FUNCTIONAL CHARACTERISTICS OF THE CONCEPTUAL MODEL OF SUSTAINABLE DEVELOPMENT OF MOLDOVA'S LEGAL SYSTEM: THEORETICAL AND METHODOLOGICAL ASPECTS

CARACTERISTICI FUNCȚIONALE ALE MODELULUI CONCEPTUAL DE DEZVOLTARE DURABILĂ A SISTEMULUI JURIDIC AL REPUBLICII MOLDOVA: ASPECTE TEORETICE ȘI METODOLOGICE

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Sumar. *Articolul prezintă principalele rezultate ale studiului dedicat aspectelor teoretice și metodologice ale caracteristicilor funcționale ale modelului conceptual de dezvoltare durabilă a sistemului juridic din Republica Moldova. Scopul studiului este de a fundamenta abordarea teoretică și metodologică, pe baza căreia pot fi stabilite funcțiile și alte caracteristici dinamice conexe ale modelului conceptual de dezvoltare durabilă a sistemului juridic din Republica Moldova, considerat de autor ca un model cu orientare socială, a cărui implementare este capabilă să satisfacă cererea socială a populației Republicii Moldova pentru „dezvoltare" și „stabilitate" a tuturor sferelor vieții publice, ceea ce face din acesta vectorul actual al integrării europene a țării. Metodologia studiului este cuprinzătoare, combinând capacitățile cognitive ale metodei modelării juridice teoretice cu analiza funcțională și sistemico-structurală a stării studiate a dinamicii sistemului juridic. Rezultatele cercetării efectuate: cercetarea susține includerea includerea în caracteristicile funcționale ale modelului studiat nu doar a „funcțiilor" interne și externe atribuibile tuturor entităților juridice complexe care posedă proprietăți sistemice, ci și a „scopului", „obiectivelor" și „sarcinilor" stării modelate a sistemului juridic, determinând conținutul specific al funcțiilor specificate.*

Cuvinte-cheie: *dezvoltare durabilă, sistem juridic, funcții, model.*

INTRODUCTION

The issue of the „functions" of various legal phenomena acquires real meaning when studying these phenomena in dynamics, since the functions reflect the features of the inevitable interaction of a phenomenon in a dynamic state with its surrounding environment [1, p. 49-50]. In such a situation, studying the „functions" of a legal phenomenon helps to understand its „behavior" in the surrounding reality and thereby bring its theoretical description closer to this reality, establishing the forms and directions of influence of the phenomenon under study on other phenomena of reality surrounding it, as well as the patterns associated with this influence, the understanding of which can

have important practical significance. The establishment of the „functions" of legal phenomena acquires a special role in the creation of their realistic conceptual models, created to obtain an expanded theoretical description of the modeled phenomenon with the involvement of the conceptual apparatus of jurisprudence and other areas of scientific knowledge, helping to take into account the specifics of the phenomenon being studied and the conditions of its dynamics. But when it comes to studying the modeled dynamic state of a complex of legal phenomena between which there are systemic connections, establishing the „functions" of these phenomena pursues a dual task: in addition to clarifying the features of the influence of these phenomena on the external environment (political, social, economic and other phenomena), there is a need to establish „internal" functions that demonstrate the influence exerted by individual components of these legal phenomena on each other within the framework of the general structure that connects them. In this regard, the functional characteristics of complex legal phenomena not only presuppose the need to establish both external and internal functions, but at the same time reveal a close connection with the systemic-structural characteristics of the corresponding complex phenomena. In methodological terms, this means the need to combine the method of systemic-structural analysis of complex legal phenomena with the method of their functional analysis so that the dynamic characteristics of such phenomena take into account their specificity and allow for the most complete and realistic description of the behavior of the corresponding systemic phenomenon and its individual components.

Without a doubt, the legal system of society should also be included in such complex phenomena studied by legal sciences. However, it should be noted that the studies of the functional characteristics of the legal system of society that exist in the post-Soviet space, as a rule, are based on ideas proposed back in the Soviet period and are focused on studying functions that demonstrate the influence of individual legal phenomena that are part of the legal system's components on the environment, while the establishment of functions that unite homogeneous legal phenomena into relatively independent components of the legal system of society, as a rule, is limited to stating the existence of a certain general universal „integrative function of the legal system" [2, 3, p.72-73], which does not differentiate the ways in which different components of the legal system interact with each other to maintain the integrity of this system.

