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### FUNCTIONAL PURPOSE OF GENERAL THEORETICAL SCIENCE: PARADIGM CHANGES

*The aim of the publication is to clarify the role and meaning of the functions of general theoretical science. In the process of achieving this aim, it has been applied a system of philosophical approaches to knowledge, principles, general scientific and special scientific research methods. It has been noted that changes in the functional purpose of the theory are due to changes in the perception of the subject field of the theory and the dependence of the cognitive process on the system of subjective and objective factors. It has been singled out such as the level of development of society; features of social consciousness, culture and ideology; openness of the social system for democratic institutions; the need for the study of fundamental state and legal categories, substantiation of their role in ensuring social processes and ways of their improvement. An important factor in re-thinking the functional purpose of legal theory is changes of the methodological basis of knowledge of state and legal phenomena, which consist in increasing the role of philosophical approaches, introducing a system of principles of knowledge, expanding the spectrum of general scientific methods and special scientific techniques. It is they that significantly increase the role of theory in the knowledge of scientific, cognitive and educational aspects of the state and law as important institutions of social reality. The above-mentioned changes of the subject and methodological nature cause changes in the functional purpose of general theoretical science, which consist in changing the paradigm of the functions of the theory, their orientation towards clarifying the social purpose of state and legal categories, increasing the significance of the methodological function of the theory and its role as a means of forming professional knowledge. The article summarizes the existing approaches to understanding the functions of the theory, highlights the practical and applied, systemic, cognitive, essential, activity, scientific and theoretical aspects of their perception. The own vision of the category "functions of the theory of law" has been substantiated and its main features have been singled out. Educational, scientific, fundamental, social, political, legal character, ensuring the independence of the theory and achieving the aim and the tasks of this fundamental science are among them. The meaningful direction of such general functions of the theory of law as heuristic, ontological, prognostic, political, ideological and axiological has been determined. Peculiarities of special functions of the theory have been studied. As such, methodological, communicative, educational, system and creating, epistemological and practical-applied have been defined. As a result of the study, it has been made some conclusions about the changing dynamic nature of the functions of the theory, which is due to the system of objective and subjective factors, as well as changes in the subject and methodological field of scientific knowledge. Changes in the functional purpose of the general theory of law are associated with increasing the social role of state and legal categories, overcoming monism in the perception of functions and ensuring the pluralism of the influence of the theory on knowledge of the state and law.*

**Keywords:** general theory, functions, law, state, society, science.

**Topicality.** The formation of a solid basis of legal reality is an important direction in the development and improvement of modern legal practice, a guarantee of the effective implementation of social reforms and a guarantee of the development of state legal institutions. A special role in this process belongs to general theoretical science, which is designed to justify scientific recommendations for social development, objectively reflect the studied phenomena and form knowledge about the nature and essence of legal phenomena. The role of theory in re-evaluating outdated scientific ideas and theories, revising certain values and changing the attitude to existing phenomena of institutions and organizations in accordance with the needs of society and changes in public interests is also special. That affects the fundamental, basic ideas about the state and the law; legality, constitutionality; law making, law enforcement; offense, legal behavior; the place and role of the state and law in the life of society, ideological, legal and political system.

The above-mentioned factors affect not only the role of general theoretical science in the development of the state and law, but also the subject of science itself. In accordance with the immutability of the classical approach to the perception of the general regularities of the emergence, functioning and development of the state and law as the basis of the subject of the theory of law and the state, theories, views and concepts that reflect the achievements of

legal doctrine, dynamic processes of social development and changes in the state and legal phenomena are of great importance in the process of distinguishing these regularities. The level of development of society, specific historical conditions of its functioning; the degree of development of social consciousness, culture and ideology; the openness of the social system for democratic institutions change the perception of the state and the law, the nature of their interdependence and interaction, their place and role in the life of modern society and their importance in ensuring the natural rights and freedoms of a person. Those changes are caused not only by objective, but also by subjective factors, which consist in the desire to gain a deeper understanding of the matter under investigation, to justify the acquired knowledge and to determine its place in the cognitive process.

