

THE FACTORS OF IMPACT ON CONTENT AND DYNAMICS OF LEGISLATION EVOLUTION¹

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Abstract

Purpose: Ensuring the rule of law, human rights, the principles of constitutionalism and the democratization of society, the factor analysis of legislation remains relevant during the period of transformation of state and public institutions.

Methodology: The study of factors is present at the theoretical and applied levels: the subject of the theory of law traditionally captures the laws and trends in the formation of the legislative system, primarily in connection with the factors that determine the boundaries and scope of legal regulation. 50 surveys conducted to investigate the factors of impact on content and dynamic of legislation evolution

Result: The analysis of the impact factors of influence on the content, structure, and dynamics of the legislation, which is always conditioned by the development of objective and subjective circumstances, is in the focus of the paper. The study of factors is especially relevant in the period of society's and its legal system transformation in the direction of ensuring the rule of law and human rights. Research puts emphasis on the development of forecasting principles of legislation evolution dynamics.

Applications: This research can be used for the universities, teachers, and students.

Novelty/Originality: In this research, the model of the factors of impact on content and dynamics of legislation evolution is presented in a comprehensive and complete manner.

Keywords: *factors of legislation, the legal system, stability and dynamism of legislation, law-making policy, international factors.*

INTRODUCTION

The determination of legislation as a product of law-making subjects reflects its causal relationships with a diversity of real objective and subjective circumstances social, natural, technological, and others. The problem of their assignment to the range of permanent, temporary or situational factors is associated with the movement of scientific research towards the content and practical implementation of the law-making policy of the state, the search for requirements and the optimal model of the legislative process, the definition of conditions for internal coherence of the legislation system, its dynamics, structure and efficiency. Ensuring the rule of law, human rights, the principles of constitutionalism and the democratization of society, the factor analysis of legislation remains relevant during the period of transformation of state and public institutions.

METHODS

The study of factors is present at the theoretical and applied levels: the subject of the theory of law traditionally captures the laws and trends in the formation of the legislative system, primarily in connection with the factors that determine the boundaries and scope of legal regulation. However, changes in the economic, political, cultural, international and other spheres, their inherent threats and risks, as well as the specifics of subjective influence are less investigated in the context of factor analysis. Theoretical comprehension of the legislation factors works for the problem of practical ensuring of its quality, consistency, and efficiency [Tsebelis, G., & Garrett, G. \(2000\)](#).

The factor conveys a real, but not always an obvious connection between a real circumstance and its possible juridically significant consequences for the legal system, increases the accuracy of their prediction, is taken into account in the planning of proposed statute work. Prediction of structural changes in the system of legislation, the boundaries of its branches and institutions are based on the analysis of subjective and objective, internal and external, permanent and

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random factors that are in causal and functional relationships. Their influence determines the impact on the legislative changes that are commensurate with the social needs and challenges of the time [Hoppmann, J., Huenteler, J., & Girod, B. \(2014\)](#).

Some of the factors emerge outside the legal system and precede the process of lawmaking. They directly or indirectly influence the formation of such socially significant interests that require influencing them by legal means. Others postulate the number of regulations; determine the means of regulation and the procedures for their adoption. Factors external to the procedure are circumstances that influence law-making all the time or only in conditions of crises, social instability and have political, economic, cultural, psychological meaning, global or local distribution. They define the objectives, content, form of legislation, internal differentiation in the subject of regulation and the juridical force of the acts, the timeliness of their adoption and the social effect. Creating an absolute, complete list of factors is impossible. But it's realistic to single out a "permanent set" and partially predict spontaneous, random circumstances and trends to influence legislation [Hoppmann, J., Huenteler, J., & Girod, B. \(2014\)](#).

