

Translated from Ukrainian into English

Section 1: National and International Law

**NOTION OF LAW SYSTEMATIZATION
IN MODERN LEGAL DOCTRINE**

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Adjustment of Ukrainian laws to the European Union laws is one of the key tasks of the modern legal development. This process is gradual, it includes several stages, and at each stage a certain degree of compliance is reached in view of the principle of the rule of law. This is an axiomatic statement that the more perfect, "level-based" in terms of legal technicalities, the body of national laws is, the more successful such adjustment processes will be. At the current stage laws in many ways do not keep up with developing social relations, and occasionally laws are in conflict with previously adopted regulations. As a result, we have laws and regulations that technically do not work, and they contain gaps and inconsistent clauses. Certain legislative acts have repetitions, unclear wordings, terminology and notions. Variety of regulations and a large body of legal data require an established order and organization in the systemic distribution of legal material and its convenience in practical use. Solution of this complex problem, disturbing optimal conditions of legal control, is systematization. Need for systematization lies in the fact that it can facilitate structuring and consistency of the entire body of legal regulations, ensure equilibrium of laws of regulations, correlation and compactness, and eliminate differences in the laws. Such efforts are of especial interest amid the process of development of the modern democratic state [6, p. 5-6].

One of the most vivid examples of inadequate intensity in application of systemic approach in the state building and lawmaking at the current stage of social development is a certain systemic dysfunction of the body of laws, manifesting itself in the conflict-of-law rules and repetition of established legal norms, as well as poor codification of certain branches of the law. At the same time wide application of the systemic approach in study of law at various levels increases chances to identify its contents and form, internal consistency and division, correlation and interaction of parts, its components [2, p. 248].

Comprehensive systematization of legislation is a practical priority as a certain tool for organization of legal structures amid establishment and development of Ukraine's legal system [6, p. 6].

Domestic law theorists do not offer a clear definition of the notion of systematization. Definition can be notionally divided into two main groups. First group includes ideas of authors, for whom systematization of law has a broad meaning. Representatives of this group view systematization of law as a type of legal practice. In this aspect object of systematization oriented at structuring and improvement is all legal acts of various types [5, p. 423]. The second group consists of those supporting a narrower understanding of systematization as a type of legal practice, whose object is legislation. This group can be divided into two subgroups. The first



subgroup defines systematization as structuring of legislation [7, p. 575], and the second subgroup defines systematization as structuring of normative material, legal standards [10, p. 247].

Systematization of law is, essentially, a dogmatic legal practice, and its most real manifestation is systematization of legislation. In this meaning systematization of law and systematization of legislation are identical notions and they act as a connecting mechanism for the system of law and the system of legislation [2, p. 251]. Systematization means structuring of legislation, making it an internally consistent system [1, p. 387]; systematization means efforts to arrange laws and regulations into a structured system [3, p. 313].

As follows from the above definitions, grouping is based on the notion of systematization defined using the category of "system". However, it may cause some complications, since definition of systematization will require first to define the notion of "system", its structure, elements. This way even a cursory analysis indicates the need to come up with theoretical understanding of the notion "systematization", to identify its clear features and integral properties for the purpose of clear and unequivocal definition [4, p. 54].

Academic sources contain the following purposes of systematization of legislation in terms of lawmaking: 1) ensuring accessibility of legislation, facilitating search of a required legal standard; 2) convenience of use of legislation; 3) legislative accounting; 4) ensuring completeness of legislation; 5) elimination of obsolete and inefficient legal standards; 6) identifying and addressing legal conflicts (conflict-of-law rules); 7) finding and removing gaps; 8) legislation updating; 9) turning regulatory and legal control into a tool for ensuring normal operation of social life, improvement of legal control; 10) stabilisation of law and order; 11) most efficient management of public affairs in a person's interests; 12) removal of repetitions; 13) identifying negative trends in development of legislation [9, p. 202].

Systematization intends to stabilise law and order, to turn regulatory and legal control into a tool for ensuring normal operation of social life, most efficient management of public affairs in a person's interests. Through systematization we eliminate differences between legal standards, cancel or change obsolete standards and create new standards meeting the needs of social development. Legal standards are grouped together based on certain systemic features, compiled into codes, collections of statutes and other systemized acts [6, p. 6].

Systematization of laws and regulations may develop into two directions in any legal system: general to specific, for instance, fundamental laws are adopted, and then sectoral codes, etc. Or systematization of legislation goes from specific to general, for instance, certain laws are separated, then incorporated, then a number of consolidated acts is adopted, followed by adoption of codified acts [8, p. 329].

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