

МЕТОДОЛОГІЯ ПРАВА

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**LOGICS AS A METHODOLOGY OF THE
SCIENTIFIC GNOSIS (IN PARTICULAR
IN THE LEGAL SCIENCE)**

It's given the definition of the methodology, methodic, method, it's showed the particularities of the introduction and the becoming of logics as a «second» methodology, it's marked the important sides of the logic gnosis of the reality, it's offered the seeing of logics as a main methodology of gnosis of the state-legal events and processes.

Keywords: methodology, logic, gnosis, legal science, dialectic logics, logic skills and methods.

First Issue of the Bulletin of the Constitutional Assembly spurs me to write this article where the concept “methodology” is used in some articles. Articles published in the Bulletin reflect the authors’ conceptual view of the main principles of the Constitution, the branches of government, in particular judicial, the status and the place of the procuratorate in the state authority, perspectives of the local government in the country etc.

But at the same time there is a different understanding of the methodology as means of gnosis, and as for me this can have negative consequences for the work of this institution.

In spite of the permanent use of the concept “methodology” (by necessity or without it) not only representatives of sectoral sciences don’t understand this is content of this term but philosophers also sin in this, for them methodology should be a inherent part of the philosophy content as a science.

In the jurisprudence (the theoretical and the practical parts) thoughts about “method of the legal science”, “method of the legal regulation”, “method of the legal gnosis”, “juridical method of gnosis”,

“formal-logic method” (as juridical) etc. are irradiated. The methodology of the legal science (or the legal gnosis) is given third- or forth-staged pyramid that consists of philosophical (philosophical-worldview), general scientific, special scientific – in the third-staged structure, or it’s a forth step – research (both empiric and theoretical). The question is appeared: if some group of researches methods exist so aren’t previous (philosophical, general- and special scientific methods) research? And if they aren’t research (and gnostic) so what they are?

To my mind the jurisprudence has no own methods of gnosis or methodologies. It draws on other given and developed system of knowledge, theories, concepts as methods and methodologies. And the main between them is a logics and logic methodology. It’s possible of course to adopt or to privatize “not self” and say that it’s your own. The jurisprudence from “down” to “up” is built on formal logics. This logic is a main methodology in the jurisprudence, and logic methods are main in the scientific gnosis, theoretical and practical research. Without formal logics the jurisprudence becomes a “card house” that will be broken under minimal spirit of the critics. Is it good or bad? Suerly this ethic diad is not irrelevant. Indeed the jurisprudence from time eternal is based on formal logics and uses it in legal gnosis. Another is simply absent. And use philosophical, psychological, sociological in the jurisprudence has a secondary character.

Along with logics the linguistic as a methodology and its methods and connected with linguistic hermeneutics has priorities for the legal gnosis. This last possible could be used in the scientific .