Dualism of Public Relations Regulation (Legal and Regulatory Regulation)

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ABSTRACT
The article examines the issues of differentiation of the regulation of public relations, defined primarily by the differentiation of public relations, and then inherent in their legal forms (based on self-regulation) and external regulatory forms (based on power regulations). The need to renounce the traditional differentiation of the right to industry, including its division into so-called private and public law, is justified because it reflects external forms of expression of law, i.e. differentiation of legislation governing a variety of public relations, divided into private and public relations. The notion of dualism (pluralism) of the law must be replaced (or at least interpreted) with the notion of dualism of the regulation of public relations, meaning legal and regulatory regulation, with all the ensuing consequences. Such an approach implies the need to clarify the entire terminology range of jurisprudence. This article discusses issues such as the legal and regulatory regime (mechanism) of public relations regulation, legal and regulatory principles for regulating public relations, legal and regulatory legal facts, as circumstances that are the basis for the emergence, change and termination of legal relations and power relations.
Keywords: dualism of public relations regulation, private law, public law, mechanism for regulating public relations, principles of regulation of public relations, methods of regulation of public relations, legal facts

1. Introduction

In determining the essence of legal regulation, it is necessary to renounce the regulative understanding of law it is necessary to distinguish between legal forms (the concept associated with the manifestation of the will of a person) and regulatory forms (the concept associated with the will of the state) as an external form of expression of law. It is also necessary to renounce the traditional differentiation, including its division into so-called private and public law[1], since it reflects the external forms of expression of law, in particular, the differentiation of legislative norms regulating a variety of public relations, including private and public relations.

The concept of dualism of law, its division into private law and public law, should be replaced (or at least interpreted) by the concept of dualism of regulation of public relations, meaning legal and regulatory regulation with all the consequences. In my opinion, the phrase "private law" is a tautology, since the right is realized only in the private sphere of society; private law is the right of individuals, manifested in their volitional actions recognized by other members of society. The phrase "public law" is also incorrect, since political power is implemented in the political (public) sphere of society's life, defining in its norms public demands addressed both to individuals (private life of society) and to the political life of society. Public law is not law, but public power, politics, the science studying state, not jurisprudence. The political (public) sphere of society's life is studied by these sciences as objective (external) foundations of law, as its environment.

The differentiation of public relations, depending on their nature, into private and public ones, underlies the differentiation of the system of law and legislation, the legal and regulatory status of participants in public relations, the legal and regulatory regimes of activity of participants in public relations, including legal and regulatory means of regulation, etc.

This approach implies the need to clarify the terminology of jurisprudence. In this study, we will consider such issues as the legal and regulatory regime (mechanism) for regulating public relations, legal and regulatory principles for regulating public relations, legal and regulatory legal facts as circumstances that serve as the basis for the emergence, modification and termination of legal relations and authoritative relations.

2. The main part

2.1. Dualism of the mechanism of regulation of public relations

The concept of the mechanism of legal regulation is traditionally interpreted as a mechanism of regulative regulation. Attempts to expand the content of this concept at the expense of such aspects as "psychological mechanism of influence on

[1] Antonov M.V. On the System and Branches of Legislation Law and Economics. 2011. No. 3.P. 56.

public relations", "social mechanism of law", "informational impact of law"[2], ultimately came down to traditional normativity, described through concepts such as general permits, general prohibitions, types of legal (normative or regulative) regulation[3]. This is explained by the methodological difficulties of correlating heterogeneous knowledge, their synthesis within the framework of a unified legal theory of the mechanism of regulation[4].

