

CURRENT ISSUES OF APPLICATION OF LEGAL INTERPRETATION METHODS¹

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Introduction

The textual fixation of legal norms is the first step in the process of ensuring the implementation of the norm in legal practice; however, in the later stages of that process, in order to ensure the proper application of the norm, it is often necessary to reveal the meaning embedded in its text. Legal interpretation is the legal tool that ensures the transition of the process of legal regulation from the fixation of the norm of law to its application.

There are many studies on interpretation methods in the legal literature, in which the authors usually present a specific method or methods of interpretation, stating the positive and negative aspects of their application and making a conclusion about what is the most correct or the most incorrect interpretation method, valuing or criticizing their features.

However, the problem of improving the use of legal interpretation methods still needs deep and comprehensive scientific studies.

In this scientific work, we will justify that legal interpretation can successfully achieve its goal only with the mandatory joint use of all possible legal interpretation methods, which will also ensure the unity and stability of the legal system.

Otherwise, a situation may arise when the person interpreting the norm will arbitrarily choose only one or several separate interpretation methods in order to extract the desired meaning from the norm and apply only these ones when interpreting the norm.

The need and guidelines for legal interpretation

One of the most important requirements and goals of law-making is the formulation of the text of the legal act in such a way that it ensures the exact expression of the will of the body adopting it and the purpose invested in it, is clear and definite, thereby also making the content of the contained decrees understandable for their potential recipients, so that it is clear and predictable for them what issue is regulated by the given legal norm, and what behavior they are required to demonstrate by it.

Meanwhile, law-making bodies do not always manage to formulate such a text of a legal norm that would meet the above criteria and exclude the possibility of misunderstandings. As a result, there occurs a situation where the language used in the legal act and the intended meaning may not coincide or only partially coincide. Moreover, the meaning expressed by the same text can be perceived differently by each user of the norm.

The above mentioned problem, as well as the need to interpret the legal norms arising from it, has a number of objective and subjective reasons. Among the objective reasons are the generally abstract nature of legal norms, the development and complication of social relations, the emergence of situations that could not have been predicted before adopting the norm, the need to clarify the real will of the body

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adopting the norm, the danger of contradictions between the given norm and other norms, the presence of professional terms and vague, evaluative terms. Among the subjective reasons are the unskillful application of legislative and linguistic rules when drafting the text of the legal act, the provision of regulations that lead to contradictions with other legal acts, insufficient and non-multifaceted forecasting of possible situations that will arise in public relations subject to the regulation of the given norm.

Therefore, the key importance of legal interpretation is to reveal and clarify the meaning of legal norms, and the ultimate goal is to create clarity by eliminating ambiguity in the interpretation of the norm. In order to achieve the stated goal, it is important to first identify the ways and methods of interpreting in general, and then to search for ways to increase the effectiveness of their application.

There is also an opinion in theoretical literature that it is no use looking for a method to interpret the texts; it is an unattainable goal, because interpretation is an empirical rather than a theoretical matter, and in a particular case it may be impossible to ascertain the purpose of adopting a norm¹.

Meanwhile, the interpretation of law, like any other component of the law-making and law-enforcement process, must be based on the interpretation methods put forward and justified by legal science and the ways of their application.

The term "interpretation" is multifaceted. In the theory of law, it is defined as 1) mental activity aimed at clarifying the meaning of a legal norm, 2) a combination of a number of ways to clarify this meaning, 3) the result of the mentioned mental process expressed in judgments reflecting the content of the interpreted norms². Nersesyants defines the term in a unique way, noting that the interpretation of the law is in the proper clarification and explanation of the regulatory-legal meaning of concretizing the abstract-general content of the static norm of the law in the dynamic process of its implementation³.

Tikhomirov believes that the purpose of interpretation is to ensure the uniform and correct application of the interpreted norm, the elimination of uncertainties and possible errors in the application of the norm⁴. As we can see, the latter considers uniform application of the norm as one of the goals of interpretation. We agree with the mentioned point of view, also assuming that the uniform application of the norm for interpretation should not be so much a goal as a requirement for interpretation, a guideline from which the interpreted should deviate as little as possible. Uniformity and stability of the entire legal system of the state is ensured through the uniform application of the norm. This requirement is first of all supported by the use of a systematic method of interpretation. At the same time, when applying the methods of legal interpretation, it does not follow from the goal of ensuring the unity and stability of the legal system that the development of public relations should not be taken into account when interpreting the norm, but on the contrary, the interpretation should take into account the development of public relations and by ensuring the uniform application of the law, it also guarantees the proper legal fixation and implementation of developing public relations.

