

LEGAL RESEARCH METHODOLOGY: DEFINITION, STRUCTURE, PHILOSOPHICAL AND ATTITUDINAL FRAMEWORK

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The article deals with the author's perception of legal research methodology as multilayered, integral system of various methods which contribute to in-depth knowledge of essential, meaningful and formal features of law. The author defined its structure that consists of two levels (blocks) of methodological knowledge: philosophical and instrumental ones. The paper concentrates on philosophical and attitudinal level of methodological knowledge that has intrinsic structure: dominating perspective, scientific paradigm, style of scientific thinking and understanding. Dominating ideology is analyzed as the holistic set of prevailing values of people's educational and practical activities. There are such kinds of perspective in the history of human civilization: mythological, theological and scientific. The scientific one is considered to be the dominating perspective nowadays. The focus of the study is on the style of scientific thinking as the way of cognitive position, formed by the research communities on the basis of historically entrenched, attitudinal, epistemological and logical standards. Its content is defined by scientific paradigm and technology-oriented research. The phenomenon manifests itself on different levels: philosophy of science in general, in particular sciences and even academic disciplines. As it is shown in the research scientific paradigm is the significant conception used by the research community as the basis for solving of some science-based tasks. In the branch of legal science's paradigm is defined by different kinds of understanding of law. The main paradigms in legal sciences are the positivist and sociological ones. While the positivist paradigm is based on assimilation of the law and statute (acts of law), the sociological paradigm is based on their distinguishing. In some branches of legal sciences, there are more specific paradigms: human-oriented, humanistic, etc. The importance of basic principles of scientific cognition is highlighted as the common attitudinal regulations which foster the subject to receive objective knowledge. Among them are mentioned: principle of historicism which requires definite, historically entrenched procedure for considering events; principle of objectivity which presupposes completely unbiased approach of facts selection; principle of social humanism which involves evaluation of legal phenomena in the universal value-centered light. The article demonstrates the methodological importance of philosophical and ideology level that lies in the opportunity to define conceptual way of legal research on the basis of scientific perspective, pluralistic style of thinking, appropriate paradigm of law and such cognitive principles as historicism, objectivity and social humanism.

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