

Podik I. – *Researcher of the Department of Philosophy of Law and Legal Logic of the National Academy of Internal Affairs, Kyiv, Ukraine*

The Legal Rule-Making in the Object Field of Philosophy of Law: Retrospective Analysis

The article comprises the material about the retrospective analysis of the legal rule-making as a part of law-making; it shows their diverse interpretations depending on the existing paradigms of philosophical and legal areas. In this aspect, the object of philosophy of law is the system of thought that is inherent to a particular era, the system of values that is cultivated in it. They define the rising of the scientific parameters of legal rule-making and law-making, namely what is considered to be fair and therefore is legal, and what is not considered to be worthy of a human being, is not just, right and legal.

The paper emphasizes ideological and methodological nature of the above problem, observed in the philosophical and legal framework, embracing as a subject of theory of law, and the range of issues relating to the philosophical and legal consciousness. Based on the understanding of local traditions of law-making as a part of the theory of law and western philosophical and legal experience of transition from «static» of the modern paradigm of law to the idea of law «with variable content», the difference of the concepts of «legal rule-making» and «law-making» is denoted. They are compatible but not identical, because the first concept is limited by theoretical and legal grounding, and the second is tangent to the socio-philosophical analysis that goes on the role of law in the ideological and scientific palette. In this case it is the concrete historical analysis of the idea of law in the context of cultural-historical process of formation.

Keywords: philosophy of law, legal rule-making, law-making, methodology, retrospection, culture.