¹ See **Grant Huscroft, Bradley W. Miller**, *The Challenge of Originalism: Theories of Constitutional Interpretation*, Cambridge University Press, 2011, page 4.

² See **Белоконь Н. В.**, Соотношение методов лингвистического и юридического анализа при использовании грамматического способа толкования как средство устранения неопределенности в понимании положений конституции Российской Федерации, *Грамота*, 2011. № 8 (14), page 31.

³ See **Վ. Ն. Ներսեսյանց**, Իրավունքի և պետության տեսություն, Երևան, «Նաիրի», 2001, page 204.

⁴ See Тихомиров М. Ю., *Юридическая энциклопедия*, 1995, page 295.

In modern science, stability is considered as the preservation of system parameters and return to these parameters in case of forced deviations, as well as a process of simultaneous change, "regular and organized change"¹.

Although the debate over the proper way to reveal the meaning of a legal norm remains unresolved, theorists have proposed several basic methods of legal interpretation by which the interpretation of law is usually carried out.

Methods of legal interpretation

Professor A. Vagharshyan distinguishes linguistic (grammatical, philological), special-legal, systematic, logical, historical-political and functional methods of legal interpretation². According to Professor A. Ghambaryan there are systematic, grammatical, historical-political and logical methods of legal interpretation³⁴.

Nersesyants distinguished legal-source-scientific, grammatical, logical, systematic, historical (historical-political), legal-terminological (special-legal), operational and purposeful interpretation methods (techniques)⁵.

Foreign authors distinguish other methods of interpretation that are significantly different from those listed above, for example, originalism, interpretation according to judicial precedents, pragmatism, interpretation in accordance with moral values, interpretation in accordance with national identity⁶.

Each of the methods of interpretation reveals the meaning of the legal norm in its own special way, with its own set of tools and based on the goals set before it, that is, with its own inherent orientation. As a result, the meaning of the interpreted norm is revealed "one-sidedly", depending on the perspective, principles and waymarks which influence the way, the given legal interpretation method considers the interpreted norm.

Originalism interprets the norm in an attempt to bring out the meaning invested in it by its developers and adopters at the time of adoption. Originalists believe that the text of the norm has an objectively recognizable meaning at the time of adoption, which does not change over time, and it is the task of interpreters to extract and discover that originally embedded meaning; in interpreting the constitution the interpreter must rely on the established meaning of the constitution as understood by the public at the time of its adoption. This is known in theory as the original public meaning of the constitution⁷.

The pragmatist method of interpretation considers the future benefits of the interpretation to society, the state, and the addressees of the norm, choosing the interpretation that is likely to lead to the best perceived outcome. In the case of interpreting constitutional norms, pragmatists should choose the meaning of the norm that will maximally guarantee the protection of the fundamental rights of the person, ensuring the constitutional order, separation and balance of powers.

In the case of the method of interpreting according to national identity, the

¹ See **Гуц А.** Глобальная этносоциология: Учебное пособие. Омск, 1997, <http://www.univer.-omsk.su/MEP/ch7st.win.htm> (accessed: 08.01.2023).

² See Պետության և իրավունքի տեսություն-2: Դասախոսություն, **Ա. Վաղարշյան**, ԵՊՀ, Երևան, Հեղինակային հրատարակություն, 2011թ., page 312.

³ The original mentions "ways".

⁴ See Պետության և իրավունքի տեսություն: Ուսումնական ձեռնարկ: Հեղ. Խումբ, Գիտ խմբ՝ Ա Ղամբարյան, Մ. Մուրադյան, 3-րդ լրամշակված հրատ, Երևան, «Լուսաբաց հրատարակչատուն», 2018, page 4.

⁵ See **Ներսեսյան**, *ibid* 256.

⁶ See Modes of Constitutional Interpretation, name redacted Legislative Attorney, **Congressional Research Service**, Updated March 15, 2018.

⁷ See **Scalia**, A Matter of Interpretation, *Supra* note 17, page 44–47.

concept of "national ethnos" is taken as the foundation, which is based on the nature and values of the national identity and the institutions characteristic of the given nation.

In the case of structural (institutional) interpretation, the starting point is the adaptation of the meaning of the norm to the structure of the constitution, to the existing relations between the three branches of government, state and local self-government bodies, public authority and the people.

