

# Conceptual and legal foundations of law and order

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Law and order are the life of law, the prerequisite for order, stability, and development of a state-organized society. In a democratic, social, legal state with a strong civil society, where the law prevails, the rule of law turns into legality. When implemented in practice, it gets embodied into legal order.

The purpose of the article is to analyze the conceptual apparatus of these categories and identify areas for improving these institutions.

**Material and methods.** The research material was the regulatory legal acts of the Republic of Belarus, scientific and educational literature on the topic. The main research methods are dialectical-materialistic, system analysis, comparative studies, interpretation of legal norms.

**Results and discussion.** The methodological, axiological and praxeological role of law and order requires a set of measures aimed at the legal and legitimate implementation of their essential characteristics.

**Conclusion.** Doctrinal development, legislative consolidation, and improvement of the law enforcement mechanism are a necessary condition for building a prosperous state, implementing democracy, and increasing the well-being of citizens.

**Keywords:** state, the rule of law, law, legality, legal legality, discipline, guarantees, order, law and order.

# Концептуально-правовые основы законности и правопорядка

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Жизнь права, условием упорядочения, стабильности, развития государственно-организованного общества выступают законность и правопорядок. В демократическом социальном правовом государстве с сильным гражданским обществом, где закон торжествует, законность превращается в правозаконность. Реализованная на практике, она воплощается в устойчивый правопорядок.

Цель статьи – анализ понятийного аппарата данных категорий и определение направлений совершенствования этих институтов.

**Материал и методы.** Материалом исследования послужили регламентирующие нормативные правовые акты Республики Беларусь, научная и учебная литература по теме. Главные методы исследования: диалектико-материалистический, системного анализа, компаративистики, толкования норм права.

**Результаты и их обсуждение.** Методологическая, аксиологическая и прaxeологическая роль законности и правопорядка требует комплекса мер, направленных на легальную и легитимную реализацию их сущностных характеристик.

**Заключение.** Доктринальная разработка, законодательное закрепление, совершенствование правоприменительного механизма являются необходимым условием построения процветающего государства, реализации народовластия и роста благосостояния граждан.

**Ключевые слова:** государство, право, закон, законность, правовая законность, дисциплина, гарантии, порядок, правопорядок.

Complex strategic and functional characteristics that ensure the security of society and the effectiveness of the state-legal mechanism are law and order. They are the confirmation of the indissoluble unity of law and the state, the latter being legalized by legal dogma.

In the explanatory dictionary of the living great Russian language by V. Dahl, legality is defined as the state, belonging to the legal, consistent with

the laws, based on them. The law is regarded as a limit set to freedom of will or action; an inevitable beginning, foundation; a rule, a decree of the highest authority [1, p. 588–589]. One of the definitions of the state is an order organized by law. In the modern legal dictionary, the rule of law is interpreted as a system of actually established social relations ordered by law [2, p. 516].

The purpose of the article is to analyze the conceptual apparatus of the categories law

and order and determine the main directions for improving these institutions.

**Material and methods.** The research material was the regulatory legal acts of the Republic of Belarus, scientific and educational literature on the topic. The main research methods are dialectical-materialistic, system analysis, comparative studies, interpretation of legal norms.

**Results and discussion.** Legal legality and the rule of law perform a special methodological, axiological and praxeological role, affecting collective, group and personal interests. They are fundamental intersectoral institutions showing the qualitative state of the legal system. These phenomena exist at the conscious and unconscious (genetic) levels and have socio-biological bases and subject-space-time characteristics.

Law and order, as a way of being law, are aimed at preserving and multiplying society and its members. They appear together with the state, the rule of law and laws, but they have a historical and national character, and depend on the degree of democracy, spirituality, and civilization of society.

Legality can be formal and real, legal, democratic, legitimate and illegitimate, illegal, undemocratic. Democracy has various forms of expression, including intermediate ones. History has preserved a large number of examples of legality formally proclaimed, but never implemented in practice.

