

Interpretation of Legal Norms in Modern Jurisprudence: Theoretical and Practical Aspects of Human Rights Protection Under Martial Law*

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Abstract.

The purpose of the research is to consider ways for the interpretation of legal norms in modern jurisprudence. Main content. It has been established that interpretation will result in a general conclusion or a sum of the findings reached by the subject of interpretation in the process of clarifying the rule of law (legal norms) using the entire set of interpretation methods, which is adequate to the actual content of this rule and meets the criteria of truth and correctness of the result of interpretation...

Methodology: The methodological basis of the research is presented as comparative-legal and systematic analysis, formal-legal method, interpretation method, hermeneutic method, as well as methods of analysis and synthesis. Conclusions. It has been concluded that the procedure for achieving the goal of interpretation should be as follows: grammatical interpretation, teleological interpretation - clarification of compliance of the essence of legal norm content with the principles of law, systematic interpretation, special legal interpretation, logical interpretation, functional interpretation, historical interpretation - repeated application of the interpretation procedure when receiving new data.

Keywords: Ways for Interpretation of Legal Norms; The Purpose of Interpretation; Legal Understanding; Criminal Liability; Types of Legal Understanding

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A. INTRODUCTION

The practice of law enforcement shows that it is absolutely impossible to find out the actual content of a legal norm simply by reading its text. This is due to the peculiarities of legal norms themselves, the forms of their functioning, and their external expression. The study of these features and forms, along with the disclosure of the essential content of a norm, necessarily requires using methods for interpreting legal norms. Interpretation itself involves the process of clarifying and explaining the contents of legal norms. A subject of understanding of legal norms can use ways for interpretation in an arbitrary sequence based on his/her own experience. The following question arises: how can one optimally interpret legal norms while harmoniously considering the requirements set by the principles of law? ([Tylchych et al., 2022](#))

Urgency of the topic is determined by the importance of democratic transformations in Ukraine, which are aimed at the formation of a harmonious legal state, and which put forward the latest requirements for the functioning of the national legal system, the process of implementing law, which is inextricably linked with such a type of intellectual activity as the interpretation of legal norms. ([Zadyraka et al., 2023](#))

Analysis of publications and research works on the interpretation of legal norms shows that scientists in the fields of state and law theory, constitutional law, civil law, economic law, and other legal sciences have considered and are considering this issue in their works. In particular, the interpretation of legal norms in Ukrainian legal science was studied by Halaburda Nadiia, Leheza Yevhen, Chalavan Viktor, Yefimov Volodymyr, and Yefimova Inna. ([Halaburda et al., 2021](#))

The theory of interpretation was developed in ancient Greek jurisprudence under the name “hermeneutics” (from the Greek *hermeneutike* - “art of interpretation”). Nowadays, legal hermeneutics has developed as a field within the philosophy of law. The process of interpreting legal norms involves both assessing actual circumstances and clarifying the contents of legal norms applied to these circumstances. Clarification of contents requires interpretation of legal norms. Sometimes, interpreting a norm is straightforward, but in many cases, this process requires a high level of professionalism and knowledge not only in a specific field of law but also in formal logic, philosophy, legal theory, linguistics, and history. ([Kobrusieva et al., 2021](#))

B. METHODS

The research is based on the work of foreign and Ukrainian researchers on methodological approaches to understanding public relations from the perspective of theories such as law, administrative law, and civil law. With the help of the epistemological method, the methods of protecting the rights of individuals in administrative proceedings, etc., were clarified; thanks to the logical-semantic method, the conceptual apparatus was deepened, and the methods of protecting the rights of individuals in administrative proceedings were determined from the point of view of the theory of law, administrative law, etc. Thanks to the existing methods of law, we managed to analyze the essence of ways (methods) used for protecting the rights of individuals in administrative proceedings, etc.

