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КОМПРЕХЕНДНИЙ ПІДХІД ДО ПЕРЦЕПЦІЇ ПРАВА В КОНТЕКСТІ ДОКТРИНАЛЬНИХ ПОГЛЯДІВ

Анотація. *Метою статті є теоретико-правовий аналіз питання про компрехендний підхід до перцепції права в контексті доктринальних поглядів, його обґрунтування та порівняння з компрехендною теорією. Новизна статті полягає в обґрунтуванні компрехендного підходу, який полягає в строго об'єктивному, реальному, не ідеалізованому, деідеологізованому пізнанні права. Запропоновано нові ідеї, пов'язані з перцепцією права через об'єктивне й всестороннє оцінювання та моніторинг. З'ясовано у чому полягає подібність і відмінність між компрехендним підходом і компрехендною теорією. Підхід – це своєрідний інструмент для формування теорії. У результаті аналізу доктринальних поглядів щодо компрехендного підходу до перцепції права та узагальнення різних позицій сформовано дефініцію досліджуваного поняття. Висновки: методологічна цінність компрехендного підходу як своєрідного інструменту для формування теорії, полягає в об'єктивному, реальному, не ідеалізованому та деідеологізованому пізнанні права. При цьому неприпустимо визнавати превалювання певної концепції чи теорії. Конструкція права у спосіб поєднання інтегральної теорії права й теорії природного та позитивного права неповна й некоректна. Адже, право – це не тільки ці дві теорії. Але така перцепція права одностороння, а значить необ'єктивна. Наведено аргументи стосовно практичної цінності компрехендного підходу в юридичній техніці, коли оцінювання права здійснюється в залежності від повноти його реалізації та в процесі досягнення юридичної визначеності. Чим об'єктивніше оцінюється право, якість та ефективність його норм, тим швидше воно сприймається (пізнається). Доцільно пізнавати право з оцінюванням також його негативних рис*

Ключові слова: *компрехенсія, пізнання права, філософія права, юридична техніка, норма права, юридична визначеність*

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COMPREHENSIVE APPROACH TO PERCEPTION OF LAW IN THE CONTEXT OF DOCTRINAL VIEWS

Abstract. *The purpose of the study is a theoretical and legal analysis of the compressive approach to the perception of the law in the context of doctrinal views, its substantiation and comparison with the comprehend theory. The originality of the study lies in the substantiation of the theory of the comprehensive approach, which consists in a strictly objective, real, non-idealised, deideologised cognition of the law. New ideas related to the perception of law through an objective and comprehensive assessment and monitoring are proposed. The similarities and differences between the comprehensive approach and the comprehend theory are clarified. The approach is a kind of tool for the development of theory. As a result of the analysis of doctrinal views on the comprehensive approach to the perception of law and the generalisation of different positions, the definition of the studied concept is developed. Conclusions: the methodological value of the comprehensive approach as a kind of tool for the development of the theory lies in the objective, real, non-idealised, and deideologised cognition of the law. Therewith, it is inadmissible to recognise the prevalence of a certain concept or theory. The construction of law in the way of combining the integrated theory of law and the theory of natural and positive law is incomplete and incorrect. Since law is not limited to these two theories. Thus, this perception of law is one-sided and biased. Arguments are given regarding the practical value of the comprehensive approach in legal technique when the assessment of the law is conducted depending on the completeness of its implementation and in achieving legal certainty. The more objectively the law, the quality and effectiveness of its rules are assessed, the faster it is perceived (recognised). It is advisable to comprehend the law with the assessment of its negative features*

Keywords: *comprehension, cognition of law, philosophy of law, legal technique, rule of law, legal certainty*