If the rule of law in authoritarian and totalitarian regimes is based on violence, fear, and suppression, then it is implemented mainly through the voluntary lawful behavior of the majority of the population, who are convinced of its necessity and appropriateness. Existing formally in anti-democratic conditions, the rule of law can turn into its opposite – in disenfranchisement and arbitrariness raised to the law. The gap between the words and deeds of representatives of state power, the desire to serve their own interests rather than those of the people causes great damage to the law. The erosion of the rule of law leads to a narrowing of the range of its subjects and objects that require legal regulation, when individual citizens who hold responsible public positions and profitable sectors of the economy are outside the law.

As the state becomes more democratic and civilized, and its legitimacy increases, so does the rule of law, and its quality. It is most pronounced in a legal democratic social state with a strong civil society, where the law prevails and the rights and freedoms of citizens are guaranteed and implemented in practice. The goal of legality is to create such laws and a mechanism for their implementation that would ensure peace, order, confidence in the future, and increase the welfare and prosperity of the people.

Even for the ancient Romans legality was an unquestionable axiom: *aequum et bonum est lex legume* (justice and good are the law of laws); *executio est finis et fructus legis* (execution is the completion and fruit of the law); *frustra ferentur leges nisi subditis et obedientibus* (it is useless to make laws if they are not submitted to and obeyed); *dura lex, sed lex* (strict and severe law is, but it is necessary to observe); *nemo est supra leges* (no one is above the law); *fiat justitia, pereat mundus* (let justice be done, even if the world perishes (whatever it costs) [3, p. 427–429].

Legality includes both formal and content aspects. The formal aspect is related to the existence of laws in the state, the legal procedure for adoption, their supremacy and strict, unconditional implementation. The content – to the expression in legal laws of social patterns, progressive trends in social development, interests and needs of the people, human and civil rights and freedoms. Legality has state-legal, political, moral and humanistic aspects. This is the result of the interaction of politics, economics, law and culture. On the one hand, it is a social value, as the result of the development of progress, democracy and the state, on the other hand, their existence is impossible without a solid rule of law and order.

Legality reflects public interests and contradictions, as well as the state of legal life. In its highest manifestation, it is an expression of the triumph of legal law, truth, verity, objectivity, justice, formal equality and impartiality. Legality is opposed to lawlessness, disenfranchisement, injustice, arbitrariness, chaos and anarchy.

Legality is a multidimensional phenomenon that focuses on objective and subjective law, the system of legislation, its implementation, legal responsibility, a hierarchy of normative legal acts (NLAs), lawful behavior, the inevitability of punishment, etc.

The complexity and multi-aspect nature of this legal institution gives rise to various approaches. Legality is understood as the strict and rigorous observance and enforcement of laws by all subjects of law; the basic legal principle that requires acting in accordance with the law; the method of managing society without going beyond the law; the legal regime of strict and scrupulous compliance with legal regulations; compliance of public activities with legal norms. This is a theory, principle, method, mode, system of influence and process that complement each other.

Legality in the broad sense of the word is the observance and enforcement of laws by all subjects of law without exception. In the narrow sense of the word – the legal regime of functioning of the state apparatus and officials. Moreover,

laws can be understood in the proper sense of the word and in the sense of legislation. It seems that one should deal here with the strict implementation of all legislation in the activities of all subjects of law without exception.

Of course, real power is largely vested in the state apparatus and officials, who have more opportunities than common citizens. The harm from their illegal actions in violation of the law is immeasurably greater, as it undermines the foundations of the state and people's faith in the justice of the laws. Therefore, the Republic of Belarus pays special attention to the fight against corruption, abuse of official power, and violation of laws.

According to the Constitution of the Republic of Belarus of 1994 (with amendments and additions) adopted at national referendums on November 24, 1996 and October 17, 2004, the people are the sole source of state power and bearer of sovereignty in the Republic of Belarus (article 3). Democracy produces positive results with a high level of its legal culture, which includes awareness, conviction, social activity, lawfulness and legitimacy.

