

**Yaroslav Mudryi National Law University**

**Department of Theory and History of Law**

**GLOSSARY OF ACADEMIC DISCIPLINE**  
**“LEGAL WRITING”**

**Level of higher education** – the first (bachelor) level

**Degree of higher education** – bachelor

**Field of knowledge** – 29 “International Relations”

**Speciality** – 293 “International Law”

**Educational Program / specialization** – “International Law”

**Discipline status** – optional

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**Analysis (in IRAC method of legal analysis)** is the process of applying the rule of law to the facts.

**Analytical legal writing** is a type of legal writing, the main feature of which is a neutral analysis of a legal situation or problem.

**Application of law** (law-enforcement activity) is a legal form of activity of authorized entities to ensure the realization of the provisions of legal norms on specific life events by making individual legal decisions.

**Argumentative legal writing** is a type of legal writing, which defends a certain position that protects the interests of some party.

**Argument** is an act of expressing a point of view on a subject and supporting that view using evidence such as research, statistics and examples.

**Authentic interpretation** is carried out by the subject that issued (adopted) the legal act to be interpreted.

**Branch of law** is a separate set of legal norms aimed at regulating a homogeneous sphere of social relations by appropriate methods (e.g, constitutional law, civil law, criminal law, administrative law, economic law).

**Classical method of reasoning** was elaborated by the Greek philosopher Aristotle and later developed by Roman rhetoricians Cicero and Quintilian. This method focuses on the clear definition of an argument and presentation of evidence that leads an audience to draw conclusions seamlessly.

**Collision norm** is a statutory provision that determines which of the legal norms governing the same social relations is applicable in the event of a conflict.

**Collision rules** are doctrine-developed, logically substantiated provisions that establish the procedure for overcoming various types of conflicts during the realization and interpretation of the law.

**Conclusion (in IRAC method of legal analysis)** is a summation of how the law applies to the facts, a recap of the first three steps.

**Contract** is an agreement that specifies certain legally enforceable rights and obligations pertaining to two or more parties.

**Copies** are documents in which the information of other documents is accurately reproduced, as well as all their external features or part of them, and are accordingly designed. Copies are divided into: an imprint (a complete copy of the original document, made at the same time as the original); an extract (a copy of an official document that reproduces a certain part of it and is duly certified).

**Counteranalysis** is the process of discovering and considering the counterargument to a legal position or argument.

**Counterargument** is an argument that opposes another argument.

**Deductive reasoning** is a closed system of reasoning, from the general to the general or the particular. It usually involves applying a general rule, which may derive from a particular statute or case and apply to a particular case and then draw a conclusion.

**Descriptive research** attempts to describe a situation, problem, phenomenon, or behavior systematically. A description is concerned with making complicated things understandable and simple.

**Doctrinal legal research** is concerned with the analysis of legal theories, concepts, rules, and principles.

**Duplicate** is a repeated copy of a document that has the legal force of the original.

**Dynamic interpretation** is an approach in the theory of legal interpretation, according to which the meaning of law can evolve over time.

**Exploratory research** is undertaken to explore areas about which the researcher has little or no knowledge.

**Fact** is information concerning some thing, action, event, facts or circumstance.

**Grammatical (literal) method** of interpretation is the initial way of interpretation, which is based on the data of philological disciplines: grammar, vocabulary, semantics, syntax, morphology, etymology, *etc.*

**Hierarchical (subordination) collision** is a collision that arises due to the regulation of some social relations by the norms of different legal force.

**Historical interpretation** helps to establish the content of the legal norm, taking into account historical conditions and circumstances, socio-economic, political, and other factors related to the emergence, legal enshrining and application of norms to be interpreted.

**Inductive reasoning** starts with observations of the facts and arrives at a general conclusion. It follows two processes: observation and generalization. Therefore, inductive reasoning is a process of reasoning by example.

**Interdisciplinary legal research** advances the proposition that legal research ought not to content itself with the strictly legal but should also explore the interface between law and the other disciplines. Thus, it integrates disciplines such as history, political science, economics and philosophy.

**Interpretation of normative legal acts** is a certain mental process, intellectual activity aimed at establishing and clarifying the content of legal norms, which is expressed mainly in interpretative acts.