MATERIALS AND METHODS

The subject of this study is the functional characteristics of the dynamic model of sustainable development of the legal system, which can be implemented in the context of the integration of the legal system of Moldova into the European legal space and which we study as a conceptual model containing a theoretical description of one of the most favorable „scenarios" of the dynamics of phenomena attributable to the legal life of society and constituting a single complex.

The study was conducted using a comprehensive methodology, the instrumental basis of which was the method of theoretical legal modeling [4] of the considered dy-

namic state of the legal system, supplemented by methods of systemic-structural and functional analysis of the created theoretical model.

RESULTS AND DISCUSSION

From the point of view of its theoretical and methodological aspects, the functional characteristics of dynamic models of the legal system of society presuppose not only a description of the actual „functions" of a particular model and its individual components. Delving into the theoretical and methodological aspects of the functional characteristics of the corresponding theoretical model, it is necessary to present „in expanded form" the system of basic concepts and categories, relying on which the functional analysis becomes meaningful and acquires its internal logic. Moving on to the direct presentation of the results of our study, we will only note that the results of the functional analysis presented by us are not the only possible theoretical and methodological approach to the problem under study, expressing the author's view on the internal logic of the functioning of the legal system of society, which is in a state of „sustainable development".

The starting point in the „construction" of the internal logic of the functional characteristic of the analyzed model of the legal system of society presented below was the idea, set out in the „introduction", that the functions of the legal system of society are a direct consequence of the dynamics of this system, the manifestations of which have external and internal aspects. The external aspect of the dynamics of the legal system is the interaction of this system with its environment (political and economic system, social institutions, etc.), which determines the formation of the „external" functions of the legal system. In turn, the internal aspect of the dynamics of the legal system is the interaction of the components that form its internal structure with each other, due to which the integrity of the legal system is maintained, that is, the „self-preservation" and „self-reproduction" of this complex of legal phenomena as a relatively isolated „section" of social matter, subject to certain internal laws that link these phenomena into a relatively unified (albeit heterogeneous in its structure) whole. The analysis of these internal interactions in the structure of the dynamic model of the legal system of society helps to establish the „internal" functions of the legal system that correspond to the model under study.

Since both in the external and internal aspects of the dynamics of the legal system we find manifestations of the functioning of this system, reflected in its connections with the external environment or in the connections of its internal components with each other, we can define the functions of the dynamic model of the legal system of society as a „way of interaction" of the legal system with the external environment (when we speak of „external" functions) or as a „way of interaction" of the components of the internal structure of the legal system with each other (when we speak of „internal" functions). This is the first concept that lays the foundation of our system of basic concepts that constitute the theoretical basis for the functional characteristics of the dynamic model of the legal system of society.

However, in order to highlight the specific functions of such a model and clarify their content, we must take into account those general guidelines that direct the dynamics of a specific model of a legal system to achieve those goals and objectives that reflect the purpose of this specific model. Therefore, the specification of the functions of a legal system directly depends on the specific state of the dynamics of this system, which becomes the object of theoretical and legal modeling, and which determines: a specific purpose, goals and objectives corresponding to the model under study. Thus, in the system of concepts and categories necessary to provide a detailed presentation of the functional characteristics of a specific model of the dynamics of a legal system, in addition to the above concept of the functions of a legal system, in our opinion, should include: the purpose, goals and objectives of the dynamics of the corresponding type of legal system model. At the same time, we do not invest any specific meaning in the designated concepts, except for their general scientific significance, but within the framework of the functional characteristics of the conceptual model of sustainable development of the legal system under consideration, we must clarify what exactly the purpose, goals and objectives of the dynamic state of the legal system modeled by us may be.

Moving on to the clarification of the designated range of concepts in relation to the model of sustainable development of the legal system, we proceed from the fact that for any conceptual dynamic model, the defining moment in its characteristics is always the basic concept that characterizes the qualitative state of the dynamics of this model and becomes meaning-forming in relation to all other concepts and categories used to characterize the modeled system and, from this point of view, can be considered as a system-forming concept in the conceptual scientific apparatus of studying this kind of model. In our study, such a basic concept is „sustainable development"; therefore, it is this concept that should be taken into account when determining the purpose, goals and tasks of the dynamics of the legal system in the model that we are describing.

