Федерации от 7 мая 2024 года № 309 национальных целей развития Российской Федерации на период до 2030 года и на перспективу до 2036 года: сохранение населения, укрепление здоровья и повышение благополучия людей, поддержка семьи; реализация потенциала каждого человека, развитие его талантов, воспитание патриотичной и социально ответственной личности; комфортная и безопасная среда для жизни; экологическое благополучие; устойчивая и динамичная экономика; технологическое лидерство; цифровая трансформация государственного и муниципального управления, экономики и социальной сферы.

Igor V. Ponkin,
Doctor of Science (Law), Professor,
Department of Administrative Law and Procedure,
Kutafin Moscow State Law University (MSAL);
Alena I. Lapteva,
Candidate of Sciences (Law) (PhD (Law)),
Associate Professor, Department of Sports Law,
Kutafin Moscow State Law University (MSAL).

Scientific methodology: Classification in Law

Introduction

The understanding of the specificity of classification in law, its peculiarities, mechanisms and instruments has always been relevant.

Classification is an integral part of cognition, understanding (relevant ideas about a subject), interpretation and implementation of law, treatment of law, and generally constitutes, to a great extent, the very essence of legal practice, even more so — of legal profession. Classifying is an integral part of the process of law-making, the process of understanding and interpretation of law, the implementation of law. That is why it is so important to have an understanding of the applicability, the characteristics, the instruments, the peculiarities, the conditions and application limits of classification in law, desired and possible results of classification in law.

As Russell H. Curtis wrote as far back as 1894, classification in jurisprudence plays a significant role for its study, its best understanding, development, and also for streamlining the lawyer's work and improving its quality[1]. Scientific interpretation of law starts with an attempt to differentiate situations which look similar on the outside, and thus to establish specific categories, principles and differences[2].

According to V. M. Syrykh, "classification in jurisprudence is used very widely since there does not seem to be any other way to bring the whole variety of legal and other phenomena, processes constituting the object of the legal science to a definite and easily observed unity"[3].

In any of the cases or aspects of applying classification in law the product of such classification is a range of product options between a relatively simple listing and a logically interconnected complex multicomponent multi-level construct.

To begin with, the authors would also like to say a few words about the relationship between the notions of "classification of law" and "classification in law". The authors believe that classification in law (in legal theory and practice, as well as in law as a phenomenon of regulation) is wider than classification of law, which is a mere individual case of classification in law.

This article focuses mainly on the study of conceptual and theoretic approaches to classification in law.

Without, however, going too deep into the history of the issue, the authors admit that the study of differences in the specific approaches of classification in law in Ancient Rome and Ancient Greece, in China and Japan (at different periods of time), in the USSR, in Islamic law is of significant scientific interest, but reasonably believe that these issues go beyond the scope of the research concept of this paper.

[1] Curtis R. H. Classification of Law. Annals of the American Academy of Political and Social Science. 1894. Vol. 4. Pp. 42–56.

[2] Pound R. Classification of Law. Harvard Law Review. 1924, June. Vol. 37. No 8. Pp. 933–96.

[3] Syrykh V. M. Preparation of theses in juridical sciences: an applicant's reference book. Moscow: Russian Academy of Justice, 2012. 500 p. (In Russ.)

The notion, the specifics, the methods and specific features of using classification in law have, on many occasions, been a matter of interest to many researchers, among which we could note Russell H. Curtis[1], A.N. Whitlock[2], Arthur L. Corbin[3], Roscoe Pound[4], Albert Kocourek[5], Charles C. Ulrich[6], Werner B. Ellinger[7], Jerome Hall[8], Richard T. Morris[9], J. Narain[10], Jay M. Feinman[11], J. E. Penner[12], Geoffrey Samuel[13], Alexander Orakhelashvili[14], Andrey A. Solovyev[15], as well as the authors of this article[16].

The topic, however, cannot be said to have been exhausted. The topic remains to be full of gaps and uncertainties, and needs further research.

1. General issues

1.1 General concept of classification

In its general meaning, according to definition of the authors of this paper, **classification** is an integrated logical operation behind a homonymous method of scientific comprehension, cognition, explanation and description which implies and includes the following actions and procedures as part of the same logic:

— positioning of a criterion (criteria) of division at the base of a classification;

— systemization (generalization) of an array (volume, variety) of data or images of objects (objects, phenomena, processes, interrelations) with an orderly, structuring and hierarchizing division and allocation (complex of divisions) of discrete (subject to discretization and lending itself to it) objects of a particular subject-object area (objects, phenomena, processes, interrelations) according to a particular criterion or a complex of criteria) into categories (categorization), groups or classes on the basis of their certain likeness or likeness (or correlativity and comparability) in some characteristics subject to concretization;

— categorization, indexing of the elements of classification (attributing referential characteristics to the elements);

— topologization (attributing and ascribing each element an appropriate place in a certain real or imaginary order), an example would be cataloging;

— representation of each element (object) and/or each group of elements (objects) in a reliable and convenient (for viewing, recognition, identification and comparison) form all the groups of objects (all the objects) of this subject-object area reflecting as much substantial information about them as possible[17].

[1] Curtis R. H. Classification of Law. Annals of the American Academy of Political and Social Science. 1894. Vol. 4. Pp. 42–56.

[2] Whitlock A. N. Classification of the Law of Trusts. California Law Review. 1913. Vol. 1. No 3. Pp. 215–221.

[3] Corbin A. L. Jural relations and their classification. Yale Law Journal. 1921. Vol. 30. Issue 3. Pp. 226–238.

[4] Pound R. Classification of Law. Harvard Law Review. 1924, June. Vol. 37. No 8. Pp. 933–969.

[5] Kocourek A. Jural Relations. Indianapolis: BobbsMerrill, 1927. 482 p.

[6] Ulrich C. C. A Proposed Plan of Classification for the Law. Michigan Law Review. 1935. Vol. 34. No 2. Pp. 226–256.

[7] Ellinger W. B. Subject Classification of Law. The Library Quarterly. 1949, April. Vol. 19. No 2. Pp. 79–104.

[8] Hall J. Some Basic Questions Regarding Legal Classification for Professional and Scientific Purposes. *Journal of legal education*, 1953, vol. 5, pp. 329–343.

[9] Morris R. T. A Typology of Norms. *American Sociological Review*, 1956, vol. 21, no 5, pp. 610–613.

[10] Narain J. Classification of law. *Journal of the Indian Law Institute*, 1970, vol. 12, no 1., pp. 119–126.

[11] Feinman J. M. The Jurisprudence of Classification. Stanford Law Review. 1989. Vol. 41. No 3. Pp. 661–717.

[12] Penner J. E. Basic Obligations. The Classification of Obligations / ed. by Peter Birks. Oxford: Clarendon Press Publ., 1997. P. 91.

[13] Samuel G. H. Epistemology and Method in Law. London: Routledge, 2016. 416 p.

[14] Orakhelashvili A. The Classification of International Legal Rules: A Reply to Stefan Talmon. *Leiden Journal of International Law*, 2013, vol. 26, Issue 1, pp. 89–103.

[15] Solovyev A. A. Russian and international experience of the systematization of sports legislation. Moscow: Commission for sports law of the Association of Lawyers of Russian Federation, 2011. 383 p. (In Russ.)

[16] Ponkin I. V., Lapteva (Redkina) A. I. Classification as a Method of Scientific Research, Particularly in Jurisprudence. Vestnik Permskogo Universiteta. Juridicheskie Nauki — Perm University Herald. Juridical Sciences. 2017. Issue 37. Pp. 249–259; Ponkin I. V., Lapteva A. I. Methodology of Scientific Research and Practical Analytics: A Textbook: Fourth Edition. Vol. 2: Scientific research. Moscow: Buki Vedi Publ., 2023. Pp. 453–490. URL: https://moscouecole.ru/2023/06/29/methodology_4-2_2023. (accessed 20.05.2024). (In Russ.)

