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Human freedom in the legal dimension

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Abstract
In this article, the authors examine the freedom of a person as a subject of law, comparing it with the freedom of an individual, which is regulated by moral imperatives. They analyze the various components of the personality structure – volitional, rational and valuable. The relationship between the concepts of "freedom" and "right" is highlighted, the connection between legal responsibility and freedom is traced. The role of individual legal awareness in ensuring human freedom is determined. The relevance of the article is determined by the need to justify ways of ensuring freedom in the state, creating mechanisms for overcoming contradictions between freedom and necessity, freedom and equality. For this, it is necessary to examine freedom from the point of view of law. The purpose of the study is to clarify the status of freedom as a legal category, to specify its essence, place and meaning in legal science, to characterize the current trends in the development of this phenomenon. The methodological basis of the article consists of dialectical, phenomenological and synergistic approaches, as well as the following methods: formal-dogmatic, comparison, formal-logical, formal-legal, systemic and structural-functional. The authors of the article reached the following conclusions: individual freedom differs from human freedom, which is impossible without law, without a legislative form of its implementation. From the point of view of law, freedom is the possibility of certain human behavior legally enshrined in normative acts. The law is an effective tool that helps the individual (community, society in general) achieve a state of true freedom. Human freedom can only be realized through legal equality. Unlimited freedom turns into arbitrariness and leads to totalitarianism. Freedom presupposes the responsibility of a person for his actions. There is a close connection between freedom, law, equality, justice, legal consciousness and legal responsibility. The scientific

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novelty of the article is determined by the conclusions, which consist in the development of a holistic view of the place and role of human freedom in the system of legal categories and the role of law in ensuring it

Keywords:
equality; justice; legal consciousness; legal responsibility; individual; subject

Introduction

One of the fundamental scientific categories is freedom – the most difficult term for understanding and practical implementation in public relations, legal norms, political institutions, and legal procedures. The original idea of freedom was transferred from the sphere of ideas to real life precisely through law. Humanity has not yet invented any other form of being and expression of freedom in public life other than legal life. Freedom is impossible where there are no legal restrictions, where there are no clearly defined boundaries of legal personality of participants in legal relations.

Legal freedom can be considered as free will, i.e., the ability to choose options for one's behaviour. It is also existential freedom, which is the primary condition for the existence of the subject of law. Finally, legal freedom appears as a condition and means for the development and improvement of the human personality and society. The question of the legal form of freedom is important now, when there are profound changes in the entire complex of social relations related to the development of an open-type society and changes in the forms of human activity, specifically, awareness of various needs of a person and society, recognition of legitimate interests that were not previously such.

According to Part 1 of Art. 5 of the "European Convention on Human Rights"[1], everyone is entitled to freedom and personal integrity. This is one of the fundamental human rights, which means the ability to do anything that does not violate the rights of other people and society as a whole. The right to freedom includes a set of specific powers that are realized in the sphere of personal interests (freedom of worldview and religion, freedom of movement, etc.), the political sphere (freedom of speech, freedom of peaceful assembly, etc.), the socio-economic sphere (freedom of work, freedom of creativity). Personal inviolability implies the inadmissibility of any external interference in the sphere of individual human life and covers physical and mental inviolability.

The level of development of freedom in society, its adequate perception by the population, is determined not only by the consolidation of human rights and freedoms in the regulations of the state, but also by the legal awareness of the population, which can understand and properly respond to certain restrictions on their freedom caused by the need to ensure freedom for other participants in legal relations and implement the principle of legal equality. Freedom is always linked to legal equality. The implementation of the proclaimed freedoms also depends on the effectiveness of legislation, the behaviour of officials and the success of the state in the fight against corruption.

The study of freedom as a legal category today is conditioned upon the solution of several issues in Ukraine related to the practical implementation of the principles of the rule of law, civil society, the establishment of humanistic values and democracy; appeal to the individual as the highest value in the state, concretization of the status of a person, expansion of their rights and freedoms. Legal science must justify both mechanisms for ensuring freedom in the state and ways to overcome the contradictions between freedom and necessity, freedom and equality, which is possible based on awareness of the value of the human person and their coordination with the factors of stability of the state that ensure its sustainable development. Given the above, the subject under study is important and relevant.

