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LEGAL AND PERSONAL VALUES OF SERVICEMAN IN MODERN INTERNATIONAL LAW

Summary. The article deals the military-legal ation of law, which is a concept that combines legal and military characteristics. The military component, as a separate sphere, where the legal regulation of the norms of military law is in force, is dominant in the definition of military law. That is, without the regulation of the rules of military law it is impossible to exist. It is noted that the military-law axiology is regarded as the doctrine of achieving a certain compromise in military relations, overcoming negative phenomena, and misunderstandings in military regulation, which, in turn, causes a valuable perception of the military value of military law. It is revealed that the military sphere in its content corresponds to the general formula of value approach to law and legal phenomena, that is, the public sphere, where all mechanisms exist. That is why it is important to regulate military activity and all its elements which are subject to legal regulation.

It should be noted that the values of military law provide motivation to justify the definition of the purpose of military regulation. That is, in order to establish legal instruments in the system of military law. Also important for understanding the content of military-law axiology is the delineation of the concepts of personal and social values of military law. It is noted that objectivization of value systems is the key to their materialization in the military-legal norms and their further implementation in the behavior and actions of servicemen.

In fact, the values of military law provide a motivation for the impossibility of determining the purpose of military regulation, in such circumstances, the teleology of military law acquires the main features of the cognitive orientation, that is, military organizations must meet all the requirements of law with all elements that are subject to legal regulation.

Key words: military law, axiology, system of law, legal values, socialization, concept, military activity, installations, society, military discipline, law and order.

Problem statement in general form. The question of the value of law explores the axiology of law, without which there is no general theoretical jurisprudence [1, p. 12].

Each component of the military defense system demonstrates its own values, has its own legal values, which have a specific meaning, where law is exercised, in accordance with one or another component of the system of law. Due to studies of axiological origin, components of the system of military law appear outside of this system through functioning in a society, that is, through the action of law [6, p. 24].

Analysis of recent researches. Scientific aspects of military-legal values of military personnel are widely reflected in the writings of many educators and psychologists as O.S. Autushenko, O.V. Barabanshchikov, O.V. Boyko, V.I. Varvarov, V.I. Widow, V.S. Maslov, T.M. Bridge, V.L. Gerasimov, V.P. Davydov M.I., I.G. Radvansky, S.V. Seredenko, V.V. Trifonov, V.V. Yagupov and others consider the content of the training of servicemen. The problems of upbringing the social values of cadets – future officers are devoted to research by T.K. Isaenko, S.L. Kruk, D.M. Katsrubi, A.V. Katkovsky and others. A.O. Afanasyev, D.A. Volokogonov, M.Y. Varya, A.I. Galimov, D.V. Ishchenko, A.I. Kapustin, A.S. Milovidov, V.O. Royalyan, B.M. Sapunov, M.D. Tabunov, V.M. Shatukh and others. Substantiate the ways of educating various professional qualities of military personnel necessary for the effective performance of professional activity.

Formulating the goals of the article. The purpose of the article is to consider the approaches presented in the scientific literature to the study of the social and legal values of servicemen.

Presenting main material. An important understanding of the content of military-law axiology is the delineation of the concepts of personal and social values of military law. That is, the values of military law are those values, that operate with the help of military law. These include: security of the society, inviolability of the State border, sovereignty, inviolability of the state, mobilization, mobilization readiness; life, health of servicemen, security of military activity, inviolability of principles of international law [3, p. 121].

On the other hand, legal culture, in contrast to legal reality, includes legal values created in the previous stages of historical development of the state and law. A long time the ideal aspect of this social phenomenon was studied, and the emphasis was primarily on legal awareness, no assessment was made of the real level of legal culture, which is often was reduced to legal awareness. This approach hindered the real assessment of the problems, in fact masked the difficulties in the legal sphere of society. Thus, legal values can be considered as an important result of the general democratic, general cultural heritage of the progressive humanity. They become an integral component of a civilized and legal state, which determines in its organization and activities the law that is subordinate to civil society and guarantees inalienable human rights.