Moreover, the question of which of the above mentioned and other existing methods of legal interpretation are subject to application when revealing the meaning of a specific legal norm, largely depends on the nature of the legal act subject to interpretation and the branch of law to which the given legal act belongs.

As a rule, it is customary to start the interpretation of a legal act from textualism (literal, also grammatical interpretation) method, which focuses on the text of the legal document using linguistic-grammatical rules and techniques. Textualism usually reveals the meaning of a norm through the meaning that the terms used in it had at the time of the adoption of the norm. The initial application of this method is manifested purely sequentially, in terms of time, rather than giving precedence to the given method, since legal norms are expressed through language itself. However, along with language rules, norms texts contain rules formulated by jurisprudence as a result of the specifics of the given language and the generalization of legal practice, taking into account the goals and requirements of the legislation, which do not always coincide with language rules. As a result, some linguistic structures and wordings may receive a special legal content.

The need and purpose of joint application of legal interpretation methods

Each of the methods of legal interpretation listed above has its pros and cons; therefore, it is a goal in itself to indicate which of the mentioned methods should prevail over the others.

For example, speaking about interpreting the provisions of the constitution according to originalism or textualism, it is worth noting that the text of the constitution is often simply silent on a number of fundamental issues of constitutional law, including those issues that the drafters and adopters of the constitution could not have foreseen or preferred not to touch upon¹, therefore in this case only the application of the mentioned methods cannot provide the necessary efficiency.

On the other hand, some authors question the possibility of fixing the basic meaning of the constitution by the generation of its drafters and adopters, as well as the expediency of interpretation according to it, instead proposing methods of interpretation that ensure the correct functioning of the government, the protection of human rights, etc².

Theorists usually put forward their preferred methods of interpretation and argue that they should prevail over other methods of legal interpretation. Such is also the regulation of the legislation of the Republic of Armenia regarding legal interpretation.

Thus, the rules of legal interpretation in the RA legal system are defined by Article 41 of the Law of the Republic of Armenia "On Normative Legal Acts"³ adopted on March 21, 2018, according to which, the norm of the normative legal act is interpreted

¹ See **Laurence H. Tribe**, *The Invisible Constitution* 1–4 (Geoffrey R. Stone ed., 2008).

² See **Paul Brest Et Al.**, *Processes of Constitutional Decisionmaking: Cases and Materials* 54–55 (2006), **Hon. William J. Brennan, Jr.**, *The Constitution of the United States: Contemporary Ratification*, 27 S. TEX.L. REV. 433, 436 (1986), **Hon. Stephen Breyer**, *Active Liberty* 25 (2008).

³ See Legal information system of Armenia, <https://www.arlis.am/DocumentView.aspx?DocID=152139> (accessed: 08.01.2023).

taking into account the purpose of the body adopting the normative legal act, based on the literal meaning of the words and expressions contained in it, the context of the regulation of the entire article, chapter, section, and the provisions of the normative legal act, in fulfillment of which that act was adopted, from the principles defined by the given normative legal act, and in case such principles are not defined, from the principles of the branch of law regulating the given legal relationship.

It follows from the above that the law provides for purposive, literal (textual) and systematic interpretation methods. It should be noted that the current regulation has provided significant progress compared to the previous one. Part 1 of Article 86 of the Law of the Republic of Armenia¹ "On Legal Acts" adopted on April 3, 2002 and repealed on March 21, 2018 stipulated that the legal act is interpreted according to the literal meaning of the words and expressions contained therein, taking into account the requirements of the law, at the same time, providing for that interpretation a limitation that its meaning should not be changed by the interpretation of the legal act.

Under the previous regulation, in fact, the law provided much more limited possibilities of interpretation, only the method of literal (textual) interpretation. Moreover, the use of the expression "must not change its meaning" in the law is puzzling, because the purpose of the interpretation is to reveal the meaning of the norm itself, that is, the meaning of the norm must be revealed as a result of the interpretation, therefore, a limitation of not changing the meaning of the norm cannot be set for the interpretation in the event that it is still not clear what the meaning of that norm is.

At the same time, it should be noted that the cited legislative acts are not applicable to the interpretation of the Constitution of the Republic of Armenia, but the methods of interpretation provided by them, put forward by science and substantiated, can also be used when interpreting the provisions of the Constitution.

According to the edition of the Constitution of the Republic of Armenia adopted on December 6, 2015², one rule of constitutional interpretation is defined, taking into account the practice of the bodies acting on the basis of international human rights treaties ratified by the Republic of Armenia when interpreting the provisions set forth in the Constitution regarding basic rights and freedoms.

