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Normativism as a Methodology of the Jurisprudence

The necessity of the methodology's research in the terms of «gnosis» in the practical and theoretical jurisprudence is pointed in the article.

The logical, linguistic and normativistic methodologies are the most expanded ones in the jurisprudence. Although normativistic methodology is originated in the ancient Rome, special impulse to its development was received only at the second half of 19th century. The domination of the positivism in scientific studies and philosophy and the practice of codification and reformation of the legislation in France, Austria-Hungary and Germany became stimuli there.

One of the most widely spread forms of the positivism is a legal positivism. Its development is connected with names of J. Ostin, K. Bergbom, P. Laband, J. P. Esmen, G. F. Shershenevich, H. Garth etc.

Adherents of the legal positivism's theory can consider naturalism as a methodology, but on the practical level they deny it.

The normativism became the highest form of the legal positivism, developed on the level of Hans Kelsen's (Austrian lawyer, co-author of the Constitution of Austrian Republic, Justice of the Constitutional Court of this state) doctrine.

The essence of normativism is an identification of the normative law. Normativism is reflected in the political will which accept it. Normativism denies sociological, psychological and ethical approaches to the law and the rules.

The Soviet normativism was particular, defining the law as a system of the established and sanctioned by the state, rules of behaviour.

It is unnecessary to call back all the aspects of normativism in all its orthodoxy and dogmatism because the legal practice of the countries of statute law need the normativism mainly as a methodology.

Keywords: legal positivism; normativism; methodology; pure legal science; the main norm; natural law; equitableness.