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Володимир Дмитрович Гончаренко

Національна академія правових наук України
Харків, Україна

Кафедра історії держави і права України і зарубіжних країн
Національний юридичний університет імені Ярослава Мудрого
Харків, Україна

Денис Анатолійович Шигаль

Кафедра історії держави і права України і зарубіжних країн
Національний юридичний університет імені Ярослава Мудрого
Харків, Україна

ТЕХНІКА УЗАГАЛЬНЕННЯ РЕЗУЛЬТАТІВ ПОРІВНЯЛЬНОГО ІСТОРИКО-ПРАВОВОГО ДОСЛІДЖЕННЯ

Анотація. *Стаття присвячена дослідженню техніки упорядкування інформації, отриманої у ході проведення порівняльного історико-правового аналізу. До основних способів систематизації даних, зокрема, належать класифікація і типологізація. Класифікація проявляється у розподілі об'єктів на певні класи і може містити у своїй основі самі різні критерії. При цьому кожна окрема класифікація має здійснюватися лише на підставі однієї ознаки. Типологізація на відміну від класифікації може проводитися за набором суттєвих ознак й спрямована на пізнання сутності досліджуваних явищ. Будь-яка історико-правова типологізація залежить від обраних критеріїв. Результатом порівняльного історико-правового аналізу може стати отримання цілих масивів інформації, для упорядкування якої доцільно використовувати методи кластерного аналізу. Кластерний аналіз – це сукупність прийомів, що дозволяють класифікувати багатомірні спостереження, а його метою є створення кластерів – груп схожих між собою об'єктів. У статті наводиться й алгоритм дій при застосуванні кластерного аналізу. Усі наведені способи систематизації інформації є основою для подальшої оцінки отриманих даних, головним елементом якої є пояснення. Саме у процесі пояснення розкриваються суттєві сторони й відношення порівнюваних історико-правових об'єктів та встановлюється внутрішній причинний взаємозв'язок між дослідженими державно-правовими явищами. Оцінка результатів порівняльного історико-правового дослідження не закінчується простим поясненням, а може продовжуватися також й у напрямку наукового прогнозування, логічною основою якого є метод моделювання. Процес моделювання на стадії систематизації та оцінки результатів порівняльного історико-правового дослідження проходить у декілька етапів, які також отримують своє висвітлення у статті*

Ключові слова: *техніка узагальнення результатів порівняльного історико-правового дослідження, класифікація, типологізація, методи кластерного аналізу, прогнозування, моделювання*

Volodymyr D. Honcharenko

National Academy of Legal Sciences of Ukraine
Kharkiv, Ukraine

Department of History of State and Law of Ukraine and Foreign Countries
Yaroslav Mudryi National Law University
Kharkiv, Ukraine

Denys A. Shyhal

Department of History of State and Law of Ukraine and Foreign Countries
Yaroslav Mudryi National Law University
Kharkiv, Ukraine

TECHNIQUE OF GENERALIZATION OF RESULTS OF COMPARATIVE HISTORICAL AND LEGAL RESEARCH

Abstract. *This study investigates the technique of organising the information obtained during the comparative historical and legal analysis. The main methods of data systematisation include classification and typologization. Classification is manifested in the division of objects into certain classes and can be based on a variety of criteria. Therewith, each individual classification should be performed based only on one feature. In contrast to the classification, typologization can be performed on a set of essential features and is aimed at understanding the essence of the phenomena under study. Any historical and legal typologization depends on the selected criteria. The result of comparative historical and legal analysis can be the production of entire arrays of information, to organise which it is advisable to use methods of cluster analysis. Cluster analysis constitutes a set of techniques that allow classifying multidimensional observations, and its purpose is to create clusters – groups of similar objects. This study also provides an algorithm for using cluster analysis. All the above methods of information systematisation serve as the basis for further evaluation of the data obtained, the main element of which is an explanation. It is in the process of explanation that the essential aspects and relations of the compared historical and legal objects are covered and the internal causal relationship between the studied state and legal phenomena is established. Evaluation of the results of comparative historical and legal research does not end with a simple explanation, but can also continue in scientific forecasting, the logical basis of which is the method of modelling. The process of modelling at the stage of systematisation and evaluation of the results of comparative historical and legal research takes place in several stages, which are also covered in this study*

Keywords: *generalisation of results of comparative historical legal research, classification, typologization, methods of cluster analysis, forecasting, modelling*