Legality represents the unity of objective and subjective factors. The objective are related to the law-making and law enforcement activities of the state, state bodies and officials. The subjective – to the conscious, active behaviour of agents that create and implement the laws in practice. Legal awareness and legal culture act as the subjective content of legality [4, p. 437].

This phenomenon is an indicator of the quality of laws, the state of security, stability and law and order in society. Violation of the law entails a breach of the legality. The operation of legal laws is a normative condition for the onset of legality. The spiritual basis is the level of culture, morality, education and humanity of society.

According to the Russian corresponding member of the Russian Academy of Sciences S.S. Alekseev, legality is the “heart and life” of law.

The rule of law for the state is a necessary means of ensuring power, the foundation of functioning, stability, strength, and durability. For citizens, this is the only legal way to ensure their rights, freedoms, and meet their needs.

Legality is a manifestation of the triumph of law. It reflects the requirements of society to the state and law, law to the state, to the citizen, the individual to the law and their implementation in public relations.

Legal legitimacy is derived from democratic power, it is a meritocracy (government by the worthy). The legality relies on the rule of law, popular representation, separation of powers,

the state, its agencies, officials within the Constitution and adopted regulations in accordance with it. It requires priority of the Basic law, principles of international law, prohibition of forcible change of the constitutional order (articles 2, 3, 5–8 of the Constitution of the Republic of Belarus), etc.

The Constitution proclaims the mutual responsibility of the state and the citizen (article 2). The protection and patronage of the state is guaranteed to every citizen of the Republic of Belarus (article 10). It emphasizes the equality of all before the law, equal protection of rights and legitimate interests (articles 10, 22). The state ensures in practice the exercise of the rights and freedoms of citizens: the right to life, inviolability, the presumption of innocence, protection from unlawful interference with personal life, freedom of opinion, beliefs, etc.

Legality is based on the following legal principles: justice, democracy, equality before the law, unity of rights and obligations, inevitability of punishment (penalty), responsibility for guilt, presumption of innocence, inviolability of property, freedom of speech, equality of participants in civil legal relations, their integrity and reasonableness, administration of justice only by the court, transparency of judicial proceedings, ensuring the protection of citizens' rights and freedoms, respect for the honor and dignity of the individual, etc.

Manifesting the level of humanism, the nature of the social system, the idea of legality rises in the legal civil state to the category of the rule of law [5, p. 265]. This implies legitimation, filling positive law with the principles and basic provisions of natural law. The legitimized right, receiving mandatory state institution, legalization, is implemented in practice in the lawful behavior of all its subjects.

The law expressed by the legislator is a formalized product of awareness of the essence of legal reality. According to Karl Marx, it is the law that is the true expression of the legal nature of things and must adapt to it, and not vice versa [6, p. 122]. Social relations are developing, maturing, and being consolidated in a legal form. We can speak about “catching up” and “advancing” legislation. There should not be a large gap between reality and its legal form.

It is necessary to regard as fair the viewpoint of Belarusian Professor N.V. Silchenko that not everything that is regulated by law and protected by the state is a right, and not everything that is a right is protected by the state and regulated by law. Therefore, the fact that non-legal public relations are formally included in the law does not make them legal [7, p. 88–103, 247]. Sometimes this relationship is ill-conceived, artificial,

and contradictory. Of course, if you are guided by arbitrariness, narrow self-interest, short-term perspective, political expediency, you can regulate any relationship by law, but from the point of view of maintenance, efficiency, compliance with the law – this will contradict its essence and will not give a positive result. Non-legal law creates an imaginary, false legality that violates the rights and freedoms of citizens, contradicts and falsifies its content characteristics.

The law can effectively regulate only legal social relations that correspond to it in form and content. Therefore, the law, as well as legality, must be legal.