Significant changes also characterize the methodological basis of knowledge of state and legal phenomena, which are reflected in the increased role of philosophical approaches that determine the direction of knowledge, ensure its unity, and form an idea of the general orientation of scientific research; implementation of the system of principles of scientific knowledge as requirements of theoretical scientific research, reflecting the cognitive role of general theoretical science; expansion of the spectrum of general scientific methods as a means of interaction and mutual influence of various sciences and special scientific methods

of research, which is associated with increasing the role of general theory in the process of scientific legal activity.

The above-mentioned changes of the subject and methodological field of legal science cause changes in the functional purpose of general theoretical science. It is their study that determines the *topicality* of clarifying the features of the functions of modern legal theory.

The problem which has been chosen by us determines the peculiarities of the object and subject orientation of the publication.

*The object* of research is general theoretical science as a direction of cognition of the state and law.

*The subject* of knowledge is the functions of the theory of law as a manifestation of its functional purpose.

In the process of scientific knowledge, we applied a system of scientific approaches, principles and methods that formed the methodological basis of the analysis of the chosen subject. The application of such philosophical approaches as axiological, phenomenological, hermeneutic, communicative contributed to the study of the functions of theory as a cognitive value that depends on social experience, can be interpreted in terms of content and meaning, and ensures the interaction of various legal sciences.

The truthfulness of the knowledge of the functions of the theory is revealed in the process of applying the following principles of knowledge: comprehensiveness, complexity, professionalism and systematicity. The application of them ensured the clarification of the essence and nature of functions, their importance for the study of the state and law as multifaceted categories that have a professional nature and are used in various fields of knowledge and ensure the continuous implementation of scientific research.

Philosophical and worldview research methods – materialistic, dialectical, ideological and metaphysical – formed the worldview basis of the research. They have provided an opportunity to explore the functions of theory as an important element of knowledge that has an objective character; develops evolutionarily in accordance with changes in state and legal categories; is perceived by subjects and has the character of scientific ideas, concepts and theories that have a categorical expression.

The application of special legal techniques (functional, formal and dogmatic, instrumental) revealed the properties of the functions of the theory as a complex-structured category that has a dogmatic and legal content, performs an important role in cognition and differs in essential characteristics.

**Main results.** Guided by logical methods of research, we consider it possible to dwell on the following problems.

*Clarifying the etymological meaning of the "functions" category:* the "functions" category has a diverse meaning and it is used in various fields of knowledge that affect the peculiarities of their perception. Clarifying the features of the functional purpose of the theory requires an analysis of the philological significance of the studied category. The new explanatory dictionary of the Ukrainian language defines a function as a phenomenon that is dependent on another, is a form of its manifestation; circle of activity of someone, something [1, p. 675]. Based on this definition, it is possible to single out such features of that category as objectivity, independence, multifaceted areas of use, meaningfulness, significance, focus on achieving a certain goal, evolution. These signs are characteristic of a category that has specific characteristics. One of them is the legal meaning of the term.

#### *Concepts and features of the functions of the theory of law.*

Characterizing the functions of the theory of law, it should be noted that in modern legal literature it is possible to single out two main approaches to their understanding. A narrow approach is associated with their understanding as directions or types of influence on the cognitive process [2, p. 313]. A wide approach defines functions not only as directions of influence of the theory, but also emphasizes the purpose, content, nature and essence of this influence [3, p. 285].