INTRODUCTION

At this stage, the general theory of law is lacking essential characteristics and fundamental principles of reality and cognition, human existence, fundamental characteristics of human attitude to nature, society, and spiritual life in all its main manifestations. Since insufficient attention to the philosophy and philosophy of law in Soviet times and after them, admittedly, negatively affected the completeness and depth of cognition of the law. The comprehensive approach is the basis of the comprehend theory, the purpose of which is characterised not by the imposition or substantiation of any one theory of law, but by a comprehensive study of law, considering all available theories. From the standpoint of the system of views and ideas about comprehensive cognition of law, certain positive and negative facets are distinguished. It is not advisable to argue about this matter since the law is a complex, multifaceted social phenomenon. Law should be viewed philosophically, stating the various properties of the object, its manifestations and differences. Oddly enough, many researchers lack a philosophical attitude to law [1, p. 5]. The law detects both positive and negative aspects. The law in some countries allows and regulates prostitution, drug trafficking, bio-experiments on a person and one's psyche, the development and distribution of weapons, toxic substances, etc. In some countries, the law regulated same-sex marriage, incest, and the possibility of adoption of children by such subjects. For that reason, an objective, versatile, and principled approach to law is necessary [2, p. 7].

The question of the interrelationships and relationships between the philosophy of law and the general theory of state and law is of considerable theoretical, methodological, and practical value. Modern science is characterised by the strengthening of interrelations between various industries, integrative trends in their development. The central problem of integrating sciences and synthesising knowledge is their correlation, establishing and strengthening relationships between them. The core of integrative-general scientific forms of perception (cognition) is philosophy, which through ideological, methodological functions, universal categorical apparatus influences the convergence of sciences [3, p. 56].

In general interpretation, compensation refers to extracting meaning from receptor visual and/or oral stimuli. Although there are certain modality-specific mechanisms during cognition, there are also many common mechanisms underlying the perception of almost all stimuli [4]. Some commonly used mechanisms of comprehension include developing local and global perceptions of the psyche (also known as the situational model), inference, and generating mental images. Notably, perception contains three consecutive lexical mechanisms: auditory, phonetic, and phonological. Listeners first recognise the physical properties of sounds, such as their "frequency" and "time attributes," without assigning them values and picturing them on word information. Phonological elements, such as stress and speed, are also important for the perception of continuous speech and situational context in the perception of isolated words, but when the context is not provided, speech usually becomes incomprehensible [5, p. 6].

The meaningful concretisation of the comprehensive approach to the perception of the law becomes relevant in the view of the development of theoretical and applied issues of legal technology, legal monitoring, theory and practice of legal reservations. Compensation becomes a tool for understanding the relationship between the rational and irrational components of scientific knowledge. In modern science, the antagonism between rational and irrational approaches in cognitive activity is removed, irrational aspects are considered as implicit foundations of scientific knowledge [3-4; 6]. In this regard, the comprehensive approach to the perception of law is one of the ways to understand the irrational components of the scientific method. Some aspects of the comprehend theory of law were covered in the publications of V.D. Babkin [3], R. Zwaan, J. Miller, J. Magliano [4], V. Aryadoust [5], A. Medova [6], A. Ovchinnikov [7], J. Rodríguez, S. Orunesu [8], H. Berman [9], S. Zakhartsev, V. Salnikov [1; 2; 10; 11], S. Symeonides [12], I. Shutak [13], G. Cervetti, P. Pearson [14], E. Kessler [15], V. Rotan, I. Samsin, A. Yarema [16], S.I. Onyshchuk [17; 18], T. Kissel, S. Shapiro [19], O. Leist [20], V. Lazarev [21], S. Pohribnyi [22], O. Kot [22; 23], N. Kuznetsova [23] et al.

The problem of a comprehensive approach to the perception of law is among the understudied, as evidenced by the insufficient number of special monographic studies that would fully and objectively cover it. At this stage, there are attempts to combine the integral theory of law with the theory of natural and positive law. However, the law is not limited to these two theories. This means that the design is incorrect in this perspective. Combining only these theories will be incomplete. Such perception of law is one-sided, and therefore biased. So far, neither theorists nor philosophers of law have conducted a special purposeful and systematic study of the comprehensive approach to the perception of the law.