The mentioned regulation does not limit the interpreter of the provisions of Chapter 2 of the Constitution within the framework of specific methods and leaves their choice to the discretion of the latter, but at the same time, as a mandatory rule, it provides for the interpretation consistent with the practice of bodies acting on the basis of international treaties on human rights, which is characteristic of systemic interpretation method.

The need to be comprehensive in the interpretation is manifested in the sense that when discovering the meaning of the norm, the interpreter must pay attention to the adoption of the norm, the wording of its text, the application of the norm and any legally significant phenomenon related to its adoption, which in any way may have an impact on the application of the norm. Among such legally significant phenomena are at least the textual formulation of the norm, the will and purpose of the body adopting it when adopting the norm, the socio-historical and political situation in which the norm was adopted, as well as the systemic connection between the given legal act and other legal acts and the uniformity of the norm should be taken into account in order to ensure the application, the guarantee of fundamental human rights and freedoms as a

¹ See Legal information system of Armenia, <https://www.arlis.am/DocumentView.aspx?-docid=120607> (accessed: 08.01.2023).

² See Legal information system of Armenia, <https://www.arlis.am/DocumentView.aspx?DocID=143723> (accessed: 08.01.2023).

result of the application of the norm.

Mandatory joint application of methods, especially in the process of interpretation of the Constitution, has a number of objective reasons.

In particular, in the legal system of the state, the Constitution has a special legal character, which is manifested in a number of circumstances, namely, it has the highest legal force and any legal act must comply with the Constitution, other legal acts are adopted by the bodies provided for by the Constitution and in the order provided for by the Constitution, the actions of all RA government bodies and their officials must comply with the Constitution, public relations regulated by the Constitution are of particular importance. In the Constitution, it is often pointed out by what legal act this or that legal relationship should be regulated, it ensures the integrity of the national law system and the need for harmonious application, defines the co-subordination of legal acts¹, therefore, the provisions of the Constitution have a fundamental, starting point and guiding significance for all other legal acts, so the choice of the interpretation method of the Constitution is of greater importance.

V. Avvazyan believes that any normative act should have a trajectory arising from the Constitution. Such a system technique allows excluding systemic conflicts of law at the content level through systemic synchronization of the legislative system, any normative act of which should reflect the legal content of the implementation of complex social processes within the framework of a person as a representative of the people, a member of society, a citizen, and the state².

In turn, the above states that the provisions of the Constitution must be interpreted in a multifaceted way, using all methods together and taking into account all possible legally significant phenomena, which will only provide an opportunity to produce such an interpretation that will become a basis and a guideline for the application and interpretation of other legal acts, while excluding in the legal system the possibility of contradictions and misunderstandings between norms.

Some methods of legal interpretation contribute to interpreting the Constitution in line with the development of public relations, which in turn is aimed at excluding such case situations that seem to have no constitutional solutions. Moreover, the development of the Constitution cannot be effectively carried out only by making changes to its text, and interpretation is one of the most important forms of development of the Basic Law³. This idea is also the basis for "living constitution" method.

The method of interpretation of the legal norm should not be aimed only at the identification of purely legal phenomena, because many concepts that make up the norm reflect social phenomena, therefore the problem arises of determining the social content of the norm. In other words, the function of interpretation is related not only to the need to penetrate into the content of legal requirements through the external form of the law, but also to the interpretation of the law as a whole, including its meaning, principles, social-political content, which is the purpose of regulatory provisions⁴. And such phenomena can be brought up only through an interpretation, which will ensure the possible multifaceted disclosure of the meaning of the norm.

¹ See Խմբ.՝ **Ն. Ա. Ալվազյան**, ՀՀ սահմանադրական իրավունք, Գիրք առաջին, ԵՊՀ, Երևան, «Տիգրան Մեծ» հրատ., 2016, pages 62-69.

² See **Ալվազյան Վ. Ն.**, Սահմանադրականության սիստեմատեխնիկական, ԵՊՀ իրավագիտության ֆակուլտետի պրոֆեսորադասախոսական կազմի գիտաժողովի նյութերի ժողովածու, 1(1) 2018, Երևան, 2018, page 86.

³ See **Манасян А. А.**, Некоторые вопросы официального толкования Конституции в Республике Армении, Платон. № 1/2013, page 11.

⁴ See **Хабриева Т.Я.**, Толкование Конституции Российской Федерации: теория и практика, Москва, 1997, page 31.

