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FUNCTIONS OF LEGAL LIABILITY AS A FORM OF CIVIL SOCIETY ORGANIZATION

Functions of legal responsibility are the main directions of influence of legal responsibility on social relations, behavior of subjects of law, justice and legal culture, which reveal its essence, social purpose and with the help of which the goals of legal responsibility are achieved [1, p. 32].

Types of main functions of legal responsibility:

The possibility of existence of an organizing (regulatory) responsibility function is substantiated. Its content is to ensure the regulation of social relations by preventing offenses, punishing those guilty of their perpetration and restoring violations of human rights and legitimate interests. The ways of exercising the regulatory function of legal responsibility are to enshrine in the rules of law the patterns of lawful conduct by imposing prohibitions, obligations, permits, incentives, etc.; - preventive - the application of a measure of legal responsibility to the person who committed the offense, warns him about the inadmissibility of committing an unlawful act in the future, also forming the right of unwillingness to commit an offense in other subjects. Ways of exercising a preventive function are the use of condemnation and punishment. The preventive function, depending on the types of social relations and the entities in which it operates, is divided into subfunctions of general prevention (for all subjects of law) and private (special) prevention (for a specific offender) [2, p. 79].

Penalty (punitive) - reflects the direction of punishment of the guilty person, which testifies to the negative assessment of the offender's actions by the state and the intention of the state to prevent the commission of new violations. It is exercised by the authorized entity, on the one hand, by restricting the rights and freedoms of the offender (for example, judicial restriction of the right of the guilty person to engage in certain types of activity), and on the other, imposing upon him such new legal obligations and burdens that he did not have an offense (for example, stay in prison in correctional facilities, correctional labor) [3, p. 145].

Renewal - the direction of legal responsibility for the consciousness and behavior of people, aimed at bringing the legal status of legal entities to a previous normal state. The impact of the restorative function of legal liability has two aspects. The first involves the restoration of law, order, legal relations, the second - the restoration of social relations, social justice, psychological peace of society. Ways to perform the restorative function are compensation for

the harm caused, the conviction of the offender, etc. [1, p. 59].

Educational - aimed at the perception by all citizens of the value of law, education of a respectful attitude to it from the society, increase of legal activity with the purpose of prevention of crime (general prevention), and also to educational correction by measures of legal responsibility of behavior of the person who committed the offense, committing new unlawful acts (private prevention) [3, p. 205].

In addition, in the legal literature, in addition to the functions of legal responsibility discussed above, there are others, such as:

Security - aimed at protecting positive social relations through normatively established appropriate mechanisms for bringing perpetrators to justice in case of violation of the rules of law. Encouraging - focused on the positive attitude of a person to the established rules of behavior and the desire to fulfill the necessary requirements of the law and to receive appropriate incentives provided by the law. Collateral - legal liability ensures the normal functioning of the mechanism of legal regulation, being an element of legal regulation, one of the legal means of influencing the regulation of public relations [1, p. 115].

Therefore, studying in detail the subject of legal responsibility, we can see that it has a full range of necessary functions that help this area of law to use all measures qualitatively in order to achieve its goal - to formulate an organized society in the rule of law. Researching the work of scholars, we have identified that the functions of legal responsibility are the main directions of its influence on the relations of society, the behavior of legal entities, legal culture and justice, which develop its essence, social purpose and which help to achieve the goals of this institution of law.

References

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