INTRODUCTION

Generalisation of the results of comparative historical and legal analysis is the last stage of comparative research; it is at this stage that the scientific terms, concepts and theories are finalised based on the discovered historical and historical and legal facts and the established relations between the compared objects; historical and legal laws are concretised, objective essential communications between the state and legal phenomena and processes are consolidated. Any comparative historical and legal study necessarily contains two components: the empirical basis and abstract-theoretical constructions, which are respectively formed on two levels: empirical and theoretical. The main difference between these levels of knowledge is that the empirical basis of comparative analysis is based on historical and legal factual material, reflecting mainly state legal phenomena and relations between them, and theoretical constructions, based on the data of empirical knowledge, reveal the essential aspects and natural connections of historical and legal reality.

It is characteristic that it is at the last stage of comparative research that the empirical and theoretical levels of scientific cognition acquire their most complete and close interrelation. However, the relationship between the empirical and theoretical levels is so complex and multifaceted that, for example, in historical and legal comparative studies it is often impossible to determine precisely where one begins and another one ends, especially when it comes to systematising and evaluating the results. It should be borne in mind that in the methodology of comparative historical and legal research contains a certain imbalance between its theoretical and instrumental dimensions. The immediate consequence of which is often, on the one hand, the absolute conviction of the comparative historian in his own strength to carry out comparative work in one direction or another, and on the other – his complete confusion when it comes to specific work with historical and legal objects. The reasons for this confusion – in the absence of a reliable tool base for comparative research, which should contain a clear and complete list of those techniques that help in a practical level of comparative analysis.

In the context of what has been said, it is quite clear that the stage of generalisation of the results of the comparison of historical and legal objects is especially difficult. It is at this stage that the researcher has a fairly large amount of data, the organisation of which objectively requires the involvement of additional techniques. Admittedly, a comparative historian, in addition to general methodological knowledge, must have special training. The purpose of this article is to analyse the specifics of the application at the specific problem level of the main methodological tools used in the systematisation and evaluation of the results of comparative historical and legal analysis.

Interestingly, the comparative method is increasingly used in modern research of historical and legal orientation. Thus, we can mention the work of R. Kazak, in which she, developing the author's periodisation of legal protection of nature in Ukraine in the second half of the XX century, relies, inter alia, on a comparative means of scientific knowledge [1]. In his other article, R.A. Kazak uses a comparative approach in the analysis of EU and Ukrainian legislation governing the protection of biodiversity [2]. In this context, it should be noted and the study of D.V. Lukianov, H.P. Ponomarova and A.S. Tahiiev, which examines the historical and comparative aspects of the formation of the Quran and the specific features of its interpretation in different directions of Islam – Sunni and Shiism [3]. Relevant from the standpoint of wide use of the comparative method is the scientific article of D.V. Lukianov, V.M. Steshenko and H.P. Ponomarova, devoted to the study of different understandings of freedom of expression in Islam and the European cultural and legal tradition [4]. The comparative method is used in the scientific work of V.M. Yermolaeva, devoted to the analysis of the opinions of M.S. Hrushevsky on the constituent power of the Ukrainian people in different historical periods [5]. A fairly clear comparative approach can be traced in the study by R.J. Scott, dedicated to the assertion of the concept of equal "public rights" during the Reconstruction in the United States [6]. The research of K. Ramnat is of great scientific and cognitive interest, who uses a comparative method to study the historical and legal aspects of the development of South Asia after World War II [7]. Similar in its problems is the work of P. Saksena, which deals with issues of sovereignty and international law in South Asia at the end of the XIX century. Comparing the understanding of sovereignty in various legal traditions, the author quite convincingly proves that certain state-legal processes are directly related to its corresponding interpretation [8]. At a high scientific level, the comparative method is also used in the scientific article by L. Flannigan, in which she uses a wide range of data summarised in a table, conducts a comparative analysis of the social composition of plaintiffs who applied to English courts in different time periods [9]. In addition to these scientists, a comparative approach in their work also used O. Lutsenko [10], R. Shapoval, Iu. Bytiak, N. Khrystynchenko and Kh. Solntseva [11], Yu. Vystavna, M. Cherkashyna and M.R. van der Valk [12].