[17] Ponkin I. V., Lapteva (Redkina) A. I. Classification as a Method of Scientific Research, Particularly in Jurisprudence. Vestnik Permskogo Universiteta. Juridicheskie Nauki. *Perm University Herald. Juridical Sciences*, 2017, Issue 37, pp. 249–259. (In Russ.)

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

Birger Hjørland defines classification as «a term used both about the process to classify and about the resulting set of classes, as well as the assignment of elements to pre-established classes. The wide meaning of classification is the process of distinguishing and distribution kinds of "things" into different groups. All narrower meanings of classification are based on the wide definition but add some extra requirements or restrictions put to the classification process and the resulting classification system — for example, the requirement that a classification should use only one criterion of division at a time, that classes should be mutually exclusive, and jointly exhaustive, are requirements demanded by some specific theories of classification, but not requirements that are common for all kinds of classification as here defined"[1].

We would also like to examine such notions as "classification", "systematization", and "taxonomy".

With regard to systematization and classification — including, in law — as well as the way these methods of scientific cognition correlate, there exist various approaches to this issue.

Thus, on the one hand, one of the objectives of classification is none other than systematization of knowledge.

On the other hand, L. A. Sosunova and Ye. A. Serper regard systematization and classification on a par with topology as the principal methods of grouping the items of scientific knowledge[2].

As Hiroyuki Yoshikawa notes, general process of knowledge systematization consists focusing (setting up a view), articulation, collection and codification, crystallization, reusing and sharing of knowledge, and verification[3].

The authors of this article understand, consider, and interpret the classification as:

— one integral research method, which can be used in various ways, depending on the specific avenues of knowledge within the framework of legal science and practice, as well as the purposes of the application of this method of acquiring scientific knowledge;

— integrated applied method of systematic arrangement (systematisation) of normative legal, normative technical (standards) and other normative arrays, legal relations, legal processes, professional legal activity, legal ontologies (in this sense, the concepts of systematisation and classification are considered as synonymous).

1.2. Methods and materials

The authors' approach to the definition of classification in law rests upon the basic principles of the science of logic and the science of system analysis, on the basic approaches of the theory of law and the State.

The authors' approach to the definition of classification in law is based on the fundamental principles of the science of logic, having been additionally influenced by the most well-known theories of classification, such as those developed by Herbert Spencer. Dividing all sciences into abstract, abstract-concrete and concrete, as proposed by the latter, is likewise applicable to dividing disciplines within an individual science, such as jurisprudence[4].

2. Concept and features of classification in law

2.1. Taxonomy of classification in law

The doctrine about the principles and practice of classification is called taxonomy[5].

As is known, taxonomy (from Greek τάξις meaning "order", "arrangement" + νόμος meaning "law") is the part of science (belonging to the methodology of scientific comprehension and cognition) that deals with the criteria, principles, instruments of classification of complex hierarchically related objects (theoretical categories, abstract notions, physical objects, phenomena, relations, processes etc.).

Taxonomy allows one to focus research activities and substantiate principles of rational classification and systematics[6].

[1] Hjørland B. Classification / Encyclopedia of Knowledge Organization. URL: http://www.isko.org/cyclo/classification#3.4> (accessed 20.05.2024).

[2] Sosunova L. A., Serper Y. A. Theoretical foundations of the systematization of scientific knowledge. *Economic Sciences*, 2010, no 8, pp. 5–54. (In Russ.)

[3] Yoshikawa H. Systematization of Design Knowledge. CIRP Annals. 1993. Vol. 42. No 1. Pp. 131–134.

[4] See: Spencer H. The classification of the sciences. New York: D. Appleton and company, 1864.

[5] Jeffrey C. Biological Nomenclature. Second edition. London: Hodder Arnold, 1977.

[6] Sosunova L. A., Serper Y. A. Teoreticheskie osnovy sistematizatsii nauchnykh znani. Theoretical foundations of the systematization of scientific knowledge. *Economic Sciences*, 2010, no 8, pp. 5–54. (In Russ.).

According to our original conception, taxonomy of classification in law can be described (disclosed) by means of the following group of classifications of various functional, target-oriented and other aspects of the application of classification in law:

1) as a method and an integral instrument of structural and functional division inside a norm of law as such, in a classic case of a legal norm featuring intrastructural elements: hypothesis, disposition, sanction (such structuring of legal norms became widespread in the Soviet legal science);

2) as a method and an integral instrument of positioning and allocating juridical norms in the hierarchical system of legal regulation:

— as a paradigm and a method to phrase the division criteria, form the basis of systematic arrangement (orderly systemic alignment) for the arrays of the norms of law (as well as technical norms, i.e. norms of technical regulation, extra-legal norms, i.e. norms of self-regulation — norms of different, apart from law, systems of normative regulation) and categorize them;

— as a method of systematization of the arrays of legal norms for purposes of determining the place of juridical norms in the hierarchical system of legal regulation, their indexing, attributing and prescribing each norm of law its place in the general normative order and assigning to it specific regulatory functions and a specific mode of interrelations with other norms; there is an established division (here we just mention, but not evaluate, since that is not the topic of our work) for norms of law in juridical academic and educational literature (the list is not complete):

• according to the criterion of interest manifested in a norm of law: norms of public law, norms of private law;

• according to the criterion of the object of regulation (using the sectorial criterion of homogeneity of the regulated relations): norms of civil law, constitutional law, administrative law, criminal law and many others;

• according to the criterion of the object of regulation (another subcriterion of division): norms of substantive law and procedural norms;

• according to the criterion of the method of regulation: imperative, dispositive, advisory, incentive norms of law;

• according to the criterion of permissibility (according to the form of expression of a legal provision): permissive norms of law, binding norms of law, prohibitive norms of law;

• according to the criterion of the extent of regulation: initial (basic) norms, general norms, special norms;

• according to the criterion of the degree of certainty of the elements of a norm of law: absolutely defined norms of law, relatively defined norms of law, alternative norms of law;

• according to the criterion of temporal parameters of a norm of law: permanent legal norms, temporary legal norms, individual one-off legal norms;

• according to the criterion of the degree of legal force (and the criterion of source): norms of national (federal — in federations) laws, norms of regional laws, norms of bylaws of governmental authorities (of various levels), norms of municipal normative acts;

• according to the criterion of functional and target-oriented purpose: competence, collision, compensation, protective norms etc.;

• according to the criterion of the intended purpose in the legal system: regulatory norms of law, ultimate norms of law (norm-principles and norm-origins, norm-declarations, norm-programs);

3) as a method and an integral instrument of systemic arrangement (orderly systemic alignment, systematization) of the arrays of normative legal regulation and operation thereof:

— as a paradigm and a method for positioning criteria of division forming the basis of systemic arrangement (orderly systemic alignment) of the arrays of normative legal acts (legislative acts and bylaws) and normative technical regulation acts;

— as a method and an integral instrument of forming (and / or reflecting), supporting and developing normative legal order (real or imaginary, fictional), implying the classification of individual branches (including complex ones) and sub-branches of law, institutions (including inter-branch ones) and sub-institutions of law;

— as a method of functional and structural construction (and, consequently, the condition of ontology) of a united hierarchically and vertically aligned system of law, including topologization (assigning an appropriate place in a certain real or imaginary order to each element);

— as a method and an integral instrument of simplification of law and simplification of legislation;

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

4) — as an integral method of scientific cognition in law:

