

STRUCTURAL LINKS AS A FACTOR IN ENSURING THE SUSTAINABILITY OF LEGAL CONSTRUCTS

СТРУКТУРНІ ЗВ'ЯЗКИ ЯК ФАКТОР ЗАБЕЗПЕЧЕННЯ СТАЛОСТІ ЮРИДИЧНИХ КОНСТРУКЦІЙ

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The article addresses the current issue of ensuring the stability of legal constructs, which are key tools for structuring legal norms, especially in the context of today's dynamic legal and societal changes. It is noted that an important, yet insufficiently studied factor in the stability of legal constructs is their internal structural links. The article emphasizes that disregarding these links in law-making leads to the instability of legal norms and a decline in the effectiveness of legal regulation.

This research is grounded in the structural approach, where law is understood as a system of interrelated elements. According to this approach, a legal construct is an organized system in which its elements (concepts, institutions, norms) are interconnected by structural links that ensure coherence, integrity, and logical consistency. These links form the «framework» of the construct, maintaining its stability and enabling it to adapt to change without losing its essence.

The article identifies the features of structural links, including stability assurance, functional determination, logical justification, integrativity, and adaptability. It also establishes that the purpose of the structural links of a legal construct is to ensure its integrity, stability, and functional capacity, which preserve its sustainability amid changes in the legal environment. The key functions of these links are examined in detail: ensuring coherence and unity; systemacity and orderliness; stability and predictability; interpretative and orientational guidance; adaptability and dynamism. It is substantiated that these functions enable legal constructs to maintain their stability. The conclusion is drawn that understanding structural links has practical significance for improving law-making and law enforcement, as they are a fundamental factor in the stability of legal constructs, ensuring their logical coherence and functionality in a changing environment.

Key words: legal technique, legal construct, stability of legal constructs, structural links, structural approach, legal regulation.

Стаття присвячена актуальній проблемі забезпечення сталості юридичних конструкцій, що є ключовими інструментами впорядкування правових норм, особливо в умовах сучасних динамічних правових та суспільних змін. Зазначається, що важливим, проте недостатньо дослідженим фактором стабільності юридичних конструкцій, є їхні внутрішні структурні зв'язки. У статті наголошується, що ігнорування цих зв'язків у нормотворенні призводить до нестабільності норм та зниження ефективності правового регулювання.

Дослідження базується на структурному підході, де право – це система взаємопов'язаних елементів. Юридична конструкція, згідно з цим підходом, є впорядкованою системою, де між її елементами (поняттями, інститутами, нормами) існують структурні зв'язки, що забезпечують узгодженість, цілісність та логіку. Ці зв'язки формують «каркас» конструкції, підтримуючи її стабільність і дозволяючи адаптуватися до змін без втрати сутності.

У статті виокремлено ознаки структурних зв'язків: забезпечення стійкості, функціональна зумовленість, логічна обґрунтованість, інтегративність, адаптивність. Також встановлено, що мета структурних зв'язків юридичної конструкції – забезпечення її цілісності, стабільності та функціональної спроможності, що зберігає її сталість за умов змін у правовому середовищі. Детально розглянуто їх ключові функції: забезпечення цілісності та єдності; системності та впорядкованості; стабільності та передбачуваності; інтерпретаційно-орієнтаційна; адаптивності й динамізму. Обґрунтовується, що ці функції дозволяють юридичній конструкції зберігати сталість. Робиться висновок, що розуміння структурних зв'язків має прикладне значення для удосконалення нормотворчості та правозастосування, адже вони є фундаментальним чинником сталості юридичних конструкцій, гарантуючи їхню логічну цілісність та функціональність у мінливому середовищі.

Ключові слова: юридична техніка, юридична конструкція, сталість юридичної конструкції, структурні зв'язки, структурний підхід, правове регулювання.

Problem Statement. In the modern legal landscape, legal constructs serve as key tools for the organization and systematization of legal norms. However, the process of forming and applying such constructs often faces the challenge of ensuring their stability (resilience) amid the dynamic conditions of societal development. This issue is particularly relevant in today's legal realities, as national systems grapple with the challenges of globalization, digitalization, legal reforms, and integration processes.