However, despite the widespread use of the comparative method in modern historical and historical and legal works, in most cases there is no clear and consistent method of its use, which considerably reduces the possibility of obtaining results with high heuristic potential. In addition, insufficient development of techniques for generalising the results of comparative historical and legal research often does not allow the researcher to reach the appropriate theoretical level of systematisation and evaluation of the data. This entails the objective need to conduct research in this direction with the involvement of developments in related fields. Since modern science has an interdisciplinary nature, the development of scientific methods, including comparative historical and legal, directly depends on the close interaction between different disciplines. Thus, among those authors who have recently paid attention to the above issues, we should mention such as: V.V. Vasilkova and N.I. Legostaeva [13], J.M. Duran [14], K.A. Lopatka [15], J. Nicholls, B. Allaire and P. Holm [16], N.A. Petrunia-Pyliavska [17], P.R. Putsenteilo and Ya.I. Kostetskyi [18] and others.

1. MATERIALS AND METHODS

The methodological basis of this study is the doctrine of the three-member structure of the scientific method, which provides for its mandatory components such as theory, methodology and technique of application. It is quite significant that in both Western and domestic methodology of historical and legal science there are considerable gaps in the field of quality development and design of its basic methods of cognition. Therewith, if in the methodology of Western historical and legal science the emphasis is more on the methodology of scientific work, then the domestic historical and legal science by inertia deals mainly with issues of theory. Although it should be noted some convergence in this direction, which has emerged recently.

If we consider the state of affairs in the field of historical and legal comparative studies, it is necessary to state its almost critical need to provide techniques used in working with historical legal material. The problem can be reformulated differently: all the techniques necessary for the historian-comparativist have long been known to science, but their adaptation to the conditions of comparative historical and legal research is absent. This determines the task of our article: to identify and try to adapt to the needs of the stage of generalisation of the results of comparative historical and legal analysis of the most important ways of organising information data.

The scientific method as a system of regulatory principles of practical or theoretical human activity is never completely arbitrary, because it is determined by the nature of the object under study. However, this does not mean that the methods of one area of knowledge can not penetrate into another area. On the contrary, this process is necessary and is carried out based on the objectively existing commonality between the subjects of study of different sciences, which takes place in reality. The expansion of methods in modern science, including historical and legal, is not a unique phenomenon. Thus, the scope of possible application of any method or technique and the allowable limits of their "expansion" depend on the nature of the studied objects.

All the above applies to historical and legal objects, which are certain state and legal phenomena and processes: the presence of quantitative and qualitative components in their content allows you to successfully attract the means of scientific knowledge from other related (and not quite) sciences. For example, at the stage of systematisation and evaluation of the results of comparative historical and legal analysis, such scientific techniques as typologisation, classification, cluster analysis methods, modeling, etc. can and should be used. However, unfortunately, understanding the possibilities does not mean the ability to use them: in a considerable number of cases during comparative research on historical and legal issues, these tools are either not used at all, or the results of these techniques do not meet their epistemological potential.

In fact, despite the fact that this article is aimed at studying the technique of applying typologisation, classification, modeling, etc.at the last stage of comparative research, this refers to a systematic approach to the comparative study of historical and legal phenomena and processes. And since any historical and legal object that can be compared is multifaceted, there are a number of serious logical and methodological problems of complex research. The essence and formulation of the problem, the establishment of general and special goals of comparative research, the specifics and ways to obtain during its conduct comprehensive knowledge of historical and legal issues, ways to improve the effectiveness of comparative analysis – this is not a complete list of important issues that need to be addressed historical and legal comparative studies.

From the epistemological point of view, the study of the generalisation of the results of comparative analysis means a movement towards the transition of the methodology of historical and legal science to the paradigm of holistic, comprehensive and complex reflection of its objects that have long been the subject of abstract, unilateral and highly specialized scientific studies. Moreover, it is safe to say that a comprehensive approach to the study of the phenomena of historical and legal reality in itself becomes the most important methodological requirement. The growing role of an integrated approach in historical and legal comparative studies is primarily explained by the fact that the objects of comparative analysis are often extremely complex state and legal systems, comprehensive study of which objectively requires the widest scientific and methodological tools.

2. RESULTS AND DISCUSSION

2.1. Classification and typologization

Bringing the accumulated knowledge in a certain order is one of the most important theoretical tasks of the whole science and any individual scientific research. The problem is to choose a scientifically sound and appropriate method of organising the information data. In particular, it should be such that the result of grouping does not contradict practice and it could be applied in further scientific activity. In this case, the forms of scientific organisation of information about the subject of research are numerous and often depend on the nature of the subject area and exist within their science [19]. The main ways of organising information, which are often used in comparative historical and legal research, are typologization and classification.