The philosophical understanding of freedom, its interpretation in a particular era, the influence of freedom on a person, the relationship between freedom and responsibility, the essence of arbitrariness, the influence of arbitrary power on society and the state are also investigated in the studies of modern scientists. Z. Stezhko, N. Hrishchenko, V. Kultenko, I. Savitska, A. Suprun, N. Rusko carried out a socio-philosophical analysis of freedom and arbitrariness (2021), the purpose of which is the formation of a rational civic position and self-determination as a result of a person's awareness of responsibility for their decision. G. Gunatilleke (2021) quite thoroughly defined the grounds for restricting freedom of speech. The analysis of the problem of the struggle for the rule of law in the presence of arbitrary power was highlighted by K. Thompson (2019).

The studies of these authors are a considerable contribution to the research on freedom and substantiation of measures to ensure it. However, the authors ignored the problem of human freedom from the standpoint of law, determining the legal conditions for the existence of freedom, the ratio of freedom and inequality, and

[1]Convention on the Protection of Human Rights and Fundamental Freedoms (with Protocols) (European Convention on Human Rights). (November, 1950). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.

ensuring human rights in its relations with the state. Such study can be useful for both legal science and political and legal practices. The authors of the present paper consider these problems as their task.

The purpose of this study was to cover the specific properties of freedom as a legal category, clarify its essence and significance for legal science and a human, and characterize the modern transformations of this phenomenon.

The theoretical provisions and conclusions formulated in the paper develop and complement several sections of the general theory of law and the state. The results of this study will contribute to a more complete legislative consolidation of human and civil rights and freedoms and their proper implementation. This is the practical significance of this paper.

Literature Review

Legal science usually does not investigate the problems of freedom comprehensively but focuses only on some essential aspects of this phenomenon, considering them from the standpoint of law. The Western understanding of freedom, which gained popularity in the 17th-19th centuries, associated it with individualism, the priority of the individual, its independence from society and the state, which means independence from legislative regulation. Individualism proclaimed the individual a noteworthy value from the perspective of politics, economics, and morality. The English philosopher J. Locke (1823) considered freedom as the basis of everything else, and the natural state of man, in his opinion, is precisely the state of complete freedom. An outstanding thinker of the Enlightenment, the German philosopher I. Kant (1784) substantiated freedom as a natural right and the highest good of man, which the state must protect. In his opinion, it is possible to achieve the common good only with the construction of a state governed by the rule of law and civil society, i.e., a state in which the greatest freedom of each member of society is ensured, provided that it is compatible with the freedom of all others. For I. Kant (1784), personal freedom is both a purpose and a means of achieving a general legal state. At the same time, he considers freedom as a driving force for the development of private property relations, the formation of the state and the formation of public legislation. Freedom is also the independence of the will from the compulsion of personal emotionality, it is associated with the responsibility of a person, their right to dispose of their life, foremost it is the freedom of reason.

The study of this issue has not lost its relevance to this day. The problems of freedom and responsibility were considered by S.R. Bhatt (2018), who argues that equality of opportunity and distributive justice are the basis for providing a solid foundation for freedom and social solidarity. J. Portier (2016) considered the issue of the exercise of freedom in the case law of the European Court of Human Rights. F. Lovett (2012) investigated the essence of arbitrary power. The study of the interdisciplinary aspect of ways to protect human freedom using the dialectical method is relevant (Robson, 2021). Research on human freedom in the context of social justice, specifically through the lens of the phenomenon of poverty, various political, economic, and social aspects of human life (Canaval, 2021), is noteworthy.

The studies of these authors are a considerable contribution to the research on freedom and substantiation of measures to ensure it. However, the authors ignored the problem of human freedom from the standpoint of law, determining the legal conditions for the existence of freedom, the ratio of freedom and inequality, and ensuring human rights in its relations with the state. Such study can be useful for both legal science and political and legal practices. The authors of the present paper consider these problems as their task.