The essential differences in the several methods of legal interpretation listed above and their being completely different forms and ways of revealing the meaning of the norm are evident from their content, as a result of which we come to the conclusion that the arbitrary application of only one or several of the interpretation methods is not adequate to properly reveal what the meaning of the norm being interpreted is, moreover, the methods of legal interpretation cannot replace or contradict each other due to their peculiarities, therefore they should be used jointly in order to reveal the meaning of the interpreted norm as comprehensively as possible.

At the same time, it is necessary to avoid giving an excessively broad interpretation of the legal norm, which may remove the interpreter from the revelation of the true meaning of the norm, leading to the existence of interpretations ascribing significantly different meanings to the given norm in practice. There may also be situations when the interpreter of the norm may act maliciously and, in order to ascribe the desired meaning to the norm, arbitrarily choose a specific method or methods of interpretation that are most suitable for deriving that desired meaning from the norm and be guided by them, deviating from the true meaning of the norm, while the joint application of methods of legal interpretation should not be a tool for the interpreter to give an excessively spatial interpretation to the norm and thereby ascribe the desired meaning to the norm, but on the contrary, the goal of such interpretation should be the maximum exclusion of the possibility of arbitrary interpretation.

In order to exclude the mentioned danger, in parallel with the multifaceted disclosure of the meaning of the norm by the joint application of all the methods of interpretation, one should strive to ensure the unity and stability of the legal system as much as possible, therefore, the benchmark should also be proposed, thanks to which it will be possible to ensure such an interpretation.

Taking into account the role of the Constitution in ensuring the integrity and harmonious application of the national law system, we believe that legal interpretation can ensure the unity and stability of the legal system if it is implemented in accordance with the constitutional significance of social relations regulated by the norm and the common logic of Constitution and within these limits.

Conclusion

The main goal of legal interpretation for the proper application of a legal norm is to reveal the meaning of the norm as comprehensively as possible, which cannot be achieved using only one or several separate interpretation methods. At the same time, the joint application of all methods of interpretation should not be carried out arbitrarily and lead not to revealing the true meaning of the norm, but to assigning a desired meaning to the norm by each interpreter, which will undermine the principle of legal certainty and threaten the security of the legal system. Therefore, any legal norm must be interpreted in accordance with the spirit of the Constitution as a legal act ensuring the integrity and harmonious application of the national legal system.

In order to improve the application of legal interpretation methods from the above-mentioned aspect, we suggest that when interpreting legal norms, including the provisions of the Constitution, all possible methods of legal interpretation must be jointly applied, taking as a guideline the stability and unity of the legal system, which should be manifested by interpreting the norms in accordance with the constitutional significance of the relations regulated by them and the general logic of the Constitution.

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Սամվել Զաբալյան

ԵՊՀ սահմանադրական իրավունքի ամբիոնի հայցորդ

Իրավաբանական գրականությունում մեկնաբանման մեթոդների վերաբերյալ հետազոտություններն առավելապես վեր են հանում այս կամ այն առանձին մեթոդի կիրառման խնդիրները և եզրահանգումներ կատարում տվյալ մեթոդի ամենաճիշտը կամ ամենասխալը լինելու վերաբերյալ՝ արժևորելով կամ քննադատելով դրա հատկանիշները:

Սույն հետազոտության արդյունքում բացահայտվել է, որ իրավական մեկնաբանման մեթոդներից յուրաքանչյուրն ունի իր ինչպես դրական, այնպես էլ բացասական կողմերը, հետևաբար միայն առանձին մեթոդի կիրառումը չի կարող անհրաժեշտ արդյունավետություն ապահովել իրավական նորմի իմաստի բացահայտման համար, ավելին՝ նորմը մեկնաբանողը կարող է նորմին իր համար ցանկալի իմաստ վերագրելու նպատակով կամայականորեն ընտրել միայն դրա համար անհրաժեշտ մեթոդը կամ մի քանի մեթոդներ, ինչի արդյունքում չի բացահայտվի նորմի իրական իմաստը:

Սույն հետազոտության տեսական նշանակությունն այն է, որ իրավաբանական մեկնաբանման մեթոդների կատարելագործման խնդիրը դեռևս խորը և համակողմանի գիտական ուսումնասիրությունների կարիք ունի:

Իրավակիրառ պրակտիկայում նորմի կենսագործումը պատշաճ ապահովելու նպատակով գործնականում անհրաժեշտ է նախ և առաջ բացահայտել դրա տեքստում ներդրված իմաստը: Իրավական մեկնաբանումն է այն իրավական գործիքը, որն ապահովում է իրավական կարգավորման գործընթացի անցումը իրավունքի նորմի ամրագրումից դեպի կենսագործում, ուստի այն պետք է կատարվի բազմակողմանիորեն՝ անդրադառնալով նորմի իմաստի վրա ազդող բոլոր իրավանշանակալից երևույթներին՝ միաժամանակ չհանգեցնելով նորմի իմաստի չափազանց լայն մեկնաբանության:

Սույն գիտական աշխատանքի նպատակն է խորը և համակողմանիորեն ուսումնասիրել իրավաբանական մեկնաբանման մեթոդների համատեղ պարտադիր կիրառման անհրաժեշտության հարցը և դրա ուղենիշները:

Արդյունքում կատարվում է եզրահանգում առ այն, որ իրավաբանական մեկնաբանությունը կարող է հաջողությամբ հասնել իր նպատակին ոչ թե կոնկրետ մեկ կամ մի քանի առանձին մեկնաբանման մեթոդների կիրառմամբ, այլ հնարավոր բոլոր իրավական մեկնաբանման մեթոդների համատեղ կիրառմամբ՝ որպես ուղենիշ ընդունելով մեկնաբանության արդյունքում իրավական համակարգի միասնականությունն ու կայունությունն ապահովելը, ինչը պետք է դրսևորվի նորմերը դրանցով կարգավորվող հարաբերությունների սահմանադրական նշանակությանը և Սահմանադրության ընդհանուր տրամաբանությանը համապատասխան մեկնաբանելով:

¹ Սույն հոդվածը գեկուցվել է 2022թ. դեկտեմբերի 8-ի ԵՊՀ իրավագիտության ֆակուլտետի ասպիրանտների և հայցորդների գիտական նստաշրջանին:

СОВРЕМЕННЫЕ ПРОБЛЕМЫ ПРИМЕНЕНИЯ МЕТОДОВ ПРАВОВОГО ТОЛКОВАНИЯ¹

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Исследования методов толкования в юридической литературе в основном освещают проблемы использования того или иного конкретного метода и делают выводы о наиболее правильном или наиболее неправильном методе, оценивая или критикуя его особенности.

В результате данного исследования было выявлено, что каждый из методов толкования права имеет свои положительные и отрицательные стороны, поэтому только использование отдельного метода не может обеспечить необходимой оперативности для раскрытия смысла правовой нормы, более того, лицо, толкующее норму, может придавать норме желаемое значение, произвольно выбирать только необходимый метод или несколько методов, в результате чего не будет выявлено истинное значение нормы.

Теоретическая значимость данного исследования заключается в том, что проблема совершенствования применения методов правового толкования еще нуждается в глубоком и всестороннем научном изучении.

Для обеспечения надлежащего функционирования нормы в юридической практике практически необходимо прежде всего выявить смысл, заложенный в ее тексте. Юридическое толкование является правовым инструментом, обеспечивающим переход процесса правового регулирования от установления правовой нормы к ее реализации, поэтому оно должно осуществляться комплексно, затрагивая все юридически значимые явления, влияющие на смысл нормы, не приводя при этом к слишком широкому толкованию смысла нормы.

Целью данной научной работы является глубокое и всестороннее изучение вопроса о необходимости совместного обязательного применения методов правотолкования и его ориентиров.

В результате делается вывод о том, что юридическое толкование может успешно достичь своей цели не путем применения конкретного одного или нескольких отдельных методов толкования, а путем совместного применения всех возможных методов правового толкования, принимая в качестве ориентира обеспечение единства и стабильности правовой системы в результате толкования, что должно проявляться в толковании норм в соответствии с конституционным значением регулируемых ими отношений и общей логикой Конституции.

Key words: *revealing the meaning of the norm, law-making, contradiction, textualism, originalism, joint application of interpretation methods, legally significant phenomenon, will of the law-making body, unity and stability of the legal system.*

Բանալի բառեր: նորմի իմաստի բացահայտում, իրավաստեղծագործություն, հսկասություն, տեքստուալիզմ, օրիգինալիզմ, մեկնաբանման մեթոդների համատեղ կիրառում, իրավանշանակալից երևույթ, իրավաստեղծ մարմնի կամք, իրավական համակարգի միասնականություն ու կայունություն:

Ключевые слова: *выявление значения нормы, законотворчество, противоречие, текстуализм, оригинализм, совместное применение методов толкования, юридически значимое явление, воля правотворческого органа, единство и стабильность правовой системы.*

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