Typologization is one of the universal procedures of scientific thinking, which consists in the distribution of objects and their grouping using a generalised, idealised model or type [20]. However, the concept of "typology" is not identical to the concept of "typologization", although they are interrelated. Typologization) of state and legal phenomena and processes during a comparative historical and legal study involves their typology. Typologization and typology differ in terms of process and result. If typologization means the process of grouping the studied phenomena based on a theoretical model (type), then typology is the result of this process.

Typology as a result of typologization gives a holistic knowledge of the object, reveals the system-forming connections between its various aspects, distinguishes its essential features and properties from the whole system of connections [21]. Classification, which is also used at the stage of systematisation of the results of comparative historical and legal research, is expressed in the division into classes of plurality of objects of a particular subject area based on their similarity in certain properties.

It should be clarified that the classification as the division of objects into certain classes is carried out in such a way that each class occupies a specific place relative to other classes [22]. During the comparative

historical and legal research, and especially at the stage of systematisation of the obtained results, the classification can be carried out based on many criteria. Among the latter, in particular, we can name ethnic, religious, psychological, racial, geographical, ideological, socio-cultural, etc. Therewith, each individual classification should be carried out on one basis, which is its basis. If there are several features, they are the basis for several classifications. At the same time, the classification is neutral to the essence of the studied phenomena, because it cannot be carried out according to a set of essential features, and thus differs from the typologization [23]. Quite clearly the essence of the classification can be traced in the work of D.V. Lukianov, where he based on various criteria distinguishes the following classifications of legal systems: 1) pure legal systems and legal systems of mixed type; 2) developed and underdeveloped legal systems; 3) maternal and child legal systems [21].

The main advantages of classification as a method of systematisation include the fact that it involves a variety of real objects; unites some objects and excludes others, thus contributing to the disclosure of real connections and relations of the objective world; has the ability to group objects in almost an unlimited number of directions. Therewith, with all the advantages of classification, it has certain disadvantages. Thus, any classification feature singled out by it is relatively necessary, and the grouping done on this basis is conditional, because the same objects can be distinguished by other features. In addition, the classification does not allow to identify patterns of the ratio of different classification planes, as each of them is completely autonomous. Finally, the classification, which is manifested in the separate and sequential consideration of features, is not able to identify the internal organisation of the grouped plurality, as a result of which it remains a simple set of different phenomena and is not revealed by the researcher as a whole and (or) system.

In the context of the above, it becomes quite clear that the importance of classification and typologization cannot be underestimated or exaggerated: each of these methods of cognition is in demand at the stage of systematisation of the results of comparative historical and legal research. However, it should still be recognised that when working with complex and contradictory historical and legal matter, typologization is more significant than classification. It is the typologization, which is expressed in the dismemberment of objects and their grouping using a generalised, idealised model or type, helps to organise the multiplicity of heterogeneous historical and legal phenomena and processes, as well as to establish certain patterns of their deployment in time and space. In addition, typological analysis has a higher degree of generalisation compared to simple grouping and classification. There are empirical and theoretical typologizations [24].

Characteristically, any typologization depends on the chosen criterion. For example, N.A. Petrunia-Pyliavska within the civilisational approach identifies such criteria of typologization as a specific historical period, geographical space, leading production technology, the specifics of political relations, type and type of religion [17]. An interesting typology is the division of cultural mentality (or state of culture of society) into seven types, proposed by T.S. Pronina, Yu.S. Fedotov and K.Yu. Fedotova in his latest work. Thus, they identified the following types: 1) adaptable; 2) passive; 3) the one who transforms; 4) mixed; 5) idealistic; 6) preaching; 7) ascetic. The typology typologization carried out by these scientists was based on several criteria, in particular, the spiritual and sensory components, which were specified in the value-needs and ways of their implementation [25]. In this context, the typology of states proposed by V.D. Tkachenko. Using the principle of legality as a criterion for typologization, the scientist distinguishes between civil and pre-civil types of states [26].

Significant scientific interest from the standpoint of choosing the criterion (criteria) of typologization during the systematisation of the results of comparative historical and legal research is the work of R.A. Romashov, devoted to the typology of states. In particular, the author as a basis for the typologization of states takes the category of cyclicality and the corresponding method, distinguishing such types of states as: city, patrimony (domain), public political and legal order (state). Analysing the following types in detail, R.A. Romashov emphasises that the selected types do not necessarily determine each other and may well coexist within a single historical period. For example, medieval Europe "used" city-states – republics and domain states (kingdoms, principalities) [27].