Materials and Methods

The methodology of this study is based on the dialectical approach, which examines various aspects of human freedom and considers it from the standpoint of comprehensive links with other political and legal phenomena. The causes and consequences of processes affecting individual freedom and leading to its restriction are established, and the adverse consequences of violating human freedom for themselves, society, and the state are traced. The dialectical approach helped determine the specific features of individual freedom and the prospects for its development in the future.

A phenomenological approach was also used to consider the theoretical legal foundations of individual freedom through the perception of the subject who enjoys this freedom or strives for it, and the subjective attitude of the individual towards the violation and restriction of their freedoms was analysed. The phenomenological approach has also proved useful in assessing the consequences of violating human freedom.

Using a synergistic approach, random factors influencing the possibility of violation of individual freedom and the assessment of these violations by the individual themselves are considered and established. A synergistic approach provided insight into the complexity of social relations that contribute to the violation of freedom. This approach allows considering legal relations as a component of the system of public relations and determining the possibilities of exercising freedom in these relations.

Using the formal dogmatic method, the concepts of "law", "freedom", and a number of other terms and provisions were formulated.

The comparison method was used to compare freedom with law, equality, and necessity, in the study of the levels of manifestation of freedom.

The formal-logical method allowed investigating the individual freedom as the independence of an individual (having certain desires) from any external influences. Among the techniques of the formal-logical method,

analysis and synthesis are mainly used, which allows comparing different interpretations of freedom, as well as determining the scope of its implementation. Other techniques were also used: induction and deduction, analogy, which contributed to the establishment of logical contradictions in the structure of numerous judgments.

The formal legal method was also used to investigate the legal categories of political and legal reality. Thus, new knowledge about the individual's freedom was obtained.

The use of the system method turned out to be useful for clarifying the specific features of the implementation of individual freedom in the state. Therefore, the study established the significance of certain elements for the entire system, specifically the importance of security for the system of human and citizen rights and freedoms. Thanks to the systematic method, which involves considering a set of objective and subjective factors, the boundaries of knowledge for the phenomenon of law and human freedom were expanded.

The structural and functional method helped determine the role of each of the phenomena under study. Freedom and law were considered because of the functions they perform in society. Several techniques of this method were applied, namely: structural analysis (to clarify the components of the phenomena under study); functional analysis (to determine the functions that freedom and law perform in society); complex analysis (to investigate law and freedom in interaction and interdependence).

Results and Discussion

Among the fundamental legal categories, freedom is not only the most difficult term for understanding and practical implementation in regulations, institutions, procedures, and public relations, but also the most important for the individual and society. The evolution of this term has a long history (Ilievsky & Ilik, 2020). Research on the problems of freedom, including individual freedom, has long been the focus of attention of philosophers, lawyers, economists, and political, and legal thinkers. The essence of the philosophy of freedom was best expressed by the German philosopher G.V.F. Hegel (2004): "Over the multitude of substantial entities hovers the last unity of absolute form – necessity". Personality, according to G.V.F. Hegel (2004), is exactly what is based on freedom. But freedom is not unlimited, a person must remember the need. A person must recognize the higher will that stands above their arbitrariness. This will be embodied in law.

The interpretation of the term "freedom" by legal science is traditionally based on its philosophical understanding. Personal freedom in the philosophical sense has always been considered as the individual's ability to self-determine, think and act or refrain from acting according to their ideas and desires, and not as a result of internal or external coercion. Freedom is directly related to the individual, in relation to whom the discussion of the fact of its existence is justified. That is, it is an abstract, relative concept, the implementation of which depends on the desire of the subject.

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Freedom can be understood as the independence of the individual from any factors besides the laws of nature and their own mind. The individual chooses the purpose and possible options of their activity at their own discretion, they have a space of freedom where they can compare alternative options, make decisions about their actions, anticipate their consequences and evaluate the results of their behaviour. If the ability to freely choose the purpose and methods of one's activity are lost, this can be considered as a loss of freedom. A person should be aware of the existing objective necessity and legitimate interests of other persons. This is a prerequisite for the formation of an individual. Freedom is usually perceived as an expression of a certain requirement put forward by possible counterparties. From this follows the ontological connection of freedom with law and human rights.

