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PRINCIPLE OF HUMANISM IN MEDICINE: THEORETICAL ASPECTS

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Annotation.

Based on the above, the following cases of application of the principle of humanism should be distinguished: 1) the direct connection between science and humanistic values; 2) the predominance of humanistic goals over research; 3) the need to regulate research from the standpoint of humanistic values, including and the existence of a ban on certain experimental actions involving humans that may be life-threatening); 4) the need to develop rules for biomedical research taking into account human rights, including regulations.

Key words: principle of humanism, constitutional principle, medicine, principle of law.

Introduction. The problem of the emergence and affirmation of the ideas of humanism was and remains one of the key issues in the history of mankind. European culture from approximately the beginning of the 15th century. actively uses the concept of “humanism” to denote a system of worldview orientations, the center of which is a person, is the determination of his value and right to self-realization.

Humanism is a philosophical and ethical-sociological principle of treating a person as a higher value. As a spiritual and cultural phenomenon, humanism is the main content of the civilizational process, during which it manifests itself in various qualities: ethical norm, social ideal, spiritual value, freedom of will, mutual help and cooperation, respect for the rights and dignity of the individual, equality and equity, justice, protection from evil and violence. The modern approach with the declared principles of democracy is somewhat outdated and the whole world needs to re-think the acquired and search for new approaches to understanding equality, justice, protection, etc. The necessary stability of the concept of protection of human and citizen rights and freedoms is achieved by relying on a system of principles tested by science and practice. The viability and progressiveness of this concept consists of a combination of legal, moral, traditional, and other social and regulatory norms.

Taking such an approach into account will prevent legal negativity from becoming a dominant phenomenon of the legal system, restrain the onslaught of legal nihilism and indifference.

The newly created civilization, which tried to return to its origins, as a result received a powerful creative impulse for further development. This caused a number of socio-cultural changes, including: 1) a change in the model of the universe, instead of the medieval picture of a finite universe, a model of an infinite cosmos is created, the idea of the development of cosmic matter itself arises, as a result of which the need for God as the original source of the universe disappears; 2) there was a change in cultural models, man placed himself at the center of the universe, theocentrism began to give way to anthropocentrism; 3) a new socio-cultural type of person has appeared, who strives for the unknown and forbidden, strives for self-realization and self-affirmation; 4) the space of social freedom expanded.

Analysis of scientific sources. Legal science cannot fail to respond to changing trends in the humanities as a whole. The new stage of development stimulates theoretical developments and the need to solve a wide range of issues related to man and the category “humanism”, in connection with which the works of such famous scientists as M. Baimuratov, Yu. Barabash, R. Baturenko were studied. M. Bielova, Yu. Bysaga, I harovska, A. Kolodii, N. Myalovitska, O. Martselyak, M. Orzih, V. Pohorilko, M. Savchyn, V. Seryogin, O. Skrypniuk, L. Tatsii, Yu. Todyka, V. Fedorenko, V. Shapoval, Yu. Shemshuchenko, O. Shcherbanyuk, and others.

The author aims to study the category “humanism” and point out the peculiarities of its application in medicine.

Review and discussion. The reform of the constitutional order taking place in our state presupposes a new meaning of the principle of humanism as a fundamental principle of law, which allows to concretize and redefine its content. These circumstances are confirmed by the fact that many modern leading jurists, standing in different positions, at the same time, distinguish the principle of humanism as an integral principle of law and legislation. At the same time, today there is no clear legally enshrined term “humanism”, almost no new concepts are being developed about the content of this principle in legal science. At the same time, according to E. Trukhanov, the issue of humanism in the context of modernity was and remains key in the science of constitutional law, theory of state and law, philosophy of law, understanding the essence of rights and freedoms in various spheres of human life [1].

However, it should be noted that the category of humanism is not new. Even during the Soviet era, the socialist law existing at that time was considered the most humane law in the world, as socialism was seen as the most progressive world phenomenon. The humanism of Soviet law was seen by scholars primarily in the elimination of class and social antagonisms, as well as in the fundamental rights and freedoms of Soviet citizens formally proclaimed in all Soviet constitutions [1].

At the same time, theoretical developments in the Soviet period were conducted mostly from a class standpoint and were extremely ideological. Legal scholars at the time emphasized that only socialist humanism was true and, moreover, unique. Thus, M.

Kareva, in particular, wrote that the class essence of Soviet law also determines the real, that is, socialist humanism, real concern for man, unthinkable in bourgeois law, because true humanism and human exploitation are incompatible [2]. However, despite considerable ideological pressure, it was during the Soviet period that the basic provisions characterizing the content of the legal principle of humanism, which are of interest today, were formulated in the science of constitutional law.