In turn, a wide approach to understanding the functions of the theory of law as a legal category exists in certain interpretations that make it possible to focus on a certain aspect of the functions that one or another scientist puts as the basis of understanding this category. In our opinion, it is possible to single out the following aspects of understanding the functions of theory of law:

- *practical and applied*, which emphasizes the purpose of the functions of the theory – the progressive transformation of society due to its independence, repeatability and homogeneity. Each of the isolated functions is characterized by practical content, form and methods of implementation [6, p. 324];
- *systemic* defines the researched category as a manifestation of an element (function) of the system, as a result of which the possibility of systematic research of the object of knowledge is achieved [5, p. 825];
- *cognitive* – this is the influence that determines the vertical of the process of knowledge of state and legal phenomena – from general scientific cognitive to special scientific productive and reproductive ones [5, p. 42];
- *the essential* focuses attention on directing the theory to clarify the content, purpose, essence of this science and determining its place in the system of legal sciences [3, p. 285];
- *active* characterizes the functions of the theory as directions of scientific, cognitive and educational activity, which characterize the essence, content and purpose of the theory [7, p. 25-26];
- *scientific* connects the functions with directions of fundamental scientific activity, the content of which is the formation of professional knowledge, abilities and skills of the future lawyer [8, p. 25];
- *theoretical* – the functions of the theory are the directions of its theoretical influence on the system of other legal sciences and society with the aim of its gradual progressive transformation [9, p. 18].

An approach that equates the functions and tasks of the theory is justified in modern legal literature [10, p. 396]. However, in our opinion, it somewhat simplifies the relationship between these categories, since we will perceive the functions of the theory as the means of realizing its tasks – knowledge of the state and legal reality and modern processes.

Summarizing the above ideas and approaches, the most optimal, in our opinion, will be the definition of the functions of the theory of law as directions of scientific, cognitive and educational activity, which are means of determining the essence, content and purpose of general theoretical science as a social, legal and theoretical science.

This is an independent fundamental category which is characterized by certain features:

- the initial nature that is associated with the formation of professional knowledge of a lawyer;
- scientific nature, which ensures getting of new knowledge about state and legal categories;

- the fundamental nature that is associated with defining the essence, structure and functions of state and legal institutions;
- it is the means of determining the independent nature of theoretical science;
- the social nature ensures the study of the state and law as the means of implementing general social functions and providing society with the features of a social system;
- it is the means of achieving the goals and tasks of the theory of law;
- it is the means of determining the place of the theory of law in the system of legal and social sciences;
- the political character contributes to the study of the state and law as the means of exercising power, consolidating and implementing power decisions;
- the legal nature is connected with the study of the institutions of legal reality as an important sphere of the life of society.

The multifacetedness of the state and law, their poly-structural nature and the variety of directions of influence on society determine the presence of various functions of general theoretical science, which can be classified according to certain criteria, the main of which is the field of scientific research.

*The variety of functions of the theory of law.*

We agree with scientists who substantiate the possibility of dividing the functions of the theory of law into general and special ones [11, p. 16-17]. This is connected, on the one hand, with the fundamental character of the theory, which forms the basis of jurisprudence and provides knowledge of state and legal categories, interacting with other social sciences, and, on the other hand, has an independent nature and ensures the unity of legal knowledge.

The main among the general functions of the theory of law are:

- *the heuristic function*, which determines the possibility of the theory of law not only to investigate law and the state as socio-political categories, but also to substantiate the regularities of their formation and development. The theory of law reveals new regularities, characteristics of state and legal categories in new social conditions. Their discovery provides an opportunity to look at the present in a new way, evaluate the past and predict the future of the state and law [12, p. 9-10];

- *the ontological function* of the theory of law is in the study of law and the state as categories from the point of view of their features, processes of emergence, formation, analysis of their essence and nature. The essence of the function is in an objective study of the existing state and legal reality and its explanation. The goal is to provide true, objective knowledge about law and the state, which excludes coincidences and conjunctural aspects;

- *the prognostic function* means the possibility and ability of the theory of law based on the analysis of empirical material and conclusions and generalizations of legal and non-legal sciences, to substantiate the trends and directions of the development of law and the state in the future, to develop hypotheses and to determine ways of increasing the effectiveness of state and legal institutions. The criterion of the truth of these hypotheses is social practice;

- *the political function* is in the study of the political system of society, the relationship of the state with other subjects of the political system, the influence of political activity on the development of the state and the formation of law; the correlation of political and legal norms in the process of regulating political relations. The subject of the

study of the theory of law is the state as the main subject of political relations and law as the means of ensuring universal binding of political decisions. Therefore, the categories of state and law are the basis of the practice of developing political processes;

