ТЕОРІЯ ФОРМУВАННЯ ТА ПРАВОВОГО ВИЗНАЧЕННЯ «СУСПІЛЬНИХ ЗВ’ЯЗКІВ» ЯК ОСНОВА СОЦІОЛОГІЧНОЇ ПРАВОВОЇ КОНЦЕПЦІЇ СТАНІСЛАВА ДНІСТРЯНСЬКОГО (1870-1935)

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Анотація. Унікальною для розвитку світової юридичної науки у кінці ХІХ- на поч. XX століття була поява нових теоретичних правових обґрунтувань виникнення «права» та «держави». Коріфеї української юридичної науки — Станіслав Дністрянський та Євген Ерліх у своїх наукових працях по- своєму переосмислили цивілізаційне життя людства і запропонували нове розуміння права та держави. Так, основою життя всіх «суспільних зв’язків», у тому числі і держави, у правових ідеях Станіслава Дністрянського було соціальне, природне, економічне, правове та культурне поняття «потреби», «звичаю» та «звичаєвого права».

У працях С. Дністрянського «Чоловік і їго потреби в правні системі» (1900), «Звичаєве право — а соціальні зв’язки» (1902) були закладені основні засади його власної теорії «суспільних зв’язків» з історико-правовим аналізом виникнення потреб у людей, поняття майна, добра, багатства, добробуту та злободеності. У цих працях С. Дністрянський чи не вперше у світі на концептуальному рівні зробив висновок про вирішальну роль норм звичаєвого права в правових відносинах людей, досліджив закономірності функціонування та співіснування різних соціальних груп у суспільстві, вважаючи, що суспільство виступає фактичним джерелом права. С. Дністрянський науково довів, що звичаєве право має історико-культурну, етнографічну, філософську та соціологічну основи. Отже, на його думку, першими соціальними нормами в суспільстві є звичай, традиція, обряд, а вже згодом виникає звичаєве право, закон та інші правові норми. Зважаючи на природний, соціальний та економічний характер потреб людини та суспільних груп, С. Дністрянський доводить за аналогією і такий же характер нових прав. Саме з потреб, на його думку, виникають перші соціально-етичні норми, з яких згодом виникають і правові норми різних соціальних груп, у тому числі і держави.

С. Дністрянський при формуванні власної соціологічно-правової концепції права та держави широко застосовував і історико-генетичний, і соціально-економічний методи. С. Дністрянський, створюючи власну, оригінальну, цілісну, синтетичну природну, економічну та соціальну концепцію права виходив з наступного: людські потреби є основою права; звичай, авторитет суспільного утворення та воля членів різних соціальних груп визначають межі права; потреби як природні та економічні категорії впливають на зміст права та зумовлюють права і свободи людини; через потреби людей С. Дністрянський виводить принцип взаємозалежності та взаємовідповідальності людей між собою. Певні блага виступають засобами задоволення потреб людей; на право впливають природні, соціальні та економічні чинники; право виникає на основі соціально-етичних норм окремих соціальних груп, які висловлюють цим нормам свою довіру та дають свою санкцію на них (у державі ця санкція опирається на організований адміністративний апарат, який користується, крім іншого, фізичним примусом).

Отже, Станіслав Дністрянський запропонував у своїх працях цілісну соціологічну правову концепцію еволюції права у «суспільних зв’язках», які розумів і як суспільні групи (родина, рід, плем’я, народ, держава та інші), і як відносини між різноманітними суспільними групами.

Ключові слова: суспільна група; суспільні відносини; звичай; звичаєве право; народ; держава.
THEORY OF FORMATION AND LEGAL DEFINITION OF "SOCIAL RELATIONS" AS THE BASIS OF THE SOCIOLOGICAL LEGAL CONCEPT OF STANISLAV DNISTRIANSKYI (1870-1935)

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Abstract. At the end of the XIX – the beginning of the XX century, the emergence of new theoretical legal justifications for the emergence of "law" and "state" was unique for the development of world legal science. The legal figures of Ukrainian legal science – Stanislav Dnistrianskyi and Yevhen Erlikh redefined the civilization life of mankind and offered a new understanding of law and state in their own way in their scientific writings. Thus, the social, natural, economic, legal and cultural notion of "need", "custom" and "customary right" was the basis of life of all "social relations", as well as the state, in the legal ideas of Stanislav Dnistrianskyi.