It seems that a general theory of the mechanism of regulation of public relations cannot be created if one remains exclusively on the positions of legal positivism (normativism), a mechanistic approach to the regulation of public relations and does not see the internal (essential) side of the regulation of public relations. Public relations, acting as a direct subject of legal and regulative regulation, are a form of human activity and are determined by its nature. It follows from this that the essence of legal regulation is public self-regulation. Here its own logic is manifested, based on the coordination of the wills of acting individuals pursuing their interests. The term "mechanism" is very vaguely applicable to self-regulation, since the diversity of an individual's behavior cannot be laid in the procrustean bed of any particular mechanism. Another thing is regulative regulation, the mechanism of which is expressed by the logical structure of the legislative norm: hypothesis, disposition, sanction.

For the emergence of a legal relationship (as well as an authoritative relationship), life circumstances, which are given legal significance, play a decisive role. And these are not only the current legislative norms, which by definition are legal facts with which an individual correlates his behavior. There is a well-known discussion about the connection of facts of legal significance and legal relations (authoritative relations). Let's leave aside the question of legal facts in the mechanism of regulation of public relations, we only point out that some authors believe that a legal fact does not generate rights and obligations independently, the latter stem from a legislative norm; a legal fact exists only because it is provided for by a legal norm[5]. Other authors, although, do not exclude legal norms from the necessary prerequisites for the emergence of a legal relationship, and point to the causal relationship of legal facts and the rights and obligations they generate[6].

It seems that legal relations (but not power relations) may arise due to circumstances that lie outside the limits of the normative text. A non-normative approach to the methodology of legal facts research has long been founded in the Civil Code of the Russian Federation, where it is determined that civil rights and obligations may arise not only from the grounds provided for by legislation (this should be taken critically), but also from the actions of citizens and legal entities, which, although not provided for by it, but by virtue of the general principles and meaning of civil legislation (which is also controversial) give rise to civil rights and obligations (paragraph 1 of Article 8). Consequently, the mechanism for regulating public relations may be non-normative.

The basis for the emergence and implementation of a legal relationship is: a) interested behavior (action or inaction) of an individual aimed at acquiring or exercising a right (i.e. a certain legal claim); b) the behavior of other individuals corresponding to such a claim, expressing recognition (or non-recognition) of the actions of the first individual as legal. The tradition of understanding law as legal communication, manifested in claim and recognition, theoretically took shape in the philosophy of law of Hegel, who wrote: "Be a person and respect others as persons; ... for property, as the part of the existence of a person, it is not enough for the inner representation of this person and his will that something belongs to him, for this it will be necessary to take possession of the thing. The existence that such a will thereby receives includes the recognition of others. The inner act of the personality's will, which says that something is mine, must be recognized by others as well"[7]. Thus, an individual's claim must be recognized in order to obtain a law-forming force and thereby become a legal, i.e. subjective right.; recognition is a constitutive moment, a foundation, a principle of legal understanding[8].This approach to legal understanding is more or less inherent in representatives of communicative theories of law, both foreign[9] and Russian[10] including Soviet ones[11].

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2 Alekseev S. S. The Mechanism of Legal Regulation in a Socialist State. Moscow, 1966.P 62. Problems of the Theory of Law. Sverdlovsk, 1972. P. 155, General Theory of Law, Moscow, 1981. P. 291.

3 Alekseev S.S. General Permissions and General Prohibitions in Soviet Law Moscow, 1989.

4 Tarasov N. N. Object and Subject of Legal Science: Approaches and Methodological Meanings of Distinction Jurisprudence.2010 N1, p. 32–34.

5 See Vershinin A.P. Subordination of the Categories "Legal Fact" and "Legal Relationship". Methodological Problems of the Theory of Legal Facts. Yaroslavl, 1988.P. 10. Kutyukhin, I. V. About the Connection of Legal Fact and Legal Relationship. Leningrad Legal Journal. 2006. No. 2.P. 39.

6 Isakov V.B. Legal Facts in Soviet Law. Moscow, 1984. P. 16-17. .Krasheninnikov E.A. Studies on the Nature of Legal Facts. Methodological Problems of the Theory of Legal Facts. Yaroslavl, 1988. P. 3–6. Zinchenko, S. A. Civil Legal Relations: Approaches, Problems, Solutions [Zinchenko S. A. Civil Legal Relations: Approaches, Problems, Solutions. Rostov-on-Don, 2011. 236 p.]Rostov-on-Don, 2011.P. 18.