Human behaviour options are guaranteed by law and defined in legal norms. In states where the rule of law is recognized, another principle is implemented for citizens: everything that is not prohibited by law is allowed. Here, freedom is the purpose-driving activity of an individual (Bachinin, 2000). Therewith, freedom should not turn into arbitrariness, in which the limits of a person's power are determined by their strength, capabilities, influence, and treachery. Arbitrariness is freedom for one person who ignores the freedom of others, sees them as an obstacle to their own interests. Freedom for everyone is a right (as a consistent exception to violence) and equality.

The relationship between the terms "freedom" and "law" needs to be clarified. From the standpoint of philosophy, law is a social (or natural-social) phenomenon, a set of ethical values (justice, guarantee, order, morality), primarily based on the idea of equality. Equal rights should correspond to equal responsibilities. The right in its general form is a person's claim to certain material and spiritual benefits, including that they should have a certain autonomy, which is sometimes called personal space. Admittedly, law here means not a social institution, not a regulator of public relations, but subjective law. Here, freedom will be a measure of permitted

behaviour carried out in the sphere of an authorized person through the duties of other individuals. The subjective right itself is quite reasonably associated with freedom since it is a measure of freedom. According to I. Kant, the right is a restriction on the freedom of everyone, provided that they agree with the freedom of all others, as far as possible under a certain general law (Kant, 1919). In objective terms, freedom should be understood as the establishment of certain boundaries, beyond which society and the state cannot influence the individual, interfere in their life. Freedom in law (legal freedom) can be defined as the possibility of certain human behaviour legislatively consolidated in regulations (freedom of speech, freedom of religion, freedom of movement, etc.). This definition refers to an objective understanding of freedom. The social basis of law is the recognition of individual autonomy. Understanding law as a measure and form of freedom shows the possibility of revealing the priority of the human person in the complex structure of social phenomena. Law is formal freedom, formal equality of people. Legal equality makes freedom possible and valid in a general regulatory form, in the form of a certain legal order.

The question arises regarding the criteria for distinguishing between law and freedom (in the subjective sense). Such a criterion may be the existence of a clear mechanism for the exercise of the right. After all, law, unlike freedom, usually implies the existence of a specific scope of application of a regulation, a legal mechanism for its implementation. It should be recognized that the term "freedom", in contrast to the right to something, implies wider possibilities of individual choice, without delineating its particular result.

It is also possible to distinguish these concepts according to the criterion of the presence of obligations of other persons for the exercise of rights and freedoms. Freedom is related to a simple permit, it is not secured by a legal obligation, except for the obligation of everyone to refrain from committing any acts that violate this freedom. That is, it is freedom from something, or negative freedom. In law, the rights of one person are secured by the obligations of another person. The right is usually exercised through the relevant obligations of the state or other obligated entity to perform some positive action to exercise the relevant right, while pointing to the obligated person. The right here correlates with a qualified permit and is balanced by someone's duty of positive action that ensures this right (Shafalovich, 2019).

Individual freedom from the standpoint of law determines the status of a person in the state and society. It can manifest itself at various levels. First of all, freedom manifests itself as free will – an internal characteristic of the individual, inherent in it from birth. It is thanks to free will that a person is aware of their responsibility for their actions, directs their behaviour, and, accordingly, can be a subject of law that commits legally significant acts.

At the next level, individual freedom appears as a legal characteristic that determines the level of legal capabilities of an individual, their status in the state, and position in society. The individual, as the bearer of freedom, at this stage opposes society, has his or her own interests that do not coincide with the interests of the community, and means of implementing these interests. Therewith, the individual must adhere to certain principles, norms, and rules of behaviour. At this stage, a negative method of regulating public relations is implemented, the individual has the so-called negative freedom, namely freedom from threats of various types; as it were, they receive certain security guarantees from the actions of other persons and the arbitrariness of the state. An individual acquires the status of a person and citizen who is entitled to life, dignity, freedom of speech, legal equality, and other rights and freedoms guaranteed by the state. Having received guarantees of personal security, a person received the right to their own actions, i.e., the freedom to act pursuant to their interests.

