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LEGAL ASPECTS OF FREEDOM

Freedom is a concept, a goal, a value that has many aspects not only in science. I believe that the most important thing for which the world exists, with its diversity of creations, is freedom.

In Georgian, this word TAVISUFALI means god of yourself, you are the master of yourself, as if you can do what you want, but it is not so easy. Freedom is the universal value, every spiritual being strives for it, they sacrifice themselves for it.

Nations and states fight for freedom, but often what is hidden behind this particular term seems to be unknown to many. Everyone wants freedom, everyone is fighting for freedom, but the majority of people do not have a concrete, tangible answer to the question: what is freedom? Every spiritual person seems to have his own vision and recipe, but it is difficult to reduce these thoughts to one specific point. We will focus on the legal aspects of freedom, I believe that in social society, in the state, this aspect is crucial, although I cannot believe that the legal aspect fully covers the universal meaning of freedom. the so-called freedom as daily practical aspect for peaceful coexistence in society, is to put freedom in the legal framework, which - of course - limits freedom; Freedom in society cannot be absolute, it is limited and its limitation is determined by the necessity of social coexistence. The fence of my freedom ends where the fence of someone else's right begins - that's how easily one can describe the elementary measure of limited freedom limited by law in public coexistence, which most noticeably sets certain limits on personal freedom.

Personal freedom is a necessary condition for personal existence. The state is obliged to ensure the perfect manifestation of the legal nature of a person. To ensure a human's personal freedom, to create the conditions for him to become a person, but whether he will become a person or not, whether this particular human will become a person, it already depends on the individual skills and abilities of this human. In the state, the individual is granted personal freedom in the field of politics and economy. He has freedom of thought, speech, belief, action - he can have and express his own opinion, different from the officially recognized opinion. He has the right to criticize at any level, there are no closed and taboo zones for him in this direction. In this context, Vakhtang Erkomaishvili's views on the concept and structure of "freedom" are

interesting. The concept of freedom includes such elements as: a) awareness of alternatives; b) choice; c) action; d) Responsibility.

Freedom is neither coercion nor arbitrariness. It is a type of motivated behavior that is performed on the basis of the individual's own will. Thus, In V. Erkomaishvili's concept, freedom is an autonomous behavior that cannot be carried out within the framework of causal determination. In the theory of law, the constituent elements of freedom are explained as follows:

Freedom is fully ensured when:

1. An individual (person) is independent from the state, i.e. he is not under the total control of the state.

2. An individual (person) is the owner, i.e. owns the necessary funds for a dignified existence.

3. Human, as a personality is not under the complete control of family, social class or other type of group.

4. A person independently chooses the field of professional self-realization.

5. A person has the opportunity to freely form his own political views and also freely express them.

6. Human rights and freedoms are recognized and protected by the state.

7. There are guarantees of human rights and freedoms and mechanisms for their protection. And the most important thing here is responsibility, Freedom is the greatest responsibility for one's choice, the result of it. People often run away from freedom for only one reason, they are held back by the fear of responsibility, make a choice? Were you free in this choice? Then you are obliged to answer for the result of your choice, to bear both the rightness and wrongness of your choice on your own shoulders. That's what freedom is all about - the courage and adequacy to take responsibility for oneself.

Elements of freedom in the theory of law V. Erkomaishvili's philosophical vision is much more attractively explained and analyzed. It gives us some different elements and at the same time puts a greater emphasis on the role of the individual in making freedom a reality.

One of the most important places in law and philosophy is occupied by the problem of logical harmony of form and content of freedom and responsibility. Freedom is a comprehensive concept, which is a prerequisite for a person's full self-expression and a dignified life. As already mentioned, freedom is a cherished value, which is equally needed by both a person and a society, a state, a nation, a world pampered by a variety of creations. Therefore, it is particularly interesting to combine the views of jurists and philosophers, in order to accurately determine the mentioned concept and reveal its characteristic features. Freedom, as we have already mentioned, is a comprehensive concept, so it is necessary to consider it from different perspectives, such as freedom and fatalism, freedom and voluntarism: two extremes--fatalism and voluntarism. In both cases freedom is excluded, why? Because fatalism is the recognition of

inevitability and the call to accept it without murmuring. There is even a general philosophical concept of fatalism, according to which a person is obliged to realize the inevitability, to accept it calmly and quietly, to adapt to the existing reality and not to try to fight with it, because nothing will work anyway. as V. Erkomaishvili points out: "Fatalism absolutizes inevitability and denies the possibility of freedom". (V. Erkomaishvili, Man, Freedom, Ideology, Vol. 2002, p. 217) i.e. Does it turn out that a person is a slave of the law of inevitability?

The main measure of legal responsibility is the possibility of freedom of choice between righteous behavior and unrighteous behavior, and if there is no possibility of choosing such an alternative, if everything is inevitable and freedom of choice has nothing to do with it, then why or how do we hold a person responsible for his actions? Or did he not have the ability to make a basic, simple choice between right behavior and wrong behavior? We impose responsibility because he had the opportunity to freely choose between these two actions: between just and unjust, that is, in the presence of free choice, the person chose illegal behavior and therefore bears legal responsibility for the committed action. Or for the wrong choice? For misuse of freedom? In all cases, the main focus here is freedom and the ability to perceive and use it correctly. Man always stands at the crossroads of possibilities. He is always faced with a choice. Our daily life is full of such choices. Some of them are insignificant, some are very important, often even fatal. It is a fateful choice, which must determine the whole subsequent life of a person with the accompanying events and the consequences arising from them. This choice can sometimes even turn out to be irreversible. This is a choice that affects the vital interests of a person, which is associated with a certain risk and courage. Not only a person can face a risky situation, but a large group of people, such as a nation or even a state. Let's say a person has made a choice and acts according to it, this is nebulous behavior, but from this it is not yet clear whether it is free behavior or not. Until the issue is clarified - on what basis he made this choice, this question cannot be answered. Freedom presupposes the act of nepotism, it is based on it, but they are not mutually exclusive. Nebulous behavior is not always free. Through the will, a person makes a decision and makes a choice, but from this it is not yet clear whether this decision is imposed from the outside or is the result of an internal need.

Voluntary. Behavior is a necessary moment of freedom. How it is carried out - with hesitation or without hesitation - it does not matter for freedom. The only requirement for such behavior is that it must be performed without coercion. The free behavior of a person undoubtedly implies the behavior of the mind and not instinctive, but it must be the manifestation and implementation of his own and not someone else's will.

A prominent Georgian scientist in the issue of the relationship between freedom and responsibility, prominent representative of the Georgian school of criminal law, professor Guram Nachkibia, deserves a special mention, who notes with heartache that lawyers often avoid the philosophical problem of the relationship between freedom and responsibility, and this is a big mistake. We will not find limits: "Responsibility in its positive aspect is a form of connection between freedom and necessity, in particular, freedom in necessity (in a morally sound or just action) is transferred through the positive aspect of responsibility... Freedom is needed to choose the responsible attitude of the subject to the normatively established obligation, if the subject normatively He does not have a free choice of responsible attitude towards the established obligation, then he cannot be positively responsible." Head, general part, Tbilisi 2011 p. 60).

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