7 Hegel. Philosophy of Law. Moscow, 1990.P.98, 108. (translated from German).

8 Ovchinnikov A. I. Spiritual Significance of Law in Legal Hermeneutics. Jurisprudence. 2014. No. 6.P. 105.

9 See Habermas J. Moral Consciousness and Communicative Action. St. Petersburg, 2006. 382 p. (translated from German).Fuller, L. L. Human Interaction and the Law. The Principles of Social Order: Select. Essays of Lon L. Fuller. Durham. N.C., 1981.

10 See Polyakov A.V. Postclassical Jurisprudence and the Idea of Communication. Jurisprudence. 2006. No. 2. P. 26–43. . Vetyutnev, Yu.Yu. Morphological Aspects of Legal Communication. Jurisprudence 2014. No. 6. P. 110–117.

11 See Pashukanis, E.B. Selected Works on the General Theory of Law and State [Moscow, 1980. Reisner, M.A. Law. Our Law. Foreign Law. Common Law. Moscow-Leningrad, 1925. Kannike S.Kh. Towards the Development of the Concept of "Legal Communication" (Some Methodological Aspects) Scientific Notes of the Tartu State University. Issue 806. Methodology of Law. Common Problems and Industry Specificities. Works on Jurisprudence Ed. I.N. Gryazina. 1988. P. 70–92.

The interaction of individuals based on the claim of one and the recognition of this claim by another (by others) is a mechanism of legal regulation, and in reality a mechanism of self-regulation of society, the elements of which are: a) the interested behavior of an individual, consistent with the interests of other individuals, in order to establish mutual rights and obligations (the fact of acquiring a right and the emergence of a legal relationship); b) the implementation of acquired rights and obligations of individuals (the facts of the implementation of the right leading to a change, termination or the emergence of new legal relationships).

In necessary cases, legal regulation (self-regulation) is supplemented by regulative regulation of public relations, and then a legislative norm is included in the mechanism of legal regulation, providing for a generally binding requirement for a certain behavior (prescription, restriction, prohibition). Individuals in the course of self-regulation of their behavior should take into account not only the requirements of legislative norms, but also the rules of behavior established by other institutions of society, including customs, precedents, contract terms, religious and party norms.

The norms of legislation, being external regulators of human activity, correct the behavior of an individual, force him to adapt to regulatory requirements that reflect some common interests of society (one or another of its institutions). An individual can realize his interest in accordance with regulatory requirements (when the interests of the individual and regulatory requirements coincide), or to give up completely or partially his interests, obeying regulatory requirements, or to act contrary to regulatory requirements, taking on the risk of bearing negative consequences associated with his behavior that violates regulatory requirements.

The recognition of regulatory regulation as an external factor affecting human behavior and complementing self-regulation with another element — the norm (rule, standard) of behavior, lets us talk about the mechanism of regulative regulation.

Legal regulation and regulative regulation are qualitatively different ways of regulating public relations, which in the legal literature are usually described by the categories of "enabling regime" and "permissive regime", but, as a rule, all in the same normative tone. For example, S. S. Alekseev defines a legal regime as an order of regulation, which is expressed in a set of legal means that characterize a special combination of interacting permits, prohibitions, as well as positive obligations and create a special direction of regulation[12].It is easy to see that in this definition we are talking about the regulatory regime of regulation, since "a special combination of interacting permits, prohibitions, as well as positive obligations and creating a special direction of regulation" are external regulators of relations determined by public authorities. By the legal regulation regime (self-regulation), one should understand one's own choice of behavior (interaction) of individuals based on their interest, of course, taking into account the effect of the regulatory regime of regulation expressed in a certain set of restrictions and prohibitions.

