LEGAL SCIENCE IN UKRAINE: CERTAIN ISSUES RELATED TOTHE FORMATION OF COGNITIVE MODELS AND METHODOLOGY

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INTRODUCTION

The analysis of the provisions of the Law of Ukraine "On FundamentalPrinciples of the Information Society Development in Ukraine for 2007-2015"[1]and the Order of the Cabinet of Ministers of Ukraine No. 386-r"On Approval of the Strategy of the Information Society Development in Ukraine"dated May 15, 2013 [2]enables to conclude that one of the most important areas of public life, which determines the information society development in Ukraine, is a sphere of science and innovation.The ensuringof the advanced development of fundamental and applied scientific research is determined as one of the prerequisitesfor improvement in this sphere. In light of this, the National Academy of Sciences of Ukraine and academies funded by government agencies put a special emphasis on the activities in thespecified area. In particular, one of the overriding priorities of the National Academy of Legal Sciences (hereinafter – the NALgS) of Ukraine involves the comprehensive development of legal science, and the coordination, organization and conduction of fundamental and applied scientific research in the field of state and law, which, inter alia, the departments of the National Academy of Legal Sciences of Ukraine asparticular institutionsare aimed at. For example, the Law and Informatics Research Institute provides a focal pointfor the scientific research on legal support for the information sphere of Ukraine, among which due consideration is given to the

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[1]Про Основні засади розвитку інформаційного суспільства в Україні на 2007–2015 роки: Закон України від 9 січня 2007 року: [Електронний ресурс]. – Режим доступу: http://goo.gl/BCtyz9

[2]Про схвалення Стратегії розвитку інформаційного суспільства в Україні: Розпорядження Кабінету Міністрів України від 15 травня 2013 року № 386 – р [Електронний ресурс]. – Режим доступу: http://goo.gl/zJzIxl

development of theoretical and methodological foundations of the information law. The specified area of scientific research was set out in the relevant resolution of the General Meeting of the National Academy of Legal Sciences of Ukraine.

At the same time, the process of reforming in the state (including an administrative reform) requiresadherenceto the principle of science, and should be based on the updated scientific (fit the times) base that significantly increases the role, in particular, of the science of administrative law in the current context[3]. At present, there is a trend towards"isolation" of the scientific doctrine from the realities of law enforcement. In this regard, we cannot but agree that one of the main objectives of the contemporary science of administrative law is the approximation of the provisions developed by it to the realities of law enforcement practice[4]. The examples of the use of the achieved scientific results in preparing relevant scientific and practical documents on behalf of government bodies arethe drafts of the General Concept of Legal Reform, the Concept of State Policy on Protecting Human Rights, the Concept of Administrative Reform in Ukraine, the Concept of Administrative Law Reformdeveloped in their time with the participation of scientists-administrative lawyers. By the way, these developments have determinedthe promising directions of further development of the science of administrative law in Ukraine[5]. A primary focus of Ukrainian scientists-administrativistsis puton a variety of theoretical and methodological problems of science thathas been reflected in a number of monographs, new textbooks inadministrative law.The need to develop the methodology of the science of administrative law, which would be the basis for obtaining brand new knowledge in the field of administrative law, and influence the formation of qualitative research standards, will emerge full blownon the next stage

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[3]Адміністративне право України. Академічний курс: підручник / Т. О. Коломоєць. – К.: Юрінком Інтер, 2011. – С.26

[4]Мельник Р. С. Система адміністративного права України: монографія / Р. С. Мельник. – Х. : Вид-во Харків. нац. ун-ту внутр. справ, 2010. – С. 9-10.

[5]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С. 47

of the state-forming and law-making processes in the information society, which seeks to become a knowledge society. Similar needs arerelevant for other branches of legal science in Ukraine as well.

Thus, the scientific community of Ukraine should be more actively involved in conducting relevant research, and therefore, the topic of the article, in our opinion, provesits relevance.

1. INTERACTION OF THE BRANCHES OF NATIONAL LAW: METHODOLOGICAL FOUNDATIONS

Realizing the availability of different approaches to addressingpressing challenges(for example, the problem of improving the legal regulation of environmental, agricultural and land relations in Ukraine[6], the problem of ensuring access to public information with the information society development in Ukraine[7], etc.), which require the well-targetedjoining of efforts of specialists of different branches of law of Ukraine, we consider it expedient to offer our own vision of solving these problems. We are of the opinion thatit is expedient to thrust a holistic vision of the ways to solve these problems, which has certain signs of universality enabling to use it during the legal regulation of various social relations, into the spotlight. Let us formulate the main provisions.

I. Legal science is a single and at the same time differentiated science, which has the appropriate structure, one of the components of which is branch legal sciences (constitutional law, administrative law, civil law, criminal law, environmental law, land law, agricultural law, labor law, financial law, information law, etc.). Therefore, the systematic nature of legal science requires strengthening the constructive

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[6]Гетьман А. П. Правова охорона довкілля: сучасний стан та перспективи розвитку: монографія /А. П. Гетьман, А. К. Соколов, Г. В. Анісімова та ін. [за ред. А. П. Гетьмана]. – Х.: Право, 2014. – 784 с.

[7]Арістова І. В. Кузнецова М. Ю. Реалізація інформаційно-правового статусу органів виконавчої влади України в інформаційних правовідносинах: монографія / І.В. Арістова, М. Ю. Кузнецова [за заг. ред. Арістової І.В.]. – К.: Видавничий центр НУБіП України, 2015. – С. 173-219.

interaction of its components, including branch sciences. Against this background, the system of cognition methodsdeveloped by, inter alia, the theory of state and law, should be used by branch and special legal sciences that will enablethe whole legal science and its branches to reach the appropriate level of theoretical generalization and logical integrity.

II. The constructive use of the system-structural method of scientific cognition of legal phenomena, which should be considered as the elements of systems,bybranch legal sciences. In our opinion, such vision requires the next important step, namely, a scientific search for the definition of the concept “system”, which is used in jurisprudence and based on the principles and laws of the formation and development of natural systems. The justification of thespecified area of research is one of the fundamental provisions of the system approach, according to which it is the “system” that appears to be the isomorphic principle crossing all the boundaries historically formed between different sciences [8].

The analysis of doctrinal studies in jurisprudence on understanding the concepts “system”, “legal system”, “system of law” (e.g., the work [9]) made in the work has enabled to come to the conclusion that all the existing definitions of the concept “system” are random, do not reflect the true intrinsic properties and,therefore, are not constructive, i.e.,do not assist inraising new, more ambitious issues againsta researcher.Due to the facts mentioned above, it has been considered possible to propose the use of the general theory of functional systems[10] during the research in the field of jurisprudence, in particular, in a certain branch of law, for example, environmental, administrative, information. In our opinion, the

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[8]Анохин П.К. Принципиальные вопросы общей теории функциональных систем: монография / П.К.Анохин [Електронний ресурс]. – Режим доступу: http://www.keldysh.ru/pages/BioCyber/RT/Functional.pdf

[9]Луць Л.А. Європейські міждержавні правові системи та проблеми інтеграції з ними правової системи України (теоретичні аспекти): монографія /Л.А.Луць. – К.: Ін-т держави і права ім. В.М.Корецького НАН України, 2003. – С.9-60.

