

Some Aspects of the New Objective Reality

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Abstract: The article is a philosophical analysis of the concept of objective reality. Emphasizes the connection of the objective reality of contemporary paintings to the right. Position about the fact that the modern reality has an impact on the development of law. Fixing in the right various attributes of a principle reasonableness the legislator not always defines corresponding criteria of reality. It is difficult to define essence of the given principle as one action in different situations is qualified variously. The objective validity is represented to the person as subjective world. Thanking subjectivity the daily reality differs from other realities realized by the person. This approach is a theoretical basis for the further development of the doctrine of objective reality.

Key words: Objective reality • Law • Principles of law • Reasonableness • Biotechnology • Subjectivity • Human

INTRODUCTION

Theoretical analysis of the changes, transformations and evolutions taking place in social being and spiritual culture, involves treating all researchers studying the modern world, new methodological orientations, the adequacy of existing reality. Analysis of the works of individual philosophers can understand some of the directions of the development of philosophical thought of the objective reality and its role in the modern knowledge society. This reality can not be defined as something that "truly is," as a system of processes occurring in time and being in the same time things, it has a deeper layer. " In this layer, we not only perceive as being something external to us, but our inner being to it " [1, 2] but later, [3], claimed that the man in the form of a thinking 'I', a new "depth " dimension of existence - the ultimate reality, which can not be contained not only in the infinite space, but also in what we call the soul. It is a special part of the world. Opened for him " self-evidence being," the reality that not only goes beyond the system of objective reality, but is it based on, do not be on us from outside, but the inside is given as the foundation on which rests all things. Kant in his "Critique of Pure Reason" is marked relativity of the concept of " objective reality " that our consciousness perceives as an absolute and complete

reality [4]. Kant found the source of the cognitive thought as something that has only a limited and relative importance of and inability to comprehend the reality of [4]. At Pierre Teilhard de Chardin is a universal "Divine environment" and the main feature of this environment God - an extreme point at which all converge reality. Here the given reality "beyond the realm of the visible, in which it only reflected." This supreme and complex reality - " quantitative filling and quality completion of all things" [4]. Objective reality is a person as intersubjective world. Thanks to the daily reality of intersubjectivity is different from other real person is conscious. These other entities act as the "end of the values in the higher reality, marked by characteristic values and modes of perception..." [5, 6]. Although the daily reality of life in a major, dominant, these "end of values" play a major role in the construction of the intersubjective world. The new "end of values creates a legitimacy which necessarily includes the "knowledge " [4, 7, 8]. An analysis of the historical and philosophical thought found that researchers in different ways, defines the concept of objective reality. Each of these authors has witnessed the development of the social reality of that period in history in which they lived. Whereas before, for example, religion, ideology, influenced by society, now one of the major social controls society becomes law.

The world around us is not static, it is constantly changing. Current trends in society reflect the picture of the objective reality of the XXI century, which is impossible to imagine without law and without the legal mechanism to regulate the new social relations. We are witnessing the rapid development of biotechnology: the creation of antibiotics, which are themselves check a person's immunity to the disease, which contributes to the increase in life expectancy, organ transplants, artificial organs and tissues, their transplant, artificial insemination, sex changes, changes in a person's appearance (hair extensions, nails, eyelashes, eye color change) - is all the evidence suggests that people do not want to live with biological inheritance that nature gave him, in search of new ideals of beauty man seeks to change myself both internally and externally [9].

Feature of biotechnology is its powerful effect on the quality of life through food, new medicines, bio - medical, nanotechnology. Currently, no country can fully meet the needs of human organs for transplantation. The number of people waiting for organ transplants is increasing faster than their supply. According to statistics, the global demand for transplants is on the order of one million units. Legal medicine has reached the highest level in the technique of transplants of human organs, but unable to find the relevant organs and tissues of all those who need them [10]. These studies have contributed to the emergence and development of legislation in the field of biomedical technology, as well as a new branch of law as medical law. In some foreign countries are developed and tested in clinical trials of new methods of diagnosis and treatment of a number of severe and socially significant diseases, based on the use of multiple biomedical technologies. Simultaneously with the formation of new social relations and the content is updated regulatory material in the law modified the trends of its improvement and development. Without a mechanism of legal regulation of the new objective reality there will be a threat not only to human rights and freedoms, but also the damage to life and health.