In the writings of Dnistrianskyi, "Human and His Needs in the Legal System" ("Cholovik i Yeho Potreby v Prawnii Systemi") (1900), "The Customary Law and Social Relations" ("Zvychaive Pravo — a Sotsialnii Zviazky") (1902) laid down the basic principles of his own theory of "social relations" with the historical and legal analysis of the emergence of the needs of people, the notion of property, good, wealth, welfare and poverty. In these writings, Dnistrianskyi, concluded that the rules of customary law have a decisive role in the legal relations of people, examined the regularities of functioning and coexistence of various social groups in society at the conceptual level, considering that society was the actual source of law almost the first time in the world. Dnistrianskyi scientifically proved that the customary law has historical, cultural, ethnographic, philosophical and sociological fundamentals. Thus, in his opinion, the first social norms are custom, tradition, rite, and then there is a customary law, law and other legal norms in society. Given the natural, social and economic nature of human and social needs, Dnistrianskyi proves the same nature of the fundamentals of law by analogy. In his opinion, it is from the needs that there are the first socio-ethical norms, from which the legal norms of various social groups, as well as the state, subsequently arise.

Dnistrianskyi widely used both historical-genetic and socio-economic methods during the formation of his own sociological and legal concept of law and state. S. Dnistrianskyi proceeded from the following in creating his own, original, holistic, synthetic natural, economic and social concept of law: – human needs are the fundamentals of law; usually, the authority of social formation and the will of members of various social groups define the limits of law; the needs acting as natural and economic categories affect the content of law and define the human rights and freedoms; Dnistrianskyi distinguishes the principle of interdependence and mutual responsibility of people among themselves using the human needs. Certain benefits serve as means of meeting people needs; the law is affected by natural, social and economic factors; the law arises on the basis of social and ethical norms of certain social groups that express their confidence in these norms and give their sanction to them (in the state, this sanction is based on an organized administrative apparatus, which uses physical coercion among other things).

Consequently, Stanislav Dnistrianskyi offered a holistic sociological legal conception of the evolution of law in "social relations" in his writings, which he understood both as social groups (family, race, tribe, people, state, etc.) and relations between various social groups

Keywords: social group; social relations; custom; customary law; people; state.

The development of the European and world legal worldview in different periods of human life is perhaps the most important subject of scientific research of many generations of prominent thinkers. The development history of thoughts, theories and concepts of thinkers of different historical epochs about the formation of simple and complex social groups, their unification in the form of the first states, as well as the states in the modern sense of the word, is extremely important. There are new theoretical rationale for the notion of "right", "state", "community", "citizen" and other derivatives of state and legal concepts at each
stage of human development. The economic, cultural (including religious), military and a number of other factors played an important role in the transformation of a socially homogeneous society into a socially heterogeneous one.

The gradual separation from the ritual-religious and mythological notions of "natural" and "supernatural" world influenced the emergence of the first rational philosophical schools that justified the existence of nature and world through "atoms," and the existence of social life – both through the existence of "universal" law and law established by the same people in order to achieve the rule of law.

Since the advent of the first philosophical schools, thinkers have tried to justify the concept of "people" ("demos"), "citizens", "free people", "non-free" (slaves), "state", "law", "form of government", "general welfare", etc. The ideas of Greek philosophers (Socrates, Plato, Aristotle and others), Roman philosophers and Roman lawyers initiated the formation of secular jurisprudence, which was developed by all European thinkers, including modern lawyers.

The history of "jurisprudence" formation begins as a science in general, as well as its individual public and private institutes, in particular, has begun since the first attempts of theoretical proof and protection by people of their right of possession and ownership of their property with the help of third parties (pretorts, judges, etc.), in which the parties had some trust.