One of the underexplored components affecting the stability of legal constructs is the set of structural links that unite the elements of a construct into a cohesive whole. The lack of due attention to these links in both theory and law-making practice leads to the instability of legal norms, legal conflicts, and a decrease in the effectiveness of legal regulation. At the same time, contemporary law-making activities are increasingly marked by the complexity of legal norms' content, which requires a clear understanding and construction of the structural logic of legal constructs. Therefore, the issue arises of both theoretical comprehension and practical assurance of structural links as a key factor in the stability of legal constructs. This issue holds not only theoretical but also practical significance for improv-

ing law-making processes and enhancing the effectiveness of legal application.

Analysis of Research and Publications. The systemic-structural approach has attracted certain interest in contemporary jurisprudence as a means of studying legal phenomena, as evidenced in the works of R. Topolevskyi, S. Vyshnovetska, I. Lytchenko, I. Pohrybnyi, V. Fennych, among others. Elements of the systemic-structural approach in the study of legal constructs are found in the works of D. Lavrenko, L. Lehin, M. Kuntsevych, Z. Zahinei, N. Levytska, I. Babin, A. Osaulenko, and others. However, comprehensive studies that systematically analyze structural links precisely as a factor ensuring the stability of legal constructs and detail the mechanisms of this process are still insufficient.

Main Provisions. We believe that our research should primarily be based on understanding the essence and significance of the structural approach for legal science in general, and for the study of legal constructs in particular. The structural approach in legal research emphasizes that law is not merely a sum of norms but a product of the organic connection between all its elements. According to the structural approach, the components of the legal system should not be analyzed in isolation but in consideration of their inter-

relations, so that law is not merely a collection of discrete elements but a product of the organic unity of all these elements [1]. Geoffrey Samuel defines the structural method in the humanities as a key to understanding, which allows one to focus on the hidden structures of social phenomena [2, pp. 81–82], enabling a more in-depth study. This explains why explanations of the role and construction of legal constructs are often based on the doctrines of structural approach proponents such as Rudolf von Jhering and G. Hegel. In particular, R. von Jhering asserted that law, when systematized, represents the most fruitful form, characterized by clarity, unity, and coherence, and serves as a source for the creation of new legal constructs [3, p. 15].

The issue of the stability of legal constructs is particularly relevant in modern legal science, as legal systems operate in a dynamic environment that demands not only adaptability but also the preservation of the integrity of key legal phenomena. The concept of a «legal construct» is widely used in legal scholarship as a tool for organizing and processing legal material to achieve the logical and functional integrity of legal regulation. Rudolf von Jhering considered the legal construct as a form of expressing law and its systemic nature [3, p. 15], while other authors define legal constructs as generalized models of the structure of legal phenomena [4, p. 976]. In this context, A.O. Dutko argues that in examining the etymology of the term «construct» as structure, one should understand structure as «the composition of elements and the type of connection between them» [5, pp. 42–43]. This means that every legal construct is not merely composed of separate elements—it forms an organized system of internal interconnections that ensure the coherence and stability of the construct as part of a broader legal system. It is precisely these structural interconnections between elements that guarantee the integrity of the construct and its capacity to maintain stability even in the face of changes in the external legal environment.

According to the positions of the structural approach, a legal construction is not a mechanical aggregation of legal norms or concepts but represents an organized system in which specific relationships (connections) are established between elements. Scholars understand «connections» as expressions of the unity of elements within a phenomenon, which ensure the processes of its emergence, functioning, change, and development [6, p. 114]. Accordingly, the structural connections within a legal construction refer to the relationships arising between its constituent elements (legal concepts, institutions, norms), which ensure their consistency, integrity, and internal order. These connections reflect the logical organization of the construction, which determines its ability to perform integrative, regulatory, and adaptive functions within the legal system. This is explained by the fact that structural connections set the boundaries and order of interaction between the elements of the construction, forming its internal «skeleton» – the framework that supports the stability and resilience of the legal phenomenon. Thanks to this, a legal construction can adapt to changes in the external environment without losing its identity and functionality.

