

**Yaroslav Mudryi National Law University**

**Department of Theory and History of Law**

**GLOSSARY OF ACADEMIC DISCIPLINE**  
**“THEORY OF LAW”**

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

**Degree of higher education** – bachelor

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

**Speciality** – 293 “International Law”

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**Abuse of law** (legal abuse) is an act of a competent subject aimed at satisfying his interest within the limits of his subjective right (ie within the framework of a legally guaranteed ability), but in contradiction with the purpose of the subjective right and with the use of such methods of its realization, which go beyond the legal limits of the exercise and cause harm to others, violating their subjective rights.

**Administrative offense** (misdeed) is an illegal culpable action/inaction of a natural or legal person that infringes on public or state order, public relations in the field of public administration.

**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.

**Authoritarian regime** is a type of state regime characterized by strict state control over the public sphere, restrictions and violations of human rights.

**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).

**Capacity to act** is the ability of a subject of law to acquire by his actions subjective rights and duties and realize them independently.

**Civil offense** is an act that causes damage to property and personal non-property relations regulated by the norms of civil law, as well as relations regulated by certain norms of family, agrarian law, *etc.*

**Confederation** a union of sovereign states, created to achieve certain goals and for the common action, as well, as joint implementation of certain areas of state activity while maintaining independence in other matters.

**Content of legal relations** is a set of subjective rights and legal obligations of the participants of legal relations.

**Crime** is an unlawfully socially dangerous guilty (culpable) and punishable act (action or omission) provided by criminal law, which causes or may cause significant damage to public relations protected by the state – public and state order, political, economic and social systems, law and order, property, life, health, rights and freedoms of the individual. Crimes are divided into minor, grave, and special grave crimes (felonies).

**Customs** are rules of conduct, which are formed historically, developed over the course (lives) of several generations and acquire a general character due to their multiple repetition.

**Delictual capacity** is the ability of a person to bear legal liability for the offenses (torts, delicts) committed by him. Delictual capacity means the capacity to be legally accountable for the conduct.

**Democratic regime** is a type of state regime characterized by the broad participation of the people in the formation and exercise of state power, the state's commitment to law, respect for human rights, and the promotion of the free functioning of civil society.

**Disciplinary offense** (infraction, misdemeanour) is a socially harmful unlawful culpable act of natural persons (individuals) that harm the internal order of enterprises, institutions, organizations, educational institutions by violating the norms establishing the rules of labor, service, training, military and other discipline and entail the application of disciplinary sanctions.

**Economics** is the sphere of meeting the needs of man and society, which includes the production, distribution, exchange and consumption of material goods, as well as the relationships that arise in these processes.

**Federal state** (from the Latin *foedus* – pact) is a union state, which includes state entities (subjects of the federation) with some sovereign rights.

**Form of government** is an element of the form of a state, which characterizes the ways of forming the highest bodies of state power, the ratio of their competence, the principles of relations and the degree of participation of the population in their formation. Traditionally, there are two forms of government – the monarchy and the republic.

**Form of state** is a system of the ways of the organization of the state power, the territorial structure and the procedure for its exercising taken in unity.

**Form of state organization** is an element of the form of state, which characterizes the way of its territorial division (structure), as well as the distribution of powers between central and local authorities. There are two forms of state organization: unitary and federal.

**Functions of a state** are the main directions of its activity, which are conditioned by the official purpose of a state in relation to society and are realized in legal forms by all through the state mechanism.

**Functions of the theory of law** are the main directions of its influence on society, legal science and practice.

**Human rights** are the basic opportunities necessary for the existence and development of the individual, which are recognized as universal, inalienable and equal for all and must be guaranteed by the state to the extent of international standards.

**Human rights guarantees** are understood as a system of general and special legal means and institutions aimed at promoting the realization of human rights, as well as ensuring their comprehensive and effective protection against violations.

**International offense** is an unlawful culpable violation by a subject of an international obligation that causes harm to other subjects of international law.

**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.

**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.

**Law** is the limit of permissible behavior of participants in public relations, established by enshrining in legal sources rules of conduct, the effective operation of which is supported and protected by the state.

**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.

**Legal capacity** is the ability of the subject of law to have subjective rights and legal obligations.

**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 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 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 liability** is the adverse consequences of personal, property or organizational nature provided by the sanctions of the law, imposed by the competent entity in the manner and form prescribed by the law, which is suffered by an offender for the committed offense.

**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 patterns** are necessary, permanent (constant), essential connections that arise in the legal sphere. They can also arise in the form of conditionality of one legal phenomenon by another (for example, the type of state determines the features of its functions), their mutual influence (in particular, between law and legal consciousness) and contradictions (for instance, between law and morality) and others.