Every modern European lawyer, both a practitioner and a theoretician, is aware of the complexity of forming new social, legal, democratic and independent European and world powers. There are different theories of the origin of law and state, respectively, as well as different theories of understanding the basic legal concepts of "law" and "state" at each stage of social development. By the beginning of the XX century, the classical legal theories of the origin of state and law, as well as the theory of their conceptual understanding ("violence", "socially fair hierarchy", "patriarchal", "theological", "natural", "liberal", "organic", "positivist", "socialist", etc.) were formed.

The emergence of new trend – the sociological school of law – is unique for the development of world legal science. The sociological school of law was formed due to the theoretical and legal justification of leading figures of Ukrainian legal science – Stanislav Dnistrianskyi and Eugen Ehrlich. Ukrainian thinkers redefined the civilization life of mankind and offered a new understanding of law and state in their own way in their scientific writings. Thus, the social, natural, economic, legal and cultural notion of "need" was the basis of life of all "social relations", as well as the state, in the legal ideas of Stanislav Dnistrianskyi. And the concept of Eugen Ehrlich was based on the customary law in a pre-state society.

The scientific heritage of Stanislav Dnistrianskyi deserves the constant attention of modern scholars and requires a modern legal analysis of the socio-legal concept with the elements of natural-economic theory. The most important published general theoretical writings of S. Dnistrianskyi, which highlight the basis of sociological concept of law, are as follows: "Damage Reimbursement from the Economic and Social Perspective" ("Polahoda Shkody z Ohliadu Ekonomichnoho i Sotsialnoho") [1], "The Customary Law and Social Relations. Amendments to the Explanation of § 10 of the Austrian Book of Civil Laws" ("Zvychaieve Pravo — A Sotsialni Zviazky. Prychyny do Poiasnennia §10 Avstriiskoі Knyhy Zakoniv Tsyvilnyh") [2], "Natural Principles of Law (§7 of the Book of Civil Laws)" ("Pryrodnii Zasady Prava (§7 k.ts.z.") [3], "Amendments to the Reform of Private Law in Austria" ("Prychynky Do Reformy Pryvatnoho Prava v Avstrii") [4], "Civil Law" ("Tsyvilne Pravo") [5], "Communication and Connection of Peoples" ("Zviazok i Spoluka Narodiv") [6], "Reform of the Legal and Social Sciences" ("Reforma Pravnychykh і Sotsialnykh Nauk") [7], "General Science of Law and Politics" ("Zahalna Nauka Prava ta Polityky") [8], "Views on the Theory of Law and State" ("Pohliady na Teorii Prava ta Derzhavy") [9], "Social Forms of Law" ("Sotsialni Formy Prava") [10], "Culture, Civilization and Law" ("Kultura Tsyvilizatsiia ta Pravo") [11], "Needs of the New System of Private Law" ("Potreby Novoi Systemy Pryvatnoho Prava") [12], "Old and New Ways in the Science of Private Law" ("Stari y Novi Shliakh y Nausti Pryvatnoho Prava") [13], "The Value of Heraclitus and Socrates for the Science of Law" ("Znachennia Heraklita y Sokrata Dlia Nauky Prava") [14], "New Ways of Ukrainian Private Law" ("Novi Shliakh Ukrainskoho Pryvatnoho Prava") [15], and others. The unpublished (manuscript) works that have a great historical and scientific value and are stored in the State Archives of Ternopil Region (fund-3430), in the Central State Historical Archive of Ukraine in the city of Lviv (fund-834) and the Central State Archives of the Supreme Power and Administration of Ukraine (fund-4465) today, include: "The Borders of the Science of Law" ("Hranitsy Nauky Prava") [16], "The History of International, Church and Criminal Law" ("Istoriia Mizhnarodinoho, Tserkovnoho ta Karnoho Prava") [17], "Family Law" ("Pravo Rodynne") [18], "In Concreto Law" ("Pravo In Concreto") [19],...
"Abstract of Lectures on Austrian Civil Law" ("Konspekt Lektsii Z Avstriiskooho Tsivilnoho Prava") [20], University Course "Review of the History of Philosophy of Law" ("Ohliad Istoriі Filosofii Prava") [21] and some others.