[10]Анохин П.К. Принципиальные вопросы общей теории функциональных систем: монография / П.К.Анохин [Електронний ресурс]. – Режим доступу: http://www.keldysh.ru/pages/BioCyber/RT/Functional.pdf

consideration of the system of a certain branch of law as a subject of research should proceed from the following provisions of this theory.

1. A mandatory provision for all areas of the system approach is the search for and formulation of a system-forming factor. The solution of this key problem affects both the definition of the concept “system” and the whole strategy of its application in research activities. The point at issue is thatin suchexpressionsas “regulated interaction”, “organized interaction” the factor regulating this interaction is missing.

2. The system formation is aimed at obtaining a specific useful result. Only the result can change an unorganized set to organized. Any component maybecome part of the system only if it makes its share of assistance in obtaining a pre-planned result.

3. To achieve the result, the system canmake the largest changes in the interaction of its components. We mean that the links between the system components that do not assist in obtaining a useful result are eliminated from the vigorous activities. The predictionof the system behavior is facilitated by focusing on the nature of links that exist between the system components rather than on the components themselves. Thesystems, consisting of parts of a completely different nature and having completely different functions, are subject to the similargeneral laws of the organization.

It should be emphasized that natural systems are considered as a standard for the formation, operation and development of any other system, including the system of a particular branch of law, which is consistent with the latest provision of the general theory of functional systems.

The concepts“system”, “system of law”, “system of environmental (information, etc.) law” have been defined on the basis of the core principles of the general theory of functional systems. The primary objective of the research,which involves the development of a model of the system of environmental (information, etc.) law (the composition of the system, the links between subsystems),has been formulated. The concept of attainingthe objective, which takes into account three research levels, has been developed: 1) from the perspective ofa supersystem (the

system of national law); 2) from the perspective of a system (the system of environmental (information, etc.) law); 3) from the perspective of a subsystem (the components of the system of environmental (information, etc.)law – sub-branches, institutions, etc.). In order to effectively attain the objective to be sought,it has been proposed to mainstream the development of the concept of system understanding that, in our view, appears to be very important (as well as the choice of an adequate concept of legal understanding). It is obvious that the integrative effect of the system of law is contingent upon the interaction of its constituent elements, in particular,the branches of law.

III. The complexity of the structure of national law, the presence of numerous relationships between branches and institutions, which may be of an open or concealed nature, make it impossible to conduct any research in the field of law and legal relations without taking into consideration,first and foremost: 1) inseparability of the relationship of general scientific and branch methods, techniques, means of perception and impact on social relations; 2) complexity, ambiguity of the nature of legal phenomena; 3) a system-forming role of legal principles; 4) both traditional and new methods, most of which are associated with the tools of the information society (virtual modeling, computerization of scientific search, the use of analytical capabilities, etc.).

IV. It is known that the result of operation of a legal regulation mechanism is the establishment of law and order in society. Proceeding from the structure of law and order (which includes constitutional, civil, administrative, land, agricultural, environmental, information and other types of social relations regulated by the rules of relevant branches of law), there is an objective need for the formation of an agreed “contribution” of each branch of law to the development of the legal content of law and order, including the qualitative regulation of public relations.

V.Based on the fact that the cognition of legal phenomena should proceed from the unity of the individual and the general, we propose first of all to focus on the appropriateness of the use of a deductive logical method: from the general to the specific. Thus, the solution to the above problems is not of an individual, but general

(systemic) nature.

VI. The formation of a model of achievement of the goal of legal regulation that islaw and order. There is a need to determine the indicators of law and order proceedingfrom the fact that it is based on the congruence andbalance of the interests of an individual, society and the state. For example, it is expedient to propose the three groups of indicators (for an individual, society and the state), which should ensure obtaining the balance of their interests as a prerequisite forlaw and order.

VII. The recognition of the fact of the emergence of a complex legal relationship, in particular, integrated (the rules of various branches of law are used in regulation). The authors of the workshare the existing viewpoint that the formation of a complex legal relationship is underpinned by the goal of legal relationship, which cannot be achieved through the participation of entities in a simple legal relationship. The actions of all participants in a complex legal relationship, the entire chain of emerging legal relations, are aimed at achieving a clearlydefined result. We believe that the study of integrated legal relations contributes to the solution of some issues associated with the establishment of interaction of particular branches of law, as well as with the formation of the "contribution" of each branch of law to the development of the legal content of law and order, including the qualitative regulation of legal relations. The specific examples of the emergence of integrated legal relations have been considered.

VIII. The role of the rules of information law in ensuring the integrative effect of the system of law increases with theinformation society development in Ukraine. Information legal relations become not only security legal relations, but also the main ones during the emergence of integrated legal relations (for example, the rules of agricultural law and information law).

Thus, the above study has resulted inawareness of the importance of developing a universal approach to determine the methodology of legal science. The article contains the proposals to study the methodology of legal science based on the systematic understanding of science, legal science, and existing experience in defining the methodology of sciences"administrative law" and "information law".

2. GENESIS OF THE CONCEPT “METHODOLOGY” IN LEGAL RESEARCH AND THE FORMATION OF COGNITIVE MODELS AS ILLUSTRATED BY THE SCIENCE OF ADMINISTRATIVE LAW AND THE SCIENCE OF INFORMATION LAW

The theoretical and methodological basis of this article is primarily the research of leading scientists in the field of administrative law, namely, V. B. Averianov, O. F. Andriiko, O. M. Bandurko, V. M. Bevzenko, Yu. P. Bytiaka, V. M. Harashuk, I. P.Holosnichenko, I. S. Hrytsenko, O.V. Kuzmenko, D. M. Lukianets, R. S. Melnyk, V. Ya. Nastiuk, T. O. Kolomoets, A. T. Komziuk, V. K. Kolpakov, A. O. Selivanov, S. H. Stetsenko and others. The scientific works of the above scientists have made significant steps towards understandingthe phenomenon of the science of administrative law, in particular, its methodology. The analysis of the provisions of the work [11]enables to make sure that the theoretical and methodological foundations of the science of administrative law, taking into account a political, economic, social and legal nature of the Ukrainian state, the objective laws and trends of the historical development,have beendrastically revisedin Ukraineduring the years of its independence. Methodology is usually considered as a set of principles, techniques and methods of study of any object. As stated byV. B. Averianov [12], the general and specific scientific methods of research, and, first and foremost, the system and structural and functional analysis of administrative and legal phenomena, the sociological method, as well as scientific experiments are used in the scientific research in the field of administrative law. At the same time, most of the focus is put on the methodology of comparative legal studies in the sphere of administrative legal

[11]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С. 49

[12]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С. 49

regulation, which may be schematically reduced to a number of important methodological principles[13].