According to the law of the Republic of Belarus of July 17, 2018 No. 130-3 “On normative legal acts”, the law is a normative legal act that establishes the principles and norms of legal regulation of the most important public relations. These are relations of state power, ownership, distribution, rights and freedoms of citizens, and legal responsibility.

In a modern civil society based on the rule of law, the rule of law acquires its own existence, independent of state power, including democratic legal principles, private law and fundamental human rights. It is this category, in contrast to the right of power, that reveals the right from the humanitarian side, corresponds to the ideals of freedom and independence [5, p. 273]. According to the Austrian economist and philosopher Friedrich von Hayek (1899–1992), the concept of legality is not only a shield of freedom, but also a legal mechanism for its implementation [8, p. 123–128].

Legal legality is the strict implementation of the legally established natural law in the activities of all its subjects. The legal law is regarded as a formalized and implemented right that creates favorable legal conditions for the life of the population in demographic, economic, social, material and cultural spheres. It provides for the regulation and protection of public life, reflects social laws and regularities, and expresses the progressive interests and needs of the people. The law is based on democracy, morality, justice, humanism, solidarity and mutual responsibility of the state and the individual.

The rule of law is based on real compliance with the principle of formal equality before the state power, the law, the court, in the sphere of production, distribution, and possession of rights, freedoms, and duties. Formal equality is based on the rule of law (law), democracy, separation of powers, independence of the judiciary, control of civil society, and the operation of legal laws in a state governed by the rule of law.

For the state, the absence of the law is less harmful than its illegality and illegitimacy, non-compliance and inaction. Otherwise, the meaning

is lost not only in laws, but also in the state and law, and their fundamental foundations are undermined.

Through legality, the connection between idea and reality, due and existent, theory and practice is realized. Legality provides answers to the questions: what, where, to whom, to what extent, how, for what purpose, is the legal law observed?

Legality goes from the general obligation of law, subordination to the law, its supremacy, equality, the inevitability of punishment to the conviction of its rightness, legitimacy, positivity and usefulness.

The supreme, basic law that determines the life of society, the state and the individual is the constitutional law. It is the concentrated expression (cluster) of law, the concentration of freedom and necessity, truth and justice, mutual responsibility of the state and the individual, ensuring the rights, freedoms and duties of citizens. Constitutional legality is the highest form of legal legality based on the supremacy of the Constitution and law. It is related to the authority and respect for the Constitution, legal laws, and their guaranteed compliance and enforcement.

Legal legality, as a fundamental legal category, is the embodiment of law. It is based on the recognition and support of the people and the strength of the state.

Legal legality is inextricably linked to justice. For justice, which has a social content, the legal aspect is the most precise and important. It is considered as an action under the legal law, based on the principle of formal equality before the law and the court. It includes objectivity, evidence, and impartiality of the decision of a legal case, regardless of the persons, their property and power status.

Legal and constitutional legality is one of the necessary conditions for the formation and functioning of the rule of law. The extent to which the state has become legal is indicated by the legal nature of the laws and the extent to which they are implemented.

When a law is established, recognized, and supported by the people, it becomes legal due to its material, social, spiritual, and moral content. Only by mastering the consciousness of the masses can it be fully realized. According to Russian Professor A.V. Polyakov, only a legitimate legal law should be implemented [9, p. 622–623].

Since the rule of law depends to the greatest extent on the state and state structures in the field of rule-making and law enforcement, one deals primarily with the responsibility of deputies and civil servants, law enforcement officers who give life to the law.

R.F. Yering (1817–1892) – the German jurist, Professor at the universities of Basel, Vienna,

and Göttingen in his work "Struggle for law" called violation of the law by the authorities a legal murder [10, p. 64].

A law detached from the interests of the people and not supported by them will not work. The main task is to provide a mass level of its feasibility. It is impossible to monitor the compliance and enforcement of the law by each member of the society. The best monitor is the conscience, faith, self-discipline, and self-awareness of every citizen who is sure that their demands are right.