- *the ideological function* of the theory of law is related to the worldview significance of this science and provides, firstly, the study of categories and concepts that make up legal ideology as an important component of social; secondly, the formation of legal consciousness and legal culture through the influence of scientific ideas on the consciousness of subjects; thirdly, creates a sense of lawful behavior as a guarantee of achieving legal interests and ensuring legality and law and order; fourthly, it ensures the development of fundamental ideas about the ways of progressive development of law and the state; fifth, produces a system of values in the field of law, which social groups and individuals are oriented towards; sixthly, it forms the worldview of an individual who is characterized by a high level of legal culture, an understanding of the importance of the state and law to ensure the regulation and protection of social relations and interests. Having an ideological influence on public and individual legal awareness, the theory of law affects their ideological level;

- *the axiological function* of the theory of law is in revealing the essence of the object of knowledge through the analysis of relations and connections of this essence with other categories or knowledge of internal relations. Analyzing the essential, that is, legal connections and relations between law and the state, the theory of law explains their very essence. Attributive, structural, causal, functional connections and relationships are possible in the legal field. Certain types of analysis correspond to them. Attributive explanation provides an analysis of the connection between a certain object and its essential, necessary property (applied in the process of analyzing the essence of law and the state); it explains the provision of studying the natural connections of the object with those that preceded it for the purpose of researching the genesis of objects, revealing the causes and factors of its formation, conditions that support its existence and change (processes of the emergence and evolution of law and the state); functional explanation involves the study of state and legal institutions in action, based on factors and functioning and its consequences (study of the functional purpose of law and the state); the structural explanation is based on the presence of the internal structure of law and the state and their belonging to a wider system as structural elements. Analyzing the structural connections of the object, we characterize its essential properties. Ensuring the comprehensiveness of scientific research requires a combination of the above-mentioned aspects of explanations.

Among the special functions of the theory of law, it is possible to single out:

- *the methodological*, related to the development of research methods, principles, categories and concepts that are used by branch and specially applied legal sciences. The peculiarity of the methodological function of the theory of law is that it:

- gives legal content to philosophical research methods, adapting them to the state and legal matter;
- creates a system of knowledge methods that make up a special scientific level and are creatively used by branch and special sciences, which gives legal science logical integrity, consistency and unity;

– summarizes specific scientific methods of research, ensuring the exchange of scientific information and improving existing methods of studying law and the state;

- the *communicative function* provides an opportunity to ensure the exchange of information between legal sciences. The theory of law is a bridge between legal and other social sciences, it creates the necessary conditions for the development of science, the adaptation of non-legal knowledge to the legal sphere and summarizes scientific achievements with the aim of their dissemination and formulation of regularities;

- the theory of law performs an *educational function*, the content of which is the formation of a system of categories and concepts that make up the basis of the professional knowledge of a lawyer, laying the skills of applying this knowledge in practical activities and ensuring the possibility of improving the professional level by mastering the problematic issues of state and legal reality. The theory of law provides a basic basis for learning special legal disciplines;

- the *system-forming function* is associated with the existence of legal sciences that make up the system. The theory provides the features of unity to all jurisprudence through the development of categories and methods that are perceived and specified by other sciences, the study of law and the state at the level of general laws, the determination of the fundamental nature of science, the generalization of the ideas of a branch nature and the development of recommendations for legal sciences of various levels;

- the *epistemological function* of the theory of law is aimed at the knowledge, study and explanation of state and legal phenomena, the study of the process of their emergence, functioning and development [13, p. 14]. Of the great importance is the study of the nature of law and the state and their place in the system of social relations. The purpose of this function is to provide legal knowledge about state and legal categories and phenomena;

- the *practical-applied function* of the theory of law consists in the development and scientific substantiation of recommendations for legal practice. This applies to law-making and law-implementing activities. An important aspect of this function is the provision of scientifically based expert evaluations of legal documents and state decisions, as well as the provision of training of highly professional specialists who are ready to implement the acquired theoretical knowledge in practical activities.