Our analysis has enabled to find out that the use of, in particular, the comparative legal research in scientific, educational and practical activities is quite a complicated intellectual process, which should be based on a certain methodology of comparative legal studies[14]. We believe that this example makes it possible to put forward a hypothesis about the need to take into consideration the role of the subject of scientific research in the definition of the concept “methodology of the science of administrative law”, which will be tested during the study of the specified topic.

Turning to a brief description of the current state of the science of information law, it should be noted that it is only in its infancy, and hardly ever hasthe fundamental theoretical research recognized by the entire scientific legal communityin its arsenal. At the same time, scientists are increasingly turning to the information and legal,and related issues, gradually opening up new horizons of the science of information law. At present, there are a number of studies that attempt to understand this phenomenon, in particular, its methodology.Among domestic scientists,in the first place it is worth mentioning O. A. Baranov, K. I. Beliakov, V.M. Bryzhko, P. A. Kaliuzhnyi, L. P. Kovalenko, B. A. Kormych, V. A. Lipkan, A. I. Maruschak, A. M. Novytskyi, V. H. Pylypchuk, O. M. Selezniova, I. M. Sopilko, V. S. Tsymbaliuk and others.We consider it appropriate to mention the viewpoints of individual scientists on their understanding of the concept of methodology.

For example, the work[15]focuses on the importance of methodological justification of research and development in the field of further reforming of the

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[13]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С. 58

[14]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С. 57

[15]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – С. 75-88.

Ukrainian information legislation. Taking into consideration the fact that the general state of the development of methodological problems of the Ukrainian legislation lags behind current issues, suffers from significant shortcomings, the authors have made the analysis of the works of scientists on the definition of the concepts “methodology” and“method”, and their relationship thathas enabled them to make their own viewpoints on these issues.The methodology in the work[16] is used in several interpretations: 1) a set of principles, techniques and methods of research of any object; 2) the ideology of scientific and analytical work, which is formed in a certain manner and based on certain assumptions, the ideological and theoretical principlesand value paradigms, which generally set the scientific and cognitive horizon of the attitude of an individual towards the world, the subject towards the object, which is studied and changed in the process of human activities; 3) the science of methods of cognition and transformation of the world.At the same time, the emphasis in the work[17]is made on the fact that the methodological basis for studyingthe systematization of the Ukrainian information legislation is “a set of scientific methods, which, subject to their integrated use, achieve the goals to be sought”[18]. The method in this paper is understood as: 1) the way to achieve the goal to be sought,an activity regulated in a certain manner; 2) the method of study of a particular sphere of objective reality, which provides the general and methodologicalfoundationswithsubject certainty[19].Given the above interpretations of

[16]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – С. 78.

[17]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – 304 с.

[18]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – С. 79

[19]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – С. 78.

the concepts “methodology” and “method”, it has been concluded that they relate to each other as thegeneral and the partial.

The author of the other work[20]suggests that “applying the provisions of the theory of systems,an understanding of the essence of the methodology should be formulated for the information law as anintegrated branch of law in the following meaning: 1) the doctrine of scientific methods of cognition; its philosophical, theoretical basis for the transformation of society as an object of jurisprudence into the sphere of information society by people... 2) a variety of research techniques used by researchers in various sciences, their fields, branches, and areas according to a specific nature of the object (or subject) of cognition – the information sphere of society (public information relations”[21]. In the work[22]a method is proposed to understand as the technique, approach, way, or a set of techniques of the cognition of a natural phenomenon, social life, which are used in a certain area of activities (including information-related) on a certain determined philosophical, theoretical basis. It should be emphasized that in the above work the disclosure of essence and content of the formation of methodology of the information law, including methodological provisions of codification of the information legislation, is offeredon such theoretical basis.

At the same time, the analysis of the provisions of the work[23]has enabled to make sure that the author, using such constructions of words as “methodological

[20]Цимбалюк В. С. Інформаційне право: концептуальні положення до кодифікації інформаційного законодавства: Монографія/ В. С. Цимбалюк. – К.: Освіта України, 2011. – С. 11.
[21]Цимбалюк В. С. Інформаційне право: концептуальні положення до кодифікації інформаційного законодавства: Монографія/ В. С. Цимбалюк. – К.: Освіта України, 2011. – С. 11.
[22]Цимбалюк В. С. Інформаційне право: концептуальні положення до кодифікації інформаційного законодавства: Монографія/ В. С. Цимбалюк. – К.: Освіта України, 2011. – С. 13.
[23]Баранов О. А. Правове забезпечення інформаційної сфери: теорія, методологія і практика: Монографія / О. А. Баранов. – К.: Едельвейс, 2014. – 434с.

bases of formation of the system of principles of information law"[24], "methodological problems of the systematization of information legislation"[25], does not provide his own viewpoint on the concept of methodology. In this work, the concept of method is considered in the context of"method of a particular branch of law"as a method or a set of methods that are preferred and/or specific in determining the techniques, methods, means the law affects the social relations in a particular sphere of public life[26].

The examination of the provisions of another work[27]has led to the conclusion that a new generation of researchers in the field of information law is aware of the need to define the concepts "methodology" and "method of information law". According to the scientist, one of the branch-specific methodology types is the methodology of information law: "as a set of scientific viewpoints on the nature, structure and division of the methods of information law, which provide for disclosure of their characteristics, as well as a multi-level system of certain methods (techniques) that are used in the information law"[28]. With regard to the definition of the concept "method of information law", the researcher believes that it is "the methods of legal cognition of the information sphere; throughwhich the statelegal influence is made on information relations; and the methods of teaching and explaningthe educational material ofinformation and legal topic"[29].

Thus, summarizing the viewpoints of the scientists who study and address the issues in the field of administrative (information) law, we believe that there are

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[24]Баранов О. А. Правове забезпечення інформаційної сфери: теорія, методологія і практика: Монографія / О. А. Баранов. – К.: Едельвейс, 2014. – С. 135-151.
[25]Баранов О. А. Правове забезпечення інформаційної сфери: теорія, методологія і практика: Монографія / О. А. Баранов. – К.: Едельвейс, 2014. – С. 198.
[26]Баранов О. А. Правове забезпечення інформаційної сфери: теорія, методологія і практика: Монографія / О. А. Баранов. – К.: Едельвейс, 2014. – С. 130-131.
[27]Селезньова О. М. Теоретико-методологічні основи інформаційного права України: Монографія / О. М. Селезньова. – Чернівці: «Місто», 2014. – 408 с.
[28]Селезньова О. М. Теоретико-методологічні основи інформаційного права України: Монографія / О. М. Селезньова. – Чернівці: «Місто», 2014. – С. 261.