The purpose of the study is a theoretical and legal analysis of a comprehensive approach to the perception of the law in the context of doctrinal views, its substantiation and comparison with a comprehend theory. Achieving this purpose involves: establishing the methodological value of a comprehensive approach in the objective, comprehensive cognition of law and legal relations; showing that one-sided and uncritical cognition of law contradicts the very essence of science and inevitably leads to its erroneous interpretation.

1. MATERIALS AND METHODS

In addition to the comprehensive approach, the methodology of its study also generates scientific interest. To rethink the unique combination of different approaches to the cognition of the law, a number of research methods were used. The research methodology includes such general scientific tools as analysis and synthesis, induction and deduction, analogy, comparison, which are developed by logic and used to solve clearly defined epistemological problems. To clarify the content of certain scientific concepts of the comprehensive approach to the cognition of law, a formal logical method is used. It is based on the concepts, categories, rules, and laws of formal logic. In this situation, researchers abstract from the problems of subjective knowledge and understanding of the law.

The methodological basis of the study of a comprehensive approach to the perception of law was the method of legal science as a system of means of cognition of law, which consists of the following subsystems: philosophical means; general scientific means; special legal means; methods and techniques of research. Upon using the philosophical and legal reflection, ways of constructing models of legal reality are considered. It is based on the ability of the subject of legal consciousness to philosophical introspection, to study their relations with legal reality. Upon using philosophical and legal reflection, the specific features of the content of law and cognitive processes are disclosed.

The method of practical study, separated from philosophical foundations, allows presenting an object in immediate reality. The complexity of the objectivity of this method lies in the fact that the one-sided orientation of the analysis narrows the researcher's horizons and suggests important aspects. The scientific approach ensures the implementation of such requirements as objectivity, evidence, accuracy, integrity, criticality, focus on adequate legal monitoring and asessment of legal provisions, etc. If ordinary knowledge is mainly

a statement of phenomena, external relations, and relationships, scientific is focused on the study of patterns, on the search for new, hence its high explanatory and predictive abilities, its systematic organisation of one of the innovative fundamental approaches – system, and its method of systems analysis, which is considered as an effective method of studying legal objects and processes.

Conventional analysis as a form of research practice is applicable to the comprehensive approach. Much depends on the general epistemological foundations and ontological representations that accompany the study. Recognising the ontological connection between the comprehensive approach and the cognition of law, it is appropriate to conduct research in this area. By means of the principles of complexity and interdisciplinarity, the comprehension and the functional relationship of the gnoseological process and penetration into the essence of law are considered. The positivist approach to this study is aimed at substantiating the comprehensive approach from a legal standpoint and ensuring its rational explanation. Such an approach made an attempt to establish causal relationships and relationships between various elements of the subject of research (establishing the relationship between a good law and a shaky, unsecured, and therefore bad right, which cannot be exercised due to the lack of a legislative definition of the procedure for it).

The research methodology also uses a phenomenological approach. This is a research approach from the standpoint that the perception of law is not as easy to measure as a phenomenon in the natural sciences. A person's motivation for the perception of law is developed by means of factors that are not always noticeable, internal thought processes. Furthermore, people give their own meanings, which do not always coincide with the way others interpret. The use of the dialectical method is productive since it allows identifying new problems that are important for research, thus providing a perspective for the development of the scientific subject. Identifying the character of the relationship between compensation and perception of law arises another problem – the ontology of law, a change in the interpretation of which is initiated by describing the phenomenon of a systematic relationship between the cognition of law and all available theories and approaches.

2. RESULTS AND DISCUSSION

2.1. Correlation of the comprehensive approach and the comprehend theory of cognition of law

From the standpoint of the comprehensive approach, the legal reality is the same as ideas about legal reality. In this aspect of its existence and expression, the legal reality is primarily an imaginary or symbolic reality. The evolution of law and ideas about law occurs along with the development of symbolic communication processes and has replaced the normative language of natural, biological communication with the normative language of social culture. The law is defined not only by its subject matter but also by how it is formalised by its subject matter. Therefore, the law is a symbiosis of provisions and values, rules and worldviews, etc.