The position of the Belarusian Professor S.G. Drobyazko, who regards legal legality as the supremacy, indisputability, and triumph of legal laws in the legal establishment and legal implementation, seems to be justified. This is a state of legal reality, when in case of violation, the violated rights are restored without delay, and the guilty are punished [11, p. 373]. Studying legality as a method, principle, and regime, the author believed that in modern conditions, legal legality presupposes that the state and the law are bound by law. At the same time, it includes: the adoption of legal laws and bylaws based on them; a mechanism for implementing current legislation; a prevention system aimed at preventing offenses; exposing and punishing offenders in strict accordance with the legal law; restoring the violated rights and legitimate interests of victims [11, p. 374].

The core of legality is discipline [12, p. 437], the strengthening of which leads to the strengthening of legality.

Discipline (lat. disciplina) is the mandatory submission of all members of the team to a firmly established order, norm, rule [13, p. 169–170].

Discipline is based on the implementation of the established norms of law, morals, religion, or the guidelines of an organization. Thanks to it, social connections between people, peace, normal, rhythmic order and well-being are established and maintained.

A disciplined person is a diligent, conscientious, obliging person who is used to order, submission, and subordination. Discipline involves punctuality, responsibility, activity, exacting oneself and others, strict, scrupulous, unquestioning execution of orders and tasks.

As the state and law increasingly acquire legitimacy and sociality, the form and content of the discipline changes. It is becoming more and more conscious, voluntary, based on the belief in justice and the need to fulfill its requirements, the usefulness of following the guidelines. External, violent discipline turns into internal self-discipline based on morality, conscience, and universal values.

Discipline is based on power and subordination, equality of rights and duties of its subjects.

A major role in ensuring discipline is played by the leader (commander, military chief, General Secretary, President, captain, leader, authority). It is he who has a special responsibility for decision-making. A professional, smart, honest, fair, strong-willed, charismatic leader, thanks to his personal example, intellectual, strong-willed, moral qualities, is able to ensure order, inspire and lead the people's masses to perform enormous tasks. History knows many examples when, thanks to heroism and iron discipline, it was possible to perform "unsolvable" tasks (the implementation of industrialization in the USSR, the implementation of the "New deal" by F.D. Roosevelt in the United States, the victory of the Soviet people in the Great Patriotic war, etc.). Discipline tenfold increases the potential and strength, helps to use hidden reserves due to organization and cohesion.

There is no contradiction between discipline and democracy, because ultimately, discipline serves democracy. Democratic discussion of the issue is possible before the adoption stage, but after the adoption, there is a discipline of law enforcement.

State discipline is a procedure established by the state for strict and steady performance by state bodies, officials, enterprises, organizations and citizens of their duties and functions [14, p. 445].

In the Republic of Belarus, much attention is paid to strengthening executive discipline. The Directive of the President of the Republic of Belarus No. 1 of 11.03.2004 (as amended on October 14, 2015) "On measures to strengthen public safety and discipline" pays special attention to ensuring healthy and safe working conditions. Managers of organizations of all forms of ownership are required to ensure that employees are unconditionally brought to disciplinary responsibility, including dismissal, for appearing at work in a state of alcoholic, narcotic or toxic intoxication, drinking alcoholic beverages, using narcotic drugs, psychotropic substances, their analogues, toxic substances during working hours or at work place. Employers are prohibited from allowing employees to work on faulty equipment, or in the absence of its testing, inspection, or technical inspections. Systematic monitoring of the physical condition of employees engaged in work with harmful and (or) dangerous working conditions or increased danger is introduced.

In accordance with article 91 of the Code of the Republic of Belarus "On the judicial system and status of judges", judges are subject to disciplinary responsibility for violating the requirements of the law in the administration of justice, for violating the code of honor of a judge of the Republic of Belarus, for non-compliance with internal labor regulations, and for other disciplinary offenses.