Finally, the third level of individual freedom is manifested in the activity inherent in the individual. This activity is implemented at the regulatory level through a positive method of regulating public relations. The individual receives certain benefits, freedoms, takes part in public affairs, and particular specific personal, political, economic, and cultural rights and freedoms. That is, freedom becomes a fundamental principle of all spheres of society's life (Kapranova *et al*., 2018).

Thus, the freedom of the individual can be considered as the relationship between the will, thoughts, and actions of a person. Therewith, will in law is considered precisely as free will, which is opposed to unrelated arbitrariness. An indicator of the degree of freedom is law. Freedom can only be expressed in law. Accordingly, the criterion of a legal law is the amount of freedom, and law is a measure of freedom. If there is no right, then there is no opportunity to protect freedom and create conditions for its implementation. Freedom is real only if there is a legal form of its expression.

Freedom in the human community is represented by a free individual, which is a necessary basis for legal capacity and legal personality in general. However, the freedom of individuals can only be reflected through the general principle and norms of equality of these individuals in a certain area and form of their relationship. Law is not just a general scale and an equal measure, but a general scale and an equal measure of individual freedom. If the free individuality, personality, legitimate interests and legal claims of the individual are not ensured, then the subjects of law, legal relations, and legal laws cannot exist.

Freedom implies responsibility, even if it is a moral responsibility. Therefore, broad segments of the population do not always seek freedom. They easily replace the need for freedom with the need for comfort, convenience, and the absence of various difficulties and dangers

inherent in free self-determination since it involves risk and responsibility. This is precisely what the German philosopher and sociologist E. Fromm meant, who considered freedom as a measure of responsibility. In his opinion, most people are incapable of responsible actions. A person cannot be critical of themselves, adequately assess their actions. In the end, a person does not choose freedom to act (along with responsibility), but freedom from acts, duties, and responsibilities. According to E. Fromm (1944), the lost inner freedom of a slave and a conformist gives rise to a syndrome of violence, rejection of one's own uniqueness, and loss of freedom. The scientist connected this with the emergence of totalitarian and authoritarian regimes of the 20th century, which do not recognize law as a manifestation of freedom and reduce it to the arbitrariness of the sovereign, which is connected with their desire to encroach on the freedom of a person, to completely control it. This leads to despotism and slavery for most of the population, which does not always seek freedom. According to the authors of the study, the only person worthy of freedom is the one who won it in the struggle, while risking their own career, well-being, and health.

It is clear that totalitarian and authoritarian regimes restrict or even completely deny freedom. However, rather strange restrictions on freedom can also be observed in democratic states. It is known that creativity is impossible without academic freedom. Creativity can be realized as critical thinking (freedom to criticize). Creativity requires partial independence from existing knowledge (Kronfeldner, 2021). Therefore, it is difficult to understand why a scientist is obliged to cite his contemporaries, necessarily refer to a certain number of their works.

The problem of freedom is very relevant in a corrupt society, as corruption undermines human rights, the rule of law and democracy (Tymoshenko *et al*., 2021). Corruption primarily affects human rights recognized by international law. Social rights, such as the right to health and education, are most affected. Some types of corruption generally equate to discrimination, in which the principle of equality and civil liberties are necessarily violated (Peters, 2018). But is everyone ready to fight corruption? The question is rhetorical. Most people watch in silence, complain about their life, or rather their existence, and emphasize their helplessness. There are also many who are corrupt officials themselves, but cynically declare themselves anti-corruption fighters. While the existence of corruption is beneficial for some individuals, others are afraid of the consequences that may befall them if they try to fight this phenomenon, i.e., they are afraid of responsibility. Freedom here is sacrificed to illusory ideas about one's own peace and well-being.