Cognitive and methodological problems are solved by the epistemology of law. Legal epistemology is a branch of the philosophy of law that examines the methodology of cognition of law, the specific features of legal knowledge and cognition, its structure and dynamics. Epistemology of law or legal epistemology contains various paradigms of legal thinking, studies legal thinking, based on the structure of legal knowledge, studies the theory of law, and is a metatheory of law. Since it exists not only as a result of cognition of law but also as an element of the inner world of a person, as legal consciousness, legal archetype, legal intuition, etc. [7, p.65]. It is advisable to identify the similarities and differences between the comprehensive approach and the comprehend theory of cognition of law. Since commonly the approach, as a complex of paradigmatic, syntagmatic, and pragmatic structures and mechanisms of cognition, is identified with theory, that is, a system of scientific ideas, principles, conclusions, etc. In other words, the approach is a kind of tool for developing a theory.

Comprehend theory – a philosophical theory of cognition of law *(from Latin comprehendo – comprehensive)*. This theory aroused great interest among both philosophers and lawyers. The subject of the theory of the comprehensive study of law is the law itself as a complex, contradictory, multidimensional, dynamically changing social phenomenon, assessed without the dominance of any legal concept. The subject of the theory of the comprehensive study of law covers regularities of dialectical essential differences in law and legal existence; regularities of influence on an adequate and objective assessment of law and legal reality of extraneous factors (such factors include economics, politics, ideology, the role of the head of state, etc.); prospects for the development of law in the context of legal reality [2, p. 11-12].

A comprehensive *(complex; inclusive)* approach to the cognition of law is a methodological technique according to which all co-existing *(comprehendo)* types of understanding of law have the same value, and none of them can be recognised as the only correct or dominant one, their integration is also fundamentally impossible since in this situation they lose their identity. One of the most pressing problems of the philosophy of law and the theory of state and law is solving the issues of gradually overcoming the considerable gap

between theory and practice, between the declarative provisions of laws and their real implementation. Sometimes the philosophy of law is considered exclusively as a branch of knowledge that has no direct access to legal practice. It is worth recalling that Kant, when defining law as the result of the work of "pure reason", did not deny that the "law" is aimed at practice [3, p. 59].

To cover the comprehensive approach, it is necessary to conduct a rational reconstruction, which has certain stages. First, it is an informal clarification of the approach, which seeks to clarify it as accurately as possible, that is, to explain the content, referring to the practice of using it in different contexts. The second is to develop a more accurate system of views than the previous one to formulate the largest number of universal statements. The new understanding should be similar to the previous one in the sense that it can be applied in most situations in which explanations are used, and be as simple as possible [8, p. 7].

It is worth noting that the comprehend theory is not an integral theory of law. As is known, the term "integral jurisprudence" originated in the United States. The founders of the integral theory of law are famous American researchers Harold Berman, Jerome Hall, and Ronald Dworkin. Thus, H. Berman asserted that integral jurisprudence should unite three classical schools: legal positivism, the theory of natural law, and the historical school. Integral theory "is based on the belief that each of these three competitive schools has identified one of the important dimensions of law, excluding others, and that the displacement of several dimensions in one focus is, firstly, possible and, secondly, important" [9, p. 340].

Approaches to the law are not limited to legal positivism, the theory of natural law, and the historical school. This means that the construction in this form is doomed to failure: combining only these theories will be incomplete. Although H. Berman called his integral theory philosophy, it was legal theories that he tried to combine. It is not surprising that lawyers began to develop an integral theory of law mainly within the framework of the general theory of law. The integral theory of law unwittingly became a legal and limited framework of the general theory of law. Philosophy, on the other hand, does not tolerate restrictions in views and concepts. There is no reason to agree with the proposal to combine the "best" of the available theories into an integral theory [1, p. 8].