RESULTS AND ITS DISCUSSION

The action of factors is not equivalent: they either stimulate lawmaking or inhibit it. The action of the dominant and secondary factors is polyvalent at a particular time, but in the pluralistic integrity always determines the scope and content of the law, the intensity of the lawmaking process. External spontaneous factors precede the planned stage of lawmaking, require its subjects to analyze the social situation, to determine their strategy on the basis of well-grounded and socially justified programs. The delimitation of some factors from others is conditional and relates to the subject of analytics and scientific forecasting. But in reality, the genesis of the law is largely determined by factors that in varying degrees approximate the "final product" of lawmaking. They objectively reveal the legal interest of society, or consciously program it in legal policy, stimulate the lawmaking function, law-making procedures, modeling the legal formula of social compromise in the legislation. Legal regulation of relations is not carried out by the simplified construction of causality by the action of a single factor of high priority but is determined by a combination of a set of unequal factors [Baumgartner, F. R., Jones, B. D., & MacLeod, M. C. \(2000\)](#).

The statics and dynamics of the content and construction of legislation are determined by natural and random socially significant phenomena — subjective and objective, internal and external interrelated factors, new challenges of time and threats, whose influence is obvious for the implementation of public interests [Tsebelis, G., & Garrett, G. \(2000\)](#).

The factors of the legislative system are socially significant circumstances that determine the development and correction of legislation in order to bring its content in accordance with social needs. Some factors objectively form a stable legal interest of the society, some consciously predict and program it, stimulate lawmaking, determine the legal policy of the state, model the normative formula of social compromise in the legislation. The "weight" of various factors excludes the constant predominance of any one of them. Social transformation is determined by the action not of one priority factor, but by the mechanism of social interaction of many: legislation cannot be changed by the influence of any only one factor. The question of social theory is a departure from the simplified concepts of causality of law, which "cannot be reduced neither to the material conditions of the society that generates it nor to the corresponding system of ideas and values" ([Berman, 1998](#), p.57). Legal theory appealed to the basics of *systematization of legislation factors* and directs research to the level of factor analysis. The principal criterion for dividing factors was considered the degree of influence on the content of legal regulation, according to which they are divided into basic - objective, external to the law (economic) and subjective - political, cultural and others, as well as ensuring, internal - organizational, technical-legal, informational, scientific, etc. Social dynamics correct the change in their influence, significance and divide set of factors into interconnected groups with relatively variable content [Baumgartner, F. R., Jones, B. D., & MacLeod, M. C. \(2000\)](#).

General factors determine the process of state formation and the development of legal systems of the world.

Historical types and forms of the state, their development, and complexity determine the priorities of legislation in ensuring private and public interests. The federal-state creates a dual system of legislation, determines the principles of the ratio of the volume of powers between the federation and its subjects, the establishment of the presidential institution has prompted the issuance of decrees as a type of by-laws. The transition to a secular type of state legally ensures the freedom of religious organizations, their coexistence with a democratic government, compliance with the supranational level of standards in the sphere of freedom of conscience and religion ([René, 2003](#)).

The type of correlation between law and state, its civilization model. If law, due to recognition of its principled supremacy, becomes a constitutional imperative, a person acquires the status of the semantic center of the legal system, then guaranteeing his rights and freedoms becomes the responsibility of the state, in which legal principles determine its law-making policy, normative content, and logic of the structure of the legislation system, principles of law-making procedures.

This factor determines the content of others, among which is succession, as the preservation and transfer to the legislation of the norms and institutions of the preliminary stage of the state's development. This process is fixed in international documents and guarantees the preservation of national legal traditions, customs, moral norms, and religion. For example, the UN Human Rights Council requires consideration of "traditional values, cultural, civilizational, historical, religious

characteristics of societies and states, comprehension and respect for which contributes to the protection of rights and freedoms” (Nye and Keohane, 1871; Koreva and Boytsova, 2013).

Reception, as borrowing samples of norms and institutions of legislation of other states (for example, fixing the mechanism of division of state power, powers of state bodies). According to R. David, “there is no legal system that would not borrow any elements in one of these families” (Sukhova and Ruban, 2010, p.25).

The rapprochement of national legal systems, their mutual adaptation is natural and contributes to the unification of the national legislation of the member states of international unions. The historical proximity of the law of Russia, the states of Eastern Europe and the Romano-Germanic legal family is a factor of *rapprochement* with its fundamental principles: the reception of the norms of Roman law, the division of the legal system into private and public, its differentiation into branches, their codification, the hierarchy of sources of law.