Thus, in the philosophical aspect, responsibility is directly related to freedom. A prerequisite for responsibility is free will. A person can only be held responsible for their actions when these actions are an expression of the person's will. This provision is based on a person's understanding of the essence of justice and just punishment. Responsibility performs the function of a social regulator and controller of human behaviour. In this regard, individual legal awareness becomes particularly important, which can be considered as a person's readiness solely for lawful behaviour. Legal awareness is the basis of an individual's proper perception of state will, understanding of the norms of current legislation, and conscious fulfilment of its requirements. The formation of legal consciousness is influenced by a range of factors: socio-economic, political, and cultural. The marginal state of a person has a substantial impact on legal awareness. A marginal person expresses their attitude towards the social norm through a deviant or abnormal behavioural strategy (Tymoshenko *et al*., 2020). Legal awareness reflects the legal life of society, legal relations. Legal awareness is knowledge about law and its assessment. This is not only a reflection of the object, but also a means of influencing the object. Legal awareness can be considered as a set of views, ideas, moods concerning law, understanding the essence of law, its role in the life of society. Legal awareness – individual, group, and public – is aimed at a fair settlement of legal relations, and therefore ensuring freedom.

Freedom has certain limits. Independent subjects by the very fact of their joint existence determine the limits of their own freedom. The subject's independence in certain respects implies its dependence in other respects. This dependence of one individual on another is based on the need to recognize the sovereignty of another person as a sphere inviolable for one's own arbitrary behaviour. Only where the equal legal personality of another person is recognized, which means mutual limitations of freedom are recognized, one can speak of the existence of real rights within which freedom is enjoyed.

The limits of the exercise of subjective rights and freedoms are the legally defined limits of the activities of authorized persons for the realization of the possibilities that make up the content of rights and freedoms. That is, the limits of freedom are defined by law. The criterion for determining the limits of freedom is certain values. For instance, national security, public order, morality, public health, and the rights and freedoms of others. That is, personal freedom is largely determined by public freedom.

Individual freedom must be balanced by the freedom of others and the reasonable demands of society. Any restrictions on rights or freedoms prescribed by law must meet certain requirements: they must justify some legitimate purpose; the restriction must be justified under all conditions (Elewa Badar, 2010). For example, democracy implies freedom of speech, i.e., the ability to freely express one's thoughts, ideas, beliefs, beliefs, and disseminate any information that is not prohibited for dissemination. International legal instruments,

such as the International Covenant on Civil and Political Rights (ICCPR)[1], recognize "freedom of expression" as a right that can be exercised "orally, in writing, or through print, artistic forms, or any other means." However, the state may restrict freedom of speech for certain reasons. For this, the state must substantiate that certain interests that compete with the interests of a person regarding freedom of expression are sufficient grounds for imposing on the person concerned the obligation to refrain from fully exercising their freedom. They would have had to rely on public opinion to demonstrate such a duty, and in the end, they would have had to prove that the person concerned was directly responsible for any harmful consequences arising from that conduct. Accordingly, the state may not promote certain majority interests or withdraw its positive obligations by restricting a person's freedom (Gunatilleke, 2021).

Human freedom is subject to substantial restrictions due to the martial law in Ukraine, or even due to the COVID-19 pandemic in the world, which highlighted the challenges states face in trying to balance civil liberties with public health needs in a health emergency (Vázquez *et al*., 2022). Pandemic response strategies may include various rights based on civil liberties, including freedom of movement, free choice of place of residence, freedom of worldview and religion, and personal integrity. Civil rights and public health discourses, which attract public attention due to the restrictions on rights and freedoms imposed by the pandemic in different countries, are based on opposite assumptions about the burden of proof. Thus, for instance, in the discourse of civil and political rights guaranteed by the Canadian Charter of rights and freedoms[2], the burden of proving that any restriction of rights is justified lies with the government. In contrast, healthcare discourse in Ukraine focuses on the prevention principle, which suggests that preventive measures (e.g., quarantine) can be applied even in the absence of full evidence of the benefits of restricting rights and freedoms (Flood *et al*., 2020).