[29]Селезньова О. М. Теоретико-методологічні основи інформаційного права України: Монографія / О. М. Селезньова. – Чернівці: «Місто», 2014. – С. 262.

appropriate grounds to assert the following. In the vast majority of scientific works the concept “methodology” is defined as a set of methods and techniques of scientific cognition, including in the field of administrative (information) law. While mentioninga positive role of the above scientists in the formation of the science of administrative (information) law, we consider it appropriate to note the existence of the understanding of the concept “methodology” mainly as a toolin the administrative (information) law. We consider it expedient to state and justify our own point of view on the definition of the concept “methodology of the science of administrative (information) law”.

First and foremost, it should be emphasized that the point that a prerequisite not only for the formation of any science (including the science of administrative (information) law), but also for its development, is the formation of its methodology, is argued in our article. In addition, the starting point of our research is that the general theory of state and law should be the foundation of the science of administrative (information) law[30]. Based on the above, we propose that the viewpoints of experts in the field of general theory of state and law on the concept “methodology” should be found out. The analysis of a plenty of works of scientists (for example, the works[31]) testifies that the term “methodology” means the doctrine of methods of cognition or a system of methods and other special means and techniques of cognition of these or those legal phenomena[32].Another scholar in his

[30]Адміністративне право України. Академічний курс: підручник: у 2-х томах: Том 1. Загальна частина / Ред. колегія: В. Б. Авер'янов (голова). – К.: Видавництво «Юридична думка», 2007. – С.49.

[31]Теория государства и права: учебник / Н. И. Матузов, А. В. Малько. – [изд. 3-е]. – М.: Издательство «Дело» АНХ, 2009. – С. 17.; Теорія держави і права. Енциклопедичний курс: підручник / О. Ф. Скакун: [вид 2-е, перероб. і доп.]. – Харків: Еспада, 2009. – С. 26;Загальна теорія держави та права: навчально-методичний посібник (за кредитно-модульною системою) / Л. А. Луць:. – К.: Атіка, 2012. – С. 13.

[32]Теорія держави і права. Академічний курс: підручник / за ред. О. В. Зайчука, Н. М. Оніщенко. – [вид 2-е, перероб. і доп.]. – К.: Юрінком Інтер, 2008.– С.36.

work[33] considers that in order to develop the doctrine of methodology and the doctrine of elements of the concept "methodology", it is necessary to forego the direct translation of this concept from the Greek language and focus on its etymologicallytransformativecomponent. In particular, according to V. M. Popovych, the content of methodology in general is not just the doctrine of the methods of cognition, it is the doctrine of the structural elements of methodology of cognition, namely: a) methods, techniques and means of cognition; b) a system of interpretation of methods, techniques and means of cognition; c) dependence of the sampling of methods, techniques and means of cognition and the system of their interpretation on the content of objectives and the subject of cognition[34].

At the same time, in the philosophical dictionary, methodology is defined as a science dealing with the methods of research of phenomena, a branch of knowledgestudying the means, prerequisites and principles of organization of theoretical and cognitive and practical-transformative activities. In other words, it is noted that methodology is a science which studies cognition and scientific activities[35]. Agreeing with the viewpoint of the authors[36] that methodology as a theory is not only of a social, but also universal nature, we believe that the statement that methodology is the organization of scientific activity[37]is not developed in the above study. In our opinion, a good example of the development of this statementisthe studies which have been well-grounded in other scientific work[38].

Before making our own viewpoint on the concepts"methodology","methodology of science"(including the science of administrative (information) law), we consider it

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[33]Попович В. М. Теорія держави і права: концепція, праксеологія та методологія розвитку: монографія / В. М. Попович. – К.: Юрінком Інтер, 2015.– С. 76.
[34]Попович В. М. Теорія держави і права: концепція, праксеологія та методологія розвитку: монографія / В. М. Попович. – К.: Юрінком Інтер, 2015.– С. 76
[35]Философский словарь. – М.: Политиздат, 1986. – С. 278.
[36]Теорія держави і права. Академічний курс: підручник / за ред. О. В. Зайчука, Н. М. Оніщенко. – [вид 2-е, перероб. і доп.]. – К.: Юрінком Інтер, 2008.– С. 41.
[37]Теорія держави і права. Академічний курс: підручник / за ред. О. В. Зайчука, Н. М. Оніщенко. – [вид 2-е, перероб. і доп.]. – К.: Юрінком Інтер, 2008.– С. 36.
[38]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – 280 с.

appropriate to clarify the definition of the concept “science”. It should be noted that the problem of defining a science is one of the most difficult in contemporary research on the theory of cognition and philosophy of science. There isa great deal of definitions of science and scientific cognition, in each of which a variety of landmarksare selectedas a determining or intrinsic feature. There is a point of view[39], according to which a science, first of all, should become the subject of structural analysis, during which its components are distinguished, the content and functional characteristics of each of themare revealed thatmakes it possible to significantly deepen the conventional understanding of science and a variety of models of its description. The main structural components of the science as a systemic integritycontain: the science as knowledge (result); the science as an activity (process); science as a social institution[40].

Sharing the above point of view on the priority of using a structural analysis in the study of the science and, at the same time, understanding the science as a multidimensional phenomenon, our study focuses on the fact that its main aspects (which should be clearly distinguished in each particular case) are as follows: 1) the science as a result (scientific knowledge); 2) the science as a process (scientific activity); 3) the science as a social institution (community of scientists, a set of scientific institutions and structures of scientific services)[41]. It has been considered expedient, first and foremost, to focus on the first two aspects of the science.

The understanding of the existence of trendintransformation of the information society intoa knowledge society (which is characterized by a rapid growth of scientific knowledge, the technologization of the means of its production, a change in priorities in the types of production (knowledge production is the main type,which

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[39]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 90.

[40]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 90.

[41]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 28.

determinescapabilities of other types of both material and spiritual production), as well as the trends in conducting research in various branches of scientific knowledge with the mandatory inclusion of the construction of scientific hypotheses as cognitive models[42], has enabled to come to the following important conclusion. The development of the science of administrative (information) law requires the development of qualitative cognitive models. For this purpose, our article provides for the proposition to build a model of studyingthe science of administrative (information) law (a cognitive model) as a systemic integrity of the two interacting models: 1) a first model – a model of studying the science of administrative (information) law (as a result, scientific knowledge); 2) a second model – a model of studying the science of administrative (information) law (as a process, scientific activity).Thus, the next stage of research has beendetermined.

Let us turn to the justification and formation of the first model. In our article it is noted that "the science as a result" is considered as a system of reliable knowledge about nature, man and society. Scientific knowledge is one of the specific forms of the reality reflection in people's minds. It is known[43]that depending on the goals and objectives of specific research, there are various groups of scientific criteria, the list of which will be given later on. Our study focuses on existence of the problem of scientificity of knowledge obtained, including in the science of administrative (information) law, the solution to which requiresjoiningthe efforts of professionals in this field. Within the article, the importance of the problem statementwas mainstreamed, on the one hand, and the need for special research in this directionwas initiated,on the other.