In turn, military-legal values are values, the content of which is military law. These include: military discipline, law and order, the composition of mili-

tary-legal relations; military duty, military service, statutory military relations; the rights and legitimate interests of servicemen, guarantees of the legal status of servicemen; legal regime of military property.

Valuable guidelines and military law establishes motivation for the necessary justification to determine the purpose of military regulation, as well as to establish legal instruments in achieving this goal. The list of values in military law can not be exhaustive, because they regulate the stability of its existence, the inviolability of established customs, norms and rules of the participants in the military-legal process.

At the theoretical level, the mechanisms of socialization are distinguished, which are understood as a set of social processes that ensure the functioning of the socialization process. These include:

a) social adaptation – the process of mastering an individual's social roles in a social organization, ie the organization of interactions with other individuals;

b) identification (from the Latin *identificare* – identification) – the process of fixation, the definition of the individual's conscious and accepted meaning of his position in the social space;

c) interiorization (from the Latin *interior* – internal) – the process of assimilation social roles, ie the transfer of social norms and values in the internal normative-value structure of the person;

d) purposefulness – the process of goal orientation of the individual, as well as the development of goals and strategies to achieve them in social space [5].

In the process of socialization, the individual is constantly learning new social statuses and assimilates identically to them social roles, which is a necessary condition for its success functioning in society. One of the fundamental aspects of the overall socialization is the legal aspect of a person's socialization. Legal socialization, when this is the process of including the individual in the system of legal relations of this society, based on the assimilation of the entire legal culture of this society [6].

In essence, legal socialization is identified with legal inculturation – a process in which the individual learns traditional ways of legal thinking and legal actions that are characteristic of the legal culture to which he is belongs [3].

The individual receives ready-made legal knowledge, ideas, principles, ideas, etc., on the basis of which he has a similar to the typical algorithm of legal thinking, the stereotype of responding to a particular legal situation. The style of legal thought, the image of legal thinking, the content inherent in them determine the appropriate legal behavior of individuals [2, p. 26].

In the process of legal socialization, the personality of a serviceman is formed, his adaptation to the normative requirements that determine the conditions and features of military life takes place. Adaptation to the conditions of military service future officers of the Armed Forces of Ukraine is carried out in higher military educational institutions and in military educational subdivisions of higher educational institutions of Ukraine. Features of legal socialization of cadets – future officers, due to the peculiarities of the organization of joint activ-

ities and communication in the educational, cultural environment of military educational institutions, model forms of interaction in the Armed Forces. The conditions for are also specific formation of personal meanings that determine the attitude of the individual to the world, social position, legal values, self-awareness, value-semantic the core of the worldview, etc. At this stage of legal socialization there is an orientation of the cadet in social space as the serviceman, there is his preparation for service as an officer of the Armed Forces of Ukraine. The cadets passes and acquires certain legal statuses: student, subordinate, day laborer, guard, unit commander, etc. Assimilation of these statuses, acceptance of military legal values as own promotes formation of a special layer of legal culture.

The essence of military law forms its own value, the inviolability of established norms, which reduces to the normativity of the highest level of quality. Military law organizes in its content the formulas of the behavior of participants in military-public relations.

The true value of military law is its futility to optimize its own social ways and means of meeting the needs of the subjects of military-social relations.

The realization of military-legal relations takes place in the direction of the social orientation of military-legal regulation to the personal orientation of the activities of citizens in various spheres of life [1, p. 24].

Responsibility, which is the main feature of the normative requirements of military law, extends to all participants in the relationship.

The social value of military law focuses on its instrumental and personal values. The instrumental value of military law is its communicative, regulatory, social, integrative, guarding, cognitive functions in society.

The values of military law are designed to protect existing institutional mechanisms, including public authorities, military law enforcement agencies, and judicial authorities.

Army Leadership Code consists of seven leadership behaviours:

- 1) lead by example;
- 2) encourage thinking;
- 3) apply reward and discipline;
- 4) demand high performance;
- 5) encourage confidence in the team;
- 6) recognise individual strengths and weaknesses;
- 7) strive for team goals.