— as a method of systemization (generalization) of an array (volume, variety) of images of objects (objects, phenomena, processes, interrelations) with orderly, structuring and hierarchizing division and allocation (complex of divisions) of discrete (subjected to discretization and lending itself to it) objects of a subject-object area (objects, phenomena, processes, interrelations) according to a particular criterion or a complex of criteria) into categories (categorization), groups or classes on the basis of their certain likeness (or correlativity and comparability) in some characteristics which are subject to concretization to reflect objects, fix, generalize and transform their scientific images in comprehension, cognition, interpretation and explanation of the legal reality;

— as a method of formalized and conceptualized representation (simple, frame-based or logistical) of each element of the legal space, legal order and legal reality (ontology) — of norm, category, subject, object, action, phenomenon, interrelation — and / or each group of elements in a reliable and convenient (for viewing, recognition, identification and comparison) form all the groups of objects (all the objects) of this subject-object area, reflecting as much substantial information about them as possible;

— as a method, an integral instrument and a result of organization (including structurization) of knowledge about law, its subjects and objects, legal relations, enforcement of law, legal process, legal space, time in law;

— as a method of cognitive mapping (creating a topologized complex image of a familiar (recognizable) environment of legal space (including context, connotation, discourse);

— as a method of organizing scientific research, a method of logical arrangement of applied or obtained data, a method of scientific research evaluation;

— as a method of generalization and representation of the functions of law;

— as a basis for understanding, fixation, systemization and interpretation of the defects of legal norms, the defects of normative legal acts, the defects of legal regimes (for the purposes of prevention and reduction of such defects);

5) as a practical juridical technique and an integral instrument of casual (in a specific situation) selection of norms of law and normative legal acts to be applied or possibly (acceptably) and meaningfully applicable, application of corresponding norms of law and normative legal acts:

— as a method of searching, integrative selection and interpretation of referential norms of law subject to articulation and / or application in a particular legal situation, their understanding and interpretation;

— as a method of juridical qualification of deeds implying the correlation of such with clearly defined (indicated) categories, groups, structures;

— as a method of juridical evaluation of legal relationships (and relationships in general), implying the correlation of such with clearly defined (indicated) categories, groups;

6) as a practical juridical technique and an integral instrument of casual (in a specific situation) selection of juridical sanctions to be applied or possibly (acceptably) and meaningfully applicable (for example, according to one of the conventional criteria of division the sanctions can be classified as absolutely-defined, relatively-defined, alternative);

7) as a practical bibliographical and source criticism method of arranging educational and academic juridical literature (although de facto the most commonly used is the alphabetical method of classification of the quoted literature or, at best, the method of breaking down into a few large branches of law which cannot be considered satisfactory, but, nevertheless, we must mark this position as well).

It is important to note that in our concept of the taxonomy of classification in law mentioned above certain specified positions may overlap, content-wise, with the purposes of classification in law.

It is clear that methods, instruments and special aspects of legal classification, as well as its application, depend, to a great extent, on the legal system (its peculiarities, traditions, trends in development) of a specific state with regard to the law of which such classification is being applied.

Moreover, it shall be understood that any such systematization is, to some extent, conventional (conditional).

In this sense, according to Geoffrey Samuel, who made a very significant contribution to the development of the scientific ideas about the applicability and limits of the classification in law, “when one turns to law, classification, as we have already suggested in the previous chapter, is one fundamental legal skill in the analysis and sorting of facts. However, ... facts can be classified in a number of quite different ways, depending upon the “describer” used. The facts could be classified according to the relationships flowing between the parties, the damage suffered, the status of the parties or the nature of the thing that does

the damage. Another way of classifying the facts is in relation to a "describer" that is dictated as much by the discourse of law as by any objective reality. For example, the case could be categorised according to the nature of the interests in issue; in turn these interests could imply a certain category of plaintiff, such as "consumer". Classification is equally essential with respect to legal rules and legal concepts. Different categories of law reflect different normative "describers", these "describers" in turn finding expression through different kinds of legal concepts… What one can legitimately ask, however, is whether such a taxonomical scheme has the same objective validity as the schemes that underpin a natural science like zoology. Or, put another way, are the objective "describers" that underpin the civilian scheme rooted in social fact or social values?»[1].

For example, according to Roscoe Pound, "classification is an arrangement of phenomena classified in a particular way, whereas legal provisions are neither conclusions, nor inevitable consequences of classification", and, besides, "an individual branch of law or an institution of law is a system of practical corrections or compromises, proved and well-founded by experience, and not a complex of universal, inevitable logical conclusions"[2].

2.2. Requirements to classification in the field of law

Classification penetrates the entire ontology of law; in particular, **normative legal regulation is generically directed at**:

1) creation of the fundamental "rules of the game" (rules of conduct) in specific spheres of social relations, establishment and maintenance of certain boundaries for actions (behavior), relationships and interactions taking place in the society, including interpersonal relations, social life, economy and politics;

2) active administration, including alteration, of social relations and processes, aimed, among other things, at:

— arrangement, support and assistance of the development of social, economical, political, and other spheres of the life of the society and corresponding relationships of a territorially outlined volume of population subject to a sovereign jurisdiction (with regard to such relationships, presumably subject to arrangement by the state);

— selective correction of social relations and processes by putting (returning) them on the right track ("channeling"), as well as alternation of certain parameters of relationships and processes;

— restriction and suppression of unlawful relationships and acts;

— restriction, inhibition (deceleration) and damping (softening) of unfavorable or dangerous social relations and processes, reduction and damping of the consequences of such relations and processes, prevention of conflicts;

— sanctioning, stimulation (catalyzation, etc.), synergetic intensification of desirable or expected positive relationships and processes;

— legal defense and protection of the objects entitled to such defense and protection;

— keeping social relations and processes in a casually (as conditions may demand) required state of balance, stability, rigidity, or, on the contrary, in a casually required state of development (changes);

— protection of the subjects of social relations and the participants of the processes from unfounded and, as a consequence, excessive interference of public authorities;

– implementation of a pedagogic function and prevention of legal offences;

3) provision of guarantees, conditions, and procedures of interaction between public authorities and all other subjects, as well as interaction of said authorities with each other;

4) regeneration, permanent homologation[3] (refinement, improvement of characteristics for the purpose of harmonizing with certain standards or requirements or facing the current challenges) of normative legal regulation and (with due periodicity) systematization of the arrays of normative legal regulation;

5) regulation of construction, functioning and regeneration of the "public governance machine" itself, of the system of public administration (in the generic sense).

Classification of law can be implemented in different ways and according to different criteria with the use of general methods and approaches of classification or some special ones. Nevertheless, one can distinguish certain requirements to classification in law.

[1] Samuel G. H. Epistemology and Method in Law. London: Routledge, 2016. P. 220–221.

[2] Pound R. Classification of Law. Harvard Law Review. 1924, June. Vol. 37. No 8. Pp. 933–969.

[3] The term "homologation" reflects refinement of an object or a process and improvement of its characteristics for the purpose of harmonization with certain specific standards and requirements and in relation to achieving harmonization with such standards and requirements.

Jerome Hall points out the following requirements to classification in the field of law:

— classification must be a permanent and continuous process;

— there exists a need of constant search for more suitable and effective classifications, since the approach, according to which each classification is self-sufficient and comprehensive in and of itself and there are no standards for evaluation of a classification without reference to the interests of a particular classifier, is not relevant and correct, nor does it promote the development of the science;

— for the classification of objects in jurisprudence it is necessary to define basic units, as is the case with species and elements in chemistry or biology;

— there also exists a need to define specific distinguishing features of such units in order to make it possible to identify and classify them in such a way that will allow to make wider generalizations;

— the classification must not be drawn "out of thin air" but must be elaborated only together with the establishment of significant uniformity, likeness or relevance and interactions between the objects under consideration[1].