The question of the legal form of freedom is particularly relevant now, during the period of radical changes in the entire complex of social relations associated with the transition from totalitarianism to an open society. There is a liberation of human potentials, both in the mental sphere and in forms of activity that were previously prohibited, their strengthening by recognizing the diversity of needs and interests of different social groups, natural rights, and freedoms of the individual.

Human and civil rights and freedoms must be protected from encroachments not only by other persons, but also by the state. Human freedoms, as well as their rights, cannot be revoked by the state at its own discretion, if only because it threatens the existence of the state itself. The issue of protecting human freedom by the state should be decided based on the common good, individual interests, and expediency and necessity.

Conclusions

The conducted study confirmed that freedom is a mandatory attribute of the individual, which is revealed in the triad of its personal components – volitional, rational, and value-based. This is the state of the subject in which the said subject is the determining cause of their actions, which are not directly caused by natural, social, and any other factors. The prerequisite for freedom is legal equality, its single scale and equal measure. It not only does not contradict equality (specifically, legal equality), but, on the contrary, can only be implemented through equality and embodied in this equality.

At the same time, an individual endowed with freedom should not violate both the rights and freedoms of others, as well as several other values, such as national security, public order, morality, etc. A person's freedom implies their responsibility for their actions. Committing an illegal act in the presence of all the signs that form the composition of an offence is one of the grounds for legal liability. If a person commits certain acts and thereby causes harm to another person under the pressure of necessity (extreme necessity), in this case legal liability is excluded. The same consequences apply to a person who was in a state of necessary defence (if its limits are not exceeded). However, this refers only to legal liability. The question of moral responsibility is still open. Each person has their own moral principles, according to which they evaluate their behaviour. In this aspect, freedom transcends the legal category and affects the moral sphere.

Freedom is not limited by the law as a legal imperative that defines the boundaries of practical activity, turns into arbitrariness, loses its legal nature and leads to a totalitarian regime. Accordingly, real freedom cannot be unlimited. In the context of the devaluation of spiritual and political values, the relationship between freedom and law, equality, justice, legal consciousness, and legal responsibility requires a thorough investigation.

Conflict of Interest

None.

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None.

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Свобода людини в правовому вимірі

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Анотація
У статті автори досліджують свободу людини як суб'єкта права, порівнюють її зі свободою особистості, регульовану моральними імперативами. Проаналізовано різні складові структури особистості – вольову, раціональну та ціннісну. Висвітлено співвідношення понять «свобода» та «право», простежено зв'язок юридичної відповідальності та свободи. Визначено роль індивідуальної правосвідомості в забезпеченні свободи людини. Актуальність статті зумовлена потребою в обґрунтуванні способів забезпечення свободи в державі, створення механізмів подолання розбіжностей між свободою та необхідністю, свободою й рівністю. Для цього свободу розглядають у контексті права. Метою дослідження є уточнення статусу свободи як правової категорії, конкретизація її сутності, місця та значення в юридичній науці, характеристика сучасних тенденцій розвитку вказаного феномена. Методологічну основу статті становлять діалектичний, феноменологічний і синергетичний підходи, а також методи: формально-догматичний, порівняння, формально-логічний, формально-юридичний, системний і структурно-функціональний. Автори статті дійшли таких висновків: свобода особистості відрізняється від свободи людини, яка неможлива без права, без законодавчої форми її реалізації. Свобода в контексті права є юридично закріпленою в нормативних актах можливістю певної поведінки людини. Право є дієвим інструментом, що сприяє досягненню особистістю (спільнотою, суспільством загалом) стану справжньої свободи. Свобода людини може бути реалізована лише за допомогою юридичної рівності. Необмежена свобода перетворюється на свавілля та спричиняє тоталітаризм. Свобода передбачає відповідальність людини за свої діяння. Існує тісний зв'язок свободи, права, рівності, справедливості, правової свідомості та юридичної відповідальності. Наукова новизна статті визначається висновками, що полягають у розроблені цілісного уявлення про місце та роль свободи людини в системі правових категорій і ролі права в її забезпеченні

Ключові слова:
рівність; справедливість; правова свідомість; юридична відповідальність; індивід; суб'єкт