Thus, as the above examples show, the comparative historian, conducting a typologization of the results of comparative research, has the potential to widely realise their creative potential, admittedly, given the methodological limitations that are characteristic of this logical method of organising information data. And the new typologies of state and legal phenomena and processes, which will be a natural and indispensable result of such activity, are what is critically necessary for modern historical and legal science.

Notably, any historical and legal typology is always a model, a system of orderly ideas and knowledge about the object under study. It is possible to state only the degree of proximity of each created typological construction to the knowledge of this object, because none of the systems contains the whole truth, just as none of them can be considered completely false [28]. Admittedly, this does not detract from the importance of typologisation as a method of ordering information obtained during the comparison of historical and legal

objects: any alternative typologies, if they were carried out in compliance with the appropriate methodological procedures, are very positively perceived by historical and legal science, contributing to a deeper and more comprehensive knowledge of state and legal phenomena and processes.

2.2. Methods of cluster analysis

The result of comparative historical and legal analysis, especially in cases where macro-level objects are compared, such as civilisations, states, legal systems, etc., can be the receipt of entire arrays of information. To organise it, it is advisable to use cluster analysis methods, which are often used in statistical studies. This is largely due to the fact that modern social and historical and legal research is quite closely interconnected at the information level [29]. S.G. Serohina notes that cluster analysis occupies a particularly important place in those branches of science that are related to the study of mass phenomena and processes. The need to develop and use methods of cluster analysis is dictated primarily by the fact that they help to build scientifically sound classifications, to clarify the internal relationships between the units of the population that is observed. In addition, cluster analysis methods can be used to compress information, which is an important factor in the conditions of constant increase and complication of statistical data flows [30].

Cluster analysis is a set of methods that allow you to classify multidimensional observations. The purpose of cluster analysis is to create clusters – groups of similar objects [31]. In contrast to combinational groupings, cluster analysis uses the so-called political approach to the development of groups, when all grouping features take part in grouping at the same time. However, as a rule, clear boundaries of each group are not specified, and also it is not known in advance, how many groups it is expedient to allocate in the investigated set. The result of cluster analysis is to obtain a comprehensive, multifaceted classification of the studied historical and legal phenomena and processes, which avoids the influence of although substantial but random factors and features, or those whose overall role in characterising a phenomenon is offset by other factors or features [30].

The use of cluster analysis, as a rule, involves compliance with a certain algorithm of actions:

1. Defining a set of characteristics for evaluating objects to which cluster analysis is applied;
2. Finding the optimal number of clusters;
3. Determination of indicators to characterise the degree of similarity between objects;
4. Substantiation of methods and algorithms of cluster analysis;
5. Validation of results;
6. Presentation and interpretation of the obtained results [18].

An important issue in cluster analysis is the establishment of the necessary and sufficient number of clusters. As a rule, this number is determined from the indicators of homogeneity and proximity of clusters.

A rather striking example of the practical implementation of cluster analysis, which can be used in research of historical and legal orientation, is the work of M.G. Shenderyuk, in which she based on a meaningful analysis of a set of indicators taken from the county summaries of zemstvo censuses, identified 19 relative features of the grouping and classified 10 objects – counties of the Novgorod province. Thus, all objects were divided into three clusters, each of which included the most agriculturally similar counties, and each of the clusters was given a conditional name: I – "northern", II – "central", III – "southern" [32].

Thus, the main idea of cluster analysis is the sequential association of grouped objects on the principle of closest proximity or similarity of properties. The result of such grouping is the separation of clusters – groups of objects described by common properties. This method of systematisation of information data is very effective when in the course of comparative historical and legal analysis the internal heterogeneity of the compared objects is established, which requires its grouping, or when the main elements of the compared objects contain a large number of similar indicators with different qualitative content (as an example, we can cite a comparative study of the estate-representative authorities of Medieval Europe, where one of the main components will be the order of staffing of these institutions, which acquired considerable territorial specificity in each case).

2.3. Evaluation of the results of comparative historical and legal analysis

All the above methods of systematisation of information taken during the comparative historical and legal analysis are the basis for further evaluation of the data, the main element of which is an explanation. It is in the process of explanation that the essential aspects and relations of the compared historical and legal objects are revealed, the internal causal relationship between the studied state and legal phenomena is established, as well as their natural conditionality. To explain a state and legal phenomenon means to establish its fundamental properties and relations, the main causal conditionality, to identify the general laws to which it is subject [33].