Based on abstract considerations that contrast always good law with often bad law, it is difficult to formulate any specific recommendations for a modern legislator who fundamentally recognises the ideas of freedom, equality, and justice but does not in all cases know how to implement them in legal regulations. Furthermore, from the standpoint of the proponents of this concept, the opposite ratio has completely befallen – a good law and a shaky, unsecured, and therefore bad right. An example of such a correlation is the inability to exercise this right due to the lack of a legislative definition of the procedure for it [10, p. 9].

2.2. Practice of applying a comprehensive approach in legal technique

Commonly, the comprehensive approach is used in legal technique. The unity of form and content in law gives grounds to assert that legal technique in a certain way affects not only the wording but also the search for its legal content. The sphere of legal technique is law-making and legal proceedings, where the provisions developed by science have their own interpretation and application. Comprehension in legal technique is associated with the logical systematisation of legal provisions, which is conducted by joint efforts of doctrine and judicial practice. A comprehensive approach, according to S. Simeonid, does not affect the result but affects the arguments of the parties and the analysis of the court. These results should be inherently reasoned or, if this is not the case, they are still barometers of what the courts will do in future cases [12, p. 188].

Without a comprehensive approach, a comprehensive legal monitoring activity aimed at observation, analysis, assessment of the current legislation and the practice of its application to improve the effectiveness of legislation and its further forecasting will also be unthinkable. Legal monitoring is a dynamic organisational and legal institution of an information and assessment character that operates at all stages of management and governance which manifests itself at all stages of the emergence and operation of law [13, p. 88]. Important in the context of the study of the comprehensive approach to the perception of law are the developments in the field of psychology of P. Pearson and G. Cervetti. According to the researchers, text perception during reading and memorisation are the main basis for comprehension. While the essence of perception is a comprehensive understanding of the relationship between the text, its structure, and ideas. Therefore, only a comprehensive approach allows understanding the meaning of what is written [14, p. 4]. Furthermore, as noted by E. Kessler, an individual characteristic such as epistemic beliefs (prior knowledge), affects the metacognitive processes associated with understanding multiple texts, considering previous knowledge [15, p. 6]. Based on the subject of this research, some practical issues related to the need to apply a comprehensive approach and updated by the recodification of the civil legislation of Ukraine, initiated by the government back in 2019 are considered. It seems that the poor placement of words in sentences of the text of legal regulations has become a daily

occurrence. Even in codified laws, such shortcomings are common. There are even more of them in other laws and bylaws. Each time such shortcomings are identified, it becomes necessary to use adequate means of interpretation to ensure the relevant provision of the legal regulation reasonable content. In the Civil Code of Ukraine [24], an error in the placement of words in a sentence was already made in part one of Article 1: "Civil legislation regulates personal non-property and property relations (civil relations) based on legal equality, free expression of will, and property independence of their participants".

Syntactic interpretation of the above legislative provision gives grounds to conclude that all personal non-property and property relations are civil, yet civil legislation regulates solely such relations that are based on legal equality, free expression of will, and property independence of their participants. This contradicts the classical ideas about civil relations, which are recognised all over the world, and leads to uncertainty in Article 2 of the Civil Code, which establishes the circle of participants in civil relations. Only a systematic interpretation of Article 2 of the Civil Code, its comparison with the provisions of the Civil Code that define the civil legal personality of individuals and legal entities, the state, the Autonomous Republic of Crimea, and territorial communities gives grounds for concluding that the persons listed are participants in those civil relations that are regulated by civil legislation [16].

The rule of law is fundamental to citizens' participation in governance. Government structures initiate the process of solving public problems and act as an intermediary, giving society the opportunity to act independently. Thus, the state only sets limits of responsibility for all its citizens and promotes the development of civil and business activities. The German model of reforms can be called conservative, since it is based on an awareness of the identity of the national administrative culture, qualified as a "culture of statehood", as opposed to the "culture of civil society" characteristic of Great Britain. Germany seeks to preserve the Weber tradition of rational management as the rationality of laws, plans, and instructions, while reformers gradually introduce elements of new management concepts [17, p. 564].

