

## Some Aspects of Reasonableness in the Law

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**Abstract:** The article is a philosophical analysis of the concept of reasonableness. Emphasizes the relationship of reasonableness with the law. Provision stating that the reasonableness of influences development the legal system. Difficult to determine the essence of the concept of reasonableness, as one action in different situations qualify differently. This approach is the theoretical basis for the further development of the doctrine concept of reasonableness as a process of development, dynamism law, legal system and legislation.

**Key words:** Reasonableness • Law • Subjectivity • Human • Legislation • Legal system

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### INTRODUCTION

Level of legal culture of society is determined not only mean the state of its individual elements, but also their consistency, matching each other. Provide reasonable legal regulation is one of the important directions of legal reform becomes an issue of legal science in general, requires a comprehensive scientific research.

Lack of unity of opinion on the definition of reasonableness and relevance of this category in the law speaks of the need to resort scientific instruments theory of law, since the individual change the current legislation without proper attention and ensure its unity and coherence discount achieved in industry research results.

The foreign legal doctrine in the beginning of the study of intelligence (reasonableness) the right until recently exceeded domestic. Work can be found on the causes of education and development factors of law and justice in relation to intelligence [1].

Excessive desire to normalize relations with the help of the law leads to a backlog of legislation on the dynamics of the development of existing social relations. Is no coincidence that in the developed countries are often expressed legal opinions on legal regulation of redundancy and unnecessary detail laws. Every kind of public relations, by their nature require special legal form.

In the philosophy of "reason" is most often defined as "the reason, ability, activity of the human spirit, aimed not only at causal, discursive knowledge (as a reason), but also on the knowledge of the values on the universal

connection of things and all phenomena and purposeful activity within this ties. " [2] According to the philosophers, the reason is the basis of knowledge, the principles and ideas - the soul of the world, according to which the reason judges (theoretical reason) and acts (practical reason) [3].

Reason forms the core of the human self, is the basis of his sanity at the level of collective social life. [3] This interpretation implies the absence of any reason - illness or human "reason" as "the normal state of human consciousness," and, consequently, the "reason" - as the basis of a conscious, intelligent life people "go with which notes Ozhegov, it means losing his reason " [4].

Reason acts as the supreme principle of unification, integration of the diversity of human forces of individuals, groups, nations, in more complex and sophisticated form, is a means of ordering the normative principles of human life, the creation of social structures, transforming interaction sets of people in disaster consciously regulated.

"Reasonableness" refers to the number of functionally important elements of the system of legal regulation. The idea of rationality assumes overall compliance measures and law-implementation of the law. In jurisprudence recognizes the existence of a whole system of law principles as its main ideas. But rarely involve complex problem of combination - law, justice, fairness and reasonableness of the other involves not lead to the extreme setting for the implementation of the principle of one and ignore the importance and effect of the other.

So, rationality requires that the reference to the lofty principles of morality, justice and other should not lead to neglect of the principle of legality, that is the formal definition of rights, respect for compliance with applicable procedures, etc.

Designed to ensure the reasonableness of the organic development of the law in general, to evaluate the unity elements of the legal system. The essence of any legal structure is subordinate to a reasonable fact that the legal system of which they form and where they belong.

Reasonableness are estimates performed them value-function predetermine its special coordinating role in the legal system. From the standpoint of reasonableness important result of this connection acts achieving a balance between universal, including legal values corresponding to a given level of economic, political, social and cultural development of society and ensure successful resolution of both immediate and long-term objectives for regulation.

New role and importance to the reasonableness of lawmaking, which should establish the nature, value and quality of law-making process and its outcome, ie promote the adoption of such acts that by their content more adequately reflect the value system, historically inherent in our society.

Analysis of factors affecting the dynamics and intensity of development of legislation allowed to assert that "reasonableness" is one of the criteria limit judicial discretion. In other words, one of the manifestations of the idea of rationality in the administration of justice, serving as the "stop" when you use such a tool of justice, as discretion.

Based on theoretical developments, due to the lack of a legal definition, we propose an appropriate doctrinal interpretation of reasonableness. For procedural law justice is carried out on the basis of intelligence, namely a balanced consideration of the rights, freedoms and legitimate interests of all parties to proceedings and other persons, as well as the purpose of proceedings.

For substantive law reasonableness is a correlation of participants in legal action with the conditions and phenomena of objective reality, the socio-economic reality, usually made requirements and customs, professional rules.

Reasonableness can serve as a blueprint for the development of a set of legal technologies in order to regulate the public relations industry-specific rights (especially civil law). In international law-making in recent years there are significant changes, namely the acceleration of the law-making process in the adoption of

common law by most states. Expanding the scope of legal regulation associated with the spread of the right as a completely new and newly emerging field of social reality.

Reasonableness comes into play whenever it is necessary to take into account some basic criteria of moral judgment, such as objectivity and impartiality, with a wide range of criteria that depend on the situation. These criteria can not be determined in advance, in each case, they are individualized [5].

The author believes that the role and importance of intelligence increases with the emergence of new industries, industries and institutions of law and legislation, such as cosmic law, information law and other emergency legislation. In particular, is undergoing significant changes procedural legislation, introduced rules for the reasonable terms of civil, criminal cases, etc. Value rationality demonstrates an extremely wide application of this concept by the legislator. The term "reasonable" has received considerable spread in modern Russian legislation. Especially important in this concept takes legal acts of civil nature. Unjust and unreasonable is completely legal act would be contrary to the main problem of justice - the protection of violated or disputed rights and legitimate interests. [6] At the resolution of complex legal incidents forced lawyer that goes beyond the strictly legal and formal law, become a party to a vibrant social dialogue. This involves the requirement to decide on the basis of the law and the internal beliefs.

Reasonableness in law-making manifests itself in two stages: objective and subjective. In the process of lawmaking should act decisive national interests and the moral capacity of the state to ensure the implementation of the relevant standards. It is unacceptable to make commitments if they certainly will not be executed or to be executed at the expense of the fundamental interests of the people. Ability to protect national interests in terms of legal standardization is becoming smaller. National law-making is one of those ways.

## **CONCLUSION**

The author concludes that the legislative innovations are increasingly bypassed stage doctrinal testing without discussing potential enforcers. As a result, scientists are unable to assess the bills. The problem is that domestic lawmaking was not realized the truth that the borrowing of foreign experience in the legal field, for that matter and others, should be according to national circumstances and by adapting to the Russian reality.

Reasonableness is the path to improving the legal norms, acting as a guiding idea for lawmakers and law enforcer, serving as a bridge between the basic laws of development and functioning of society and the legal system. Thanks to a sound legal system adapts to the most important interests and needs of the individual and society, it is compatible with them.

The main purpose of securing regulatory reasonableness should be the creation of alternative legal mechanism for resolving disputes between the subjects of legal relations, characterized by flexibility and availability guarantees executable solutions/

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