The objective premise of the explanation is the general connection and interdependence of the phenomena of objective reality. Establishing this connection and interdependence is the main epistemological

function of explanation. Explaining, the comparative historian divides historical and legal objects into constituent parts, and then, based on the general laws of this class of objects, synthesises these parts, clarifying the internal connection and conditionality of the elements in the system of the whole. From a logical point of view, the explanation is the inclusion of comparable historical and legal objects in the system of theoretical knowledge, the spread of general provisions and principles of historical and legal science, based on which the most complete and deep understanding of these objects is achieved.

As an example of evaluation of the results of historical and legal comparison, we can cite a comparative analysis of medieval acts of a constitutional nature, conducted by S.M. Zharov. Thus, the scientist, in order to justify the point of view that the first constitutional act in the history of Russia was the "Charter granted to Moscow Archers, soldiers, guests, Posad officers and coachmen" of 1682, conducted a historical and legal comparison of this legal act with the Magna Carta of 1215. Interestingly, the following criteria were chosen for comparison: the political situation in which the act was adopted; sources of legal norms; structure and content of the text [34]. Thus, after characterising the political situation in which each of the compared documents was adopted, and the sources of their legal norms, S.M. Zharov considers the structure of both acts, noting that it is quite simple. In particular, their authors did not divide the text into any parts, but their construction allows us to distinguish the preamble, main part and conclusion.

Upon completion of the characteristics of the Magna Carta S.M. Zharov notes that despite the general similarity of the structure, the content of the "Charter granted to Moscow riflemen, soldiers, guests, Posad officers and coachmen" is somewhat different from the content of the Carta. Thus, the preamble to the Charter no longer records the "forgetting and forgiving" of murders and robberies committed during the riot (as stated in Article 62 of the Carta), but their recognition as lawful, committed in the name of justice and protection of the throne. As a result, it is forbidden to call rioters "rebels and traitors" and to persecute them for their actions. Explaining the results of the historical and legal comparison, S.M. Zharov concludes on the existence of a very similar Magna Carta of 1215. "Charter of Moscow archers, soldiers, guests, townspeople and coachmen" in 1682 allows us to conclude about the emergence of Russian constitutionalism in the XVII century. In addition, the "Letter of Merit…" demonstrates not only the existence of the constitutional idea of protecting the rights of the population by law, but also the implementation of this idea in a legal act that had legal force. The appearance of this document also marked the emergence in Russia of a new type of socio-political movement for the legal consolidation of rights, and its historical fate – inherent not only in Russia but also in other states dependence of rights and freedoms on their ability to protect and defend them, including force [34].

As you can see, evaluating the results of comparing two historical and legal acts, the researcher does not limit himself only to stating their similarities and differences, but also tries to go beyond the actual comparison as a formal and logical operation and, using its results, explain the influence of one of the documents on the historical development of the country to which it belongs. Note only that if there were more criteria for comparison, and, in particular, they included the category of time, the conclusions of the comparison would be more meaningful and allow to reach the level of isolation of historical and legal laws or construction of scientific theory in general. Thus, the explanation of the results of comparative historical and legal analysis has a fairly large heuristic potential and requires a comparative historian to take a creative approach to his work.

Representative of the modern school of chrono-discrete monogeographic comparative legal science O.A. Demichev, characterising the stage of systematisation and evaluation of research results, notes that the indisputable advantage of some historical and legal research is that based on historical experience, the authors offer recommendations for improving existing legislation in one area or another, recommendations for improving law enforcement practice. However, when writing historical and legal works, this is undoubtedly a positive but side effect. According to the scientist, it is incorrect to demand from historians clear recipes for the improvement of modern legal and state institutions. Nevertheless, the historian collects certain materials, makes theoretical generalisations and conclusions on the subject. Specialists in the relevant field of law should make specific proposals to improve the existing mechanism of legal regulation based on these materials [35].

We think that this is a somewhat controversial statement of a well-known scholar, because any scientific study of historical and legal orientation presupposes a corresponding awareness of the scholar who conducts it, both in historical and legal issues. And therefore it is necessary to state (especially since O.A. Demichev does not directly deny this) that at the stage of evaluating the results of a comparative historical and legal study, a comparative historian, in addition to a general explanation of the data obtained, has the right to provide specific proposals to improve a state and legal institution of today. Nevertheless, in contrast to the usual comparative historical and legal research before the representatives of the school of chrono-discrete monogeographic comparative jurisprudence one of the mandatory tasks is: based on comparing the historical experience of legal regulation and functioning of any institution recommendations for improving the relevant modern institution [35].