The status and level of development of spheres of society, as indicators of its viability, affect the legislative definition of the boundaries and the juridical means of their regulation. The key role is objectively played by the economy, the development of which is determined by the legal principles of property relations, the legal regulation of guarantees for their normal functioning. Under this condition, the law models the investment attractiveness of the economy, stimulates the legal interest of society to optimize production and market infrastructure, changes consumer standards, and therefore stimulates the creation of a legislative framework for entrepreneurship, export, investment, taxation with the function of supporting social equilibrium, customs, antitrust levers of competition, auctions to determine the effective owner. The market's needs stimulate the formation of complex branches of the legal system for the private sphere - business, commercial law, and others. This factor is determined by the level of economic solvency of the state (stability of its financial system, market security, the ratio of productive employment/unemployment) or - permanent, chronic dependence on IMF loans, foreign investment, the risk of political instability.

The economy inevitably determines and starts the work of the social factor. During periods of economic and financial crises (decline in production, actual default, state solvency, bankruptcy, price instability, reduction in employment and income), the state function of social protection is activated by updating labor and pension legislation, laws on social insurance, and the protection of individuals (children - orphans, large families, disabled people), about the subsistence minimum, minimum wage, medical care, etc.

The political factor covers processes actively initiating the national political actors and in the last 50 years a wide range of state and non-state transnational actors of world politics who reflect their political role of active influence on world political processes and trends in the development of the political world order. This is largely due to network structures, new information and communication technologies, which significantly simplify and accelerate the processes of actors' influence on the information field in politics.

At the *national* level these are power actors making political and legal decisions, other actors of political relations that influence the choice of strategy, tactics and volitional decisions of the legislator: reforming the institutions of government and organizing the state apparatus and its functioning, basing on updated principles (democratism, division of powers, transparency and others), legislative change of juridical order and legitimization of procedures for the creation of representative bodies of power (electoral process), officials' scope of authorities and competence in statutory law, legal normative system (general) requirements of professional ethics for state servants, judges, lawyers, enshrined in the Code of Professional Ethics. Citizens, their associations and parties, as political subjects, are legally guaranteed the exercise of political rights (laws on citizenship, on parliamentary elections, and others). The change of stability by changing the balance of political forces pushes political subjects to search for new legal ways out of the political crisis. For example, it arrives at the renewal of power by adopting laws on lustration in Poland (1996), laws on “decommunization”, and others. Sometimes - to include “barriers” in the electoral laws, which consciously turn into artificial obstacles for the political opposition. The negative components of the political factor create the risk of social tension in the electoral field, undermining the quality of the legitimate basis of power, its capacity, predictability, and compliance with the requirements of general morality and legal ethics. As a result, citizens' trust in parliament, government, court, law enforcement agencies, whose purpose is to guarantee rights and freedoms regardless of political stability, is considerably destroyed. This requirement is consistent with the constitutional meaning of the system *of obligations of the state in the field of human rights*.

The anthropological factor, having designated the constitutional recognition of the primary value of an individual's physical and personal characteristics, obliges public authorities to ensure their freedoms, integrity, security in private and public law spheres of life by national legislation based on international legal standards, namely at laws on personal data protection, on humanization of penalties, the decriminalization of crimes and others.

The ideological factor, as the result of a long rethinking of legal values and the impact of the product of public discourse (axiological factor) exposes social needs and focuses on the recognition of new legal interests on the basis of the ethical principle of justice as a legal requirement that has its own natural basis, since “justice is a natural law” (T. Hobbes). The ideological factor stimulates a reassessment of the balance between the priorities of the private and public spheres of society, their harmonization and legislative regulation influenced by the perception of the value content of humanitarian

ideas - *the rule of law and the priority of human rights*. The rule of law combines the principles of global (universal, planetary) and national. The latter embodies its cultural-specific manifestation, which contains its own legal tradition and cultural characteristics of states. This factor forms the value-oriented legal consciousness of society and the renewal of its worldview determines the content of lawmaking policy and law on the basis of international humanitarian law.