Given the above, the structural connections of a legal construction possess unique specific characteristics that distinguish them from other types of legal or social relationships, namely:

- ensuring the durability and stability of the legal construction, allowing it to maintain integrity even under changing external factors (legislative, social, political). For instance, the construction of a contract, with stable structural elements dating back to Ancient Rome;
- functional conditioning of the connections' structure, according to the purpose of the legal construction and its functions (regulatory, integrative, protective);
- logical coherence in the organization of the connections, particularly based on the principles of subordination and coordination;

- uniting various elements of the construction into a cohesive whole, enabling their interaction (integrativeness);

- allowing the construction to respond flexibly to changes in the normative environment without compromising its integrity (adaptiveness).

Thus, the purpose of the structural connections of a legal construction is to ensure its integrity, stability, and functional capacity, preserving its resilience under changing conditions in the legal environment. However, for a deeper understanding of the role of structural connections in maintaining the stability of legal constructions, it is advisable to move from analyzing their purpose and characteristics to clarifying their functions.

It is widely recognized that in scientific methodology, functions are defined as the principal ways in which the essence of a particular phenomenon or object manifests itself, revealing its role within a system. In the context of ensuring the stability of a legal construct, the functions of structural links should be viewed as mechanisms through which they fulfill their role in maintaining the stability of the structural elements of the legal construct. In our study, we consider that the features and functions of the structural links of a legal construct are closely interrelated, resembling the relationship between form and content: features represent the formal properties that describe the construct, whereas functions represent the substantive expressions of these properties within the processes of legal regulation and law enforcement. This interconnection allows the legal construct to remain stable and effective, adapting to new conditions without losing its internal logic and coherence.

Among the functions of structural links in a legal construct, the function of ensuring the integrity and unity of the legal construct should be highlighted, as the existence of structural links ensures that the elements of the legal construct remain interconnected, preventing them from disintegrating into isolated norms or principles, and allowing them to function as a cohesive whole. For instance, in civil law, the construct of a contract encompasses statutory conditions, the parties' obligations, and sanctions for their breach. Structural links between these elements (such as the logical interdependence of rights and obligations) ensure the integrity of the contractual construct and its ability to adapt to specific circumstances [6].

The subsequent function – the function of systemic coherence and orderliness—is based on the establishment of a logical hierarchy of elements within the legal construct, enabling it to be regarded as a model in which each element plays its role without duplicating or contradicting others. For example, in constitutional law, the construct of the separation of powers is built upon structural links between branches of government. These links form an organized system in which each branch has its own competencies and mechanisms of checks and balances, preventing imbalances in public administration [7].

The function of ensuring stability and predictability constitutes one of the key functions of structural links, as it creates the preconditions for the stability of the legal construct. Through the clear interrelation of its elements, the construct maintains stability even in conditions of legal transformation, social crises, or changes in the normative framework. For instance, in the field of tax law, the construct of a taxpayer's tax obligation includes norms on the object of taxation, the tax base, rates, and payment deadlines. Structural links among these elements ensure the predictability and stability of tax regulation, reducing the risk of arbitrary state interference [8].

Interpretive-Oriental Function characterizes structural links as those that aid legal practitioners in correctly interpreting norms, considering their role within the broader legal system. This minimizes the risk of ambiguous or contradictory application of legal constructs. For instance, in criminal law, the structure of a criminal offense includes the object, the objective aspect, the subject, and the subjective aspect. Thanks to the structural links between these elements,

legal practitioners can accurately determine the presence of a criminal offense, thus preventing erroneous conclusions.

Finally, we identify the function of Adaptability and Dynamism, which, despite the primary objective of structural links – to ensure the stability of a legal construct – is nevertheless inherent in the structure of legal constructs, as all phenomena of objective reality are subject to the law of dialectical development. The flexibility of a legal construct's connections allows for the integration of new norms or principles into its model without compromising the construct's integrity. For example, in environmental law, the structures of the legal regime of protected natural areas include basic elements (norms governing usage, restrictions,

and user rights), which can be modified to align with updated environmental standards while preserving the core structure.

Conclusions. Thus, structural links are a key factor in ensuring the sustainability of legal constructs, as they provide not only logical coherence and integrity of the construct but also the stability of its elements amid the changing conditions of legal reality. These links integrate norms, principles, and other components of the construct into a unified functional whole, allowing it to maintain stability of content while adapting to new challenges and changes. In this way, structural links act as a kind of «framework» that supports the legal construct, making it not only logically coherent but also functionally viable and resilient to external influences.

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