

## **FEATURES OF THE SCANDINAVIAN LEGAL SYSTEM AS THE BASIS OF THE STRONG DEMOCRATIC SOCIETY**

VLADYSLAV KRIVNOY, student

KSENIA V. NESTERENKO Associate Professor, PhD (Philology)

*Yaroslav Mudryi National Law University*

Today, people are the part of democratic society. They are equal in their rights and freedoms. Democracy does not set border between men and women, rich and poor, among persons of different nationalities. Such society is developing and modernizing every day and every hour.

“The Economist Intelligence Unit” gives us very interesting statistics about development of the democracy in the different countries. It is created in the form of a classification of countries according to the level of development of 5 democratic principles: elections and pluralism, civil liberties, government activities, political engagement and political culture. This information allows us to see, that the first places are occupied by Scandinavian countries, such as Norway, Iceland, Sweden.

The Scandinavian countries in general can be considered the most progressive countries in meeting social needs of their citizens and creating the ideal of democracy. Of course, such changes are due to historical features of development, geographical location of the region, features of the economy and even international relations. An important basis for the democratic success of these countries is the peculiarity of their law, which is called the Scandinavian legal family. It is sometimes also distinguished as a separate system of law.

The peculiarity of the legal system of these countries is that it combines both the features of continental law and the features of the Anglo-Saxon system. Despite the fact that Scandinavian peninsula is located on the European continent, the countries of Northern Europe were not significantly influenced by Roman law, because this territory never belonged to the Roman Empire.

Of course, they have their own codification and use the legal constructions and concepts of the Romano-Germanic legal system. A legal act is recognized as their main source of law. The system of legal acts is hierarchical, and the constitution occupies the highest place in it. On the other hand, some elements of the law of these countries are closer to the Anglo-American system. Judicial practice plays more prominent role here compared to the continental law. In these countries, the role of judicial precedent in the form of decisions of supreme judicial bodies is very important. As an example, in Danish legal system, certain institutions of civil law are governed by the rules of case law.

The sources of modern Scandinavian law form a single system, which consists of legislation, court precedents, legal customs, doctrine, principles and international legal acts.

Legislation, which is understood as a system of all legal acts, plays a leading role. The main place in the hierarchy of legislation is usually played by the Constitution. The Constitution can be either a single legal act or a set of several constitutional laws. Legislation has specific regulatory nature. Its content is reduced to giving the court a wide freedom to solve certain problems and establish a penalty for crimes and offences.

The court decision really has a higher priority than in the Romano-Germanic system. However, the application of court precedents is not governed by such strict rules as provided by English law. Judicial practice is a good alternative to codified legislation in the Scandinavian countries. The growing role of judicial practice, that has been observed in recent decades is certainly due to the inability of legislation to respond flexibly and quickly to the dynamics of social development.

The Scandinavian legal system combines the features of different legal systems not just like that. These countries strive to protect the rights and needs of their citizens in every way. Local government has become an effective idea for the success of these countries. Here it received significant managerial and budgetary independence. Part of the capital goes to support business in certain regions. Such disposal of funds is enshrined in law. The lion's share of the money earned by municipalities from taxes goes to the social benefits. As a result, there are no rich or poor in the country. The majority of country's population is middle class.

Examining the legislation of these countries, it may come as a surprise that in Norway, self-government is not actually protected, because the legislation of this country does not contain relevant regulations. And all because of the fact that there is simply no need for it. State will not attack the rights and freedoms of self-government.

The interests of the citizen coincide with the state. No one is oppressing his freedom. The state is really created not by the ruling elite, but by the people. The law of these countries combines the best features of other legal systems not to protect the state, but to satisfy the desires of everyone and to create true democratic society.

#### **References:**

1. The Economist Newspaper Limited 2020: Global Democracy has another bad year [Electronic resource] / The Economist Newspaper Limited 2020 – Mode of access: <https://www.economist.com/graphic-detail/2020/01/22/global-democracy-has-another-bad-year>

2. Порівняльне правознавство: підручник / С. П. Погребняк, Д. В. Лук'янов, І. О. Биля-Сабадаш та ін. ; за заг. ред. О. В. Петришина. – Харків : Право, 2012. – 272 с.