The impact of an ideological factor requires a reasonable approach and a measure that determines the boundaries and content of legislation eliminates the political commitment of state regimes and their leaders. Distortions and abuses of lawmaking powers, contrary to international and European standards, lead to the adoption of discriminatory laws based on sex, ethnicity, language and other characteristics.

The influence of ideological values and meanings on legislation occurs through authoritative political and legal doctrines, individualistic political philosophy, ideas of moral and political liberalism, and sociological doctrines that are perceived by society as a theory of inalienable human rights. Doctrines are embodied in civilizational (universal) principles of humanism and justice. The system of legal values is constituted in the legal system as a common denominator and determines the development and structure of the legislation. Their ideological potential is included in the principles of law at all levels - generally legal, which is enshrined at the constitutional level (rule of law, legal equality) and branch-wise (for example, conscientiousness, justice, the presumption of innocence).

Human rights, as the concretization of universal moral principles, are embodied in those norms on the basis of which peaceful coexistence and cooperation of individuals and different cultures are possible in the context of global processes and contradictions generated by them. But their implementation at the level of the national legal system depends on the compliance of the imperatives of the legal policy by the legislator and the executive, law enforcement and control authorities, from reputable international organizations monitoring.

Demographic factors in the context of the crisis of population and its aging threaten the processes of depopulation, birth rate reduction, combined with high mortality, mass occurrence of small families that do not ensure the reproduction of the population; changes in the ratio between employees and retirees; family crisis, high divorce rates; the dependence of the population reduction on external migration; reduced population mobility ([Anthony, 2006](#)).

Their negative consequences are the natural decline in the population in the regions of Russia, Ukraine, and neighboring countries, the replenishment of the labor market by the not numerous young generation, the crisis of the pension system, the threat of replenishment of the pension fund with long financial assets and others.

Many demographic factors become fundamental in determining state policy to ensure socio-political stability and economic growth. They stimulate the legislative process of restoring the demographic balance (increasing the amount of social assistance for childbirth, the protection of women and minors).

The information factor is significant in the process of expanding the information space. Information exchange, its impact on social and cultural differentiation, the formation of virtual communities (social networks) leads to the definition of legal regulation of the use of information and communication technologies. Information legislation guarantees the dissemination of views, audiovisual information, and media activities. But in order to ensure security in the information sphere, information factor legitimately limits the forms of expression of information freedom for moral (violence, harm to health, humiliation, and dignity), and national security reasons.

Factors of the direct influence of elements of the legal system of society. First of all, such a factor is the *objective nature of the legal system*. The science cognizes this property and defines its theoretical model, specifying the laws of the content and internal structure of the legal system. The semantic backbone and defining bases of the content and boundaries of lawmaking activity is a hierarchy of legal principles - from generally legal to branch-wise. *Objective* (material) factors of legislation dominate, since they form the sphere and define the boundaries of legislative regulation - heterogeneous social relations (property, personal, managerial), where the stable legal interest of subjects is formed. Outside the legal impact, they remain external to the law and have no legal form. Subsequently, they are covered by legal influence - they are included in the subject of regulation, affect the internal differentiation (structure) of legislation by law-making means. Lawmaking determines the extent of specification of the normative regulation of objects - business, information, security, taxes, environmental rules, and others. The connection of the legal interests of the subjects is expressed in the dichotomy of the private and public and is a factor determining the *regimes of legal regulation* of relations - its types, methods, ways, the optimal juridical force of acts. For example, market relations determined the legislative establishment of legal regimes for objects of private property, the methods of their acquisition and the limits of use, legalized the status of its subjects, ensure the protection of public interest in the economic security of the state by the norms of customs, tax, and criminal legislation. The legal activity of public authorities requires effective anti-corruption laws ([Kennerley, M., & Neely, A. \(2002\)](#)).