The regulatory regime of regulation expresses the degree of detail of regulatory regulation mediated by legislation and can be based on: a) dispositive principles related to the characteristics of the activities of private individuals (mainly civil legislation)[13] and b) imperative principles that may relate both to the characteristics of the activities of public authorities and to the characteristics of the activities of private individuals (administrative, criminal, procedural legislation).

The legal regulation regime characteristic of the activities of private individuals expresses the direct connection between the legal form (the agreed will of private individuals) and the social content of regulated relationships. At the same time, private individuals, entering into legal relations, take into account the requirements of the norms of legislation, i.e. the requirements of the regulatory regime (both dispositive and imperative). Thus, the legal regime for regulating the activities of private individuals (self-regulation) finally depends on the regulatory regime for regulating such activities.

In a state governed by the rule of law, the regulatory regime of private persons' activities (both dispositive and imperative) is based on the recognition of the freedom of such activity and manifests itself in all its elements: in the acquisition and termination of the corresponding status of a private person, in the acquisition, exercise and termination of rights, in the protection of violated rights. Thus, the legislation recognizes the freedom of entrepreneurship, which is the most important type of activity of individuals, which manifests itself in the acquisition and termination of the status of an entrepreneur, in the acquisition, exercise and termination of their rights (personal, property, obligation), in the protection of violated rights.

The importance of legislation for the freedom of activity of individuals is not only and not so much that it defines the rules of conduct of individuals, but that it establishes regulatory means and regulatory mechanisms for the implementation and protection of the rights of individuals. The guarantee of the realization and protection of the rights of individuals is the principle enshrined in legislation "everything is allowed that is not prohibited by law", which is designed to completely eliminate ambiguities in the legality or illegality of the actions of individuals in any sphere of society. This legislative principle has been consolidated in many normative acts and, above all, in the basic laws of legal states. It defines the activities of private individuals in a democratic society and a rule of law state.

The comparative characteristics of the regime of regulation of the activities of private individuals and the regime of the activities of public authorities show their natural difference and the inadmissibility of mixing. Not the rejection of the division of interests into private and public, as representatives of various collectivist theories (theories of social functions, theories

[12] Alekseev S. S. General Permissions and General Prohibitions in Soviet Law. Moscow, 1989. P. 185.

[13] Yakovlev V. F. Civil Law Method of Regulation of Social Relations. Sverdlovsk, 1972. P. 70–71. Puginsky B.I., Safiullin D.N. Legal Economics: Problems of Formation. Moscow, 1991.P. 54–56.

of economic law, etc.) say, but strict consideration of their relations should be the basis of the types of regulation: legal and regulatory.

It is possible to identify the socio-economic system, the political regime of the society according to the regulatory regimes underlying the legislation, dominant in society.

Regulatory regulation as an attribute of the state has its own social value, this cannot be denied, but it should not replace the legal regulation of public relations. Regulatory restrictions on the freedom of private life are necessary, but each regulatory act should highlight the scope of free discretion of a private person (law) and its boundaries (a norm providing for restrictions and prohibitions).

Thus, we emphasize that the dualism of regulation, its division into legal and regulative (and not the dualism of law — the division of law into private and public) is the defining moment in the understanding of law and its environment. Legal regulation is the self-regulation of members of society based on their own interests and determining the rule of law in society. Regulatory regulation is an external regulation used as a subsidiary means of regulating public relations in order to establish the desired public order.

2.2. Principles of regulation of public relations

The concept of "principles of law" is traditionally interpreted from the position of legal positivism[14]; some authors differentiate the concepts of legal principles and principles of law depending on the difference between the concepts of the legal system and the system of law[15]; others do not make such a distinction, believing that legal principles are the essence of the principles of law, principles of legal regulation, which should be reflected in the system of objective law in the form of principles-ideas[16].