The systemic understanding of science enables to assert that accumulating legal knowledge, the system of legal science has toperform a special function, which is defined by the supersystem (by science in general). In turn, the system of the science

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[42]Философский энциклопедический словарь. – М.: Сов. Энциклопедия, 1983. –С. 116.

[43]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 92.

of administrative (information) law is designed to perform the relevant special function of its supersystem (legal science) that is to accumulate scientific knowledge in the field of administrative (information) law. For example, this knowledge can be found in relevant encyclopedias, monographs, dissertations, information systems (databases, knowledge bases). It is established that in our study the first stage should be associated with the formation of a model of studyingthe science of administrative (information) law ("as a result") – a first model. The article suggests that this model should be formedwith the application of a systematic approach and use of the following structure: supersystem (legal science as a result) → system (the science of administrative (information) law as a result) → subsystems (separate areas of the science of administrative (information) law as a result). It is important to realize that by implementing the above-mentioned function of the supersystem, the system, in turn, shall achieve the goal to be sought. At the same time, the following viewpoint is consistently defendedin the article: it is the goal that appears to be a system-forming factor of the system (the science of administrative (information) law as a result).

Let us proceed with the justification and formation of the second model. Analyzing "the science as a process (scientific activity), it is found out that: 1) the science as an activity is a creative process of the subject-object interaction aimed at the production and reproduction of new scientific knowledge about reality[44]; 2) the distinctive features of scientific activitiesare, inter alia,: a) understanding and constant evaluation of the actions carried out, as well as the development of a system of special methods and tools to optimize these actions and promote the achievement of new scientific knowledge about reality[45]; b) the main goal of science (scientific activities) is to obtain scientific knowledge, which is only used in other spheres of human activities. The awareness of the features of "the science as a scientific

[44]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 90.

[45]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 97.

activity" has led to the following conclusions: the science of administrative (information) lawas a scientific activity is able to develop subject to: a) activation of the conscious participation of a subject (a scientist) in this process; b) the researcher's understanding of the actions and methods used; c) the availability of quality standards, which are primarily produced by science studies,at the subject's disposal.The importance of the conclusions made is also associated with the trend in legal science, including in the science of administrative (information) law,inthe inadequate understanding of the concept "scientific knowledge" and the need for actual use (but not the announcement) of the effective ways to obtain them in order to improve practice.

The systemic understanding of science enables to assert that the need to implement the function of the supersystem (the science as a scientific activity) "to develop and systematize the reliable knowledge about law and state" predetermines the formation of the system of legal science (as a relevant scientific activity). In turn, it is a supersystem for the system of the science of administrative (information) law (as a scientific activity in the field of administrative (information) law).

As mentioned above, for the further formation of a cognitive model, at the second stage of our study, it is necessary to build a second model – amodel of studying the science of administrative (information) law as a process (scientific activity). It is offered to form the specified model, based on a system approach with the following structure: supersystem (legal science – "as a scientific activity", "process") → system (the science of administrative (information) law – "as a scientific activity") → subsystems (separate directions of the science of administrative (information) law – "as a scientific activity"). As in the case of the first model, whileimplementing the function of supersystem, the system seeks to achieve its goal to be sought. We consider it appropriate to emphasize once again the importance of goal settingwhich is a system-forming factor of the system (the science of administrative (information) law as a scientific activity).

However, the question arises as to whetherall the main features of scientific activity in the field of administrative (information) laware taken into account in the

second model. We believe that there is a need for additional analysis of the types of human activity. It can be divided[46]into: 1) reproductive (based on the previous experience; it appears as a copy, for example, of one's own activities; inherently, it has been already organized (self-organized) at the level of once and for all assimilated technologies); 2) productive (aimed at obtaining a new reliable result (creativity)). It is obvious that the scientific activity (including in the field of administrative (information) law), subject to its proper implementation, is aimed at obtaining a new scientific result, which necessitates its organization. In our opinion, in this regard, the second model of studying the science of administrative (information) law ("as a process", "as a research activity") requires further clarification.

To form the main provisions of the second model clarification concept, we consider it appropriate, first and foremost, to clarify the content of the concept "organization". Based on the definition given in the work[47], the term "organization"meansboth a result and a process, namely: 1) internal ordering, consistency of the interaction of more or less differentiated and autonomous parts of the wholeunderpinned by its structure; 2) a set of processes or actions that lead to the creation and improvement of synergies between parts of the whole. In other words, the organization of scientific activity (including in the field of administrative (information) law) involves the ordering of its integral system with the clearly defined characteristics (features, principles, conditions, standards), a logical structure (subject, object, forms, means, methods of activity, its result) and the process of implementation[48].

During our study it was found that the second model clarification concept should include the provisions on the effective form of organization of activities (including

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[46]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 7.
[47]Философский энциклопедический словарь. – М.: Сов. Энциклопедия, 1983. – С. 398.
[48]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 8.

scientific). The analysis of different forms of organization of activities[49]has enabled toconclude that in the conditions of the development of information society, it is expedient to investigate the organization of scientific activity in the field of administrative (information) law in a project form.This position is explained by the fact that in recent years (as already noted) a more or less mandatory requirement for the development of scientific hypotheses as cognitive models[50]has been introduced in the scientific research in various fields of scientific knowledge, and the scientific research is projected, that is, formed as a complete cycle of productive activities[51]. At the same time, the completeness of the scientific activity cycle, including in the field of administrative (information) law, is determined by the three phases[52]: 1) the design phase, which results in the formation of a model of the system being created – a scientific hypothesis as a model of such a system of new scientific knowledge – and a plan for its implementation; 2) the technological phase, which results in the implementation of the system, that is, the hypothesis testing; 3) the reflexive phase, which results in the evaluation of the constructed system of new scientific knowledge and the determination of the need for its further adjustment or making a new hypothesis and its subsequent testing.

The analysis of the above provisions of the second model clarification concept (a model of research of the science of administrative (information) law as a scientific activity) has enabled to realize the needfor inclusion of a provision on the development of a third model (a model of the organization of scientific activity in the field of administrative (information) law) inthis concept. The article proposes a corresponding model, the peculiarity of which is that it comprehensively takes into consideration: 1) statics (result): it is a system, the integral components of which are:

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[49]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 14 -22.

[50]Философский энциклопедический словарь. – М.: Сов. Энциклопедия, 1983. – с. 116.

[51]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 22.

[52]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 8.

a) a subject (for example, a scientist); b) an object (the science of administrative (information) law); c) direct and reverse relationships between a subject and an object (by means of forms, tools, methods, results). A system-forming factor is the goal (purpose), which shall be consistent with the goal set by the supersystem – legal science; 2) dynamics (process): it is a system, the components of which (criterion – "by time") are the following: phases, stages of scientific activity. Due to the limited scope of the article, only a general description of the structural elements of the model is provided.

