

METHODOLOGY OF LEGAL RESEARCH: INSTRUMENTAL FOUNDATIONS

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The article is devoted to the methodology of legal research: instrumental foundations. The article, which is a continuation of the material presented by the author in the previous issue of the journal on the conceptual, structural and philosophical-ideological foundations of the methodology of legal research, reveals the instrumental foundations of the latter. Such foundations are the three levels of methodological knowledge (groups of methods): general philosophical (universal), general scientific and special. The general philosophical (universal) level is represented by such methods as dialectical and formal-logical, where the first allows disclosing the internal content of constantly changing social and legal relations, the other contributes to the logical ordering of the research process and mental design of its results. Inside the group of general scientific methods, the special attention is paid to the system method, because it is a cognitive tool for comprehensive study of certain aspects of the multilevel hierarchically constructed outside world based on the system. One of the most important subsystems of the social system as a whole is law, which in a certain "static" plan is cognized by means of a structural method, and in a certain "dynamic" plan - by means of a functional method. In some cases, institutional, synergetic and hermeneutic methods are added to them. The most numerous is the group of special cognitive methods, which is divided into two subgroups: a) special methods of legal science and b) special methods borrowed from other sciences. The main method of jurisprudence is a legal (formal-dogmatic) method, by means of which the study of a certain legal phenomenon is carried out on the basis of dogmatic perception of the information contained in the legal act. This method is objectively used most in the study of certain problems of specific branches of law (constitutional, administrative, criminal law, etc.), resulting in a certain legal model - the stable statutory system of norms that should regulate certain social relations. These legal models are not always adequately manifested in practice and therefore in the cognition of state-legal phenomena cannot be limited to the formal-dogmatic method, and in order to avoid one-sided results, it is necessary to use other methods - those that allow taking into account the practice of social life of the studied phenomena. Among such methods: hermeneutic, comparative legal (comparative) method, as well as special methods of other sciences: political science, history, sociology, psychology, mathematics, etc. Involvement of the last-mentioned methods is a sign of the current stage of development of science studies and a necessary condition for the development of any science, including law. The expansion and complication of the subject of jurisprudence requires from a researcher an "interdisciplinary" approach to his knowledge, the use of not the method itself (in generalized form) of one or another science, but some of their research tools.

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