Nevertheless, it seems that the differentiation of subjects, methods and mechanism of regulation of public relations into legal and regulative ones implies a similar differentiation of the principles of regulation of public relations into legal (private) and normative (public) ones. Thus, paragraph 1 of Article 2 of the Civil Code of the Russian Federation it is stated that private relations are regulated on the basis of the method of equality of participants in such relations, thereby recognizing that equality is an immanent property of private relations (subject of regulation). Paragraph 1 of Article 1 the Civil Code of the Russian Federation states that civil legislation is based on the recognition of equality of participants in private relations, which indicates the legislative declaration to take this circumstance into account in all its norms (both specific and general that is regulatory principles of regulation) and the methods (means) used to regulate private relations. It follows from this that there is a legal principle of equality inherent in private relations, and a normative principle of equality expressed in the norms of civil legislation. The content of these principles may coincide if the legal principle is adequately reflected in legislative norms and manifests itself as a normative principle, but it may not coincide if there is no such reflection, there are various kinds of normative distortions.

There may be legal principles regulating public relations that have not found expression in a similar regulatory principle (for example, the principle of conscientiousness was such before it was reflected in paragraph 3 of Article 1 of the Civil Code of the Russian Federation, although it has always been taken into account by legal practice), as well as regulatory principles regulating public relations that have no analogues in the field of law (for example, the regulatory principle of legality as an external requirement of the legislator to participants in public relations, although it has always been taken into account by participants in real public relations).

The question of the sources of the formation of the principles of regulation of public relations is also debatable. Some authors derive normative principles from certain proto-principles, perhaps referring to legal principles, but this can only be guessed based on the author's message that the principles of law are transformed into norms of law[17]. In reality, the principles of law are the principles of natural non-normative relationships of the participants in the relationship, and normative principles are a normative reflection of legal principles as they are recognized by the legislator. This process of formation of normative regulation of public relations (at the level of principles and specific norms) is based on the patterns characteristic of the emergence and development of public relations themselves, which are the subject of regulation through certain methods of legal regulation[18].

The question of the relationship between the concepts of "regulatory method" and "regulatory principle" is also debatable: according to some authors, regulatory methods can act as principles of law[19]; others distinguish between goal-setting principles and principles-methods that define techniques and means to achieve the goals and objectives of regulation[20]; still others more reasonably believe (but do not consistently prove their position, limiting their conclusions to only one type

[14] Principles of Private Law. Ed. T.P. Podshivalova, V.V. Kvanina, M.S. Sagandykova. Moscow, 2018. 400 p.

[15] Skurko E. V. Legal Principles and Principles of Law: Their Expression in the Legal System, the System of Law and Legislation of the Russian Federation (Topical Problems of Theory and Practice) New Legal Thought 2005. No. 6. P. 20–25.

[16] Protasov V. N. What and How the Law Regulates. Moscow, 1995.P. 48.

[17] Konovalov A. V. Principles of Civil Law: Methodological and Practical Aspects of Research. Abstract of Thesis. of Doctor of Legal Sciences. Moscow, 2019.P. 12–13, 17.

[18] Muromtsev S. S. Definition and Basic Division of Law. Moscow, 1879.P. 17–19, 46.

[19] Konovalov A. V. Ibid. P.18.

[20] Volos A. A. Principles-Methods of Civil Law and Their System. Moscow, 2018.P. 58-59, 81–95.

of activity — procedural) that the principles of law characterize the purpose of regulated activity, apparently assuming that the methods of regulation are the means to achieve the corresponding goals[21]. It seems that the principle of regulation and the method of regulation are different categories that characterize the mechanism of regulation of public relations. And the presented theoretical positions should be evaluated from the difference between legal and normative/regulative.

So, in the sphere of legal regulation, the principles of legal regulation and methods of legal regulation are immanent properties of the subject of legal regulation — private relations. At the same time, the principles of law as a generalized expression of the regulatory principle are determined by the nature of the regulated social relationship (equality, autonomy of the will, property independence of the participants in the relationship)/ They presuppose the use for the purposes of legal regulation of certain methods (means) of regulation, which are transactions and other volitional actions of persons pursuing their interests. Of course, transactions and other volitional actions of persons pursuing their interests must be carried out within the limits of permissible regulatory regulation.