2.3. Instrumental Library Classification

Classification of law frequently plays a purely instrumental role of ensuring systematization and facilitation of finding corresponding data within the framework of, say, bibliographic classifications.

Among those existing, the so-called Henry Bliss classification[2] identified as a special case (or direction of development) of the so-called faceted classification should be singled out as the most well-known type (relevant to the study of law). This classification is based on the idea of the faceted structure of law[3].

In its conventional meaning, a **faceted classification** is a method of organising knowledge into a systematic order using semantic categories, constituting an enumerative taxonomy of concepts with subordinate "facets" (sub-hierarchies), that is, a complex set (a fixed combination) of several simultaneously built, on different grounds, and independent, on these grounds, classifications, in which the concepts are presented in the form of an intersection of a number of features while classification indices are synthesised by combining these features.-

The library-bibliographic classification has been widely used in Russia[4].

According to Eduard Sukiasyan, «The Library-Bibliographical Classification (LBC) which is the national classification system of the Russian Federation, is considered one of the largest general classification systems by the International Society for Knowledge Organization (ISKO). The LBC is the newest classification system applied in the world today. It appeared in the 1960s, whereas DDC was first published in 1876; UDC in 1895–1905; The Library of Congress Classification (LCC) in 1912; CC in 1933. In terms of its semantic power the LBC can be compared with UDC; its power cannot be measured by the number of main schedules' division because of quantity of possible combinations with divisions of the auxiliary classification tables is immeasurable»[5].

Within the Russian Library-bibliographic classification the place and the types of law are defined in the following manner: "Social sciences and humanities" are placed alongside other fields of knowledge under code 6/8.

This section includes, under code 67, a sub-section of "Law and juridical sciences", subsubsections of which are, in their turn, classified as follows (only brief excerpts shall be quoted):

— 67.0 – General theory of law;

— 67.1 – History of legal thought;

— 67.3 – History of state and law;

— 67.4 – Branch-specific (special) juridical sciences and branches of law;

67.400. Constitutional (State) Law;

67.400.1 Constitutions;

---

[1] Hall J. Some Basic Questions Regarding Legal Classification for Professional and Scientific Purposes. *Journal of legal education*, 1953, vol. 5, pp. 329–343.

[2] Bliss H. E. A Bibliographic classification. New York: The H. W. Wilson Company, 1940/1953. Mills J., Broughton V., Neilson C. Bliss Bibliographic Classification. Class S: Law. München: De Gruyter Saur, 1996. URL: http://www.blissclassification.org.uk/ClassS/S_contents.shtml (accessed 20.05.2024). Bliss bibliographic classification / ed. by J. Mills and V. Broughton. London, Butterworths, 1977.

[3] Introduction to Class S. Law. URL: http://www.blissclassification.org.uk/ClassS/S_intro.pdf (accessed 20.05.2024).

[4] Bibliographic Library Classification: Worksheets for Public Libraries. Moscow: Libereya, 1999. 688 p. (In Russ.)

[5] Sukiasyan E. R. Library-Bibliographical Classification (LBC). URL: https://bartoc.org/en/node/1657 (accessed 20.05.2024).

67.400.5 Electoral Law. Electoral Systems. Referendum;
67.400.6 System of State Bodies;
67.400.7 Legal Status of a Person;
67.401. Administrative Law:
67.401.01. Subjects of Administrative Law;
67.401.1. Administrative and Legal Governance of Economic, Socio-cultural, Administrative and Political Activities;
67.401.21. State Governance in the Administrative and Political Sphere;
67.401.212. Administration in the Field of State Security;
67.401.213. Administration of Internal Affairs;
67.402. Financial Law;
67.404. Civil and Commercial Law. Family Law:
67.404.1. Property Law;
67.404.2. Law of Obligations;
67.404.3. Creative Legal Relations;
67.404.4. Family Law;
67.404.5. Inheritance Law;
67.405. Labour Law and Social Security Law;
67.406. Cooperative Law;
67.407. Land (Agrarian) Law. Mining Law. Water Law. Forest Law;
67.408. Criminal Law;
67.409. Correctional Labour (Penitentiary) Law ;
67.410. Procedural Law. Judicial proceedings:
67.410.1. Civil Procedural Law (Civil Procedure, Civil Judicial Proceedings);
67.410.2. Criminal Procedural Law (Criminal Procedure, Criminal Judicial Proceedings);
67.410.9. Court trials;
67.411. Criminal Procedure Law (Criminal Procedure);
67.412. International Law:
67.412.1. Public International Law;
67.412.2. Private International Law;
— 67.5. Branches of knowledge adjacent to jurisprudence:
67.51 Criminology;
67.52 Forensic Science;
67.53. Forensic Examination;
67.54. Legal Statistics;
— 67.7. Judicial Authorities:
67.71 Judicial System;
67.72 Public Prosecution;
67.73 Investigation Bodies;
67.75 Legal Profession;
— 67.9. International Law: Law of Individual Countries:
67.91. International Law (Public International Law);
67.93. Private International law;
67.99. Law of Individual Countries (Bibliotechno-bibliograficheskaya klassifikaciya 1999)[1].

Within the framework of each of those subsections there also exist numerous subdivisions each of which is, in its turn, likewise divided into individual units.

On the whole, this library-bibliographic classification of law is put together according to the general ideas and conventional approaches that have been used in classifying law, so the authors shall, for the purpose of this article, refrain from dwelling extensively upon it.

2.4. The nomenclature of qualifications of scientific workers in the field of law (Russian experience in organising dissertation councils)

Another applied way to engage classification in law is an orderly delineation and formal definition of research approaches in law.

[1] Bibliographic Library Classification: Worksheets for Public Libraries. Moscow: Libereya, 1999. Pp. 314–328.

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

The nomenclature of qualifications of scientific workers characterises the Russian experience and finds few references to comparable or similar experience of other countries of the world.

The nomenclature of qualifications of scientific workers is a conditional division (classification) of the array of legal directions in the system the state system of attestation of scientific and educational staff of the highest level for preparing and defending dissertations for the degree of Doctor of Science (Law) or Candidate of Sciences (PhD (Law)), and also to determine in which sphere of legal knowledge is the examination to be passed (the so-called "Candidate of Science exam") by the applicant for the academic degree in question.

Thus, as pointed out by A. I. Muranov, I. V. Smirnov, and A. O. Nikitina, the question of the history of normative regulation of the nomenclatures is a special case of the complex problem of classification in law, as a detailed analysis of this subject reveals very interesting facts and regularities in the development of domestic jurisprudence, in particular, to understand many of the issues associated with the various domestic doctoral and candidate dissertations in legal sciences that bear significance for contemporary Russian law[1].

Order No. 1027 of 23 October 2017 of the Ministry of Education and Science of the Russian Federation (ed. 23 March 2018) «On Approval of the Nomenclature of Scientific Qualifications for Awarding Degrees», as applied to legal sciences, establishes the following classification (expired):

12.00.01. Theory and History of Law and State, History of Law and State Doctrines;
12.00.02. Constitutional Law; Constitutional Litigation; Municipal Law;
12.00.03. Civil Law; Business Law; Family Law; Private International Law;
12.00.04. Financial Law; Tax Law; Budget Law;
12.00.05. Labour Law; Social Security Law;
12.00.06. Land Law; Natural Resources Law; Environmental Law; Agrarian law;
12.00.07. Corporate Law; Competition Law; Energy Law;
12.00.08. Criminal Law and Criminology; Penal Enforcenment Law;
12.00.09. Criminal Proceedings;
12.00.10. International Law; European Law;
12.00.11. Judicial Activity, Public Prosecution, Human Rights Activity and Law Enforcement;
12.00.12. Forensic Science; Forensic Examination; Investgative Operations;
12.00.13. Information Law;
12.00.14. Administrative Law; Administrative Proceedings;
12.00.15. Civil Proceedings; Arbitration Proceedings.