2.3. The achievement of legal certainty through comprehension

The presence of contradictions is quite natural due to the fact that the legislation consists of a huge number of legal regulations of various subjects over a long period of time. Frequently, experience is at odds with logic. Notably, despite modern foreign research, logical positivism substantiates, as noted by T. Kissel and S. Shapiro, the existence of pluralism of different logics [19]. Evidently, according to this pluralistic approach, an integrative definition of law is impossible. It is advisable to agree with the statement of Oliver Holmes, a man who had a unique experience of scientific and judicial work: "The life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed". In an effort to coordinate the judicial practice of Ukraine with European standards, it is impossible to ignore the specific conditions that exist in Ukraine, and which are emphasised [16].

For example, paragraphs 47 and 48 of Opinion No. 11 (2008) [25] of the Consultative Council of European Judges to the attention of the Committee of Ministers of the Council of Europe on the quality of judicial decisions recognise the right of judges to interpret the law using the principles of interpretation adopted in national and international law. However, it is noteworthy that this is contrasted with the requirement for courts to promote legal certainty. Therefore, to ensure legal certainty, it is recommended to focus on judicial precedent *(in common law countries)* or to court practice *(in continental law countries)*. The reference point for interpretation is judicial practice.

Proponents of the distinction between law and legislation did not consider that law differs from the legislation by its ability to be exercised in specific legal relations, in the rights and obligations of members of society, and therefore the law cannot embody excessively general formulations (good in design) of the legislation, do not have a developed mechanism for translating them into specific legal relations. In addition, the implementation of one or the other has also completely disappeared from the field of view of proponents of the distinction between law and legislation, because, in their opinion, the law is the ideas of freedom, equality, and justice, and legislation is texts that may contradict these ideas [20, p. 307-308].

It is advisable to recall the Constitution of the USSR of 1936, which declared such constitutional values as freedom, equality, and justice to disguise disenfranchisement and terror. The creation of legal provisions is of a legal character, which determines the need for the legal regulation of its mechanisms. Law-making without such mechanisms seems impossible. The most effective indicators of legal regulations of the Cabinet of Ministers of Ukraine are quality; availability of a really certain volume and sources of material and financial support, a real mechanism of legal support for the implementation of regulations in everyday practice; the

quality of law enforcement and the legality of the behaviour of direct participants in regulated social relations; a high level of legal culture of citizens and society in general [18, p. 443].

Dogmatic legal knowledge is not derived from reality, but formats reality based on an ideologically defined idea of its place and role in the practice of legal organisation of public relations. The "reasonable" law of subsequent epochs was not so definite in likening man to cattle and did everything to obscure the exploitative essence of the existing legal relations, to perceive formal equality for equality in general, etc. From the standpoint of the ruling elites (classes), this was reasonable, and this "reasonableness" was fully consistent with the uncertainty of legal regulation. Uncertainty, in this case, can be presented as a positive phenomenon, which would be strongly opposed, but the characterisation of law in the categories of will and interest, service and benefit organically implies the need in fundamental cases to conceal the true content of provisions and, as a result, to maintain uncertainty. Only an openly dictatorial, tyrannical regime can reject guile and understatement [21, p. 44-45].

It is necessary to review the mechanism for ensuring the status of the Civil Code of Ukraine as the main regulation of civil legislation of Ukraine. Obviously, the mechanism set out in Part 2 of Article 4 of the Civil Code of Ukraine [22] was ineffective: the text of the Civil Code of Ukraine was amended without considering the specific features of the mechanism of civil law regulation of such relations in Ukraine. This may be necessary to implement the idea of dividing laws into ordinary and constitutional ones, to refer to the codes as the main regulations of various branches of legislation to constitutional laws. However, without appropriate amendments to the Constitution, such an idea is impossible to implement [23, p. 110].