In the field of regulative regulation, both the principles and methods of regulation are determined by norms and are a reflection (more or less true) of legal (primary) and public (secondary) relations. At the same time, normative principles as a generalized expression of norms, the content of which is determined subjectively by the rule-making bodies, presuppose the use of certain methods (means) of regulation for the purposes of regulatory regulation, which are power acts (acts of various public authorities).

Power acts are based not on the self-interest of public authorities, but on the functional purpose of their activities, determined by legislation. In other words, acts of authority must also be carried out within the limits permitted by the relevant statutory legislation.

2.3. Legal facts

Legal fact is a term meaning a generalizing concept of various life circumstances, which are given the legal significance of the grounds for the formation and exercise of rights and obligations: transactions, administrative acts, offenses, etc. In Russian legal science, legal facts are defined as facts of actual reality, with which the norms of law associate the onset of legal consequences[22]. The question arises: can rights and obligations (legal relations) arise, change, terminate regardless of legislative norms? If they can, then the role and significance of legal facts in the mechanism of regulation of public relations is different from that given to them by representatives of legal positivism.

In recent years, scientific papers have appeared in which the conclusion about the dependence of legal facts on legislative norms has been reasonably questioned. So, they state that regarding legal facts as a "conductor" of the energy of the norms of law only confuses the situation, distorting the true picture of the movement of law. Legal forms (legal relations) generated by legal facts develop according to their internal laws, and legal facts affect legal relations only by generating, changing or terminating them. The consequences of this can be understood only by analyzing the movement of the legal relationship. Legal facts are volitional acts that generate, change or terminate rights (objective and subjective)[23]. Without setting out to critically analyze the above position, I will note its merit, which is expressed in the fact that thanks to it, the unconditional connection of a legal fact and a legislative norm has been broken.

The legislative enumeration of the grounds for the emergence of civil rights and obligations is redundant, since a non-normative approach to the methodology of legal facts research has long been laid down in the Civil Code of the Russian Federation, which established that civil rights and obligations arise not only from the grounds provided for by law, but also from the actions of citizens and legal entities, which, although not provided for by law, but by virtue of the general principles and meaning of civil legislation, give rise to civil rights and obligations. Thus, the legislator himself recognizes that civil rights and obligations may arise due to circumstances that lie outside the normative text[24].

It essential to emphasize that a legislative norm "can never generate legal consequences itself besides legal facts"[25]. The concept of legal relations (as well as power relations) arising directly from the law should be abandoned as unscientific. In order to understand the role and significance of legal facts in private and public relations, they should first be divided into legal and regulatory, and already within each of the selected groups, more fractional classifications should be carried out, in particular, legal and illegal facts should be distinguished.

In the sphere of private relations, legitimate legal facts are life circumstances determined by the interests of an individual, with which he associates the emergence, change or termination of a legal relationship. At the same time, the individual takes into account external circumstances, including the requirements of legislative norms and other social circumstances (for example, customs, possible risks, etc.). Illegal legal facts are the actions of an individual that violate the interests of other persons (for example, violation of a contract) and the regulatory requirements of society.

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21 Barabash, A. S. On the Concept of Principle in Various Branches of Law. Russian Legal Journal. 2019. No. 2. P. 98.

22 Krasavchikov O. A. Legal Facts in Soviet Civil Law. Moscow, 1958.181 p. Rozhkova, M. Legal Facts in Civil Law. Appendix to the Economy and Law Journal. 2006. No. 7. P. 6–9.

