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CONSTRUCTIVE ROLE OF THE CONCEPT «APPROACH», «METHOD», «WAY» IN THE FIELD OF LEGAL KNOWLEDGE

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Considered in the scientific-terminological and conceptual – the understanding of three terms, which are similar in meaning (values of signifying phenomena) and value (by the nature of these phenomena). This is an «approach», «method» and «way».

Keywords: methodology; approach; method; way.

Formulation of the problem. Methodology belongs to the least developed branches of legal science, especially the general theory of law. This is precisely the reason for the need to analyze the concepts of «approach», «method», «method» and method in the domain of legal knowledge. Of course, they all mean something in human activity – practical or spiritual, physical or mental. In order to find out to what they describe, it is necessary in the most general terms to submit the structure of activity.

State of research. The question of method, methodological approach and method in law is perhaps one of the most important in its significance for legal theory and relevant legal practice. This is explained by the fact that, depending on the essence of the source methodological principles on which legal thinking is based, the type of legal culture, not only the scientific knowledge of law, but also its practical implementation in the realities of life is carried out. In this sense, finding an adequate answer to the question: can we talk about the unity of methods and the unity of methodological approaches, methods, or should classify such unity.

Statement of the main provisions. Intelligent revolutions are an integral part and prerequisite for the progress of mankind. However, unlike social and political changes that radically, sometimes with tragic consequences, change the lives of large groups of people, intellectual or, in the terminology of T. Kuhn's scientific revolution, affect changes in the views on society and nature, on methods of obtaining knowledge [1, c. 67].

In our opinion, the main thing is that historically each new apparition such philosophizing does not eliminate the former, although limiting the right regulatory action, zasobovo and functionally, that is methodologically constructive specifying the format of its professional use.

In any case, before a true scientist who is trying to reach the top professional metodolohuvannya, there is a problem heavyweight business – not only to uncover the secrets of the research object, but also

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organize educational procedures in such a way that it (the object) was revealed in full in the form of his secretive existence, «spoke» with a scholar understandable to him in the language [5, c. 153; 6, c. 18]. Actually, the concept of «approach», «method», «method» acquire strategic importance.

As noted in the formulation the problem they all denote something human activity – practical or spiritual, physical or mental. In order to find out to themselves what they are describing, it is necessary in the most general terms to apply the structure of activity, for example, on the example of labor. It is a conscious, purposeful activity and, therefore, requires a priority subject rights to any requirement that the product and must meet labor. The product appears here as the realized purpose of the activity. In this form, the purpose nothing more than a change in the quality or the changed form of the object (material) of activity (labor). From here, obviously, emphasize M. Lapanov, V. Komissarov, the activity should be regarded as a movement that turns the subject into a product. You can also see it as self-movement of the subject, because if it is not founded only his inherent tendencies (a real possibility) is transformed to the product, the transfiguration (change in shape of the object) is not true. However, given the variety of possibilities embedded in any subject, one can not see the activity of self-propagation only.

Be sure to get up the question of the conditions by which «output» is based on the product, that this form and not any other of those potentially present in the subject. Thus, the subject who needs and sets the goal on the basis of it is a component or component of an activity that can not be removed from its composition without losing the right understanding of the activity as such.

Thus, the business covers a fundamental, inalienable part of the subject, object and purpose, is a movement that links them together.

All expressed is easy to highlight in figurative form. For example, there is a person, a naked person who is experiencing a natural need to dress. This need makes it the subject of motion, the essence of which is to find material for clothing.

The external world, nature, if you take the «innocent» option, do not skimp on the offer: here are the leaves of the trees (remember Adam after the fall), but their bark, and grass, and animals, «dressed» in warm skins, and much more. A person must choose and, of course, chooses. For example, she chooses animal hides (the most perverse but popular choice). The animal thus becomes the object of human effort. The purpose, of course, is the skin. However, it is obvious that it is impossible to achieve the goal without reaching the animal's hands. And in order for a dream to come true, it turns out to be necessary, at least, two conditions. Firstly, you need to know what it is for the animal where it lives, which has vulnerable features in it, where it is torn with a sharp stick, so as not to spoil the skin. Secondly, based on the knowledge of the animal, it is necessary to organize their own physical efforts so that the skins actually went over the «appointment» [7; 8; 9].