The new Nomenclature of Scientific Qualifications for Awarding Degrees is now in effect:

5.1.1 Theoretical-historical legal sciences.
5.1.2 Public-legal (state-legal) sciences.
5.1.3 Private-legal (civilistic) sciences.
5.1.4 Criminal legal sciences.

Accordingly, the dissertation councils on legal sciences are created to match certain scientific qualifications (from among the above-mentioned), in which they are given the right to accept dissertations for the defence and award degrees in legal sciences.

2.5. Classification as a basis of ensuring consistency of normative legal regulation

In the context of public administration consistency of normative legal regulation is of great importance.

Consistency is an inherent property of any type of law, its presence indicates that law is not an arbitrary collection of isolated juridical norms but a coherent sustainable entity[2], an organic normative formation.

According to N. A. Mikhaleva «a **system** is understood as a collection of interrelated elements structured in a certain way to form a coherent unity. Each system is a complex entity and consists of a number of subsystems. An important feature of a system is the presence in it of new integrative properties that do not characterize its constituent parts. Structure is understood as internal organization, a way to unite the elements into a coherent systematic entity, the sum total of sustainable relations between the elements.

[1] Muranov A. I., Smirnov I. V., Nikitina A. O. Directory of Dissertations in Legal Sciences: MGIMO (1949–2007). Moscow: Gorodets, 2008. Pp. 17–18. (In Russ.)

[2] Marchenko M. N. Theory of state and law: Textbook. 2nd edition. Moscow: Velbi; Prospekt Publ., 2004. 640 p. (In Russ.)

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

A system is therefore a coherent unity, sum total of finished components"[1] that actualizes the following logic: «Omne majus continet in se minus» («The greater contains in itself the less»).

«**Systemicity of law**, according to S.S. Alekseiev's standpoint, is such a quality of law which, together with the qualities of normativity, formal certainty and others, is a condition for the social value of law... Owing to consistency, juridically heterogeneous norms of law are capable of regulating social interactions systematically... taken as a whole, by interrelated methods, ensuring differentiated, and yet consolidated and coordinated, impact on social interactions"[2].

According to our concept, the **integrity of the system of legal support of public administration** is ensured (for example, in the Russian Federation) by, among other things, the following determinants:

— supremacy of the Constitution that acts as a system attractor[3] of the entire normative mass, its fundamental founding and central systemically important and order-forming role in organization, arrangement (creating the backbone, the outlines and the hierarchies, systems of interrelations) and ensuring the viability of the entire system of legislation;

— uniformity of the topology and the nature of the system of legislation of the Russian Federation (to an extent, decentralized in the relations between the Federation and its constituent entities) ensured by connectedness uniformity of the imperative reference (association, relevance) to the Romano-Germanic family of law and the uniformity in taking into account Russian legal traditions and accepted practices;

— restrictions imposed by the uniformity in the imperative reference to the system of principles and rules of juridical techniques established in Russia;

— restrictions imposed by the limits of the legal space, as well as the backbone and the framework of the public order of a sovereign state;

— restrictions imposed by a unified and continuous public policy in the sphere of legal regulation.

In nearly all of the abovementioned positions classification acts as the basic operator.

2.6. The concept of systematization in law

With regard to understanding the contents of the notion of the systematization of law and the systematization of legislation we share the definition of A.A. Solovyev, according to which the **systematization of legislation** is a formalized arrangement of the normative and legal material as a whole across the entire body of legal regulation or within a specific sphere of social relations, elimination of outdated and inefficient norms of law, resolving juridical conflicts and elimination of gaps to make the normative and legal material appropriately consistent, increase the level of its organization and legal certainty, achieving optimal internal cohesion and coherence, ensuring stability and efficiency of legal regulation, as well as ergonomic design (accessibility and user-friendliness) in implementing legal norms. By **codification of legislation** A. A. Solovyev understands the type of arrangement of the normative and legal material in a specific sphere of social relations implemented (usually by a legislative body) through purposeful organizing and redistributing action applied to a disparate and non-systemic or loosely organized collection of normative legal acts and norms of law in a certain area of social relations, by incorporating and systemic embedding, integration within itself of such enactments and norms, their alteration and enrichment of additional normative and legal material, with deposition and removal or renovational replacement of outdated and unsatisfactory (by other criteria) segments and elements of legal rulemaking, with regrouping and integrating systemic organization of resulting aggregate following a specific multilevel and highly structured functional and logical, syntactical and morphological design inside thus reformed coherent, logically self-contained, sustainable and systemic normative legal enactment (codex), as a result, replacing in a specific area of social relations a significant part of normative and legal rulemaking and performing a system-building function[4].

Placing the classified objects in **alphabetical order** is one of the methods of classification. Such classification has been known in law for a long time and is still in use; notably, it is, to a certain degree, characteristic of the Federal United States Code, the principal and the largest sections of which are listed

[1] Mikhaleva N. A. Constitutions and charters of the constituent entities of the Russian Federation (a comparative legal study). Moscow: Yurkompani Publ., 2010. Pp. 54–55. (In Russ.)

[2] Alekseiev S. S. The structure of Soviet law. Moscow: Yuridicheskaya literature Publ., 1975. P. 72. (In Russ.)

[3] An attractor is a "focal point" or "area" of convergence (ability to converge), attraction and conjunction, intention in the phase space of a dynamic system.

[4] Solovyev A. A. Russian and international experience of the systematization of sports legislation. Moscow: Commission for sports law of the Association of Lawyers of Russian Federation, 2011. Pp. 32–33. (In Russ.)

in alphabetical order according to the criterion of the object of legal regulation. On the one hand, such classification is reasonable: legislation must be clear and accessible to the population generally unfamiliar with the basic principles of the science of law. Yet on the other hand, particularly in the modern period, in the age of total globalization and informatization, significantly increasing complexity of legal relations, legal regulation of various relations is characterized by considerable complexity. Even the most simple of relations can be affected simultaneously by dozens of branches and institutions of law, and such, on the face of it, simplification of the systematization of legislation essentially makes it significantly harder to comprehend, leads to unjustified, by any other practical need, diffusion of norms related to one and the same institution, over various sections and chapters without clear logical connections.

Another method of classifying the mass of norms is by doing so upon a **substantive basis (sectorial division)**.

2.7. Uncertainties and complications in classification in law

Classification of juridical materials by categories different from those characteristic of jurisprudence is unclear, reduces their accessibility for jurisprudential research, nor does it integrate them with other areas of expertise[1].

However, as far back as 1924 Roscoe Pound claimed that it was impossible to develop such a classification of law that would provide easy solutions to the problems arising in the area of material law, would let a lawyer obtain a prescribed universal solution to any problem simply by mechanically following some charted and predefined analytical routes[2].

And we will subscribe to this statement, at least, for that reason that human relations that form the basis of legal relations (relations regulated by law) vary infinitely in their nature and due to various contexts and circumstances that surround them. This, however, is not originally included in the functions of classification. Classification in law is a method of cognition, an instrument employed to structure knowledge about law, as well as law itself.

On the other hand, Werner B. Ellinger points that the statement that law, as regards a specific object or topic, is, in essence, one of the aspects of such topic and, accordingly, must be classified taking that into account, is based on the following false premises:

— inability to discern law as a social phenomenon and law as a field of study;

— confusion between methods of research and the topic under investigation;

— inability to differentiate between the study of a science and social relations;

— mistaking the functions of law for the functions of a subsidiary science;

— presumption that in a classification the very topic, the very object is the principal integration factor, and therefore various aspects of the same object must be classified together[3].