The uniqueness of the new European experience is that people could make their machines and the principles of universal and structure- a right that is expressed in the most simplistic perception of the natural man [10]. In this case, to identify the true meaning of the new social relations should be established in some common law, universal requirements, rules that should be subject to legal regulation. In the absence of law enforcers need to rely on general principles of law. The presence of a

mechanism of application of the general principles of law requires the ratio for the decision made not only to the level of his sense of justice, but also with a degree of conscientiousness, responsibility to the people. Good faith, for example, an honest lawyer is not difficult to apply the general principles of law, while the formal application of the law without taking into account all the circumstances of the case is much easier and takes charge of subjectivism.

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 [1]. 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.

A. Barak, who has devoted his study of judicial discretion, believes that in such situations, "the judge will not act mechanically, but will weigh and ponder, to get the impression, test and learn" [1]. If the right - a minimum of morality, the state recognized to provide a minimum order. And for that it has a monopoly of legal coercion. This does not mean that the essence of the state is determined only through the category of dominion and domination. Power advocates universal social control in all spheres of public life. [10] Thus, we can assume that the difference between the judge, willing to activism and self-restraint, according to our definition, it is useless. There is no element of values and it is unable to answer the key question of when to be an activist and when to self-restraint? Most likely there is no difference, because by its nature it must point to the final outcome of the legal analysis. In fact, it has a separate and independent influence and sometimes becomes a major factor in determining the final result, although not required to contain this standard. [11] A. Levi writes: "I do not think that the contradiction between rationality and irrationality is the quality, only of our time. It took place in the past, but its appearance then seemed less urgent." [12] Similar to the idea of law and the state, developed by Paul Ricoeur, who spoke about their two principles which he called "the principles of St.. St. Paul and St.. John." According to the first, the state has the appearance of justice, according to the second - appearance of a predatory animal. This is followed by the conclusion - "...the state is insoluble contradiction of rationality and power. [13] Judge who wishes to change the existing law, could face a fundamental regulatory problems, as

sometimes the requirements of coherence and organic development create undue barriers to change. Needless to say, that he only faced with the problem of retroactivity. Similarly, the fundamental institutional problems are especially significant. For example, the issue of judicial impartiality will arise mainly in relation to such judge. The same is true for the relationship between the branches of government. These problems arise primarily on changes that may invade the jurisdiction of other authorities and damage public confidence in the judiciary. Thus and both groups of judges must act deliberately, although it may be that the judge who wishes to change the existing law should be especially careful [14]. However, it seems that the judge who wishes to change the existing law, subject to more than his other colleague, the dangers of conflict with the restrictions imposed on the judge's discretion. Anyone who keeps the existing associated with the legal norm is sprayed with such limitations of judicial discretion. The risk that changes made after the judge again encounter these limitations, less than the risk of meeting someone seeking to make changes.

The dynamism of the economic, political and social - cultural needs of modern society puts more and more problems of legal regulation of contemporary reality. Now there is a formation of the network society, which creates a new objective reality, a new economy, new management, new education [15]. Those industries that produce knowledge and information products you are getting themselves sectors of the industry. For example, learning becomes intertwined with the other spheres of human life. Due to the network technology it can be removed from the place of study, becomes remote.

CONCLUSION

New information and communication technologies, especially with respect to power of the Internet, being the most important feature of the modern era, radically changed the idea of the social structure, the flow of social processes and social space as a whole. Under the influence of modern technology not only changes the nature of human activity, social relationships, the nature of social communications, but also the relations themselves in society. Thus, in the human mind gradually reflected a new objective reality, promoting the emergence of new social relations, which require a mechanism of legal regulation and legislative recognition of the right. In

today's world there is a change of philosophical and methodological orientations of society, there is a new picture of social reality with new models and ideals.

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