The personal value of military law is to determine the anthropocentric properties of this branch of law, values in military-legal regulation have the stability of their existence, the inviolability of forms, and are subjected to international practice that corresponds to the present [3, p. 12].

Values are specific beliefs that people have about what is important and unimportant, good and bad, right and wrong. Values develop out of our direct experiences with people who are important to us and have impact on our lives. When values are declared and followed, they form the basis of trust. When they are not stated, they are often inferred from observable behaviour. When they are

stated and not followed, trust is broken. Values are linked to the concept of motivation – the force that drives people to act. Values provide up-front motivation (I need to act in accordance with my values) and an after action evaluation tool. Values form the basis of how we make judgements and decisions about all we do and don't do.

The public nature of military law is determined by its orientation towards the solution of national problems, namely, the security of military law, which is a guarantee of living conditions in society. The Army's Values are at the very centre of what we all do and define, who we are, both as individuals and as an organisation. They are the bedrock or foundation, the guiding principles that remain constant, whatever the situation.

On the basis, we determined, that the main values of legal and personal values of serviceman in modern international law are:

Courage Soldiering has always demanded physical courage, to knowingly go into harm's way on behalf of the nation. Physical courage is required to risk life, take life, show restraint, endure hardships and focus on the task; soldiers depend on each other for it. Equally important is moral courage, the strength and confidence to do what is right, even when it may be unpopular and to insist on maintaining the highest standards of behaviour and decency. This earns respect and fosters trust. **Discipline** Discipline is the primary antidote to fear and maintains operational effectiveness: it is supported by team loyalty, trust and professionalism. Discipline instils self-confidence and self-control. Good discipline means soldiers will do the right thing even under the most difficult of circumstances. **Respect for Others** Respect for others, both those inside and outside of our organisation is not only a legal obligation, it is a fundamental principle of the freedom that our society enjoys. Teams that embrace diversity, and value each individual for their contribution and viewpoint are always stronger for it. We must treat everyone we encounter, as we would wish to be treated.

Integrity Integrity means being truthful and honest, which develops trust amongst individuals and welds them into robust and effective teams. Integrity is therefore critical to soldiering, as soldiers must have complete trust in one and other as their lives might ultimately depend on it. Trust in the Chain of Command is also key, and demands integrity from those in positions of authority. **Loyalty** Loyalty binds all ranks of the Army together, creating cohesive teams that can achieve far more than the sum of their parts. The Nation, Army and Chain of Command rely on the continuing allegiance, commitment and support of all who serve. But, loyalty is not blind and must operate within the parameters of the other Values; it should not stop appropriate action to prevent transgressions by subordinates, peers or seniors. **Selfless Commitment** Selfless commitment is a foundation of military service, soldiers must be prepared to serve where and when required and always give their best. The needs of the mission and the team come before personnel interests. Ultimately, soldiers may be required to give their lives for their country, that is true selfless commitment.

Normativity of military law is realized in connection with the state, since the state in the military law is the main one. If the axiology of law defines its necessary minimum of normativity, then in military law the maximum of normativity is precisely because of the determining values of military law [2]. However, military-legal values are derivatives of universal values, but they provide a humanistic justification of military-legal principles in the modern world.

There are seven values of serviceman:

1. Loyalty. Bear true faith and allegiance to the Constitution, the Army, your unit and other Soldiers.
2. Duty. Fulfill your obligations.
3. Respect. Treat people as they should be treated.
4. Selfless Service. Put the welfare of the Nation, the Army and your subordinates before your own.
5. Honor.
6. Integrity.
7. Personal Courage.

The social value of military law has a significant influence on the formation of tools and mechanisms of military regulation. Among the values of military law, taking into account the peculiarities of the legal regime of this branch of law, determines the general security which occupies a decisive place in the system of military law. The imperative to sustain team cohesion and to maintain trust and loyalty between leaders and those they lead requires a standard of social behaviour more demanding than those required by society at large. This is equally necessary both on and off operations, on and off duty. When building tightly knit teams it is important to acknowledge the need for mutual respect and the requirement to avoid conduct, that offends others. Unacceptable behaviour undermines trust and cohesion, directly impacting operational effectiveness.

