

METHODOLOGY OF THEORY AND PRACTICE OF JURISPRUDENCE

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METHODOLOGY OF RESEARCH OF LEGAL INSTITUTE

Today, the attitude to the methodology as to the condition of productive scientific activity among scientists is being formed because “methodological equipping of any modern science to wide extent determines its heuristic potential”. Only a few famous scientists had methodology as the subject of research for studying it legal institutes. However, the views on the methodology of knowledge in these works depend on what the authors understand as “legal institutes” within the legal system. The author of this article tries to clarify methodological basis of the study of legal institutes that exist not in the law but within the boundaries of legal reality in the conditions of scientific knowledge received during the last years of XX – beginning of XXI century.

In the article, the author touches issues of development of methodology in legal theory, analyzes the work of sci-

entists who studied the philosophy of law and theory of law, investigates the institutes within other social sciences. In this paper, she also substantiates the necessity to rethink the legal institutes within the socio-legal approach, given awareness in the fundamental knowledge of human nature, structure of society, the regularities which govern the human consciousness and behavior, in correlation with the economy, culture and religion. The author has formulated the hypothesis that the study of legal institutes is a comprehensive problem that requires an interdisciplinary approach and construction of some synthetic method of investigation. Thus, it is necessary to take into account the results of research of different branches of law and other social sciences, as well as a number of complex specialized scientific disciplines many of which have arisen only in the XX century.