The *subjective* factors of the legal system include: 1. Subjects that produce directions of legal policy, prepare its theoretical and methodological substantiation, conceptual foundations, determine the strategic goals of lawmaking, plan legislative activities and its organizational and legal support. They work at several levels (state, regional, municipal) and are represented by civil society institutions, political organizations, and institutions of legal science. The main subject of legal policy - the state summarizes the efforts of legal practice and scientific research. 2) Authors or adherents of scientific theories, who argue the positions on the content of draft laws, investigate the methodology for determining their subject-

matter and the criteria of validity. 3) Subjects that perform certain functions of lawmaking (for example, special commissions for the codification of legislation). 4) Subjects of legal expertise, which carry out a prospective and retrospective analysis of a regulatory legal act in order to argue its validity and ensure internal consistency, prevent and overcome regulatory errors, conflicts, and duplication, technical and juridical perfection, ensure gender rights and verify its corruption-related nature. 5) The direct participants in the legislative procedure are the subjects of legislative initiative, parliamentary structures (factions, committees) that support or inhibit the bill, artificially initiate bills to make unjustified, but politically expedient decisions (*ad hoc* laws), or delay the procedure for its adoption. 6) The subjects of the legislative lobbying strategy (including “black lobbying”). For example, the legislation of the US Congress is influenced by as many factors as there is the number of congressional representatives, but traditionally they are political parties, organized groups of interest, voters, the president. The position of the congressional representative is determined by the leadership of his party and reflects the support and votes that a member of the party promises to give in its support. Parties determine, for example, the content of bills on appointment to posts, committees, budgets, and appropriations. 7) Subjects, carrying the public opinion and attitudes that support the bill or oppose lawmaking, parliamentary and extra-parliamentary (boycott the sessions by factions of deputies, actions of condemnation or support of the bill by public institutions). 8) Subjects of monitoring legislation performing the systematization of information about legislation, its study, and assessment of the impact of various factors. The objects of monitoring are normative acts, concepts of laws, plans for legislative work; and subjects are state bodies, specialized organizations, industrial organizations, trade unions, and public organizations. The subjective factor forms a rational criterion for determining the optimal range of subjects of law-making since their multiplicity can lead to legislative chaos and violations of the procedural rules of the law-making process, which in many countries tends to systematically underestimate and downplay procedural rules. The practice of judicial control of the lawmaking process is justified [Kennerley, M., & Neely, A. \(2002\)](#).

The tendency of the judicial process being directed to systematically emphasize legislative procedural requirements balances their neglect in the legislative process. The combination of the legislative and judicial process can create an appropriate balance between procedural values and norms and contradictions of lawmaking, and procedural defects should be the basis for declaring the law invalid ([Ittai, 2015](#)).

Special juridical factors - that are the means to which the principles of a legislation system construction are related; type of legal act, its connection and dependence within the system on the legal force and subject matter of regulation; brunch identity and scope of implementation; methods and combination of legal regulation methods; validity period and material security; prevalence and predictability of the social effect; tools, receptions and rules of legislative technique; state of order (consistency) or fragmentation (randomness) of normative-legal acts in the field of legislation.

International factors, first of all, that is the authority and status of the state in the international community, which is largely dependent on its attitude to world legal standards. The state chooses the isolation path, or joins the indicators of national legal systems, borrows their experience, adheres to the principles of European integration and the fulfillment of obligations and international standards in the field of human rights and freedoms, and at the same time integrates into the global economic, political, humanitarian and other processes. The influence of public international law is reinforced by the constitutional fixation of the priority obligation of international treaties in the legislation system (for example, the ratification of dozens of conventions on labor protection and the implementation of their norms in the labor legislation of the Russian Federation and Ukraine). The influence of these international documents on the legislation of Eastern European states has become decisive. For example, after the application of the Russian Federation for accession to the Council of Europe, she participates in the activities of the Council of Europe, in the implementation of intergovernmental programs of cooperation and assistance, of a project to harmonize legislation with European norms in the field of human rights. The legislation includes the concepts of “European standards for the protection of human rights”, “Council of Europe standards for human rights” and “standards of the Convention for the Protection of Human Rights and Fundamental Freedoms”.