Consequently, the main objective of this study is a comprehensive presentation of the fundamental and ideas of the origin of society; law and state in the writings of Stanislav Dnistrianskyi in short form. In order to achieve the goal of writing this article, the author wishes to analyze the views of Stanislav Dnistrianskyi on the history of emergence of modern society, birth of law in it, and state emergence as an organization, which is obliged to ensure the basic rights and freedoms of human and citizen.

In order to provide a comprehensive, complete and objective analysis of the general theoretical views of S. Dnistrianskyi, the author applied philosophical, general scientific and special legal methods. The dialectical method allowed establishing the peculiarities of not only the formation, but the development of the legal concept of S. Dnistrianskyi. The formal-logical methods of research, in particular the synthesis, analysis, induction, deduction methods, helped the author of this study to analyze the concepts of "social communication", "law", "state", "people", "form of law", "form of state", etc. The use of the system-structural method enabled the author to consider the state legal concept of S. Dnistrianskyi as a holistic system of ideas contained in his writings, lecture courses and reviews. The historical legal method was used in the determination of factors and conditions in which the general theoretical views of the scientist were formed. The problem-conceptual method contributed to the comprehension and analysis of the methodological foundations of the general theoretical views of S. Dnistrianskyi, his understanding of genesis, concepts of law, state, unions of states, their types and forms.

As we know, Stanislav Severynovych Dnistrianskyi was born on November 13, 1870 in the city of Ternopil. After completing the elementary school at the Ternopil Seminary and the Ternopil Gymnasium in 1880, Stanislav Dnistrianskyi studied at the Law Faculty of the University of Vienna, where he obtained the title of Doctor of Austrian Law (1893) and Doctor of Political Law (1894), and subsequently continued his studies at the University of Berlin, where he was awarded a degree in Doctor of Legal Sciences (1894), and the University of Leipzig (1895). In the gymnasium, Stanislav Dnistrianskyi studied six languages, which allowed him easily perceiving Polish, German, French, Greek, and Latin writings in the field of law in the future.

Stanislav Dnistrianskyi, gaining higher legal education, studied thoroughly the historical-empirical method of legal science, which was created by the German professor Blücher [22, 11], familiarized himself with the theory of ethical minimum of H. Yellinek [10, 32], with the theory of interest in the law of R. Ihering [23,170], as well as with the theory of "true law" of R. Stammler [9, 60; 3, 205-233] and a number of other theories, the ideas of representatives of the "legal" school of law (legal positivism), the "historical" school of law (R. Hoffman, R. Pfaff and Y. Unger as adherents of the ideas of H. Hugo, K. Savigny, G. F. Puchta), the ideas of the "natural" school of law as the creators the idea of freedom, legal equality, ensuring other private rights of citizens, etc.

S. Dnistrianskyi responded positively to the ideas of the representative of the "natural" school of law F. Tsayler, and considered that the "natural law" combined the values of good and justice, thus being the internal material or spiritual principles in relation to human [3, 206]. Supporting the ideas of a professor of Vienna University, a sociologist and politician A. Menger [24, 233], and also the theory of A. Wagner, an adherent of the “organic theory of law and state”, S. Dnistrianskyi first formulated the principles of socio-economic theory in legal science and raised the issue of direct connection of the legal science with the economic and social sciences in his writing “Damage Reimbursement from the Economic and Social Perspective” ("Polahoda Shkody Z Ohliadu Ekonomichnoho i Sotsialnoho") [25].

Being a theorist of the legal “sociological” school of law, S. Dnistrianskyi in his writings "The Customary Law and Social Relations" ("Zvychaie Pravo i Sotsialni Zviatski") (1902) and "General Science of Law and Politics" ("Zahalna Nauka Prava ta Politiky") (1923) founded his own theory of "social relations", determining the notion “law” as legal norms that occurred and constantly changed in real legal relationships.