3. METHODOLOGY OF LEGAL SCIENCE (AS ILLUSTRATED BY THE SCIENCE OF ADMINISTRATIVE LAW AND THE SCIENCE OF INFORMATION LAW)

In our study, we defend the point of view that the role of the third model (themodel of the organization of scientific activity in the field of administrative (information) law) is not limited to the fact that it clarifies the second model – the model of research of the science of administrative (information) law (as a scientific activity), namely, it is "embedded" in the system (the second level of the model). However, the analysis, in particular, of the works[53]suggests that the organization of activity is considered by the methodology, which is defined as the doctrine ofthe organization of activity. Proceeding from the premise that the scientific activity in the field of administrative (information) law is a creative process which requires organization, there are grounds to assert that the organization of scientific activity in the field of administrative (information) law is the subject of the methodology of the science of administrative (information) law (as a scientific activity).

The awareness of the need to study the science of administrative (information) law "as ascientific activity" and the effective organization of relevant scientific activities through the implementation of the third modelhas enabled to establish the

[53]Ліпкан В. А. Систематизація інформаційного законодавства України: Монографія/ В. А. Ліпкан, В. А. Залізняк/ за заг. ред. В. А. Ліпкана. – К.: ФОП О.С. Ліпкан, 2012. – С. 6.

following. The obtained new scientific knowledge about the object of cognition – the science of administrative (information) law, in turn, also requiresits organization. In view of the fact that the result of the science development is expressed in scientific knowledge, it is obvious that this knowledge should also be reflected in certain forms. The analysis of the scientific work[54]provisions has enabled to find out the existence of various forms, in particular: fact, provision, concept, category, principle, law, theory, doctrine and paradigm. Given the above, the article proposes, on the one hand, to mainstreamthe research on developing these forms of the organization of scientific knowledge about the object of cognition – the science of administrative (information) law, on the other hand, to find out the content of individual forms within this article, which will be done later on.

Based on the conclusion that the organization of scientific activity in the field of administrative (information) law is the subject of the methodology of the science of administrative (information) law (as a scientific activity), we consider it important to highlight the following. The methodology of the science of administrative (information) law (as a scientific activity)should be able to provide answers to questions on the organization: 1) how to effectively systematize the obtained new scientific knowledge, using, but not limited to, a variety of forms of the organization of scientific knowledge; 2) how to effectively obtain (produce) new scientific knowledge, usinga variety of methods and tools. In other words, the organization of scientific activity in the field of administrative (information) law should provide for the organization of scientific knowledge as well. In our opinion, it is the expanded understanding of the methodology of the science of administrative (information) law (as a scientific activity) thatwill contribute to the definition of the concept “methodology of the science of administrative (information) law” (as a system integrity).

Thus, based on the expanded understanding of the methodology as the doctrine of the organization of scientific activity (including scientific knowledge) and the

[54]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: ЛИброком, 2009. – С. 43-52.

system integrity of the science of administrative (information) law (as a result and as a scientific activity), we suggest that the concept “methodology of the science of administrative (information) law” should be defined as the doctrine of the organization of scientific activity (including scientific knowledge) in the field of administrative (information) law.The consideration of, inter alia, the provisions of the works[55]has enabled to prove the correctness of the definition given. It is clear that it is impossible to pursue “science in general” – a scientist or a research team conducts a specific research, upon completion of which proceeds with a new research, etc. Since methodology is the doctrine of the organization of activity and knowledge (in particular, scientific), and the scientific activity is organized, respectively, in certain closed, completed cycles, the concept “methodology of the science of administrative (information) law”, “methodology of scientific activity in the field of administrative (information) law” and the concept “methodology of scientific research in the field of administrative (information) law” are synonymous.

At the same time, a question may arise as to the appropriateness of using another definition of the concept “methodology of the science of administrative (information) law”, namely: the doctrine of cognition methods and means. In our view, there are reasons for disagreement with the definition. Firstly, the scientific research in the field of administrative (information) law is considered, to a certain extent, as a subjective process – as an activity to obtain new scientific knowledge in the field of administrative (information) law either by a scientist or by a group of scientists. Secondly, the activity is defined as the active interaction of an individual with the surrounding reality during which the individual acts as a subject which purposefully influencesan object and thus satisfieshis requirements[56]. At the same time, any vigorous activity of the subject is a condition due to which one or other fragment of reality acts as an object (in our case, we are talking about the science of administrative (information) law) provided to the subject in the forms of his

[55]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 27.
[56]Философский энциклопедический словарь. – М.: Сов. Энциклопедия, 1983. – С. 95.

activity[57]. Thirdly, during the scientific activity in the field of administrative (information) law, the scientist (subject) independently determines the goal of his activity (bringingit to conformity with the goal of the supersystem), and this complex process (as well as the process of achieving the goal) requires the choice and application of specific methods and means.

Fourthly, the organization, for example, of the scientific activity in the field of administrative (information) law provides for both self-regulation (in the case of a particular scientist) and management (in the case of joint activity of scientists). It is important that self-regulation hasan appropriate structure: the activity's goalaccepted by the subject, a model of significant conditions of the activity; a program of own actions; a system of success criteria; the evaluation of compliance of actual results with the success criteria, decisions on the need and nature of the activity adjustment[58]. Thus, the methodology of the scientific activity in the field of administrative (information) law, and hence the methodology of the science of administrative (information) law should take into account the existence of the subject, object, goal, methods of the scientific activity in the field of administrative (information) law. In other words, the consideration of the methodology of the science of administrative (information) law as a set of research methods and means is not complete.

Thus, we believe that an adequate model of the subject of the methodology of the science of administrative (information) law (both as a scientific activity and a result) can be considered a third model of the organization of the scientific activity in the field of administrative (information) law), in which both the process (a scientific activity) and the result of scientific activity (obtained scientific knowledge about the object – the science of administrative (information) law)requirethe organization.

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[57]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 11.

[58]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 15.

Based on the fact that hereinbefore we proposed and justified the formation of the two models of research of the science of administrative (information) law (as a result, as a scientific activity) and the model of organization of the scientific activity in the field of administrative (information) law, as well as taking into account the need to include the organization of scientific knowledge, the system integrity of the science of administrative (information) law, we consider it appropriate to proceed with the final formation of a cognitive model of the science of administrative (information) law (a fourth model). The peculiarity of this model is that it takes into account both the statics and dynamics of the science ofadministrative (information) law, and acts as a system formation, which implements a special function of the supersystem– legal science as a whole. The article focuses on the components of this model, which interact with each other: 1) a model of studyingthe science of administrative (information) law (as a result); 2) a model of studyingthe science of administrative (information) law (as a scientific activity); 3) a model of the organization of scientific activity (including scientific knowledge) in the field of administrative (information) law. The emphasis is placed on the fact that the scheme of interaction of the models is conditioned by the logic of effective obtaining new scientific knowledge in the field of administrative (information) law followed by its accumulation, for example, in relevant knowledge databases. We believe that the use of the above model can be useful at a new stage of the development of the science of administrative (information) law.

