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Paradigm Approach in Philosophical and Legal Methodology of Juridical Rule-Making

The subject of study is philosophical and legal methodology as a combination of scientific and socio-cultural dimensions of the process of the national legal rule-making. It is given the accumulated empirical experience of legal rule-making for sectoral principle of development of the legal science, the question of the need for its theoretical systematization. Analysis of the literature shows the need for paradigm approach to the combination of opposing scientific research of rule-making into the whole system, thus to define general, specific and particular principles of construction.

It is suggested two approaches of use the term «paradigm»: the first approach, the term «legal paradigm» that can be used to analyze the methodological principles of jurisprudence, which makes identification of trends in the legal rule-making and its terminological arsenal. In this case, a philosophy of science is carried out in periods 1) the period of classical science; 2) the period of non-classical science; 3) the period of post-nonclassical science.

The second socio-cultural approach to certain content of legal paradigm allows systematizing of the legal rule-making, combining the basic principles and its social objectives. Under the current philosophy of the culture of periodization can be identified the legal rule-making in the concepts of Western and Eastern culture and paradigms of the culture that prevailed in the philosophical and ideological culture of people. The proposed paradigmatic approaches identified by theoretical analysis of the legal rule-making require more detailed specification that should be the subject of special study.

Keywords: law, rule-making, philosophy of law, theory, legal paradigm, law-making.