**Interpretative act** is a legal act of an authorized subject that contains an explanation of legal norms, which is the main purpose of its adoption.

**Issue (in IRAC method of legal analysis)** is the precise legal question raised by the specific facts of a dispute. A properly stated issue requires inclusion of the key facts.

**Judicial practice** is a set of court decisions in specific cases, which contain legal samples of uniform and multiple application and interpretation of legal norms. Judicial practice is the result of interpretation of law (law enforcement), interpretive and law-making activities of courts, summarized by higher courts.

**Judicial precedent** (from the Latin *praecedens / praecedentis* / – the preceding) is a decision in a particular case, which is binding on the court of the same or lower instance in deciding in the future all similar cases.

**Language of law** is a functional type of literary language with characteristic linguistic-stylistic and structural-genre features determined by the specificity of the legal sphere and its communicative and professional needs.

**Law-enforcement act** (act of application of law) is a legal act, which enshrines the individual decision of the competent authorities, that is, the subject of law enforcement in a particular case.

**Law-making technique** is a system of rules developed by theory and practice and intangible means of expressing the content of a normative-legal act (document), the use of which ensures the certainty and admissibility of normative-legal material, systemic connections between normative-legal acts and their prescriptions. Law-making technique is intended, first of all, to ensure adequate expression of the content of normative legal acts.

**Law of identity** is a logical rule, which requires the usage of the one term in the same meaning through the whole text.

**Law of non-contradiction (LNC)** states that contradictory propositions cannot both be true in the same sense at the same time.

**Law of the Excluded Middle** says that of two contradictory propositions, one must be true and the other false; there is no third.

**Legal analysis** is the process of identifying the issue or issues presented by a client's facts and determining what law applies and how it applies.

**Legal collision** (conflict of legal norms, laws, conflicts in legislation) is a type of legal conflicts that arise in the event of a conflict between different legal norms, which are enshrined in the law and regulate the same social relations in different ways.

**Legal custom** is a source of law that confirms a legally binding rule that has developed as a result of its uniform long-term application.

**Legal doctrine** is a source of law, which covers the ideas, concepts and theories recognized by the legal community, which are used as an aid to determine the content of legal norms.

**Legal document** (from *documentum* – sample, certificate, evidence) is a material object that contains legally important information in a fixed form and is specially designed for its receipt, storage, use and distribution in time and space.

**Legal facts** are life circumstances with which the legal norms connect the onset of certain legal consequences – the emergence, change or termination of legal relations.

**Legal gap** (in the legislation) is complete or partial absence of legislative regulation of social relations that require legal regulation.

**Legal hermeneutics** as a general (philosophical) approach to the knowledge of state and legal reality, based on the interpretation of legal texts to understand the essence of law and other legal phenomena.

**Legal institute** is a separate group of norms of law that regulate social relations of a certain type (for example, the institute of registration of candidates for people's deputies in suffrage, the institute of wills in inheritance law, the institute of constitutional human and citizen's rights in constitutional law, the institute of criminal liability in criminal law).

**Legal Memorandum** is a document that contains a legal analysis of a particular issue, prepared at the request of third parties or distributed among the company's employees. It is a comprehensive and organized written document that summarizes and analyzes relevant laws based on legal research to support a conclusion on a particular legal issue.

**Legal norm** is a fixed mandatory general rule of conduct, which determines the model of proper or permissible behavior or the consequences of its violation, the effective action of which is ensured by the state.

**Legal obligation** is the imposition on a person of a legal duty to perform certain actions regulated by legal norms.

**Legal opinion** is a legal paper issued in letter form expressing legal conclusions about and/or legal analysis of a transaction or matter which is relied on by the addressee

of the opinion. The main purposes of a legal opinion are to inform the addressee of the legal effect of a transaction or matter, and to identify legal risks that the addressee should consider further and evaluate. A legal opinion unlike a memorandum, is the final document in which the final opinion of a lawyer on a given legal issue is fixed.

**Legal paper** is a writing that provides information (especially information of an official nature).

**Legal permission** is the recognition of a person's subjective right to exercise certain legally significant actions or refrain from them, to freely choose the option of one's own behavior.