At the same time, it is important to note that the main sufficient conditions for the methodology of science (including the science of administrative (information) law as a system integrity) are: 1) the philosophical and psychological theory of activity[59]; 2) a system analysis– the doctrine of the system of research methods or design of complex systems, search for, planning and implementation of changes

[59]Рубинштейн С. Л. Проблемы общей психологии /С. Л. Рубинштейн. – М. – СПб.: ПИТЕР, 2003. – 720 с.

which are designed for problem solving[60]; 3) science studies, the theory of science (for example, epistemology as a branch of science)[61].

Based on the important role and place of the subject of scientific activity in the methodology of the science of administrative (information) law, the authors of this article have considered it appropriate to focus on the study of quality standards tobe at the disposal of any subject. As mentioned above, such standards are primarily produced by science studies[62]. In our work we defend the viewpoint that the researcher in the field of administrative (information) law should quite clearly and consciously: 1) understand what science is, how it is organized; 2) know the laws of the science development, the structure of scientific knowledge, the scientificity criteria of new knowledge, the forms of scientific knowledge, which he uses and in which he intends to show the results of his scientific research, etc.[63]. In other words, the researcher (subject) shall have the ground for the scientific activity in the field of administrative (information) law in order for this activity to be conscious and organized. Given that science studies as a branch of science, include epistemology, which, in turn, includes as a component of its structure, the methodology of science, it is proposed that the epistemological basis of the methodology of the science of administrative (information) law should be found out in the framework of our study.

We believe that the scientist engaged in the research in the field of administrative (information) law should take into account, in particular, the existence of one of the laws of the development of science in general –the interaction and interconnection of all branches of science. Particular emphasis should be put onthe interaction of all branches of legal science, as it enables to study the subject of one of

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[60]Перегудов Ф. И., Введение в системный анализ /Ф. И. Перегудов, Ф. П. Тарасенко. – М.: Высшая школа, 1989. –С. 360.

[61]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 10.

[62]Кочергин А. Н. Методы и формы познания/А. Н. Кочергин. – М.: Изд-во МГУ, 1990. – 76 с.

[63]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. –С. 26.

the branches of legal science (for example, the science of administrative (information) law) using the techniques and methods of other legal sciences.

It should be noted that the authors of this article advocates the viewpoint that for the formation of a quality standard during the research conducted by the subject in the field of administrative (information) law,it is important to mainstream the implementation of special research towards the choice of scientific knowledge criteria, as well as their use in the field of administrative (information) law. It bears reminding that depending on the specific researchobjectives and goals, various groups of the criteria of scientificity are distinguished[64], for example: 1) historical criteria of scientificity (formal and logical consistency of knowledge; test by experience and empirical justification; intersubjectively and versatility, etc.); 2) function-oriented criteria of scientificity (logical criteria –consistency, completeness, independence of original axioms, etc.; pragmatic criteria – simplicity, tool efficiency, etc.); 3) objective-subject criteria of scientificity (systematicity, conclusiveness and validity, authenticity and objective truth).

In our opinion, one of the components of the researcher's standard in the field of administrative (information) law should be the information on the forms of the scientific knowledge organization. The literature analysis has enabled to reveal that today there is virtually no systematic presentation of this issue. At the same time, the authors of the work[65], realizing the contemporary state of study of the specified topic, as well as the existence of trendin the erroneous and haphazard use of the forms ofthe scientific knowledge organization by scientists, have given a full system description of these forms. We consider it expedient to use this material in our study in a constructive manner.

First of all, it should be noted that the analysis of many scientific works in the field of administrative (information) law has shown that scientists: 1) introduce

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[64]Философия и методология науки: учебное пособие для аспирантов и магистрантов /А. И. Зеленков и др./ под ред. А. И. Зеленкова. – [изд. 2-е, доп. и испр.]. – Минск: ГИУСТ, 2011.– С. 92.

[65]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 43 -52.

various concepts, categories into scientific circulation; 2) put forward hypotheses; 3) develop concepts, theories; 4) form ideas; 5) raise the problem, etc. On the one hand, in our article we supports the attempts of researchers to further develop the science of administrative (information) law, but, on the other, we believe that sometimes the scientific level of some researchfails to comply with existing standards, in particular, related to the correct understanding and proper use of such constructions as a concept, theory, category, etc.For example, there is no clear understanding of the general and narrow interpretation of the term "theory", the main components of theory, theorytypes, the central system-forming element of theory,etc. This situation, in our opinion, shows a clear need for research on the forms of organization of scientific knowledge in the field of administrative (information) law.

Based on the provisions of the work[66], we suggest thatthe forms of organization of scientific knowledge in the field of administrative (information) lawshould include the following: a fact, situation, concept, category, principle, law, theory, idea, doctrine, paradigm, problem, hypothesis. Realizing the importance of disclosure of all these forms, as well as taking into account the limited scope of the article, it is considered possible in our research to focus primarily on the study of "concept" as a form of the organization of scientific knowledge in the field of administrative (information) law.This choice is conditioned by the following factors: 1) other forms of organization of scientific knowledge (facts, positions, theories, etc.) are expressed through words–concepts and relationships between them; 2) the highest form of human thinking is conceptual, verbal-logical thinking. In connection with the latter, it is true that "to understand" means to express in the form of concepts that generate adequate images. In the article the following understanding of the term "concept" is used: it is "the thought that reflects subjects, phenomena and relations between them in a generalised and abstracted form through fixing general and specific features – the

[66]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 43 – 52.

properties of subjects and phenomena"[67]. We believe that a researcher in the field of administrative (information) law should take into account that in science there is a point of view about the existence of the so-called "concepts that are developing". In this regard, our study provides for the suggestion about continuous monitoring of changes in the content of the concepts of the science of administrative (information) law, since this, inter alia, will enable to promptly report to the relevant authorities on the need to take into account amendments in the administrative (information) legislation.

Based on the fact that the process of formation and development of concepts is studied by logic (formal and dialectical), the article notes the need to enhance the use of logic for proper construction of the definition of the concept of the science of administrative (information) law. We consider it expedient to focus on the existence of different classes of concepts (for example, individual, general, collective, abstract, specific, relative, absolute)[68] that should be taken into account during the formation of the conceptual framework of the science of administrative (information) law, which is at a new stage of its development. Despite the fact that the logic deals with such constructions (related to the structure of concepts) as content and scope, one should clearly understand them,and know the difference between them. Therefore, the volume of concepts defines such set of elements to which this concept is added, and the contents defines thefeatures which are inherent in one or other concept[69]. By the way, it has been found that the relationships between the scope and content, for example, those of the concepts "society" and "information society"are as follows. The content of the concept "information society" is wider than the concept "society", and the scope of the concept "information society"is less than the concept "society". Thus, if the content of concept increases, its scope decreases, and vice versa. As for

[67]Новиков А. М. Методология научного исследования / А. М. Новиков, Д. А. Новиков. – М.: Либроком, 2009. – С. 43.
[68]Челпанов В. Г. Учебник логики / В. Г. Челпанов. – М.: Научная библиотека, 2010. – С. 7 – 12.
[69]Челпанов В. Г. Учебник логики / В. Г. Челпанов. – М.: Научная библиотека, 2010. – С. 15.

the featuresor characteristics of concepts, since the time of Aristotle, they have been divided into five classes: generic feature, differences in types, type, properfeature, improper feature[70]. We believe that the problem of the relationship between concepts that is associated with the consideration of logical relations, for example, the subordination of concepts, the coordination of concepts,the equivalence of concepts, the contradiction of concepts, the practicality of concepts, etc., requires a special study.