In the article “Ukrainians – professors of Law” ("Ukraintsi — profesory prava"), V. Starosolskyi, recognized the novelty of scientific activity of S. Dnistrianskyi as "intensification of the historical method, intensification of the philosophical method, intensification of the sociological method and the application of their scientific achievements to the consideration, critique and practical assessment of modern legislative writings" [26, 130].
The writing “Human and His Needs in the Legal System” (“Cholovik I Yeho Potreby v Prawni Systemi”) [27] S. Dnistrianskyi explored in detail the role and meaning of the following economical categories, as “people’s needs”, “property”, “wealth”, “welfare”, “value”, “price”, “capital”, “credit”, “income”, etc. for law as the science.

In the writing “The Customary Law and Social Relations” (“Zvychaieve Pravo – a Sotsiaalni Zviazky”) [2], S. Dnistrianskyi analyzed the coexistence of various social groups which formed the most important, social, ethical, and moral norms and due to their “authoritarian” power they changed the most important ones into legal ones. That is precisely why, S. Dnistrianskyi found out the difference between custom, ethical norms, customary law, law, and legislation.

S. Dnistrianskyi agreed with the legal views of such scholars as Baron, Hölder and confirmed that the customary law had historical-cultural, ethnographic, philosophical, and social basis.

In the writing “The Customary Law and Social Relations” (“Zvychaieve Pravo – a Sotsiaalni Zviazky”), S. Dnistrianskyi, proving the general history of law formation in society, supported the ideas of Zitelmann, Neukamp [2, 7], R. Ihering, R. Stammler [2, 8], etc.

Taking into consideration constant development of society and its factors, the Ukrainian legal theorist was convinced that the first (primitive) social groups (family, clan, tribe) formed the primary rules of the behavior which were provided by their own internal force, a force that was guided by the economic goals of the group” [2, 9].

Thus, according to S. Dnistrianskyi, customs of the primitive social groups (family, clan, tribe) as the most important ethical and moral norms of coexistence are considered to be the main basis of further development of law in more complicated social groups (nation and state). In the writing “The Customary Law and Social Relations” (“Zvychaieve Pravo – a Sotsiaalni Zviazky”), S. Dnistrianskyi pointed out that the law had arisen from the economic and social needs within certain organic social groups, such as: family, clan, tribe, people. He specified that each of these groups had its own law, legal system, as well as pointed out that there was a social group of the highest type with the further development of society in it – a state. There was also an organizational apparatus that established a legal system in the state and extended to all social groups of lower types within it in addition to law. According to S. Dnistrianskyi, the law of different social groups does not cease to exist after the state is formed, and the authoritative power of the group law is based only on the moral authority of this group with respect to its members. The state is using this organized legal system on the basis of legal and physical coercion.

The law arises on the basis of the social and ethical norms of certain social groups, since this group expresses such a norm of trust and gives its sanction to it. In the state, this sanction is based on an organized administrative apparatus, which uses physical coercion among other things.

Based on the study, S. Dnistrianskyi concludes that the natural principles of law cannot arise differently as a natural way, and therefore they are not the creatures of abstract understanding, but of specific norms of certain social groups and social entities. Thus, the natural basis of law can only be represented by the things created by a specific social group and recognized by the socio-ethical norm.

Since the law should have its own specific content from its occurrence, then, according to the scientist, it consists of two points: internal, which consists in "relation of the unit interest unit to the social interest", and the external, which consists in "recognizing the interdependence of individuals from each other". Through the recognition of mutual dependence, the second element creates a conscious organization of social groups. This part of legal understanding is formed in accordance with the organic (natural) principle of the basis of law. Subsequently, the natural interdependence shall grow into a social one, because there is an extension of the idea, on which the social groups are developed, with the great development of life relations.

The subject of natural fundamentals of law is social relations (relationships) or groups of interests that shall be based on the authoritative recognition of social groups (relations) or a particular social group.

