CURRENT ISSUES OF THE TYPOLOGY OF LAW AND THE STATE

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The purpose of the work is to analyze the authors' traditional points of view on the typology of law and the state, and to propose a convergent approach taking into account the realities of digital society. The importance of the problems of the typology of law and the state is determined by their theoretical and practical significance. This is necessary in order to obtain an objective picture of the past and present, to formulate prospects for the future to improve the state-legal reality.

Material and methods. The research material was the doctrinal developments of leading Belarusian and foreign experts on the topic of research, legislative acts related to this topic. Methods: dialectical-materialistic, system analysis, synthesis, induction, deduction, abstraction, concretization, interpretation of law, comparative studies.

Results and their discussion. The vast state-legal material accumulated by history requires systematization, unification, classification and typologization.

Classification (from Lat. *classis* - category, *facio* - do, deal) is a system that distributes any objects into classes (units, categories) depending on their common features, fixing regular connections between classes of objects in a single system of a certain branch of knowledge.

Typology (from Greek *typos* - pattern, example, *logos* - word, thought, principle) is a classification of objects or phenomena according to the generality of any signs. Often the concepts of *typology* and *classification* are used as synonyms.

The typology includes certain groups (types) of states and legal systems of various countries that have certain qualitative characteristics at a certain time and in a certain space.

The emerging attempts to separate the consideration of the state and law do not give a positive effect, since, despite the relative independence, the manifestation of internal laws of development and continuity, these phenomena are in an inextricable dialectical interdependence. Therefore, it is more expedient to talk about a single typology of the state and law.

The objective basis for the study and classification of the state and law is a historical process. History is a social reality in its movement from the past to the present and the future; it is a science of the development of human society; it is a real process of development of society as a whole, various aspects of the social life of individual countries, peoples in their concreteness and diversity.

In the history of civilization, there have been, are and will be many different states and legal systems. Some of them have disappeared, others have appeared. This process has continued unabated.

All states have their own specifics, unique features. At the same time, individual states and legal systems have significant similarities, common features that allow science to combine them into one group − the historical type of state and law.

In the development of each state and law, there are objective patterns that can be explored in the course of scientific research. In particular, there is a certain dependence and correspondence between the mode of production, the economy, the social structure of society, the level of spiritual culture, climatic, demographic, territorial, etc. factors, on the one hand, and a certain type of state and law, on the other.

The transition from one historical type of state and law to another is objective and includes evolutionary and revolutionary periods.

In general, the development of civilization is in an ascending line.

The typology of a state is a special scientific classification of states into certain types (groups) based on their common characteristics, reflecting their common patterns of origin, development and functioning inherent in these states.

In the science of the theory of state and law, two main types of the typology of law and the state have been clearly defined:

1. formational;
2. civilizational.

The formation approach (from Lat. *formation* – education) is the essence of the dialectical-materialistic understanding of history. The category "socio-economic formation" denotes qualitatively different stages of the development of society with the determining role of the socio-economic factor.

Socio-economic formation is a society at a certain stage of historical development, taken as a unity of all its sides, with its inherent mode of production, basis and superstructure

There are five socio-economic formations: primitive communal, slave-owning, feudal, bourgeois and communist. The class formations - slave-owning, feudal, bourgeois and socialist, as the first stage of the communist formation, - are corresponded by their own historical type of state and law: slave-owning, feudal, bourgeois and socialist. The type of state and law was determined by the ruling class in power and the dominant form of ownership.

According to Professor V.N. Sinyukov, the main features of the formation theory of the state are based on the principles of historicism, determinism, Eurocentrism, where class struggle and social revolution act as the driving force of development and transition from one type of state to another, from the lowest to the highest [1, pp. 67-68].

Giving due appreciation to the Marxian approach to the life of society, it should not be absolutized and turned into an infallible dogma. The basis - superstructure is a cause-and-effect relationship, and the system approach assumes more flexible and differentiated, synergetic integration schemes.

The civilizational approach, in contrast to economic universalism, believes that each state and law has its own historical and national specifics of development that cannot be assessed and compared externally. The Belarusian statehood and its legal system have their own peculiarities.

However, the concept of "civilization" does not lend itself to a strict scientific definition. It is a stage of social development following savagery and barbarism; a synonym of culture; an antonym of culture, reduced to the domination of technocracy.

Civilization includes social and production technology and the culture corresponding to it.

Based on the civilizational approach, the following types of states are distinguished: ancient states, medieval states, modern states. Types of law: the law of ancient states, the law of medieval states, the law of new and late modern states, the law of contemporary states.

Conclusion. A synthesis criterion is proposed – a formational and civilizational criterion combining economics, politics and culture, taking into account the modern realities of the electronic state and law in a digital society. This is the legitimization, first of all, of economic, social and political relations, "dressed" in a digital shell, based on contractual relations and self-regulation of state-civil society. A new doctrine is required, its legislative consolidation and a law enforcement mechanism that uses information and communication technologies and allows predicting the expected results. The unity of society and the activity of citizens is the key to the implementation of plans, improving the level of material and cultural life [2, pp. 229–239].

1. Theory of State and law: a course of lectures / edited by N.I. Matuzov and A.V. Malko. – 3rd ed., reprint. and additional – M.: Norm: INFRA-M., 2016 – 640 p.

2. Demichev, D.M. General theory of law: textbook / D.M. Demichev, A.A. Bochkov. – Minsk: Higher School, 2019. – 480 p.

РАБОТЫ И УСЛУГИ КАК ОБЪЕКТЫ ГРАЖДАНСКИХ ПРАВООТНОШЕНИЙ

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Основная цель предпринимательской деятельности – извлечение прибыли. Для реализации этой цели субъекты хозяйствования должны взаимодействовать между собой, вступая в различные договорные отношения, многие из которых имеют сходные черты. Очень часто ошибки в определении вида договора приводят к неблагоприятным последствиям для сторон. Вызвано это тем, что неверная формулировка дает ошибочное представление относительно норм права, которыми регулируется договор при его заключении, исполнении и расторжении. Нередко такая подмена одного вида договора другим происходит в отношении договора подряда и договора возмездного оказания услуг. Во избежание спорных ситуаций, которые могут возникать ввиду неверного определения вида договора, как между сторонами такого договора, так и между участниками договора и контролирующими органами, необходимо точно определить