The Disciplinary Statute of the Internal Affairs bodies of the Republic of Belarus (approved by the decree of the President of the Republic of Belarus 29.05.2003 № 18), defines the service discipline as strict compliance by the police of their duties established by legislation, including the Charter, the Oath, Rules of professional ethics, concluded contracts on service in bodies of internal Affairs and the orders of superiors.

Military discipline is strict and precise observance by all military personnel of the order and rules established by the legislation of the Republic of Belarus and military regulations. It is based on the awareness of each serviceman of military duty and personal responsibility for the protection of the Republic of Belarus (part 1. Chapter 1. of the disciplinary Charter of the Armed Forces of the Republic of Belarus, approved by the decree of the President of the Republic of Belarus on June 26, 2001 No. 000).

Article 193 of the Labor code of the Republic of Belarus defines the concept of labor discipline as mandatory for all employees to submit to the established labor order and properly perform their duties. Executive discipline is defined as the execution of orders, instructions, and prescriptions by managers, specialists, and teams of enterprises headed by them. Employees are responsible for performing their work duties. The employer is responsible for ensuring production discipline in full [15, p. 529–530].

Contractual discipline is the establishment of economic relations of enterprises on a contractual basis, with compliance with contractual obligations and responsibility of economic entities.

It is based on the principles of the rule of law, priority of public interests, equality of participants in civil relations, inviolability of property, freedom of speech, integrity and reasonableness of participants in civil legal relations, inadmissibility of arbitrary interference in private affairs, etc. (article 2 of the Civil Code of the Republic of Belarus). Contractual discipline is based on proper performance of obligations (article 290 of the Civil Code of the Republic of Belarus).

The concepts of “discipline”, “performance” and “legality” are in a dialectical relationship. Discipline and legality require diligence. The latter is possible only within the framework of a certain discipline and legality. Without discipline, legality is not possible, and discipline that is not based on law or rule can turn into arbitrariness, lawlessness, and violence.

Legality is the discipline of the law, its binding, unconditional, and unavoidable implementation. The basis of the discipline is the implementation of the rules, norms introduced into action through

the code, law, presidential decree, etc., which serve as its legal basis.

Legality is the implementation of a legal rule based on state coercion, the system of punishments, as well as on the belief in its rightness, justice and legality.

Discipline requires endurance, the ability to mobilize, manage your emotions, not giving in to fear, and concentrating strength. Through discipline, social connections are established in the process of joint activities, social order is maintained and strengthened, desirable relationships between people are formed, and material and spiritual values are created. Discipline is based on the coordination of actions of subjects and subordination of their relations. In order for the discipline's requirements to be perceived as fair and legitimate, unity, equality in relation to all subjects of influence and the reasoned nature of its requirements are necessary. Discipline requires resources: political, economic, legal, and cultural.

On the one hand, the rule of law is part of the state discipline, so the demands made to public servants simultaneously constitute the content of discipline, on the other hand, discipline also contains some moral obligations that are not reflected in the norms of law. The content of discipline consists not only in compliance with general rules, but also in the execution of individual instructions and orders.

Order is an integral part of discipline. Order can be defined as a correct, established state, location, sequential course of something related to the observance of accepted rules and customs.

Social order is the order of social relations that contributes to their organic interconnection and leads to consistency, rhythm, integrity and consistency. This is order in all spheres of public life: economic, political, environmental, scientific, etc.

The nature of law manifests itself in establishing order, organizing public life, and creating a “peaceful” environment. According to Russian Professor V.P. Malakhov, public order is a legal, not a general social category, since it arises exclusively with the appearance of law [16, p. 237]. It is difficult to agree with this, since social order appears with the emergence of society, and is first regulated by mononorms, customs, traditions, morals, and only then by law. Obviously, we can talk about different levels of public order. Undoubtedly, it is higher when public relations are regulated by law, especially if it is supported by the entire system of social regulation.