C. RESULT AND DISCUSSION

Let us consider the main definitions of the interpretation of a legal norm, which are adhered to by modern domestic researchers of the theory of law and civil law, and let us find out what elements (stages) it consists of. V.K. Antoshkina defines the essence of interpretation of legal norms as follows: "In general, interpretation of legal norms is defined as the intellectual and volitional activity of a person aimed at establishing the valid content of a legal precept for its further effective application to increasingly secure rights and interests of legal subjects". ([Antoshkina, 2011](#))

T.P. Kudlai proposes the following definition: "Interpretation of a legal norm is an activity of subjects aimed at clarifying contents of the legal norm for its correct application and implementation". ([Kudlai, 2009](#)) Skakun O.F. defines interpretation of legal norms in the following way: "Interpretation of legal norms is an intellectual-volitional cognitive activity, which consists in establishing the exact content (meaning) of legal norms and is carried out with the help of certain methods (techniques) with the aim of their correct application and direct implementation" ([Skakun, 2012](#)).

The scientist distinguishes two stages of law interpretative activity:

- Clarification - disclosure of the contents of legal norms (their separate elements) "for oneself" with the aim of their correct implementation and application (it does not go beyond the consciousness of the interpreter himself/herself and does not have external forms of expression: the "will" of the interpreter combines the "will of the legislator" and the

“will of the law”);

- Explanation - disclosure of the contents of legal norms (their separate elements) “for others” to eliminate ambiguity in their understanding and ensure correct application in the circumstances these norms are intended for. Sometimes it is enough to understand the contents of the law to solve a specific case properly. ([Skakun, 2012](#))

According to D.M. Mykhailovych: “Interpretation in the proper sense of this word should be understood as awareness of the contents of legal norms, since awareness itself reflects the epistemological nature of the interpretation process, its focus on learning the meaning of legal phenomena. As for explanation, it is the next stage after interpretation”. ([Mykhailovych, 2003](#))

Based on the definitions mentioned above, it can be concluded that the first stage of interpretation of legal norms is awareness (clarification) of the contents of legal norms “for oneself”, and the second stage consists in clarification, disclosure of the contents of legal norms (their separate elements) “for others” for correct implementation and application of these legal norms.

Let us analyze the first stage of interpreting civil law norms. Awareness (clarification) of the contents of legal norms “for oneself” is an internal mental process that does not go beyond the interpreter’s consciousness, and this is nothing but legal understanding.

K.G. Volynka notes that the issue of legal understanding belongs to the main ones in the theory of the state and law. It defines legal understanding as “the process and result of a person’s mental activity aimed at learning the law, its perception (evaluation), and receiving attitude towards it as towards an integral social phenomenon. When studying various theories and views on law the following circumstances should be taken into account: first of all, the historical conditions of law existence the researcher lived in; secondly, the fact that the result of legal understanding always depends on researcher’s religious, ideological, moral position; thirdly, which side of the law is taken as the basis of this or that concept”. ([Volynka, 2003](#))

Let us consider the main provisions of the natural-law and positivistic scientific approaches to understanding law, and determine their place and significance in the interpretation of legal norms by modern scientists. The positivist approach determines that law is a hierarchy of norms, a normative regulator of social relations. Law and right are equated. Legal norms must be subordinated to legal force. The state is a purely legal phenomenon that ensures a legitimate legal order. Human rights are considered gifts of the state.

The theory is characterized by Latin phrases: “The law is hard, but it is the law” and “The law is in force”. ([Kotiuk, 1996](#))

The natural-law approach to understanding law asserts that the true and original essence of law lies within human social consciousness—that is, in the realm of moral ideas and the collective perception of justice. According to this view, law is not merely a system of rules imposed by the state but an expression of the innate moral order inherent in human nature. Within this framework, the concept of law necessarily includes natural rights, which are inalienable and universal to every human being. These rights—such as the right to life, liberty, personal development, and work—are not granted by any authority but exist from birth as part of one’s human dignity. Thus, natural law serves as the moral foundation guiding all positive legal systems.