Considering the commitments made by Ukraine under the Association Agreement with the European Union in the field of legislation on the establishment and operation of companies, corporate governance, to create a fully functioning market economy and stimulate trade, Ukraine and the EU agreed to cooperate, in particular, to protect the rights of shareholders, creditors, and other interested parties in accordance with EU requirements. Therewith, the regulation of the activities of legal entities (the so-called "business entities" in the Commercial Code of Ukraine do not correspond to any of the concepts of legal entities depicted in the Civil Code of Ukraine and generally accepted practice and EU standards in this area. In such circumstances, it is advisable to harmonise the legislation of Ukraine in this regard with European approaches to regulating the institution of a legal entity [24, p. 108].

The one-sidedness and inaccuracy of the approach to the law are also characterised by the "connotation of a good phenomenon in relation to a bad law" [11, p. 80]. Thus, according to the Constitution of Ukraine, a person, one's life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. The establishment and enforcement of human rights and freedoms is the main responsibility of the state. Indeed, there are no complaints about the laws, all of them comply with the Constitution of Ukraine, fulfil its idea of the highest value of human rights.

Thus, if a right that everyone should strive for is created, it is still wrong to reduce it to such a form as freedom, equality, and justice. Moreover, their exact definition is an overly complex philosophical question. Without a doubt, the law is an important and necessary phenomenon of public life. Yet other phenomena are also equally important – spirituality, culture, economy, digitalisation, etc.

CONCLUSIONS

Thus, the purpose that was set at the beginning of the study has been achieved, and the task has been completed. As a result of the analysis of doctrinal views on the comprehensive approach to the perception of law and the generalisation of various positions, the following definition of the concept under study is developed: "The comprehensive approach to the perception of law is a set of principles, methods, and methodological techniques that are focused on the organic unity of ideal and material factors, rational and irrational factors, subjective and objective components of comprehensive cognition of law".

It is shown that the methodological value of the comprehensive approach as a kind of tool for the development of theory consists in the objective, real, non-idealised, and de-ideologised cognition of the law. Therewith, it is unacceptable to recognise the predominance of a certain concept or theory. The construction of law by combining the integral theory of law and the theory of natural and positive law is incomplete and incorrect. Since law is not limited to these two theories. Such perception of law is one-sided, and therefore biased. The more objectively the law is assessed, the quality and effectiveness of its provisions, the faster it is perceived (becomes known). To achieve objectivity and completeness, it is advisable to study the law with an asessment of its negative features. Arguments are given regarding the practical value of the comprehensive approach in legal technique when the law is assessed depending on the completeness of its implementation and during the achievement of legal certainty. The legal level in various legal systems is different. Proper law

mainly exceeds the mechanical totality of the legislator's will, natural law, ideal provisions, social facts, psychological phenomena, etc. Thus, it is incorrect to formulate a definition of the general concept of law solely on the principle of will, freedom, restriction, or prohibition.

It is proved that one-sided and uncritical cognition of law contradicts the very essence of science and inevitably leads to its erroneous interpretation. There is a lot of idealism in the proposed modern concepts (natural, liberal, integral, etc). However, humanity has not yet succeeded and will undoubtedly not succeed in creating an ideal society soon, even absolutely just. Outside the ideal society, models of idealised law are not fully implemented. European and national theories can develop based on a monistic understanding of the law, in the aspect of a synthetic approach, considering the fact that monistic theories offer a one-sided cognition of the state and law. Attempts to study law from a monistic perspective do not give complete results. This study does not allow covering all aspects of the comprehensive approach to the perception of the law. Notably, the comprehensive approach recognises the existence of different centres of legal experience. The starting point of the research perspective on the stated subject is the question of applying a comprehensive approach in legal monitoring of law-making and law enforcement.

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