23 Zinchenko S. A. Legal Facts in the Mechanism of Legal Regulation. Moscow, 2007. P. 12,13.16.

24 Didenko, A. G. Challenges of the Time: The Theory of Legal Facts and Its Reflection in Legal Reality [Didenko A. G. Challenges of the Time: The Theory of Legal Facts and Its Reflection in Legal Reality. Almaty, 2015. 66 p.] Almaty, 2015.P. 11-12.

25 Krasavchikov O. A. Ibid. P.181.

Thus, in the sphere of private relations, the connection of fact and norm is possible (when there is a need to turn to the services of public authorities: state registration, obtaining a license, seeking judicial protection, etc.), but it is not unconditional, since the subjects of private relations acquire and exercise their rights and obligations independently, based on their own interests (paragraph 1 of Article 8 of the Civil Code of the Russian Federation). Assessment of the legality of the behavior of subjects of private relations is possible only if there are regulatory grounds (facts) to verify their behavior (lawsuits, complaints, etc.).

In the sphere of public relations, the relationship between fact and norm is unconditional, since public authorities exercise their powers solely on the basis of the law, their counterparties (citizens, legal entities) also obey the legitimate requirements of the authorities. In the legal structure of the regulatory regulation mechanism, the legislative norm itself acts as a legal (normative) fact and, together with the action of a public authority (a specific factual circumstance), entails the emergence, change and termination of the power relationship. A normative legal fact is by definition legitimate, unless, of course, it is established that a legislative norm is not legal, for example, it is recognized unconstitutional.

The requirements of legislative norms play the role of additional legal facts (means of regulation) in the mechanism of regulation of public relations, ensuring normal development of the legal relationship, and in case of its violation — the realization of the consequences of the violation through the apparatus of state coercion. For example, a deal, being a legal fact that generates a legal relationship, in cases provided for by law, is subject to state registration. Accordingly, the requirement for state registration (act of state registration) of a deal acts as a normative legal fact, complementing the act of choosing the behavior of an individual guided by his own interests and taking into account the requirement of a legislative norm.

Normative legal facts underlie not only regulatory legal relations (as part of legal facts) and power relations (for example, regulatory administrative relations), but also the basis for the emergence, modification or termination of protective legal relations and power relations, as a consequence of violations of regulatory relations, when norms containing sanctions of administrative, criminal and procedural legislation are subject to application.

3. Conclusion

Summarizing this study, we can conclude the following:

- Differentiation of public relations into private and public is the defining criterion underlying the *dualism of regulation* of public relations (dividing it into legal and regulatory regulation), as well as in understanding the essence of law (a system of mutually agreed or unilateral, recognized by others, volitional actions) and its environment (including legislative requirements), the mechanism of regulation of public relations (legal and regulatory), legal facts (legal and regulatory) in this mechanism.
- The actual legal facts are volitional actions (inactions) of individuals who are subjects of private relations recognized by others. Since these entities are faced in their activities with the requirements of legislation and other external circumstances, for example, force majeure circumstances, as well as circumstances such as violation of their rights, their volitional actions (necessary and sufficient for the emergence, modification, termination of the legal relationship) are supplemented by the above external circumstances, connecting to the mechanism of self-regulation (the actual mechanism of legal regulation) a subsidiary mechanism of regulatory regulation.
- Normative facts, strictly speaking, are not legal; they are connected to legal acts in order to establish legal relations, as well as power relations (administrative, criminal, procedural), within which the powers of public authorities are implemented. But even in this case, power relations and the facts of their dynamics are based on legal relations and the facts of their dynamics. For example, a criminal legal relationship is the result of a violation of a normal social relationship (legal relationship or power relationship); a procedural attitude is the result of an appeal to the court for the protection of a violated right (legal relationship) or an authority (power relationship).
- Legal facts in the mechanism of legal regulation should be defined as the circumstances of reality with which the will of the participants in private relations connects the onset of legal consequences (the emergence and implementation of legal relations), and in the mechanism of regulatory regulation — as the circumstances of reality with which legislative norms (the will of the legislator) connect the onset of legal consequences (the emergence and implementation of power relations).

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