The distinction between law and right reflects a fundamental principle in legal philosophy, where natural law is regarded as the supreme expression of justice and morality. In this view, positive law—laws enacted by the state—derives its legitimacy only when it aligns with higher moral values inherent in natural law. This idea is beautifully summarized in the classical maxim, “*Jus est ars boni et aequi*,” meaning “law is the science of what is good and fair.” It emphasizes that the ultimate goal of law is not merely order, but justice rooted in ethical truth. Building upon this foundation, modern scholars of domestic legal theory continue to explore and refine methods of legal interpretation to ensure that positive law remains consistent with these timeless moral principles.

Based on the analysis of the studied sources, we can classify the main ways of interpreting legal norms and provide a brief description as follows. Grammatical interpretation is a method that involves understanding individual words, terms within the entire sentence, and the group of sentences. Systematic interpretation - makes it possible to reveal the content of a legal norm in connection with other norms, with general regulatory provisions, and with the principles of law. This way makes it possible to reveal the content of a legal norm in connection with other norms, since it does not act in isolation. The norm is compared with different norms, establishing its place in this regulatory act, in the field of law, and in the legal system. Teleological (targeted) interpretation is an interpretation aimed at researching the purpose of issuing the corresponding regulatory and legal act. Historical interpretation is a method of understanding legal norms by examining the specific historical conditions under which these norms were adopted, as well as the purposes for which those norms were established at that time. Functional interpretation

involves clarifying the content of legal norms by analyzing the specific circumstances and conditions in which the respective legal norm functions. It considers the effect of legal norms in the dynamic plane (the will of the “actual legislator”), alternative valid legal norms contained in the precept of other sources (forms) of law. Logical interpretation is a way of interpreting the contents of legal norms based on the laws and rules of formal logic ([Leheza et al., 2023](#)). Special-legal interpretation presupposes clarification of the content of a norm, based on achievements of the legal science and practice, knowledge of legal technique, technical-legal methods, and ways. ([Leheza et al., 2023](#))

O.F. Skakun notes that all ways for legal interpretation are used together, as a single set. It is not necessary to single out logical and special legal ways (methods) of interpretation separately, since the laws of logic (formal and dialectical) are used in all determined methods. Lawyer’s interpretation cannot be other than a specifically legal one, because it constitutes an internal professional valuable side of the interpreter, and different ways for interpretation will not take place without it ([Leheza et al., 2022](#)). Therefore, logical and special legal analysis are not methods for the understanding of legal norms, but rather “fundamental” principles and qualitative characteristics of the interpreter, and as such, they are included in the system of his/her intellectual activity, being the basis of this activity. ([Skakun, 2012](#))

One should agree with the opinion of O.F. Skakun about logical interpretation. Still, in our opinion, special legal interpretation should be distinguished separately because a lawyer needs to interpret terms not only in the field where they are a highly qualified specialist, but also in other fields of law where they are only an ordinary specialist. According to D. M. Mykhailovych, historical interpretation is an optional method, as it is used only when to establish a valid content of a normative precept, it is necessary to refer to the socio-political circumstances of its adoption, the content of the previous normative act, and other relevant “external sources” - alternative projects, explanatory notes, reports, speeches of deputies, etc. ([Mykhailovych, 2003](#))

We cannot agree with this position because, without considering the historical interpretation of legal norms, the result will not be correct. It will be impossible to correctly interpret, apply, and accordingly implement the goal that the “ideal legislator” laid down in the norm of law in the past, without studying the specific historical conditions under which the norm was adopted.

Based on the analysis of the specified definitions of the ways for interpretation of legal norms, the following conclusion has been made, namely: among the seven ways of interpreting the norms of law, none of them mentions

a direct requirement to check the norms of law for compliance with the signs of the natural-law approach to understanding the law. In the system way (method), only the need to check the contents of legal norms for compliance with the principles of law is established. ([Villasmil Espinoza et al., 2022](#)) The principles of law include social freedom, justice, equality (equality of all before the law), unity of subjective rights and objective duties, humanism, liability for fault, and the principle of legality ([Matviichuk et al., 2022](#)).