2.4. Forecasting and modelling method

Evaluation of the results of comparative historical and legal research does not end with a simple explanation, but can also continue in the direction of constructing a theory, as an attempt at a higher – theoretical – level to summarise information about the compared historical and legal objects. In addition, often the results of historical and legal comparisons can be used as a basis for scientific forecasting. The essence of historical and legal forecasting is not that the comparative historian based on the comparison should accurately determine future trends in the development of certain state and legal phenomena and processes, but to provide an exhaustive list of adequate scenarios for their deployment in the future. Historical and legal explanation and forecasting are quite closely related, but the logical basis of the latter is the method of modelling.

The essence of the modelling method, which along with classification and typologization is widely used at the stage of generalisation of the results of comparative historical and legal analysis, is to study the object **(**original) by creating and studying a copy (model) that replaces the original. That is, the specificity of modelling in comparison with other methods of cognition is that with its help the object is studied not directly, but with the help of another object [36]. It is significant that computer modelling has recently acquired its development, which in the future can be used in historical legal research, including comparative. Typically, computer modelling is used in cases where the mathematical model or system under study is too complex for independent analysis by the researcher [14].

The method of modelling is quite similar to the method of typologization; their similarity is manifested, in particular, in the fact that both the type and the model reproduce the object of study. At the same time, they are not identical, as they differ in the objectives of the study. Thus, the purpose of typologization is to study various aspects of the object by identifying individual features and qualities of the communication system as a whole (this refers, above all, to the development of an ideal type as a model of reality). Thus, the researcher is abstracted from a number of real qualities for the purpose of definition of the signs necessary for the development of ideal type; when modelling, on the contrary, the real qualities of the object are considered. Thus, typologization is described by schematism and abstraction, and modelling – the focus on reflecting the essence of the object under study [24].

The model always corresponds to the object – the original – in those properties that are to be studied, but at the same time differs from it in a number of other features, which makes the model convenient for studying the development of a modern state and legal phenomenon or process. All models used in scientific knowledge can be divided into two major groups: material and ideal. The first are natural objects that obey the laws of nature in their functioning. The second are ideal formations, consolidated in the appropriate sign form, and functioning according to the laws of logic of thinking that reflects the world [33]. Admittedly, in comparative historical and legal works, ideal models will be used. For example, the information obtained during a comparative study of the processes and results of reforming various spheres of state and legal life in western European countries of the XX century is a reliable basis for building several ideal models that can be used to study and develop realistic scenarios for such reforms in modern states, the conditions and vector of development of which are similar to those countries whose historical and legal experience was taken to develop appropriate models. This way of obtaining knowledge about the studied objects based on the construction of historical and legal models can be characterised as modelling with the help of idealised representations.

Characteristically, an integral structural component of any form of scientific modelling used in comparative historical and legal research is analogy. On the one hand, analogy means the objective correspondence of the model of the fragment of historical and legal reality that is reflected, on the other – it is a kind of inference, when the conclusion is logically produced based on similarities and differences in model and prototype properties. In this dual function of analogy, both the epistemological and the logical aspect of modelling historical and legal phenomena and processes find expression. The logical process as a reflection of the objective process is revealed through a certain form of cognitive activity – modelling, as a result of which this process of thinking by analogy becomes a method of model construction, extrapolation and substantiation of model knowledge. This explains the necessary unity of modelling and analogy [37], which is manifested, in particular, in the fact that the development of historical and legal models, as well as analogies, requires critical thinking and proper methodological training of the scientist [38].

I.D. Andreiev, in turn, notes that in a certain sense modeling is a kind of analogy. As a result, the scientific knowledge obtained through modelling is not absolutely true, because a complete analogy between the object of study and its model is impossible to achieve. Therewith, modelling is of great importance in scientific research, as the use of the model allows to obtain knowledge that is difficult or impossible to obtain in the direct study of the object under study [39]. We must agree with the opinion of K.A. Lopatka, which is the main thing in modelling – to avoid complications and simplifications, for which in each case it is necessary to conduct a thorough and comprehensive analysis of the modelling process, the degree of conformity of the

model and the studied process or phenomenon. Only based on such analysis the legitimacy of transfer of the received results of modelling on object can be found out [15].