These factors, of course, include **internationalization - globalization** (internationalization in breadth) and **integration** (internationalization in depth). The first trend consists in the gradual transformation of world space into an integral zone of free distribution of capital, goods, services, ideas, stimulating the development of international cultural, information, legal, institutional spheres, and at the same time this trend brings weakening of the national state and limiting its sovereign rights, diffusing power and transferring competencies to other organizations and local authorities, increasing border permeability. **European integration**, in contrast to globalization, creates a unified system of institutions of optimal functioning. For example, the EU, as a system of a confederative type, is built only with the consent of the member states, unifies legislation in the public and private spheres, and provides uniform standards for the protection of human rights in the ECHR. Globalization can exert an aggressive influence on the state from the outside; it ignores the interests of weak states and their social groups (for example, forces states to accept laws that do not provide adequate social protection for the population in the area of their labor rights and social protection).

Legal globalization transforms national legislation with positive and negative consequences. The internationalization of national law is stimulated by its humanitarian factor, it attaches universal importance to the institutions of European legal culture through *reception, harmonization, adaptation, unification, and standardization of legislation*. Modern law is transformed into a new entity: its traditional perception is changing; it is not a regulator, limited by national borders. The

impact of globalization on national legislation strengthens the international interaction of legal systems. The legislation is modified into national-international formation, embodies global interdependence, international integration and harmonization. As a result, all branches of public and private law are qualitatively reorganized (transformed), the content of new legal branches and institutions that meet the demands of modern realities (for example, information, environmental, arbitration procedure legislation) are formed. Regulatory legal complexes are being formed - media law, national security law, military law, and others.

The legal system and legislation strive for internal consistency, which is determined by the harmony of the semantic ideas of legal doctrines, theories, and unified legal principles. This conditionality is recognized in legal systems voluntarily and consciously or as a result of indirect imposition. For example, a voluntary rapprochement with EU law is an indisputable fact. But under the influence of the IMF, the standards of the retirement age and standards of social protection are changing. The value and volume of the use of the dispositive method of regulation in private-law branches are increasing in legislation. Information systems are being actively implemented in the sphere of law. There are growing inter-sectoral legal complexes in the sphere of legislation on health care, ecology, and education. It is becoming a universal law on combating terrorism, which gives rise to the need to legislate the *right to asylum*.

The legislation is significantly changed by including in its content the principles and norms of international law, international treaties, precedents of the European Court of Human Rights. Globalization is reflected in public-law and private-law spheres and determines the ideological transformation of the content of legislative acts of states in the areas of public and private law.

The unity and political-economic interdependence of the world community also require the compatibility of public law systems, where states should get the possibility of positive coexistence. Due to the processes of the interpenetration of private and public law, the law extends the beginnings of self-regulation in the field of private law (civil, family) harmonization of private and international private law, national public and international public law. The number of rules establishing the status and procedures of public legal entities in private law is growing. Legal globalization also can negatively influence the stable development of the legal system of a society in which people's lives are poorly compatible with pro-European patterns - westernization of culture in the public and private spheres of life, ignoring and leveling features of mentality, customs, traditions, legislative guarantees of preserving the institution of traditional Slavic family peoples. Alan Karlsson made his statement against all forms of imposing on this issue.

Therefore, globalization is unacceptable to use for the absurd legislative copying of foreign ideologies, concepts, and use of the legal "services" of their experts, since this gives rise to artificial legal structures that are not rooted in the mentality and culture of Slavic peoples. In addition, it is necessary to separate the unification of legislation based on the civilizational components of globalization from any form of direct political intervention by world powers, because of which the national state may be under direct external control, completely blocking the state's guarantees for sovereign lawmaking. Such intervention should be suppressed by international institutions.