Explaining the social fundamentals of legal norms, the researcher refers to the law of primitive times, which has been based on religious views, which, in turn, have created a legal order, taking into account the deity's authority. The scientist understands a human as the basis of social relations, and his interests – as the starting point for the formation of social interests from the very beginning of social life. Human enters into social relations for the sake of satisfaction of his own natural and intellectual needs, and he shall behave in such a way as to ensure the existence of specific social groups in these relations. According to S. Dnistrianskyi, the ethical intention of the group members manifests itself from the behavior of the group.
members in relations between themselves, which develops into the creation of social and ethical rules of conduct.

This social and ethical intention has two sides: on the one hand – it concerns the internal intentions of each member of the social group, because it has a subjective nature: it is the basis for the concept of individual ethics (that is, the individual understanding of good and evil); and on the other – it is directed outward and has an objective nature: it is the basis for the social ethics (that is, an understanding of good and evil for an entire social group) that puts forward a social goal, and therefore it serves as a social ideal for the social groups, since it provides the basis for their successful existence.

Describing the distinction between social and individual ethics, the scientist concludes that "the principles of social ethics will almost coincide with the principles of individual ethics in a family as a primitive social group, which includes a small number of members. The bigger difference will be in the clan, even more – in the tribe, and even more – in the people, in the state and in the isolated relations that arise from the state, territories, communities, etc." [2, 13].

The first social norms are custom, tradition, rite, and then there is a customary law, law and other legal norms in society. S. Dnistrianskyi allocates three main social fundamentals of law, namely: 1) custom; 2) authority of public relations; 3) will of relation members. S. Dnistrianskyi understands the custom as the fact that different members of individual social relations in the same cases do the same or behave in the same way to reach the common goal of all relation members to create order in society. Thus, the individuals are convinced that it should be so and not otherwise [8, 38].

Therefore, the custom occurs only in a public group, which, in turn, consists of individual group members. These group members, for the sake of the common interests of this group, sacrifice their natural needs and interests for the sake of the natural needs and interests of the entire social group. Such social interdependence of interests is inherent in law as a whole. The custom, given its important social role in regulating social relations, can be considered one of the most important fundamentals of law.

Considering the custom concept, S. Dnistrianskyi distinguishes it from tradition. He points out that these concepts are interdependent and are in constant motion. The customs vary according to time and place. In his opinion, the customs are a consequence of the common life of people in social groups, where the socio-ethical rules of behavior are formed, which are assigned to themselves by the group members to regulate their behavior. The socio-ethical tradition of a group is formed due to the constant actual implementation of the socio-ethical rule of conduct in the group by its members. We can conclude that the customs and traditions represent two different sides of social phenomena in the concept of a Ukrainian scientist: actual (custom) and theoretical (tradition).

Regarding the important role of authority in social groups, the scientist is convinced that there is always a natural (self-sufficient) organization of this group, which creates its power, in each social group. S. Dnistrianskyi believes that all social groups (whatever they are), form the authority based on power and conquest when forming their own order. According to the researcher, this relationship is not accidental, but on the contrary – logical, natural and directly necessary, which is substantiated by the existence of the very society, in which people are weaker, are stronger, while the weaker people seek protection in the stronger [8, 40]. The weaker side is interested in seeking proper protection, and the stronger one – in the fact that it can get some benefits from the weaker one, for example, to use the weaker labor force. In particular, it appears the power of a husband over a wife, as well as a father over its children in families, taking into account parental guardianship and provision with the life means. For this, a wife and children help their husband/father on the farm with his work, which he uses at will.

S. Dnistrianskyi distinguishes two types of power over conquered: allegiance and slavery. Allegiance encompasses power over the members of the very social relations; slavery – over those members who were out of such relations. Thus, the citizens were a wife and children in relation to a husband/father, and the slaves were the members of captured clans existing under the authority of another family. The same can be found in tribes and states, however, state allegiance has covered all free inhabitants of the state territory, regardless of family, due to its territorial nature, and clans or tribes have been subject to the joint territorial power, not taking into account the slaves. Subsequently, the state's allegiance has passed into the modern notion of "citizenship", but not only as an expression of dependence on the state, but at the same time as an expression of civil law, which defines the foundations of the power itself in the state [8, 41].

