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SUBBRANCH OF LAW AND SUBBRANCH OF LEGISLATION: ASPECTS OF CORRELATION

The article is devoted to revealing patterns of correlation between subbranch of law and subbranch of legislation. It is noted that the problem of their correlation is in a logical space of problems of interaction between the system of law and the system of legislation, although it has its certain characteristics.

Author proves that subbranch of law is much more dynamic part of legal reality, as its development is connected not only with the will of a state, but also with those circumstances of social life that determine the content of legal regulations. At the same time,

subbranch of legislation cannot always properly reflect the legal reality.

Special attention is paid to aspects of disagreement of subbranch of law and subbranch of legislation. Author discovers three main options of such discrepancy. The first one leads to situation when subbranch of law exists without correspondent subbranch of legislation. The second one appears when subbranch of law has already become a separate branch of legislation, however the structure of legislation does not reflect this change. The third one relates to rare situation when subbranch of legislation exists without correspondent subbranch of law.