Jerome Hall believes that within the framework of legal classification it is impossible to carry out categorization of purely factual terms without losing the specific character of law while the existing branches of law are, in and of themselves, characterized by certain arrangement which transcends the framework of conventional cataloging[4].

According to the measure of precision of the differentiation of the classified objects classifications in law may be as follows:

— distinct differentiating division;

— indistinct (or, loose) division of implicitly differentiated, multi-dimensional, indistinct objects (the latter is particularly relevant in the context of increasing uncertainties and entropy in law.

Thus, complex systems of classification (non-parametric classifications and classifications of indistinct objects, classifications in the conditions of uncertainty, classifications with two or more criteria of division, with one basic criterion, etc.) can also be implemented in law.

2.8. Classification as a foundation of understanding, fixation and systematization of the defects of legal norms, defects of normative legal acts, defects of legal regimes

Developing an efficient system of prevention, early detection and timely elimination of the defects of normative legal regulation is highly important for setting the goal, planning the resources and achieving the goals in homologation and significant increase in the efficiency of the entire legal system.

[1] Ellinger W. B. Subject Classification of Law. The Library Quarterly. 1949, April. Vol. 19. No 2. Pp. 79–104.

[2] Pound R. Classification of Law. Harvard Law Review. 1924, June. Vol. 37. No 8. Pp. 933–969.

[3] Ellinger W. B. Subject Classification of Law. The Library Quarterly. 1949, April. Vol. 19. No 2. Pp. 79–104.

[4] Hall J. Some Basic Questions Regarding Legal Classification for Professional and Scientific Purposes. *Journal of legal education*, 1953, vol. 5, pp. 329–343.

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

Accordingly, another original concept in the topic under research is the concept of describing and explaining the meaning of classification in law for the identification, registration and evaluation of defects in law.

According to our original conception the **defects of normative legal acts** should, among other things, include the following[1]:

1) defects of the content of a normative legal act:

— existence of conceptual defects (including deontological defects);

— existence of legal gaps and uncertainties;

— existence of legal conflicts (hierarchical, single-tier (horizontal) or internal);

— redundancy of regulation (superfluous overregulation) realized in a normative legal act;

— unjustifiably superfluous granularity of regulation applied in a normative legal act, unjustifiable textual redundancy contained therein;

— unjustified redundancy of a normative legal act in terms of declarative provisions not supported by legal mechanisms of implementation;

— regulatory inefficiency of the complexes of legal norms, parts of a normative legal act, an entire act as a whole;

— factual defects of a normative legal act (errors in proper names, titles or offices, historical errors (such as dates of historical events), geographical errors, etc.);

— unjustified usage in a normative legal act of lexical constructions «as a rule», «usually», «if necessary» etc., that define unjustified discretionary («at the discretion») powers of public administration bodies and/or officials;

2) grammatical and stylistic (including lexico-terminological) defects of a normative legal act:

— defects of legal definitions anchored by a normative legal act;

— defects of accuracy and clarity of regulation, presence of content-wise unclear (incomprehensible or not fully comprehensible, even to experts, unpalatable) and semantically (including depending on the context or connotation) ambiguous (polysemic) and indefinite (including emotional and evaluative) phrasing, cluttering of a normative legal act, or its part, with excessively and unjustifiably complicated lexical and syntactical constructions resulting in obscure or ambiguous interpretation (violation of the requirements of clarity, comprehensibility and unambiguity of juridical phrasing of legal norms and parts of a normative legal act);

— designating various notions with one term or one notion with various terms in a normative legal act; using tautologies;

— unjustified excessive use of foreign-language vocabulary, narrow, not generally accepted jargon, bureaucratic language, set phrases (cliches) in a normative legal act;

— using considerably obsolete, vernacular, colloquial, slang, occasional lexemes and lexical constructions, as well as the language of proclamations and slogans in a normative legal act;

— unjustified redundancy in the usage of abbreviations in a normative legal act, as well as the usage of abbreviations without giving their full forms first;

— unjustifiably excessive amount of legal norms with disconnected internal structure (split hypothesis, disposition, sanction) in a normative legal act, inefficient interrelations between parts of legal norms in cases when such dissociated structure of a legal norm is justified and relevant;

3) structural and logical defects of a normative legal act:

— loose logic and other logical defects and deformations of the internal structure of a normative legal act, defects of structural harmony between the form and the content of a normative legal act;

— defects of cohesion and coherence (content-related and formal/logical binding) of lexical constructions within the framework of a structural element of a normative legal act and the entire normative legal act as a whole;

— defects of topology and hierarchization of norms within a normative legal act, as well as the balance of the interrelations of the norms specified;

— a defect of contiguity of the name of a normative legal act and its content, as well as defects of contiguity of the name of a structural element (chapter, article) of a normative legal act and the content of such element;

[1] Ponkin I. V. Theory of public administration: Textbook for the Master's degree and Master of Public Administration programs. Moscow: Buki Vedi Publ., 2017. Pp. 524–526. (In Russ.)

— defects of a preamble of a normative legal act (a defect of its contiguity with the «body» of a normative legal act, unjustified inclusion of independent normative prescriptions etc., in the preamble);

— a defect of uniformity of law-making techniques used;

— presence of unmotivated repetition of identical provisions (albeit in a slightly modified form) in different parts of a normative legal act;

4) defects of the requisite elements and juridical and technical preparation of a normative legal act:

— defects or absence of one or more requisite elements of a normative act (dating, numbering, signatory reference, notes, etc.);

— defects of unification of structural division and rubrication of the text of a normative legal act (splitting into structural elements, such as chapters, articles, (parts), clauses, subclauses);

— defective entry-into-force scheduling of a normative act (entry-into-force dates of its parts and/or specific norms);

5) defects of interrelations of a normative legal act with other normative legal acts and the law system as a whole:

— the defect of integration of a normative legal act in the structure and the «legal fabric» of the corresponding legal area or sub-area, legal institution or sub-institution;

— the defect of interrelations of a normative legal act with other normative legal acts of the Russian Federation and/or a constituent entity of the Russian Federation;

— presence of defective reference norms (for example, references to a repealed legal norm, to an act that never existed or was repealed or declared invalid);

— unmotivated use or unjustified redundancy of blanket norms in a normative legal act;

— defects of chronological links to other normative legal acts (repealing a normative legal act that has already become invalid or declared invalid; repealing a normative legal act without repealing normative legal acts by which it was modified).

According to our concept, **defects of legal norms** should include, among other things, the following[1]:

1) defects of the content of a legal norm:

— defects of the expression of will and interests of the law maker — incorrect decision laid at the foundation of the lexical construction of a legal norm which determines failure to achieve a regulative target for which this norm was designed (the legal norm realizes an incorrect decision, unjustified superfluous granularity of regulation or excessively high normative force of a legal norm not conditioned by the regulative target set before this legal norm, the legal norm is not relevant to the peculiarities of a specific subject-object area which it is designed to harmonize, accepted without taking into account the degree of rigidity and resistance of the regulated subject-object area, nor its applicability in the given conditions);

— obscurity (semantic uncertainty, vagueness, ambiguity, substantive diffusion or confusion) of a lexical construction in a legal norm;

— contravention of the principle of legal neutrality of a legal norm (including, as a result of an ideologically motivated invasion into the lexical structure of a legal norm);

— conceptual defects of the content of a legal norm (including deontological defects);

— a factual defect of the lexical construction of a normative legal act (errors in proper names, titles or offices, historical errors (such as dates of historical events), geographical errors, etc.);

2) lexico-technical, grammatical and stylistic defects of legal norms:

— unjustified use of polysemic (possessing more than one meaning) lexemes in the lexical construction of a legal norm;

— unjustified use of poorly chosen synonyms and homonyms in the lexical construction of a legal norm, unjustified oversaturation of the lexical construction of a legal norm with synonyms and homonyms, use of tautology in the lexical construction of a legal norm;

— grammatical (including syntactic and/or punctuation) defects of the lexical construction of a legal norm;

— the defect of lexical order in the lexical construction of a legal norm;

– violation of the reasonable rationality in the length of a sentence in the lexical construction of a legal norm;

[1] Ponkin I. V. General theory and branch-specific aspects of a legal norm / ed. by R. L. Khachaturov. Moscow: Yurlitinform Publ., 2018. P. 223–228. (In Russ.)