S. Dnistrianskyi understood the economic fundamentals and everyday personal needs that arise from by virtue of human being. The researcher points out that "the human needs mainly concern the social
economy... But the value of human needs is far more than the scope of economy. However, the science of law comes to help here. The law is also based on the human needs; the private law is in the first row. It expresses the rules that govern the social system in private relations between people. When the private life of a human is ahead of the game to calm down the specific needs, then the legislators should find them out and therefore turn the entire state apparatus to protect the same" [27, 3].

S. Dnistranskyi understands the need as a "feeling of lack received to eliminate it" [27, 3]. The lawyer says the feeling of lack of something that has arisen in human with the desire to have it is the need. In fact, there are so many people in need. S. Dnistranskyi divides all these needs on external and internal. In his opinion, the external ones are the person's attitude to the outside world, that is, to the organic and inorganic nature and to other persons. The implementation of internal needs takes place through the power of psychic process inside the person, for example, in meeting spiritual needs, thinking, and the like.

When classifying the needs by the subjects, S. Dnistranskyi distinguishes separately the individual needs, the needs of different social groups, in particular the family, clan, tribe, state, people, as well as the needs of the whole society. He highlights the "end-use needs", "decent needs" and "loss-making needs" [27, 4]. Another criterion for the division of needs is their affiliation to the whole society or to its individual members. Therefore, he distinguishes: "public or social needs" and "individual needs".

S. Dnistranskyi understands the means for meeting the needs as the economic concept of "good" (benefit) in the broad legal sense. In his opinion, both benefits and needs can be external and internal. He understands the internal "good" or personal benefits as health, strength, psychic features of a person, ability and knowledge. The external "good" (benefits) is the fields of the outside world, which surrounds people outside them. It relates not only to the organic and inorganic nature, but to the work of other people, which serves to meeting the needs as well. He compares the external benefits with the notion of property, things [27, 5].

The scientist also considers other economic concepts that influence the formation of the needs of each person and social group. He attributes wealth, welfare and "poverty" to such concepts.

Given the natural, social and economic nature of human and social needs, S. Dnistranskyi understands the same nature of the fundamentals of law, because, in his opinion, it is from the needs that there are the first socio-ethical norms, from which the legal norms of various social groups, as well as the state, subsequently arise.

Thus, in the writings that reproduce the original sociological understanding of the law and the state by Stanislav Dnistranskyi, one can find the influence of legal and political ideas of Aristotle, A. Wagner, R. Hoffmann, H. Yellinck, R. Ihering, A. Menger, R. Pfaff, Y. Unger, F. Tsailer, R. Stammler, as well as the ideas of such Ukrainians as B. Kistiakivsky, O. Ohonovsky, T. Shevchenko et al.

S. Dnistranskyi widely used both historical-genetic and socio-economic methods during the formation of his own sociological and legal concept of law and state. That is why the scientist has understood that law as a social phenomenon is directly related to the development of culture and civilization and is a mandatory attribute of society and the state.

S. Dnistranskyi proceeded from the following in creating his own, original, holistic, synthetic natural, economic and social concept of law: – human needs are the fundamentals of law; usually, the authority of social formation and the will of members of various social groups define the limits of law; the needs acting as natural and economic categories affect the content of law and define the human rights and freedoms; S. Dnistranskyi distinguishes the principle of interdependence and mutual responsibility of people among themselves using the human needs. Certain benefits serve as means of meeting people needs; the law is affected by natural, social and economic factors; the law arises on the basis of social and ethical norms of certain social groups that express their confidence in these norms and give their sanction to them (in the state, this sanction is based on an organized administrative apparatus, which uses physical coercion among other things).

Consequently, Stanislaw Dnistranskyi offered a coherent picture of the evolution of law in "social relations" in his writings. The theory author applied also this term to the social group (family, clan, tribe, people, state, etc.) and relations between social groups.
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