Therefore, qualitative interpretation of legal norms requires the application of ways (methods) for interpretation of legal norms, revealing the principles of law in accordance with the requirements of the systematic process for interpreting legal norms, and finding out whether the respective legal norm meets the requirements put forward by the natural-law and positivist approaches to understanding law ([Nalyvaiko et al., 2022](#)). Let us try to identify standard features when interpreting legal norms. To do this, let us examine the sequence proposed by modern scientists for applying the ways used for the interpretation of legal norms. ([Sinkevych et al., 2024](#))

M.H. Bratasiuk notes that the 17th-18th centuries gave birth to works by such authors as Eckhart, Wittich, Sammet, and especially to the work by F. Savigny, "Juristische Methodenlehre". These works mentioned the alternation of grammatical, logical, historical, and systematic research in the exposition of legal precepts. The same works also gave the idea of the hermeneutic circle. ([Patei-Bratasiuk, 2010](#))

After analyzing the existing approaches in the theory of law regarding the number of ways for interpretation and the sequence of their use, D. M. Mykhailovych concluded that there is a specific "algorithm of interpretation", which has the following schematic form: "grammatical interpretation - logical interpretation - systematic interpretation - teleological interpretation - historical interpretation. ([Mykhailovych, 2003](#))

Skakun O.F. Investigates ways for interpretation in a specific sequence. Based on this sequence, we can determine the following algorithm of interpretation of legal norms: "grammatical interpretation - systemic interpretation - teleological interpretation - historical and political interpretation - functional interpretation - logical interpretation - special legal interpretation." ([Skakun, 2012](#))

Thus, based on consideration of the given examples of sequences of ways for interpretation, we can generalize that the grammatical, systematic, and theological ways of understanding legal norms are, in the first place. It is

worth agreeing with this order of applying ways for interpretation. ([Leheza et al., 2022](#)) From the systematic interpretation of legal norms, it is advisable to separately verify compliance with the principles of law ([Kulinich et al., 2023](#)). Research on whether a legal norm has legal content is fundamental. ([Kolinko et al., 2019](#))

So, for example, M.H. Bratasyuk rightly points out as follows: “Ukrainian jurists are still looking for the 'letter of the law', but why should one look for it, if the law is written on a by-order basis? Will the fact that this 'letter of the law' is found increase justice in society? The array of current Ukrainian legislation includes a significant number of non-legal acts, i.e., acts that deny natural, inalienable human rights and are created under conditions of an authoritarian regime. So many people puzzle over them, looking for the “letter of the law”. However, what does society have to gain from this? What is added as a result to the common weal, the common good?”. ([Patei-Bratasiuk, 2010](#))

D. CONCLUSIONS

Therefore, based on the analysis of the specified definitions and views, the following conclusion has been drawn that the procedure for achieving the goal of interpretation should be as follows: grammatical interpretation - teleological interpretation - clarification of compliance of the essence of legal norm content with the principles of law - systematic interpretation - special legal interpretation - logical interpretation - functional interpretation - historical interpretation - repeated application of the interpretation procedure when receiving new data.

Application of the proposed interpretation procedure will contribute to prevention, overcoming and elimination of some of problems of practical interpretation of legal norms and will open the way to increasing effectiveness of legislation, increasing its importance in reforming Ukrainian society as well as to reducing complaints filed to the European Court of Human Rights (Ukraine takes the first place in terms of the number of complaints against the state from its citizens filed to the European Court of Human Rights) and, as a result, to a more reliable provision of rights and freedoms of a person and a citizen.

It should also be noted that when clarifying the true meaning of terms or obtaining additional or clarified data, it is necessary to apply the procedure of interpreting legal norms again from the step (way for interpretation) they affect. Interpretation will result in a general conclusion or a sum of conclusions

reached by the subject of interpretation in the process of clarifying the rule of law (legal norm) using the entire set of interpretation methods, which is adequate to the actual content of this rule and meets the criteria of truth and correctness of the result of interpretation.

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