— contravention of the «principle of short and concise» phrasing of a legal norm: unjustifiably redundant (overly superfluous) complexity and cumbersomeness of a definition (its congestion with overly and unjustifiably redundantly complex and cumbersome lexical and syntactical constructions);

— unjustifiably redundant technicism of the textual construction of a legal norm (unjustifiable redundancy of using foreign language vocabulary, narrow, not generally accepted jargon, bureaucratic language, set phrases (cliches), etc., in the definition of a legal norm);

— unjustified use of an abbreviation or unjustified superfluity of using abbreviations in a legal norm;

— the defect of the normality of tone and perception («euphony») of the phrasing of a legal norm which makes the norm sound like written «gibberish»;

— the defect of aesthetic appearance of the lexical construction of a legal norm;

— using considerably obsolete, vernacular, colloquial, slang, occasional lexemes and lexical constructions, the language of proclamations and slogans in the lexical construction of a legal norm;

3) internal functional, logical and structural defects of the lexical construction of a legal norm;

— the defect of logical and structural construction of a legal norm — existence of internal discrepancy or contradiction;

— existence of superfluous internal repetition – parallellism – in the definition of a legal norm;

— lack of one of the structural elements of a legal norm (hypothesis – disposition – sanction) where elemental fullness of its structure is objectively needed;

— textual construction of a legal norm with inefficient interrelations between its parts where such dissociation of the structure of a legal norm is justified and relevant.

2.9. Classification as a basis of simplification of legislation

The development of the issue raised here is the most significant for solving the problem of simplification of legislation which is now more relevant than ever for many of the nations across the globe. Simplification of legislation (French — "*simplification législative*"; Spanish — "*simplificación legislativa*"; German — "*vereinfachung der rechtsvorschriften*"; Italian — "*semplificazione legislativa*") refers to application of the principles of rationality and proportion to legislation and represents an integral toolkit — a part of a common set of toolkits typical of the new model of public administration and reflects the conventional meaning of the notion "simplification" (as an action towards lowering of the excessive inner complexity, confusion, conflict of something) with regard to legislation.

Simplification of legislation (as a process and as a target to be sought) is (implemented for the purposes of increasing the systemic arrangement and efficiency of the legislative system, availability and ergonomics, including clearness, of the legislation for the consumer) logic and topology of designing and programming and practical implementation of the measures aimed at a considerable decrease, up to the point of elimination and subsequent prevention of critical redundancy (overregulation, excessive piling up and heaviness) and entropy (disorder, disorganization) of an array of legal norms, and aimed at finding, validation and implementation of more rational and more easily anchored and applicable tools of legal regulation[1].

Instruments of legislation simplification are as follows:

1) general revision, rationalization and homologation of legislation, increase of rationality, structural consistency and systemic arrangement in the overall mass of normative regulatory material;

2) reduction of the quantity of normative legal acts, total amount and total density (overload) of normative legal material within the framework of specific segments of a subject-object area of regulation, elimination of excessive complexity (cumbersomeness and confusion) of the legal regulation on individual issues, including for the purposes of making the legislation more efficient and adequate, more consistent with the requirements of target groups;

3) overall improvement of the quality of normative legal regulation, exclusion of repetitions and ambiguities in normative legal regulation, elimination of obsolete or excessive legal norms and normative legal acts, closing legal gaps etc., including by means of codification, re-codification and de-codification of legislation;

4) unification and/or standardization of juridical procedures coinciding with their (literal) simplification and putting down excessive barriers, first of all with regard to the decrease of redundant ''density" of commercial activity regulation, including:

[1] Ponkin I. V. Simplification of legislation as an instrument of the "new" model of public management. Administrative law and process. 2014. No 4. Pp. 8–12. (In Russ.)

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

– reduction of the total number of licenses and permits that need to be obtained, reduction of obligatory notifications;

– reduction of time and cost required to set up a legal entity, simplification of registration procedures for legal entities;

– simplification of the procedures of issuing (left after "sanation", revision) obligatory licenses and permits, obligatory notifications procedures; elimination of excessive, needless permits made compulsory for citizens and organizations to obtain;

– reduction of the burden of difficulties related to submitting financial, fiscal and accounting statements, reduction of annual expenditure for legal entities related to submitting said statements;

5) reduction of the total number, and narrowing, of the segments of the subject-object area of normative legal regulation with the expansion of the practice of acknowledging and legitimizing particular provisions of the extralegal systems of normative regulation (lex sportiva, lex mercatoria, lex canonica, etc.) by the state;

6) passing "the law on laws" which would set strict requirements for juridical order, for the forms and the content of normative legal acts;

7) a set of measures to provide explicit, detailed, and straightforward interpretations and explanations of the legislation to the users[1].

3. The method of classification in the basis of understanding and interpretation of the ontology of law and in the basis of the formalisation of law

The principal original concept in the topic under research is the concept of description and explanation of the meaning of classification in law for ontological understanding of law.

Law cannot be completely formalised (there are objective reasons for this) but it is also true that law can be partially formalised without critical damage to it.

According to Jean-Louis Bergel, the reduction of law to mathematical equations and formulas is a myth because it meets with insurmountable methodological difficulties due to the fact that such a reduction is contrary to the objectives of any legal system, and law is full of deviations from logical solutions deduced from axioms, and these exceptions are the result of other concerns, other principles and other axioms, a significant number, complexity and heterogeneous intensity of which render an expression of positive law in mathematical formulas impossible[2].

Research on linking computer-software resources (artificial intelligence) and law, however, has been going on for over four decades[3].

Ronald K. Stamper argued that the expression of legal knowledge in the form of rules overly simplifies and limits law[4]. He proposed the logic of forms and privileges instead. This logic was called NORMA and was intended to describe entities based on behaviour rather than on the meaning of truth. NORMA includes concepts that model agents, their behavioural invariants, and their actions[5].

Early research in the field of legal theory contributed significantly to the conceptualisation of the legal field and led to explicit representations using formal languages. The earliest of these representations include the language of Thorne McCarty for legal discourse (LLD) and Ronald K. Stamper's formal logic of NORMA. The language of Thorne McCarty's LLD was based on a variety of terms, essentially representing a specific legal domain as an integral entity: the automated accounting of terms for reflection and designating of material objects and intangible objects is being carried out. With the use of such terminological sequences the legal discourse is being modelled in the form of regulations of legal norms of the

[1] Ponkin I. V. Simplification of legislation as an instrument of the "new" model of public management. *Administrative law and process*, 2014, no 4, pp. 8–12. (In Russ.)

[2] Bergel J.-L. Méthodologie juridique. Paris: Presses Universitaires de France, 2001. P. 145.

[3] See: Rissland E., Ashley K., Loui R. AI and Law: A fruitful synergy. Artificial Intelligence. 2003. Vol. 150. No 1–2. Pp. 1–15. Bench-Capon T. What Makes a System a Legal Expert? JURIX, ser. Frontiers in Artificial Intelligence and Applications. 2012. Vol. 250. Pp. 11–20. Prakken H., Sartor G. Law and logic: A review from an argumentation perspective. Artificial Intelligence. 2015. Vol. 227. Pp. 214–245.