The core of public order in a state-organized society is the rule of law. The rule of law appears as a habitual stereotype of the behavior

of people who observe customs, traditions, and are accustomed to discipline and organization. As social life becomes more complex, the role of law and order in society will only increase.

Law and order is regarded as a necessary condition for the functioning of the state and the individual in the most important areas of their life. It provides protection, stability, and implementation of citizens' rights and freedoms and serves as the goal of legal regulation. Being a complex, multi-border phenomenon, it needs an integrated approach.

Law and order is a concentrated expression of order. This is the legal result that the state authorities and all subjects of law strive for. In a narrow sense of the word, it is an order in public places regulated by criminal and administrative legislation. In a broad sense, it is the regulation by law of all public relations that are in the sphere of legal influence. The scientific doctrine of law and order is insufficiently developed [17, p. 534].

As before, the legal literature discusses the question of the time of the emergence of law and order and its qualitative content. The starting point for the emergence of the rule of law, which has a historically determined character, is the emergence of the state, law, and legislation. In the proper sense of the word, one can speak of a true legal order only under democratic, humanistic regimes, when law manifests itself as the art of good and justice, not only *de jure*, but also *de facto*. In non-democratic forms, it is a legal shell of arbitrariness and violence [17, p. 535]. This provision is valid from the point of view of the natural law concept. From the point of view of the positivist (normativist) position, the state generates law and establishes the rule of law, where the state itself acts as its organized form (G. Kelsen). What state and law are like, such is the rule of law.

It seems that any state uses law to regulate public relations and establish a legal order that is identical to the nature, essence and form of the state. It has a specific historical character (pre-constitutional and constitutional), both in form and content, and has its own specifics in various political regimes. The best conditions for establishing and strengthening the rule of law are provided by a democratic social state governed by the rule of law.

Society objectively needs a legal order that is based on law, morality, and the expression of people's urgent needs and interests. It must be stable and guaranteed.

The rule of law is inextricably linked to the rule of law, and these categories do not exist separately from each other. They are connected with the state power and need the support of the people.

The legal order is the order of relations between legal entities in the sphere of legal regulation. This

is the degree of implementation, materialization of legality in practice, in action. It is linked to the full and accurate implementation of legal prescriptions by all subjects of law.

In legal literature, the concept of "law and order" is defined in different ways: as a political and legal regime; a system of legal relations protected by the state; the result of legality, respect for the rights, freedoms and obligations of citizens; the regime of subordination of subjects to legal regulations; the form of implementation of law and the embodiment of legality in real relations; the state of order of public relations based on law; internal consistency and regularity of the system of legal relations with the principles of legality, democracy, humanism, rights and obligations of legal entities, etc.

The legal order is a coherent and comprehensive formation. However, not all areas of social life that are part of the rule of law or actively affect it are regulated by regulatory legal acts. The rule of law is also formed by social regulators that do not have a legal content, but without which it is impossible (moral, religious, civil, corporate). It is based on conscience, public opinion, habits, customs, spiritual and religious values at the mass level.

Acting together, they are transformed in the behavioral interaction of people, giving them higher quality characteristics and generating a new state and property of social existence.

The main goal of any state is to establish a general public order. It arises and exists there, then and to the extent where, when and to what extent the state authorities are interested in it and can afford it. First of all, the government establishes and maintains an official legal order, protects against violations, and, if necessary, defends. If the government itself is, in fact, guided mainly by anti-norms, then this destroys the official order. The modern level of order in society in the conditions of entropy, individualization and commercialization of relations can only be maintained by a powerful state apparatus with all its attributes. A self-organizing civil society can provide little support so far, due to its underdeveloped, unformed structures and disjointed members.