It is necessary to distinguish between the implementation of the principle of humanism at the stage of lawmaking and at the stage of law enforcement: humanism, implemented in law, and humanism, used, for example, in the sentencing, are different phenomena. If the humanism enshrined in legal norms is objective in nature, then humanism, which is guided by law enforcement, is subjective and the use of this principle depends solely on the level of legal awareness, legal culture of the person applying the legal norm [1]. Thus, humanism in law can be manifested through generally accepted moral requirements, which, as A. Malko rightly points out in this regard, play a limiting role in relation to man and are aimed primarily at preserving, positively preserving the foundations in which the population is interested [3].

Humanism in medicine carries two very large concepts, behind which are realities of special significance and special dimension. Speaking of humanism, we must first ask the question: what is man? The answer to this question must be such as to reflect the holistic nature of man. Similarly, when talking about medicine, it is necessary to ask yourself about its meaning and purpose. The etymology of the Latin word, from which the word "medicine" comes in its current meaning, indicates that the word originally meant "mixing herbs for healing, prescribing remedies" and "healing and healing" [4]. And here we have to ask the question: who or what is the object of healing in medicine? Obviously, this is a person whose whole nature needs to be clarified. But this answer, in turn, puts us in a rather awkward position. Is there anything inhuman in medicine that aims to heal a person? Can human healing itself be inhuman? [5]

Apparently, no one can question the humanism of the medical profession, when barely alive people are put on their feet, chained to the bed, they return the joy of active life, help the mother in childbirth, and the child - to look at the world for the first time. The medical profession is very often an art in the strictest sense of the word, very often it is heroism. All this is for the sake of man, for the sake of his health, for the sake of his life [6].

Medical research in all possible areas is designed to improve tools, skills, medicines and tools, enrich knowledge in order to most effectively help people, promote their health and life. In the context of the above, we must not forget about the category of "bioethics", which emerged in the 60's of XX century. in the United States as a form of moralization of science in general, but especially biomedicine, in the 80's of XX century. gained recognition in Europe, and in the 90's began to spread widely in Ukraine. The subject of bioethics as an integrative interdisciplinary field of knowledge were the problems of comprehensive biomedical research of the role and importance of natural earthly life in the destiny of all mankind and philosophical understanding of human creativity. Interest in

the problem of life manifests itself in various forms and characterizes the radical changes that occur in the natural and social development of the world and especially. Therefore, a special area in the scientific study of life was the philosophical awareness of the limits of ethical and legal components of human scientific activity in its various manifestations [7].

“Of course, professionalism is valued today. But does society need doctors and lawyers who have an idea of the basic norms of morality? - V. Popov correctly asks. –Do we need biologists who don’t care who to experiment with - a rat or a human? Do we need scientists and engineers who are equally willing to build a nuclear power plant, an atomic bomb or a portable explosive device? Will “professionals” be worthy and responsible citizens of their country? Is the bias towards naked “professionalism” threatened by the fact that if we go this way, very soon our society will become a mechanical set of selfish professionals who are ready for anything for their own benefit. After all, a killer is also a “professional”! [8].

Today, many traditional problems of ethics, especially in science and medicine, are extremely relevant. They are associated with hopes for new prospects for the humanization of human life, the fight against disease, finding effective ways to preserve human health and strengthen his spiritual strength, overcoming the negative consequences of active creative activity of scientists and physicians. In modern life there are tools that, by increasing the intellectual coefficient of people, do not destroy moral consciousness. One of the main problems: we must learn to behave in accordance with the new ethics of life, called bioethics, and find happiness in life. Today there is no clear enough understanding of the relationship between the two basic principles in the life of science and medicine - morality and scientific creativity. And such a relationship is necessary. Thus, it is on this basis, without the use of the legal principle of humanism, that the development of a further modern concept of human and civil rights and freedoms is simply not possible.

Thus, it becomes obvious that humanism is a complex concept that permeates all spheres of human existence and is realized both objectively – by enshrining it in the rules of law and the existence of a certain type of legal understanding, and subjectively - by using this principle in the process law enforcement and law enforcement.

Conclusions. Taking into account the comprehensive analysis of the principle of humanism in the process of complication and development of social relations, it is possible to formulate a new definition that corresponds to modern realities. Thus, it seems to us that the application of the principle of humanism in the realization of somatic human rights in biomedical research is the attitude to human life and health as the highest social value in biomedical research.

Based on the above, the following cases of application of the principle of humanism should be distinguished: 1) the direct connection between science and humanistic values; 2) the predominance of humanistic goals over research; 3) the need to regulate research from the standpoint of humanistic values, including and the existence of a ban on certain experimental actions involving humans that may be life-threatening); 4) the need to develop rules for biomedical research taking into account human rights, including regulations [5].

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