy of modern-day law of Grotius and his adherents were seen in the disclosure by rationalistic means of an absolute, unalterable, equal for all peoples and times of law given by nature itself, and therefore one that stands above positive law [2, p. 93]. Grotius believed that the laws of natural law originate in the very nature of reason, and therefore are as eternal as reason itself. He defined the State of Grotius as an eternal, complete and supreme society formed for the protection of human rights and general good.

Thomas Hobbes, who made a significant contribution to the philosophy of modern-day law. Hobbes outlined his theory in his work, "Leviathan, or Matter, Form, and Authority of the Church and Secular State." In following Machiavelli, Hobbes emphasized the selfish and aggressive nature of man. Accordingly, in the natural state, every person has for any thing the same right as any other person, that is, in the natural state no one has the exclusive right to anything. In the pursuit of their selfish intentions and desires, people come to fight among themselves – a war of all against all that threatens everyone. Self-preservation on the basis of peace, according to Hobbes, provides the following: for a peaceful coexistence, it is necessary for everyone to relinquish the right to all and to relinquish the other part of their rights. Such conciliation is effected through a mutual agreement, which Hobbes called a treaty. The scope of law he considered public life [3, p. 129].

A significant contribution to the development of ideas of the philosophy of law was made by the age-old Dutch philosopher Benedict Spinoza – one of the main representatives of the rationalism of the 17th century. and was based on a thesis according to which all essence is connected with a logical necessity, where reality in all forms of its manifestations is reasonable and not accidental. He interpreted human freedom in a new way, putting freedom from passions in the foreground, because, as his knowledge of the passions becomes more profound, he loses power. Spinoza considered the best form of state government republican, which he divided into aristocratic – the rulers are

a certain number of citizens elected by the people and democratic – rulers are due to random reasons [2, p. 92].

The creativity of another prominent European at the time – Gottfried Wilhelm Leibniz – an outstanding mathematician and author of a number of original jurisprudence works cannot be overlooked. Leibnitz believed that freedom is given to man in unity with necessity, which, in turn, has its own gradations and varieties, which affects the freedom of man [3, p. 56-103].

Philosophers in Western Europe in the 15-18 centuries. have made a significant contribution to the philosophy of law. Philosophical and legal ideas – a holistic and consistent process in which each successive period of development does not deny the previous, where they change, and complemented by the following.

At different times, opinions and views are also different, but many philosophers have followers who further develop general theories. Three systems are under consideration for the development of law, the state, its structure and the capabilities of the population: democracy, republic, monarchy, and for each representative of his time, with clear clarity on why [2, p. 77-129].

The significance of the philosophy of Renaissance law is that it created the basis for the philosophy of modern times. The period of Renaissance philosophy is a necessary and natural transition from medieval philosophical traditions to philosophy of modern times. Reformation goes beyond the problems, moral, social and legal orientations are transformed, problems of political freedom, freedom of conscience, human and citizen rights begin [3, p. 12].

The philosophy of modern-day law is characterized by the bringing to the forefront of the applied, practical value of scientific legal knowledge. In this era, historical and legal science has become a virtually significant political and social discipline. And the Enlightenment of the 18th century. their scientific works have created the theoretical basis on which the social sciences, including the philosophy of law, are developing today. The main instrument of political and social doctrines of the Enlightenment was legal science. It is during this historic period that the interest in philosophy of politics and law is greatly increased [1, p. 202-209].

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