The analysis of the specified directions of influence confirms the fundamental nature of the theory of law and its role in the study of the state and law as complex categories in terms of functional purpose, structural and formal expression.

As a result of the conducted research, we can reach the following **conclusions**:

1. The functional purpose of general theoretical science changes under the influence of a system of objective and subjective factors.

2. An important condition for improving the functional purpose of the theory is a change in the subject and methodological field of this science.

3. The functions of the theory of law can be defined as areas of scientific, cognitive and educational activity that characterize the essence, content and purpose of the theory of law as a social, legal, general theoretical science.

4. In the system of functions of the theory of law, general, inherent to both social and legal sciences, as well as their variety and special functions of the theory of law, that reflect the specificity of its subject and scientific status, are distinguished.

5. Paradigm changes of the functional purpose of the theory consist in the study of the state and law as partners of society and the individual, as means of realizing general social functions and guaranteeing the supremacy of law.

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## ФУНКЦІОНАЛЬНЕ ПРИЗНАЧЕННЯ ЗАГАЛЬНОТЕОРЕТИЧНОЇ НАУКИ: ЗМІНИ ПАРАДИГМИ

З'ясовано роль і значення функцій загальновтеоретичної науки. Застосовано систему філософських підходів пізнання, принципів, загальнонаукових і спеціальних наукових методів дослідження. Зазначено, що зміни функціонального призначення теорії зумовлені змінами у сприйнятті предметного поля теорії і залежності процесу пізнання від системи суб'єктивних та об'єктивних факторів, серед яких виокремлено: рівень розвитку суспільства; особливості суспільної свідомості, культури та ідеології; відкритість соціальної системи для демократичних інститутів; потреба в дослідженні фундаментальних державно-правових категорій, обґрунтування їхньої ролі в забезпеченні суспільних процесів та шляхів їх вдосконалення. Зауважено, що переосмисленням функціонального призначення теорії права є зміни методологічної основи пізнання державно-правових явищ, які полягають у підвищенні ролі філософських підходів, впровадженні системи принципів пізнання, розширенні спектра загальнонаукових методів і спеціальних наукових прийомів. Вони суттєво підвищують роль теорії у пізнанні наукових, пізнавальних та навчальних аспектів держави і права як важливих інституцій суспільної дійсності. Зміни предметного і методологічного характеру зумовлюють зміни функціонального призначення загальновтеоретичної науки, що полягають у зміні парадигми функцій теорії, їхньому спрямуванні на з'ясування соціального призначення державно-правових категорій, збільшенні значення методологічної функції теорії та ролі як засобу формування професійних знань. Узагальнено існуючі підходи до розуміння функцій теорії, виокремлено практично-прикладний, системний, пізнавальний, сумнісний, діяльнісний, науковий та теоретичний аспекти їхнього сприйняття. Обґрунтовано власне бачення категорії "функції теорії права" та виокремлено її основні ознаки, а саме: навчальний, науковий, фундаментальний, соціальний, політичний, правовий характер, забезпечення самостійності теорії і досягнення мети та завдань цієї фундаментальної науки. Визначено змістовне спрямування таких загальних функцій теорії права, як: евристична, онтологічна, прогностична, політична, ідеологічна та аксіологічна. Досліджено особливості спеціальних функцій теорії і визначено методологічну, комунікативну, навчальну, системотворчу, гносеологічну та практично-прикладну. Зроблено висновки про змінний динамічний характер функцій теорії, що обумовлено системою об'єктивних і суб'єктивних факторів, а також змінами предметного і методологічного поля наукового пізнання. Зміни функціонального призначення загальної теорії права пов'язано з підвищеннем соціальної ролі державно-правових категорій, подоланням моністичності у сприйнятті функцій та забезпеченням плюралістичності впливу теорії на пізнання держави і права.

Ключові слова: загальна теорія, функції, право, держава, суспільство, наука.