Equally important are our Standards, the way in which we put our Values into practice, ensuring that everything we do is Appropriate, Lawful and Totally Professional. All ranks must avoid behaviour that risks degrading their professional ability or which may undermine morale by damaging the trust and respect that exists between teams and individuals who depend on each other. To maintain our legitimacy, all ranks are required to operate within the law [6].

Apply Reward and Discipline It is human nature to enjoy being praised, and reward recognises effort, inspiring further endeavour and motivation to do even better. Leaders must apply a full range of rewards, from formal recognition to timely and regular verbal praise. Never underestimate the value of a 'Well Done' or 'Good Effort'. Reward should be constructive and support the soldier or team in further optimising performance. The correct application of reward promotes Loyalty and Respect for Others. The application of Discipline, regardless of rank is crucial to correct failings and punish transgressions. Leaders must not shy away from Discipline when required, and do so in a timely fashion. A lack of Discipline compromises Courage and Integrity. Every soldier has something to offer the team, and everybody has areas requiring development. Leaders must

identify these individual strengths and weaknesses and address them accordingly, to ensure that the team fulfils its potential and achieves all it can achieve.

Strengths must be played to, and challenged to inspire confidence and motivate additional effort to stretch even further, always seeking to optimise performance. Weaknesses must be addressed and discussed, in an understanding and considerate manner. Focus on the root of the problem, and the potential to improve rather than the current impact of the weaknesses. Coaching techniques are extremely useful in addressing both individual strengths and weaknesses. Individual consideration in this manner demonstrates Respect for Others, and encourages loyalty.

Conclusions prospects for further research. Thus, due to the definition of the values of military law, the introduction of the social value of their system of legal law, important social tasks are being carried out in order to ensure the military security of the society, to protect the constitutional rights and interests of citizens, therefore, it is necessary to adhere to certain rules of conduct in the society, the established norms which are decisive in military law.

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Ігнат'єва А. І., Мельник С. М. Правові та особистісні цінності військовослужбовців у сучасному міжнародному праві

Анотація. У статті досліджено військово-правову аксіологію права, яка є концептом, що поєднує в собі юридичні та військові характеристики. Військова складова частина як окрема сфера, де діє правове регулювання норм військового права, є домінуючою у визначенні військово-правових норм. Тобто без урегулювання норм військового права неможливе його існування. Зазначено, що військово-правову аксіологію розглядають як вчення про досягнення певного компромісу у військових відносинах, подоланні негативних явищ, непорозуміння у військовому регулюванні, яке, у свою чергу, зумовлює цінісне сприйняття військовими цінності військового права.

Виявлено, що військово-правова сфера за своїм змістом відповідає загальній формулі ціннісного підходу до права і правовим явищам, тобто є публічною сферою, де є всі механізми. Саме тому є важливим регулювання військової діяльності та усіх її елементів, які підлягають правовому регулюванню.

Необхідно зазначити, що ціннісні установки військового права надають мотивацію на обґрунтування визначення мети військово-правового регулювання. Тобто задля встановлення правових важелів у системі військового права. Також важливим для розуміння змісту військово-правової аксіології є розмежування концептів особистісної та соціальної цінностей військового права. Зазначено, що об'єктивізація ціннісних установок є запорукою їхньої матеріалізації у військово-правових нормах з подальшою реалізацією їх у поведінці та вчинках військовослужбовців.

Фактично ціннісні установки військового права дають мотивацію на необхідність визначення мети військово-правового регулювання, за таких умов телеологічність військового права набуває головних ознак ціннісного орієнтування, тобто військові організації мають відповідати всім вимогам права з усіма елементами, які підлягають правовому регулюванню.

Ключові слова: військове право, аксіологія, система права, правові цінності, соціалізація, концепт, військова діяльність, установки, суспільство, військова дисципліна, правопорядок.