According to Professor V.P. Malakhov, the civil legal order has specific features: it is based on a system of values, not institutions; it is established by itself, since its origin is social relations that lead to the emergence of rights and obligations; it is dynamic and represents an unstable balance of public relations; it is reproduced using the mechanism of customary law; it is synthetic, because it is provided by all social groups and aimed at the agreement of mutual interests; it is a cultural phenomenon; fragmentary, internally contradictory;

it reproduces social relations in positive and negative forms [16, p. 236–239]. This point of view is of considerable interest, because legislative and law-enforcement mechanisms based on civil society institutions play a decisive role in the formation, maintenance and strengthening.

Law and order is established primarily by state bodies: the police, the prosecutor's office, the courts, the investigative committee, the state control committee, the state security committee, tax authorities, customs, etc. However, it cannot function normally without the joint actions of not only the state, but also civil society, morality, culture, religion, traditions, etc. Civil society acts together with the state: the civil court, mediation, freelance employees of the investigative committee, the prosecutor's office, various public councils, citizens who participate in investigative actions as witnesses, statisticians, etc. We also need a high level of victimological culture of the population, internal readiness to comply with laws and protect themselves from offenders.

In order to move law and order from the sphere of theoretical considerations to the practical plane, a system of state and public guarantees is necessary.

Guarantee (Fr. *garantie*) – guarantee, surety, security, pledge, condition that provides something [18, p. 111]. Guarantees are a system of factors and measures that ensure accurate and consistent implementation of legal requirements [19, p. 468].

**Conclusion.** Guarantees of law and order represent a certain set of organizational, economic, political, ideological factors and legal measures that ensure compliance with the law, protect the rights of citizens and the interests of society and the state. Guarantees include both a system of accompanying conditions and a set of measures aimed at ensuring law and order. Guarantees contribute to the implementation of legal requirements, their materialization and implementation of lawful behavior [20, p. 548]. Legal guarantees are a system of special legal means, ways and methods aimed at ensuring law and order.

The main conditions of ensuring democratic, social nature of law, its legitimacy, the expression in the law of the people's interests, the control of civil society over the activities of state government, developed economy, high level of education and culture.

The main directions of strengthening the rule of law in modern conditions are:

1. the expansion of subject areas, range of facilities associated with the increasing complexity, globalization, the digitalization of social relations, the introduction of information and communication

technologies, their opportunities, risks and unpredictability, which manifests itself:

a) in the field of public administration in connection with the de-bureaucratization of the state apparatus, the creation of e-government, improving the functioning of local administration and self-government;

b) in the political sphere – the redistribution of power between the state apparatus and civil society, the increase in social activity of citizens in the conditions of “street”, electronic democracy;

c) in the economic system – state support especially in the context of a pandemic of small and medium businesses and low-income categories of population, creation of state system of social guarantees (health, education, pensions), increase a producer's responsibility for manufactured products and services rendered, the development of digital, innovation economy, the introduction of breakthrough technologies;

d) in the field of implementation of machine-readable law – the creation of a unified, automated law enforcement mechanism that ensures the occurrence of legal liability;

2. legal and material guarantees by the state and civil society of the implementation of the rights and obligations of legal entities;

3. improving the content and formal aspects of the rule of law. The content aspect is aimed at increasing the expression in laws of objective trends in the development of society related to the progress and democratization of social life. Formal – related to legality, legislation meeting social needs, coherence of normative legal acts, ensuring the priority of the law in the hierarchy of legislation. The main source of law should be long-lasting and stable laws and codes of direct action that do not require a large number of by-laws and clarifying instructions.

Thus, legality and a solid rule of law, based on a reliable law enforcement mechanism, a system of state guarantees and supported by civil society, create the prerequisites for stable functioning and steady development of society.

All this requires improving the quality of legislation and more effective law enforcement in accordance with the principles of the rule of law, respect for the Constitution, legality, strict observance and protection of the rights and freedoms of citizens, the sanctity of laws and treaties [21, p. 462].

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Поступила в редакцию 15.10.2020