The impact of international institutions: In the global world, numerous organizations conduct legislative oversight - the European Parliament, the UN Human Rights Committee, the UN Human Rights Commission, the UN Committee on Economic, Social and Cultural Rights, the Office of the UN High Commissioner for Human Rights, etc. The *European Commission for Democracy through Law (Venice Commission)* is among the relatively young organizations that authoritatively influence the content and completeness of national legislation. That is an advisory body established under the Council of Europe to analyze laws and draft laws on constitutional law (electoral law, minority rights and etc.) of the states, according to the results of which it publishes conclusions on draft laws. They are represented in the commission by interested states, where PACE "approves", "proposes", "criticizes", the content of bills, making an impulse of a certain degree of obligation for the legislature of the national state to take into account. Sometimes this commission performs the function of a mediator (intermediator) to solve constitutional crises in individual countries by interpreting existing constitutional provisions, helping to eliminate constitutional gaps. *The Parliamentary Assembly of the Council of Europe* is the first continental representative parliamentary forum, the "democratic conscience of Europe", which monitors the fulfillment of legislative obligations by states, using the findings of the Venice Commission as a reflection of democratic "European standards" in European legislation. *Office for Democratic Institutions and Human Rights of OSCE*. The direction of his activity is to monitor the state of electoral legislation and elections in the participating States (sometimes it is not completely objective and politically biased). The European Court of Human Rights, whose precedents are considered mandatory. It was created as an international mechanism for the protection and monitoring of compliance with the European Convention for the Protection of Human Rights and Fundamental Freedoms in European states-members. The ratification of the Convention and the recognition of the jurisdiction of the European Court means that the legislation, as well as the activities of the authorities (judicial, above all), their decisions and procedures should not contradict the provisions of the Convention, are implemented with national legislation. If the state finds that the situation regarding the complaint can be repeated without a change in the law by the European Court, it makes the necessary innovations in the legislation.

CONCLUSION

Factors of different levels are in the process of constant interaction, changing their significance, cause-effect relationships.

Therefore, there is no unified set of factors. Science monitors the natural influence of the factors that are constant, predictable, due to the dynamics of society, nature, and man. But analytics denotes trends and accidents of social, natural, anthropogenic, etc. conditions; permanent, situational and emergency public needs, obliging the subjects of law-making to analyze and recognize the influence and significance of these circumstances, to provide a prompt and adequate legislative response. Therefore, the legislation system cannot remain unchanged. On the contrary, its dynamism determined by contradictions and timely substantiated renewal is a condition of its effectiveness, a way to stabilize and preserve the legal order for the sustainable development of society.