The process of modelling at the stage of systematisation and evaluation of the results of comparative historical and legal research takes place in several stages. Thus, at the first stage the search and selection of a modern state-legal phenomenon or process that has a certain similarity or commonality with one or all (depending on the results of the comparison) historical and legal objects being compared. In this case, commonality or similarity can be established not only between qualitative but also between quantitative aspects and characteristics. At the second stage, the model is built and its research: based on information obtained during the comparison of the historical and legal object (objects), which acts as an analogue, builds a "substitute" of the studied object (modern state and legal phenomenon or process) – model. In epistemological terms, the model acts as a kind of image of the object, free from all the secondary and non-essential. By studying the model, all aspects, aspects and properties of the object are studied. In this aspect, the work of P. Ekamper, G. Bijwaard, F. Van Poppel and L.H. Lumey is very interesting, where modelling method is used to investigate the causes of increased mortality in the Netherlands in 1944-1945 [40]. In the third stage, the information obtained during the study of the model is extrapolated to the object under study (modern state and legal phenomenon or process) [41].

Thus, the modelling of historical and legal phenomena and processes based on the results of comparative historical and legal analysis, as in any other field of scientific knowledge, is based not on the relations of formal-logical identity, but on the relations of analogy. The inference by analogy characterises the model in terms of objective correspondence to the real system under study. Therewith, the method of analogy leads the creative thought of the comparative historian further by optimising the process of reflection of this system in the model, by implementing the results of modelling in some existing system, similar to what does not yet exist in reality, but which can theoretically be activation of a scenario. This predictive function of the historical and legal model is based primarily on inferences by analogy. In other words, to investigate the future of state and legal phenomena is possible only by carrying out certain operations on their past. To reproduce the results of historical and legal comparison of past state and legal systems and possible realistic scenarios for their development (and similar systems) in the future – this is where the historical and legal modelling is manifested.

CONCLUSIONS

Generalisation of the results of comparative historical and legal analysis is the last stage of comparative research. Despite the fact that the general method of systematisation and evaluation of data obtained during the comparison of historical and legal objects is in principle clear and we have repeatedly covered in previous articles, the technique of working with historical and legal information and its generalisation remained insufficiently studied. To fill this gap, we have used and adapted to the needs of historical and legal comparative studies developments in related fields and disciplines.

The main techniques that can and should be used by the comparative historian in systematising the results of comparative analysis to increase their information impact, are classification, typologization, methods of cluster analysis and modelling. The application of these techniques allows not only to extract more information at the last stage of comparative research, but also to reach the level of a broad theoretical generalisation of the obtained data.

Thus, the use of classification and typologization allows to divide historical and legal phenomena and processes into multiple classes and, accordingly, to form meaningful typologies, which together helps to better understand the reasons for similarities and differences between compared objects, and depending on selected criteria to identify deep connections between the studied phenomena. In this case, typologization, in contrast to the classification, has a higher level of generalisation, as it is carried out based on the most important features and may contain several criteria, which makes it more significant in the context of organising the results of comparative historical and legal analysis.

Methods of cluster analysis, in turn, allow to systematise the results of multidimensional research, which in most cases also include historical and legal comparisons. The application of cluster analysis involves compliance with a certain algorithm of sequential actions, and its result is to obtain a comprehensive, multifaceted classification of the studied historical and legal phenomena and processes. Finally, the method of modelling, based on the application of analogy, at the stage of systematisation of the results of comparative historical and legal analysis allows to move from simple grouping of data and construction of historical theories to forecasting historical and legal phenomena and processes. Therewith, the result of modelling based on the results of historical and legal comparison can be the receipt of ideal models of the state and legal future with a fairly high degree of probability.

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Volodymyr D. Honcharenko

Doctor of Law, Professor
Academician of the National Academy of Legal Sciences of Ukraine
National Academy of Legal Sciences of Ukraine
61024, 70 Pushkinska Str., Kharkiv, Ukraine

Head of the Department of History of State and Law of Ukraine and Foreign Countries
Yaroslav Mudryi National Law University
61024, 77 Pushkinska Str., Kharkiv, Ukraine

Denys A. Shyhal

PhD in Law, Associate Professor
Department of History of State and Law of Ukraine and Foreign Countries
Yaroslav Mudryi National Law University
61024, 77 Pushkinska Str., Kharkiv, Ukraine

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