Despite the widespread use of the «concept approach» in jurisprudence, there is no specific definition of its content and the scope of application in view of this, it is proposed to determine the approach as a comprehensive algorithm for comprehension of reality arising as a result of a combination of fundamental ideas and certain methods, that is, as a specific unity of ideological, theoretical and methodological knowledge in which the main is the order of the combination of theory and method determined by the subject of knowledge. The cognitive value of the «approach» is explained by the fact that, within its content: a) «reflects» the empirical basis of science; b) the variety of existing methods, research methods; c) the initial philosophical and ideological principles that ensure the integrity of the approach are determined.

It will be sufficiently correct if we associate the term «approach» with the subject, with his condition (need, interest) and the appropriate choice (but not with the subject itself). Then the approach is the focus of human activity, determined by the subject (equally need or purpose) [2; 3; 4].

Those who think a little about the situation, as described in general, and given in figurative form, will easily understand that an approach is not a guarantee of success: after all, there are many approaches, but most importantly – to achieve the goal. Here and then the role of knowledge, so to speak, is manifested in the identification of the subject (in the approach). Such knowledge can not be complete: you can not

know everything about everything. But knowledge must be sufficient to, firstly, relate the object to the necessary, that is to find the possibility of the mentioned transformation, and secondly, to provide the right direction for further search. And here it is necessary to know that this animal has a skin. It is necessary to know, besides everything, that it is a bear (and he is a carnivore, fierce, omnidirectional, very strong) and that he, suppose, loves raspberries. Having waited for the bear in the marigold, you can follow him and deepen the knowledge of his character, habits, tastes, strengths and weaknesses. Of course, based on this, the initial knowledge can not immediately build a hunting plan.

Obviously, such knowledge is absolutely needed to eventually create a plan for successful hunting. Knowledge of such content will be called «method» and, accordingly, associate it with the subject of activity. So the method is a certain amount of initial (general, not specified) knowledge of the subject, which is so well-ordered, that this object is reflected in it, and besides, this knowledge sets the way for deepening and refinement of knowledge about it. In other words, it is a system of principles that reflects the essence and specificity of an object and sets the direction of its further research.

Everything else, apparently, belongs to the method. Who, where and when to find out which tool to apply, how to return it – all this is determined primarily by the purpose, provided by the quality, or the form of the product. Essentially a way – is the organization of practice, which leads to a real achievement of the goal. The approach, method, figuratively speaking, is the grandfather and father of the method. The son, of course, inherits both the grandfather and his father's features, but he is still the other: he is not frozen, he does not dry his head – he dresses in the skin.

Consequently, based on the above considerations and illustrations, the definition of the method is formed. He is a system of knowledge, namely, the principles, that is, the knowledge of invariant in terms of scientific knowledge and the field of knowledge in general, reflecting the most general essential features of the subject and integrate in accordance with its specifics the decisive development of this area of knowledge. In this case, the law of integration is given in the form of a logically verified concise definition of the object, and then follows its development according to the principle of ascent from abstract to concrete [10, c. 23].

Show that we must understand the method in general and describe the method of this science – related, but not equal to the degree of difficulty of the problem. The first one is solved much easier than a friend.

After all, in the first place, we mainly formulate requirements for the construction of valid, working in science methods, which are inseparably linked with fragments of a diverse subject area of science in general. Therefore, the construction of the method, for example, the general theoretical jurisprudence involves knowledge of the essence and features of its subject, the ability to outline its logical «contour», to distinguish from a series of others (from the subject domain of sciences), as well as the obligation to determine each boundary of this contour in some though quite comprehensible – a list of general provisions. In other words, the formation of the method can not coincide with the available amount of knowledge about the subject at our disposal, with any single principle, or even with a set of principles. After all, the set of principles – it, figuratively speaking, only a palette of the artist. Her paints must be transferred to the canvas so that a recognizable essay of nature (subject) is published. On the palette of colors are disordered – these are just color spots that are similar to oneself; on canvas paints these are strokes and slippers that make up the figure, similar, for example, to the person's face. In this case, of course, in the case with the method analogy does not go further sketch, does not assume the completed portrait, because the latter, along with contours, reflects many more characteristic features of nature in their unique combination. The completed picture should give the whole system of knowledge in this scientific field, although, of course, such «perfection» is conditional, since in the knowledge of any subject is inexhaustible. «Perfection» here, apparently, is determined pragmatically: the application of the theory or its derivatives to the practical-technical or spiritual-practical segments of public life [11, c. 34].