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REFERENCES

1. Anthony J. Nownes. (2006). Total Lobbying: What lobbyist want (and how they try to get it). University of Tennessee, Knoxville. 2006.
2. Berman G. J. (1998). Western tradition of law: the era of formation / G.J. Berman - M. - Norma. - 1998. - 624 p. (In Russian).
3. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Resolution No. 36/55 of November 25, 1981 of the UN General Assembly.
4. Ittai Bar-Siman-Tov (2015) The role of courts in improving the legislative process, *The Theory and Practice of Legislation*, 3:3, 295-313. <https://doi.org/10.1080/20508840.2015.1133169>
5. Koreva, O.V., Boytsova, T.E. (2013). Analysis and assessment of the influence of individual factors on the state of the current demographic situation in the Russian Federation – «Naukovedenie» online journal, no., November-December 2013.
6. Limonnikova M.A. Legal assistance to the Venice Commission of the Council of Europe in preventing and resolving the constitutional crisis in member states. URL: www.gramota.net/materials/1/2008/6-2/38.html (In Russian)
7. Nye J. S., Keohane R. O. (1971). *Transnational Relations and World Politics: An Introduction* / International Organization/1971. Vol. 25. №3. P. 329-349. <https://doi.org/10.1017/S0020818300026187>
8. Promotion human rights and fundamental freedoms through a better understanding of traditional values of humankind: best practice – <https://www.ohchr.org/Documents/Issues/HRValues/NaturalJustice.pdf>
9. René, D. (2003). Jauffret-Spinosi Camille. Les grands systèmes de droit contemporains, 11e éd. In: *Revue internationale de droit comparé*. Vol. 55 N°3, Juillet-septembre 2003. pp. 709-711.
10. *Simone Emmert*. Migration and Terrorism: The Influence of Anti-Terror Legislation on Asylum Law in Europe and Germany / *Rethinking Global Migration: Practices, Policies and Discourses in the European Neighbourhood*. KORA. 255 p. URL: <https://www.splcenter.org/fighting-hate/extremist-files/group/world-congress-families>
11. Sukhova N.I., Ruban L.N. (2010). Anti-corruption expertise of regulatory legal acts as a condition of their quality / N. I. Sukhova, L.N. Ruban // *Law. Legislation. Personality*. - 2010. - № 2 (9). - Saratov. - p. 103-106.
12. «The Attorneys Code of Ethics» – URL: https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Croatia_The_Attorneys_Code_of_Ethics.pdf
13. The Legislative Context: Factors that Influence Members of Congress and the Laws that Are Made. URL: <https://resources.saylor.org/wwwresources/archived/site/wp-content/uploads/2011/05/POLSC231-OriginalContent-3.1.6-FINAL.pdf>
14. The World Congress of Families. URL: <https://www.splcenter.org/fighting-hate/extremist-files/group/world-congress-families> (access date: 18.05.2019).
15. Kennerley, M., & Neely, A. (2002). A framework of the factors affecting the evolution of performance measurement systems. *International journal of operations & production management*, 22(11), 1222-1245. <https://doi.org/10.1108/01443570210450293>
16. Tsebelis, G., & Garrett, G. (2000). Legislative politics in the European Union. *European Union Politics*, 1(1), 9-36. <https://doi.org/10.1177/1465116500001001002>
17. Koopmans, R. (2004). Movements and media: Selection processes and evolutionary dynamics in the public sphere. *Theory and society*, 33(3-4), 367-391. <https://doi.org/10.1023/B:RYSO.0000038603.34963.de>
18. Baumgartner, F. R., Jones, B. D., & MacLeod, M. C. (2000). The evolution of legislative jurisdictions. *Journal of Politics*, 62(2), 321-349. <https://doi.org/10.1111/0022-3816.00015>
19. Hoppmann, J., Huenteler, J., & Girod, B. (2014). Compulsive policy-making—The evolution of the German feed-in tariff system for solar photovoltaic power. *Research policy*, 43(8), 1422-1441. <https://doi.org/10.1016/j.respol.2014.01.014>
20. Tam Cho, W. K., & Fowler, J. H. (2010). Legislative success in a small world: Social network analysis and the dynamics of congressional legislation. *The Journal of Politics*, 72(1), 124-135. <https://doi.org/10.1017/S002238160999051X>
21. Soberman, D., & Gatignon, H. (2005). Research issues at the boundary of competitive dynamics and market evolution. *Marketing Science*, 24(1), 165-174. <https://doi.org/10.1287/mksc.1040.0065>



22. Elliott, E. D., Ackerman, B. A., & Millian, J. C. (1985). Toward a theory of statutory evolution: the federalization of environmental law. *Journal of Law, Economics, & Organization*, 1(2), 313-340.
23. Gil-Garcia, J. R., & Martinez-Moyano, I. J. (2007). Understanding the evolution of e-government: The influence of systems of rules on public sector dynamics. *Government Information Quarterly*, 24(2), 266-290. <https://doi.org/10.1016/j.giq.2006.04.005>
24. Lafontaine, F., & Kaufmann, P. J. (1994). The evolution of ownership patterns in franchise systems. *Journal of Retailing*, 70(2), 97-113. [https://doi.org/10.1016/0022-4359\(94\)90010-8](https://doi.org/10.1016/0022-4359(94)90010-8)
25. Achrol, R. S. (1991). Evolution of the marketing organization: new forms for turbulent environments. *Journal of marketing*, 55(4), 77-93. <https://doi.org/10.1177/002224299105500406>
26. Wilkinson, A., & Whitehead, L. (2009). Evolution of the concept of self-care and implications for nurses: a literature review. *International Journal of nursing studies*, 46(8), 1143-1147. <https://doi.org/10.1016/j.ijnurstu.2008.12.011>