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Legal Rule in the System of Social Rule-Making: Scientific and Legal Paradigm

It is analyzed the change of the principles of legislative activity due to changes in the philosophical and legal methodology from classical to non-classical and postnonclassical paradigm in legal science. In classical jurisprudence, the concept of «legal norm» mainly emphasizes the necessary regular natural life order, similar to

the nature. Its content is associated with social and ethical categories of «measure», «balance», «good» and has applied or regulatory nature of written law. The term «norm» comes from the Greek, meaning the measure canon. In Latin – this is usually a model, standard. A legal norm equilibrated and maintained the integrity from the destruction of the irrepressible human nature. It prevented the «damage» social organism. The legal norm accustomed man to respect the limits of general cohabitation and became a gelling of her civilization.

In non-classical jurisprudence, the legal norm provides a range of choice between permissible and possible action or inaction and provide appropriate sanctions of variable character depending on aggravating or mitigating circumstances in the committed crime. In Ukraine, we are in the stage of transition from classical to non-classical paradigm of law that affects the system of legal rule-making.

In postnonclassical jurisprudence it was the necessary of the total value-ideological and methodological reorientation to communicative paradigm. Now the efforts are strengthened to revise the mechanism of «reduction» of legal rule-making to its socio-cultural roots, through the methods of logical and semantic philosophy.

Keywords: rights ontology, paradigm, law, legislation, legal rule-making, science.