The specific purpose of the model of sustainable development of the legal system, applicable as a promising model of development of the legal system of Moldova and substantiated by us as a socially oriented conceptual model of the legal system, updated by the basic social needs of the post-Soviet space in the „development" and „stability" of all spheres of public life that are affected by the functioning of the legal system [5], should be considered the satisfaction by the legal system of the basic social request, which combining both of these needs, that is, an adequate response of the legal system to this incoming social request. In turn, the goal of the model we are analyzing, which orients the legal system toward the implementation of its purpose in the simulated state of its dynamics, should be considered the sustainable development of the legal system itself, which should ensure the satisfaction of the above-mentioned social demand. In our opinion, due to the organic interconnection of the legal system of society with other components of social matter (the economic system, the political

organization of society, etc.), which form the „environment" surrounding the legal system, *the sustainable nature of the development of the legal system as one of the components of social matter should, as if „by inertia", be transferred to the dynamics of other components of social matter* (the political system, the economic system, etc.). Thus, *the simulated sustainable development of the legal system should become a kind of „conductor" of sustainability and simultaneously create the necessary legal prerequisites for stimulating the „development" of economic, social, political and other systems of a social nature in the country where this model is implemented*. At the same time, the social demand for sustainable development of all aspects of society's life reflects not only a current global trend, but also acquires a particularly important significance for the Republic of Moldova and other countries of the post-Soviet political and legal space, for which the problem of „development gaps" has acquired a systemic character.

In order to clarify the tasks by solving which the achievement of the above-mentioned goal of sustainable development of the legal system is ensured, in our opinion, it is necessary to proceed from the fact that *the speed of development (and along with it the criteria for sustainable development) cannot be the same for heterogeneous legal phenomena that act as elements of the legal system of society*. In this regard, the tasks of the legal system dynamics model we are considering should be differentiated with respect to each of the relatively homogeneous groups of elements of the legal system, facilitating the entire system as a whole to take the „route" of sustainable development. At the same time, the very fact of dividing the general goal of the legal system sustainable development model into relatively independent tasks of its components is a consequence of the complex nature of the legal system as a complexly organized phenomenon. By dividing and simultaneously specifying the general goal of the legal system sustainable development that we have identified depending on the different speed of the dynamics of the heterogeneous components that make up the internal structure of the legal system [6], we can identify as its relatively independent tasks – the sustainable development of each of its components: the sustainable development of the organizational component, the sustainable development of the normative component, the sustainable development of the institutional component, and the sustainable development of the spiritual-cultural component of the legal system.

The next and logically final step in building the internal logic of the functional characteristics of the conceptual model of sustainable development of the legal system is the definition of the external and internal functions of this model, which, expressing the corresponding „way of interaction", should also be specified in relation to each selected task, since the specific speed of dynamics that distinguishes the components of the considered model of the legal system does not allow us to assume that the interaction of these components with each other and with the environment around them will be the same, and, therefore, it is logical to assume for each components the existence of its own specific way of interaction, that is, its own functions.

CONCLUSIONS

The presented study of the research of the functional characteristics of the conceptual model of sustainable development of Moldova's legal system reflects the most general aspects related to the system of those basic concepts and categories that form the internal logic of the author's approach to establishing the patterns of functioning of this conceptual model, which is a promising model for the development of the legal system of Moldova in the context of its integration into the European legal space. Within the framework of this part of our research, we can make the following preliminary conclusions: *firstly*, theoretical and methodological approaches to the functional characteristics of the legal system can be variable and primarily depend on the modeled state of the legal system, while leaving space for discussion and expression of this or that author's position; *secondly*, the functional characteristics of the legal system are an important component of the study of the dynamic states of the legal system, since the functions of the legal system manifest themselves precisely in the process of its dynamics; *thirdly*, the functional characteristics of the conceptual model of sustainable development of the legal system reflect the patterns of functioning of the legal system, developing evolutionarily in accordance with the most favorable „scenario" of its dynamics, therefore its study can contribute to a better understanding of those internal mechanisms of the legal system, the „restoration" of which is the most natural way to overcome specific dysfunctions and other problems that can be found in the dynamics of the legal system of modern Moldova, which is stimulated to change by both the internal social demand of the population, conditioned by the „gaps in development" common to the entire post-Soviet region, and the vector of European integration implemented in the country, closely related to this social demand; *fourthly*, in accordance with the author's position, the functional characteristics of the considered model of the legal system presupposes the identification of not only its „functions", but also the definition of its purpose, goal and objectives, the establishment of which helps to concretize the content of the sought functions.

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