Conscious that the method is built in accordance with the properties of the subject, that it should reflect some combination of its general and distinctive features, the scientist is forced to solve the question

and how to teach the system of principles. In fact, this is a complex issue. Like a writer, prose writer or poet, the theorist uses only the «palette» of natural language, besides being devoid of «colors», capable of adequately expressing his emotions, motives, intuitive images. And yet, he can illustrate his thoughts with the help of drawing, schematics. However, the scheme – not a portrait, therefore, it is rarely present similarity to the «character». Therefore, the main task of the jurisprudence in describing the method remains to streamline the principles of their proper continuity. One of the important points of this task is the choice of the initial, fundamental foundation. This choice can not be arbitrary. It is influenced by some factors, related both to the properties of the subject (philosophy), and to the general laws of the process of scientific knowledge. On this occasion, let us make some points.

The first one will touch upon the phasing (or interruption) of our knowledge system development. This is allowed to be interpreted in such a way that the system of scientific knowledge created by this time, besides those subsystems, which are presented by separate natural sciences, humanities, social sciences, also covers subsystems in each of the separate sciences. And this is not only the sections that have been worked out, subjects (in the theory of law, for example, ontological or axiological, etc), but also the states, limited by the quality, depth of knowledge at one or another temporal, historical level. Just as age and some other peculiarities of tree development are present in the form of annual rings on the slit of the trunk, the «trunk» of any field of knowledge on the «cut» also shows a «spatial», a static picture of dynamics, and an increase in knowledge. Here, too, is their «annual rings», the cycles, although more blurred and contouringly fuzzy. The method, including philosophical, is appropriate to compare with a similar «cycle». The image of the cycle, the circle in connection with the definition of initial support in the construction of the method «softly but urgently» requires that the continuity of the foundations, initiated by some definite reflection, «closed» at the same or very close in scope and content of reasoning. And the philosophical method, in this way, is like a «snake that bites itself by the tail».

The second It is traditionally believed that the subject of science is what it studies in a particular object. This understanding is not flawless. Therefore, the position is based on which the question of the value of the said concept is solved in accordance with the social value of the phenomenon, which is defined as the object of science. The subject of any science, already mentioned, is inexhaustible in its properties and attitudes, that is, at least complex. The complex nature of the subject must be reflected in the method, and then in the subsequent «cycles» of knowledge. Therefore, the complexity of the subject requires comprehensive, concreteness in knowledge about it. At the same time knowledge about different sides, connections, properties must differ naturally and logically. In other words, they must have some – not necessarily all – content, one that does not «intersect» with another, is variable. In formal logic, this requirement is as rigidly expressed in the rules of the distribution of the concept. Let's see why.

Third The subject of law is a complex, but at the same time a holistic complex, an ensemble. All the lines of the interaction of being and consciousness are linked together by unknown to us yet, but quite a real sign-base. So, when constructing the method, it is necessary to take into account some commonality of properties, perhaps continuity, taking them in the complex of the object.

How to take into account Obviously, only the belly of a certain community of content and, again, through the continuity of the adoption of principles [12; 13].

Here the subject of jurisprudence can be filed by analogy with the telescope, where each further knee is pushed from the previous one and its foundation is fixed in it, taking over («removing») thereby and at the same time completing its properties, improving overall quality. But as in the example with a cut of a tree, the method in this analogy is available at the end of the telescope, where the knees are visible as concentric rings.

Consequently, the method begins and is reduced in the end to the general denominator a comprehensive definition of the subject of jurisprudence. The definition formula, thus, should take first place.

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КОНСТРУКТИВНА РОЛЬ ПОНЯТТЯ «ПІДХІД», «МЕТОД»,
«СПОСІБ» У ЦАРИНІ ПРАВОВОГО ЗНАННЯ

Розглянуто у науковому-термінологічному і концептуальному розумінні три терміни, що схожі за змістом (цінності позначувальних явищ) і значенням (за характером цих явищ). Це – «підхід», «метод» і «спосіб».

Ключові слова: методологія; підхід; метод; спосіб.