

RELATIONSHIP BETWEEN THE CONCEPTS OF “METHOD”, “MEANS”, “MEASURES”: THEORETICAL AND LEGAL JUSTIFICATION AND FEATURES IN THE BRANCH OF LAW

Svetlana N. Slabko, PhD in Legal Sciences, Associate Professor, Associate Professor of the Department of Theory, History of State and Law and International Law, Classical Private University (Ukraine).

E-mail: snslabko@ukr.net

DOI: 10.32342/2709-6408-2021-1-2-4

Key words: *method, means, measure, terms, definitions, relations, interpretations, law enforcement.*

The article is devoted to clarifying the essence of the concepts “method”, “measure”, “means”, determining their relationship, the peculiarities of application in different areas of legal reality. The relevance of the study is substantiated, because in general the legal literature does not pay enough attention to the study of etymology, essence, content, etc. concepts used in regulations. Clarification of the essence of concepts should be based on their etymology, and the definition of the relationship, on the justification of positions on their synonymy, antonym, broader/narrower meaning in relation to each other. Most sources, based on the existing rules of legal technique, give examples of unsuccessful definitions in terms of logic and legal language, formulate their own, which other authors are also criticized, and the process is endless and, most importantly, insignificant. The legal encyclopedia clearly defines that the components of management methods are ways and means: “management methods – ways or means of achieving management goals that determine the quality component of management”. However, the modern development of the social sciences, including jurisprudence, is characterized by new approaches based on logical thinking, i.e. the ability of man to reason, namely to reflect the objective reality in ideas, judgments, concepts. The definitions fixed in various sources (dictionaries of foreign words, explanatory dictionaries of the Ukrainian language, textbooks on the theory of the state and law and branch sciences, normative documents) are resulted. In this case, from the numerous materials selected those that reveal the relationship of these concepts. It is proved that in the scientific, educational-methodical, reference literature and in the norms of the current legislation there is no single approach to the definition of the specified terms. It is concluded that most often, one term is defined through another and vice versa, which leads to inconsistent interpretation, differences in application. As for the legal sphere, providing balanced definitions based on etymology, clarifying the essence, interpreting them as basic for further use in the field and applied sciences, in practice – this is primarily the task of theoretical and legal science. Of course, it is necessary to follow common approaches to the relationship of concepts. Therefore, it is proposed to understand the method as a set of methods (research, cognition, etc.). Method – a certain technique, a means to achieve, accomplish something. Means – a set of measures or actions to be able to do, accomplish something, achieve something.

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Одержано 22.03.2021.