**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 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 structure of an offense** is a set of statutory objective and subjective elements of an illegal socially harmful act, for the commission of which there is a legal liability.

**Legal trend** reflects the links that arise between different legal phenomena. In contrast to the pattern, the trend is only probable, less stable.

**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.

**Monarchy** (from the Greek *monos* (one) and *arkhein* – rule) is a form of government in which the highest state power belongs to one person (monarch) and is inherited. There are the following types of monarchies – absolute, dualistic and parliamentary (constitutional).

**Morality** (from the Latin *mores* – customs) is a system of worldviews, principles and norms of behavior that embody the idea of good and evil, right and wrong, just and unjust.

**National sovereignty** in modern international law presupposes the right to self-determination of all nations, which is recognized for all peoples, the ways of which can be realized by: the creation of a sovereign state, free accession to another state or association with it, as well as the establishment of another political status. However, the principle of self-determination should not be construed as permitting or encouraging any action that would lead to the dismemberment or complete violation of the territorial integrity or political unity of sovereign and independent states.

**Natural law** is a system of law based on a close observation of human nature, and based on values intrinsic to human nature that can be deduced and applied independent of positive law; according to natural law theory, all people have inherent rights, conferred not by act of legislation but by “God, nature, or reason”.

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

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

**Objectively illegal act** is an innocent, socially harmful, illegal act (action or omission – failure to act, inaction) of a person, which entails the application of coercive legal measures, and in cases specially provided for by the law – the application of a measure of legal liability.

**Objects of legal relations** are tangible or intangible goods, for the receipt, transfer or use of which the subjects enter into legal relations.

**Offense** is an illegal, socially harmful, guilty act of a person, which entails negative consequences for him – the use of state legal coercion in the form of legal liability of a certain type and extent.

**People's sovereignty** is the recognition of people as the primary source of state power in a democratic state. It is the basis of state sovereignty. People's sovereignty is exercised directly by the people through elections, popular discussions (debates), referendums and through an elected representative bodies (parliament, president, *etc.*)

**Politics** (from the Greek *polis* – city, state, society, political community) is public relations, a way to live together, participation in the government of the community, in the exercise of public power.

**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.

**“Radbruch formula”** is an approach according to which the law that contradicts the fundamental requirements of justice cannot be considered as law.



**Religion** (from the Latin *religare* – to bind) is a system of worldviews based on belief in supernatural forces, the organization of human life conditioned by this worldview, which includes compliance with certain rules of conduct and religious activities aimed at communicating with the gods.

**Republic** (from the Latin *res publica* – public affair) is a form of government in which the highest bodies of state power are elected by the people for a certain term. Modern republics are usually divided into parliamentary, presidential and mixed (presidential-parliamentary or parliamentary-presidential).

**Rule of law** – is the general principle of a democratic state, which requires the restriction of the arbitrary exercise of power by subordinating it to well-defined and established laws. This is a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.

**Science** is a form of intellectual human activity, which aims to obtain true knowledge about the world (nature, society, thinking), discover the laws of the world and predict trends in its development.

**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.

**Sovereign rights** are used by a state to ensure independence in relations with other countries and the supremacy of state power in its own territory. Unlike sovereignty, sovereign rights can be restricted or delegated; a state may refuse to use them.

**State** is a territorial organization of public power, which unites the population on the basis of citizenship, is carried out by the governance through the adoption and implementation of laws and other legal acts.

**State regime** is a procedure for exercising state power. It reflects not the formal aspects of the organization of state power, but its substantive characteristics. State regimes, depending on the degree of people's participation in the exercise of state power, are traditionally divided into democratic, authoritarian and totalitarian.

**State sovereignty** is a political and legal attribute of a state conditioned by the will of the people, which consists in the supremacy of state power over any other power within the country and its independence outside its borders.

**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.

**Subject of legal relations** is a subject of law that enters into legal relations for the realization of his/her subjective rights and legal obligations.

**Subject of the theory of law** is the most general consistent patterns (regularities) and trends (tendencies) of origin, development and functioning of law, legal phenomena and processes, as well as basic concepts for jurisprudence.

**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.

**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.

**Theory of law** is a fundamental legal science that studies the most general consistent patterns and trends of the origin, development and functioning of law and state, as well as formulates the basic concepts (notions) for the branch legal sciences.

**Totalitarian regime** is a type of state regime characterized by full state control over public life, which covers both the public and private spheres, and mass violations of human rights.

**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.

**Unitary state** (from the Latin “*unus*” – one) is a single state, the territory of which is divided into administrative-territorial units. Unitary states could be simple (their territory consists only of administrative-territorial units) and complex (they include certain forms of autonomy).