[4] Stamper R. K. The role of semantics in legal expert systems and legal reasoning. Ratio Juris. 1991. Vol. 4. № 2. Pp. 219–244. Stamper R. K. Signs, information, norms and systems. Signs of Work / B. Holmqvist and P. B. Andersen (eds.), Berlin: Germany, De Gruyter, 1996. P. 349–397.

[5] Ontology-based access to normative knowledge / MIREL (MIning and REasoning with Legal texts). Luxembourg: Université du Luxembourg, 2017. P. 6.

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)

first order and modal-based entities of the second order supporting the time, events, actions, and deontic expressions[1].

A relevant solution can be found through the use of concepts of legal ontologies, legal orders, legal universes (landscapes, spaces).

Yet at the heart of all these approaches lies a method of classification.

The needs for an ontological approach to access the normative knowledge have long been justified[2].

Our concept holds that the **term "ontology" as applied in the field of law) is interpreted and explained in the following ways**:

1) an integral tool of formalised conceptualisation and topologisation of the sphere of law and, more broadly, the sphere of legal knowledge (legal science, professional and expert sphere of knowledge, etc.);

2) a means of constructing and/or representing legal reality (reality) and legal universe (legal space, legal landscape);

3) legal form approximated to the conditionally ideal form;

4) scientific doctrine of being and forms of beingness of law;

5) specific forms (discrete or continuous) of existence of legal norms (and legal arrays), legal phenomena, legal processes and legal relations, framed (limited by both rigid and dynamically changing against the stable legal framework — vinculum juris) by normative legal orders and normative extra-legal orders, including deontological (value-normative) orders.

The range of basic minimum (ordinary) ontological units in the ontology of law includes the following (the list is incomplete):

— the text of the legal norm and (at a slightly higher level) the normative legal act; here we add the norm of technical legal regulation, as well as the norm of a different system, other than law, of normative (extra-legal) regulation, as well as the relevant act;

— legal dispute;

— unit of legal rhetoric (what to include here is debatable);

— ordinary ("simple") legal relationship, etc.

All these items can be relevantly considered and used only in the classifying projections (within classifications) or, at any rate, on the basis of classifications.

Ontologically, a legal norm is, above all, a text (a fixed or reflected rule).

According to our original definition, the **text** is an interconnected (via various lexical, grammatical, logical and other connections) sequence of characters, fixed (objectified) on a material medium (including in a virtual form, indirectly, on a digital medium) and expressing human thought (utterance, informative message) or representing a set of lexemes and lexical constructions (for instrumental purposes, for example, in dictionaries), as well as a sequence of characters in any programming language or markup language (the text of a computer program), which can be read and be understood by a human.

Consequently, a spoken (orally generated) text is either a reading (including from memory) of a text (and, according to Eric Livingston[3], the text and its reading form constitute dynamically paired phenomena and, accordingly, concepts, in other words, a text is closely connected with its reading, understanding and interpretation), or creating a new text that will later be (can be) recorded, fixed, reproduced.

But the construction of the text of a legal norm is impossible in an abstract way, in isolation from the system of law, from the matrix of the regulatory legal order. In other words, classification is the life line of the law-making process, the enforcement process, the process of legal ontology.

Conclusion

Law as an organized expression of moral or economic doctrines, as wrote Werner B. Ellinger, can be a subject of various sociological, economical, political or historical debates and such debates will consequently contribute to sociology, economy, political science or history. Jurisprudence, however, preserves its identity as a separate area of cognition, even when it encompasses the relationships that are also studied within the sphere of other fields of knowledge. For example, the fact that labor relationships are,

[1] McCarty L. T. A language for legal Discourse. I. Basic features. ICAIL '89 Proceedings of the 2nd international conference on Artificial intelligence and law. New York: ACM Publications, 1989. Pp. 180–189.

[2] See: Bench-Capon T. J. M., Visser P. R. S. Open texture and ontologies in legal information systems. IEEE Comput. Soc Database and Expert Systems Applications. 8th International Conference, DEXA'97. Proceedings (Toulouse, 1–2 Sept. 1997). Piscataway (New Jersey, USA): IEEE, 1997. Pp. 192–197.

[3] Livingston E. An anthropology of reading. Bloomington — Indianapolis: Indiana University Press, 1995. P. 86.

to a large extent, defined by economic conditions and are, consequently, a subject of research in the field of economics, does not exclude labor law from the field of jurisprudence. Unless classification is being reduced to classification for the sake of classification, it is necessary to ensure the preservation of the integrity of individual fields of knowledge although the corresponding research may not be limited to just the main field of knowledge[1].

It is impossible to do without generalization and arrangement of the studied objects, their sorting according to specific features, in any of the sciences, any scientific interdisciplinary research. But the above can be extrapolated as well to all the spheres of human activities, in this case, to the entire legal practice.

Абдулханнянов Ильяс Абдулхаевич,
кандидат юридических наук,
преподаватель кафедры уголовного
и уголовно-исполнительного права
Нижегородской академии МВД России;
Бражин Юрий Юрьевич,
кандидат юридических наук,
преподаватель кафедры уголовного
и уголовно-исполнительного права
Нижегородской академии МВД России

Специальная военная операция и уголовное право: точки научно-педагогического соприкосновения

Происходящие геополитические метаморфозы, обострившиеся межгосударственные противоречия, открытое противостояние недружественных стран Российской Федерации обусловливают изменения во многих сферах человеческой жизнедеятельности. Не является исключением и государственное правотворчество, динамично реагирующее на вновь возникающие внешние и внутренние угрозы. За время, прошедшее с начала проведения специальной военной операции, отечественное законодательство претерпело многочисленные преобразования, опосредованные происходящими событиями. Затронули они и Уголовный кодекс Российской Федерации (далее — УК РФ), выступающий важнейшим средством охраны наиболее ценных личных, общественных и государственных благ и интересов.

Для обеспечения эффективности и устойчивости уголовного законодательства в современных условиях уголовно-правовая наука должна своевременно предлагать новые идеи по совершенствованию отдельных его положений с учетом появившихся факторов, оказывающих влияние на преступность и оценку противоправных посягательств, а также осмысливать увеличившуюся практику привлечения к уголовной ответственности по целому ряду долгое время «спящих» составов преступлений. Однако, как отмечается в научной литературе, одной из существенных проблем (признаком кризиса) современной уголовно-правовой доктрины выступает то, что ее представители не могут в безграничном потоке происходящих событий быстро реагировать на изменения законодательства, давать им оценку и вырабатывать научно обоснованные предложения[2]. Нельзя не согласиться с тезисом профессора А. Э. Жалинского о том, что консервация уголовно-правовой науки приводит к отставанию в понимании логики социального развития, сопротивлению происходящим переменам, что противоречит самой сущности и роли науки[3].

Уголовно-правовая наука для того, чтобы оставаться востребованной и актуальной, должна быть на «острие» происходящего. В настоящий момент в трудах авторитетных ученых встречается реакция на происходящие события сквозь уголовно-правовую призму, отмечаются допущенные законодателем изъяны, выдвигаются новые идеи по улучшению качества уголовного

[1] Ellinger W.B. Subject Classification of Law. The Library Quarterly. 1949, April. Vol. 19. No 2. Pp. 79–104.

[2] См.: Лопашенко Н. А. О кризисе российского уголовного права (перечитывая А. Э. Жалинского) // Государство и право. 2023. № 9. С. 98.

[3] См.: Жалинский А. Э. О современном состоянии уголовно-правовой науки // Уголовное право. 2005. № 1. С. 22.

Legal Science and Practice: Journal of Nizhny Novgorod Academy of the Ministry of Internal Affairs of Russia, 2024, no. 2 (66)