**Legal personality** is the ability of a person to be a subject of law. Due to legal personality, a person as a subject of law is able to be a party to legal relations. Legal personality consists of legal capacity, capacity to act and delictual capacity.

**Legal prohibition** is the imposition of a legal obligation on a person to refrain from certain actions.

**Legal reasoning** is a reasoning used for explaining, guiding, interpreting, and evaluating laws, legal principles, and norms.

**Legal regulation** is the ordering of the behavior of participants in public relations by legal means.

**Legal relations** are social relations regulated by law, whose participants are bearers of subjective rights and legal obligations.

**Legal research methodologies** are techniques by which one acquires legally relevant information, analyzes, interprets, and applies them to resolve issues and present the findings. Thus, legal research methodology is a scientific and systematic way to solve any legal question.

**Legal texts** are a class of texts united by a common communicative purpose, used in typical communication situations, having the same pragmatic purpose and common linguistic stylistic features.



**Legal writing** is an academic discipline aimed at acquiring knowledge, skills and abilities in drafting legal texts that mediate legal relations.

**Legitimate interpretation** is carried out by a specially authorized body for legal acts issued by other entities.

**Literal interpretation** is a type of interpretation when the content of a legal norm completely coincides with its literal expression.

**Logical (functional) method of interpreting** the legal norms consists in analyzing the logical structure and internal connections between the legal norms or their structural elements, the reproduction of the logical norm of law and so on.

**Method of legal interpretation** is a set of legal techniques and means of analysis of legal acts in order to establish the content of the legal norm or individual prescriptions set forth in them.

**Method of legal regulation** an approach to ordering a certain area of public relations, that stipulates the use of one or another specific set of legal means. The main methods of legal regulation are dispositive and imperative.

**Normative agreement** is a bilateral or multilateral agreement that establishes, modifies or cancels legal norms. Such agreements, in contrast to individual legal contracts (for instance, a contract of sale, employment contract, marriage contract) contain general rules of conduct and are not personalized.

**Normative legal act** (statute) is an official written document adopted by authorized subjects of law-making, which establishes, changes or cancels legal norms.

**Note (memo)** is a provision of basic legal information on a certain issue in a concentrated form, as well as recommendations on the procedure for action in a certain situation (for example, a memo for Ukrainian tourists, a short memo for the consumer of the product).

**Objective law** is a set of legal norms that are expressed (externally objectified) in the relevant legal sources – laws, court decisions, legal customs, *etc.*

**Paragraph** is a part of the text that represents a semantic unity and is indented on the first line. The paragraph is necessary to help the reader in the perception of the text. It performs a double function in the sentence – logical and aesthetic.

**Presumptions** are factual data and other information that is important for the legal analysis of the issues and from which lawyers proceeded in the preparation of legal papers, but which, for various reasons, were not verified, accepting these data as reliable.

**Principle of sufficient reason** stipulates that everything must have a reason, cause, or ground. The essence of the principle of sufficient reason is that every claim (statement) must be justified; moreover, the grounds must be sufficient so that a certain claim can be deduced from them.

**Private law** is a subsystem of law, which consists of legal norms regulating relations not related to the exercise of public authority in the field of private interests of individuals and their groups, using the dispositive method.

**Procedural law** determines the procedure for direct implementation of substantive law and regulates the law-making process, the law enforcement process (application of law), in particular litigation (judicial proceedings), as well as regulates the procedure for exercising control and supervisory powers.

**Public law** is a subsystem of law, which consists of legal norms regulating relations related to the exercise of public authority in the interests of a state (the whole society) and local self-government through an imperative method of legal regulation.

**Qualitative legal research** is concerned with the explanation, interpretation, and understanding of legal phenomena, issues, or things. It relies primarily on human perception and understanding and concerns the subjective assessment of the social or legal problem, situation, and attitude. Qualitative research is related to the analysis of some abstract idea, doctrine, or theory. It is generally used to develop new concepts or to reinterpret existing ones. Qualitative research of law involves studying general theoretical questions about the nature of laws and legal systems, the relationship of law to justice and morality, and problems of application of law in society.

**Quantitative legal research** is based on the measurement of quantity or amount. It consists of counting how frequently things happen. It is also known as the statistical method. Quantitative methods often test or verify existing theories or hypotheses.