Realizing that the main purpose of the definition of concept is to reveal the content of concept, to make the content of concept so that it becomes accurate, in our study we focus on two ways of defining the concept: a) listing out the features inherent in this concept; b) the definition is made with the help of the nearest kind and differences in its type; the definition is made with the help of judgment containing the subject and predicate; the correct definition is conditioned by the compliance with the four special rules[71]. It should be recognized that there are other ways, such as indication, description, characterization, comparison, etc. At the same time, from a methodological point of viewit is expedient to study the process of division, which, unlike the process of definition, reveals the scope of concept. We are talking, in particular, about the division of the genus into species, species into subspecies that is also associated with the compliance with certain rules[72]. By the way, one of these rules is that the division shall have one ground. Unfortunately, this rule is often violated, as evidenced by the studies.

The analysis of scientific research in the field of administrative (information) law (in particular, thesis research) convincingly proves that the use of a logical-semantic method in some works to determine the conceptual framework is only announced, and in fact there are substantial grounds for the scientific discussion on

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[70]Челпанов В. Г. Учебник логики / В. Г. Челпанов. – М.: Научная библиотека, 2010. – С. 13-14.
[71]Челпанов В. Г. Учебник логики / В. Г. Челпанов. – М.: Научная библиотека, 2010. – С. 26-28.
[72]Челпанов В. Г. Учебник логики / В. Г. Челпанов. – М.: Научная библиотека, 2010. – С. 31-33.

the correct thinking, which should be subject to the requirements of its four laws. Understanding the importance and at the same time complexity of the issue concerned, we consider it appropriate to draw attention of the scientific community to the joint solution of this issue. We believe that the in-depth study of “concept” as a form of the organization of scientific knowledge in the field of administrative (information) law, will contribute, inter alia, to the development of new theories, concepts, etc.

CONCLUSIONS

Thus, the research conducted enables to come to the following conclusions.

The basic provisions of a holistic vision of the ways to address the theoretical legal issues arising in various branches of national law are defined and justified: a) the consistency of legal science, the role of constructive interaction of its components (including branch sciences), the place and significance of science – the general theory of state and law; b) the basic provisions of the general theory of functional systems for studying a particular branch of law as the research object (for example, the formulation of a system-forming factor; focus on the nature of relationshipbetween the system components; the consideration of natural systems through a standard for the formation, foperation and development of the system of law and the system of the branch of law; taking into consideration three levels of research (from the standpoint of thesupersystem, system, subsystem); c) taking into account the continuity of the relationship of general scientific and branch-related methods of cognition, as well as the existence of both traditional and new methods related to the tools of the information society; d) formation of the agreed contribution of each branch of law to the development of the legal content of law and order; e) constructive use of deductive logiclaw and order: from the general to the specific,etc.

The hypothesis of the need to develop a universal approach to determine the methodology of legal science has been proposed and tested. It is offered to form the methodology of legal science, proceeding from the system understanding of science, legal science and existing experience in defining the methodology of the science of administrative law and the science of information law.

The viewpoints of scientists in the field of general theory of state and law, administrative and information law on the definition of the concept “methodology” are analyzed. The existence of a narrow understanding of the specified concept, mainly as a set of tools,is found out. The author’s approach to the formation of the methodology of legal science, which is considered as a prerequisite not only for the formation of legal science, but also for its development in the context of the information society built on knowledge, has been proposed. The expediency of the formation of the basic provisions of the methodology of legal science on the example of the methodology of the science of administrative law and the science of information law, which shall take into account the existence of the subject, object, purpose, methods of scientific activity in the field of administrative (information) law is justified.

The science of administrative (information) law is considered as a system integrity in the combination of its two main structural components that interact with each other: 1) the science of administrative (information) law as a result (scientific knowledge); 2) the science of administrative (information) law as a process (scientific activity).

In order to studyan object – the science of the administrative (information) law,the article proposes: 1) the model of studyingthe science of administrative (information) law (as a result, scientific knowledge); 2) the model of studyingthe science of administrative (information) law (as a process, scientific activity); 3) the model of organization of scientific activity and scientific knowledge in the field of administrative (information) law. The cognitive model of the science of administrative (information) law (as a system integrity), which takes into account both statics and dynamics of the science of administrative (information) law, is proposed.

It is proved that the subject of the methodology of the science of administrative (information) law (as the system integrity of result and scientific activity) is the organization of scientific activity (including scientific knowledge) in the field of administrative (information) law.

The separate epistemological foundations of the methodology of science of administrative (information) law have been found out. The authors have identified the need for special research on: 1) choice of the criteria of scientific knowledge, as well as their use in the field of administrative (information) law during the relevant research activities; 2) study of the forms of organization of scientific knowledge in the field of administrative (information) law. The emphasis is placed on one of the forms of organization of scientific knowledge in the field of administrative (information) law – "concept".

Research on the methodology of the science of administrative (information) law will be continued in the following publications. At the same time, we believe that the solution of the above issue requires joint efforts of scientists who conduct research in the field of administrative (information) law, as well as the public discussion of the results obtained.

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ABSTRACT

The basic provisions of a holistic vision of the ways to address the theoretical legal issues arising in various branches of national law are defined and justified. The hypothesis of the need to develop a universal approach to determine the methodology

of legal science has been proposed and tested. It is offered to form the methodology of legal science, proceeding from the system understanding of science, legal science and existing experience in defining the methodology of the science of administrative law and the science of information law. The existing viewpoints on understanding the methodology of science, in particular, the science of administrative (information) law, are analyzed. The science of administrative (information) law is proposed to be considered as a system integrity of its two main structural components: the science of administrative (information) law as a result (scientific knowledge); the science of administrative (information) law as a process (scientific activity).The definition of the subject of the methodology of the science of administrative (information) law as the organization of scientific activity and scientific knowledge in the field of administrative (information) law has been justified. The cognitive model of the science of administrative (information) law (as a system integrity), which takes into account the statics and dynamics of the science of administrative (information) law, has beensuggested. The separate epistemological foundations of the methodology of the science of administrative (information) law are found out.

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