**Record keeping/Paperwork** is an important component of the work of state authorities and local self-government bodies, which consists in creating, processing, sending and delivering to executors, monitoring of execution, systematization, accounting and storage, use of documents that are essential and necessary for the successful implementation of their functions and assigned to them tasks.

**Report** is a written notification about the performance of certain work (tasks, assignments for a certain period of time).

**Restrictive (narrow) interpretation** takes place when the content of legal norms is narrower than the literal text of the normative legal act.

**Requisites of a document** (from Latin *Requisitum* – necessary, required) are a set of mandatory, formal elements established by the law as part of an official document, the absence of which deprives this document of legal force.

**Rogerian method of reasoning** was adapted by Composition scholars using the work of American psychologist Carl Rogers. This method is popular for the discussion of controversial issues and focuses on identifying a neutral perspective or compromise that individuals of opposing perspectives can agree upon.

**Rule (in IRAC method of legal analysis)** is the determination of which law governs the issue is based on the applicability of the law to the facts of the client's case.

**Security (stock)** is a document of a prescribed form with appropriate details, which certifies a monetary or other property right, defines the relationship between the issuer of the security (the person who issued the security) and the person who has rights to the security, and provides for the fulfillment of obligations under such security paper, as well as the possibility of transferring rights to securities to other persons.

**Source of law** is a recognized in a particular society official form of external expression and enshrining of legal norms, references to which confirm their existence.

**Statutory analysis** is the process of determining whether a statute applies, how it applies, and the effect of that application.

**Sub-branch of law** is the complex of interconnected legal institutes, consisting within one branch of law (suffrage within constitutional law, inheritance law, contract law within civil law, in financial law – budget, tax, banking law).

**Subjective law** belongs to individuals (subjects) and is that each of them has certain legal opportunities. These possibilities are related to the content of the rules of objective law.

**Subjective right** is a measure of possible or permissible behavior of a person, guaranteed by the norms of law, aimed at the realization of subjective interests.

**Substantive collision** is a conflict that arises as a result of a partial coincidence of the scope of regulation of several legal norms.

**Substantive law** defines a certain model of behavior by establishing rights, obligations (duties) or prohibitions.

**Subsystem of law** is integrated by the principles, common goals and functions a set of institutes and branches of law that regulate the complex of social relations, using similar methods of legal regulation. Such subsystems of law are private and public law, procedural and substantive law, regulatory and protective law.

**Systemic (contextual) method of interpretation** takes into account the place of a legal norm among other norms that are set out in a certain normative legal act, institute or branch of legislation.

**System of law** is a set of legal norms integrated by principles of law, conditioned by a combination of private and public interests, the internal organization of which is characterized by their unity, coherence, differentiation and grouping into relatively independent structural elements.

**Teleological (purposive) interpretation** requires the disclosure of the purposes of legal norms and law in general.

**Temporal collision** is a conflict that arises as a result of the adoption at different times on the same issue of several different legal norms.

**Text linguistics** is a direction of linguistic research, the object of which is the rules of construction of a coherent text and its semantic categories.

**Text** (from Latin *textus* – fabric, weaving, connection) is a sequence of symbolic units connected by a semantic link. The main attributes of the text are coherence and integrity.

**Toulmin method of reasoning** is an argumentative structure first outlined by author Stephen Toulmin. This method focuses on supporting the various key claims of an argument using factual evidence.

**Type of legal regulation** is a characteristic of the general direction of the impact of law on public relations, depending on which of the ways of legal regulation is its basis – permission or prohibition. The types of legal regulation are divided into generally-allowed (permissible) and specially-allowed (permissive), which are opposite in nature.

**Widened (broad) interpretation** means that the content of a certain legal norm after the application of different methods of interpretation is wider (broader) than its textual expression.

**Written evidence** is information about the circumstances that are important for the consideration and resolution of the case, acts, contracts, certificates, business correspondence, other documents and materials made in the form of a digital, graphic record, in particular received by means of facsimile, electronic or other communication, and allow to verify the authenticity of the document.

**“Zero style”** is a specific way of legal writing, which is characterized by a lack of expressiveness.