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ANALYSIS OF COMPONENTS OF THE SYSTEM OF INTERPRETATION OF ADMINISTRATIVE-TORT LEGAL NORMS

Summary. The article, based on the analysis of a number of doctrinal sources, outlines the system of interpretation of administrative-tort legal norms. It is noted that the properties of the system of interpretation of administrative-tort legal norms are:

– emergence – a property of the system that causes the emergence of new properties and qualities that are not inherent in the elements that make up the system;

– purposefulness and multiplicity – the activity of the system of interpretation of administrative-tort legal norms is subordinated to a specific goal, and the unidirectionality of the components enhances the efficiency of the system as a whole;

– hierarchy – the elements of the system are always interconnected and interact with each other within the system as a whole or within its individual subsystems, which can lead to the fact that in complex systems elements can merge into certain formations that are more complex than the element, and less complex than the system – subsystems;

– structure – the ability to describe the system through the establishment of its structure, is a set of connections and relations of the system, the conditionality of the behavior of the system not so much the behavior of its individual elements, as its structure;

– dynamism – the system is able and changes its state over time under the influence of various social, economic and political factors;

– according to its classification characteristics, the specified system is social, dynamic, stochastic, open, soft, artificial, self-organized, functional, abstract.

It is summarized that the system of interpretation of administrative-tort legal norms is a holistic, emergent, hierarchical, complex functional dynamic set of components (administrative-tort legal norms, subjects, methods and principles of interpretation) that have a common goal – clarification and analysis. clarification of the content of administrative-tort legal norms, their correct and uniform understanding and application.

Key words: administrative tort law, tasks, connections, element, components, purpose, subsystem, system, structure.

Problem statement and research tasks. Virtually any intellectual activity is a creative, mental process that involves the use of a number of methods and tools of scientific knowledge. This process is significantly complicated when the subject of research is a multilevel, complex, abstract, ambiguous, multifaceted (etc.) phenomenon or process that requires the researcher to qualitatively different approaches and resources aimed at achieving a positive and effective result. There is no doubt that such characteristics are the administrative-tort rules of law, which, accordingly, determines the complexity of the process of their interpretation, its multi-stage, and so on. All this gives grounds to consider the interpretation

of these legal norms as a complex structured system with characteristic internal and external links.

Analysis of publications and presentation of the main provisions of the study. As noted in the pages of scientific literature, the word "system" in the explanatory dictionaries of the Ukrainian language has several meanings:

1) the order determined by the correct, planned arrangement and interconnection of parts of something; well-thought-out plan; established, accepted order;

2) in zoology – classification;

3) the form of organization, the structure of something (state, political, economic units, institutions, etc.); form of social order; formation;

4) a set of any elements, units, parts, united by a common feature, purpose;

5) a set of principles that are the basis of a particular doctrine; a set of ways, methods, techniques of doing something;

6) structure, structure, which is the unity of naturally located and functioning parts; technical complex consisting of interconnected structures, mechanisms, machines, etc.; brand, type, design of any machines, their parts, etc.; a set of objects, devices, etc. the same purpose; a set of business units, institutions, united organizationally;

7) in geology – a set of layers of rocks, characterized by certain fossil fauna and flora;

8) a set of interconnected elements that form a single whole, interact with the environment and with each other and have a purpose [1, p. 203-204; 2, p. 359; 3; 4, p. 269].

In the philosophical literature, in which much attention is paid to the philosophical aspects of systems theory, it is noted that the system means a set of elements that are in relations and relationships with each other, which forms a certain integrity, unity [5]; unification of some diversity into a single and clearly dissected whole, the elements of which in relation to the whole and other parts occupy their respective places [6]; limited plurality of elements that are in stable relationships [7, p. 109]. For our study, the thesis is particularly accurate that the extremely wide scope (almost every object can be considered as a system) of the concept of "system" implies that its fairly complete understanding involves building a family of relevant definitions – both meaningful and formal [5; 8, p. 269].

The concept of "system" is a complex research structure (a special ideal object), the process of formation of which, as it turns out, is the subject of study of a whole complex of sciences. The history of science, in particular, should describe the temporal sequence and conditions of the formation of this structure in individual scientific disciplines and in science in general; theory of activity – to ana-

lyze this process from the point of view of developing special forms of research activity of people; logic and methodology of science – to study the general abstract structure of this construction and express it in a strict, formal language; special system concepts – to introduce the concept of system in their "coordinate systems", while satisfying both the theoretical principles of this field of science, and the general conditions of metatheory of systems research [9, p. 82].

As for special research in the field of systems theory, modern science has developed a number of different approaches to formulating the definition of the category "system", of which there are currently more than thirty. V. Sadovsky rightly notes that almost any object can be represented as a system, and therefore it is not always obvious those epistemological tasks that can stand, for example, in the analysis as a system of paper or pencil. In constructing the definition of "system" in the general theory of systems, it is necessary to take into account the epistemological purposes of attributing certain objects to the properties of the system [9, p. 80]. The generalized analysis of now known definitions of the system gave grounds to modern researchers of systems theory to outline its following generally accepted features and properties, namely:

- integrity. The fundamental impossibility of identifying the qualities of the system with the sum of the qualities of its constituent elements, the impossibility of deriving from the latter the qualities of the whole;

- orderliness. A system is always a strictly ordered set of some elements. Criteria property of the element – it requires direct participation in the creation of the system: without it, ie without any element, the system does not exist;

- hierarchy. The elements of a system are always interconnected and interact within that system. These properties can lead to the fact that in complex systems, elements can merge into certain formations that are more complex than the element, and less complex than the system – subsystems. The subsystem is able to execute some part of the system program. In this case, in relation to the whole system, it is an element, and in relation to those elements that make it up – a system (relatively independent, but of a different level);

- structure. Ability to describe the system through the establishment of its structure, is a set of connections and relations of the system, the conditionality of the behavior of the system is not so much the behavior of its individual elements, as its structure;

- elements of the system interact not only with each other inside the system, but also with the external environment (elements of other systems). This interaction can lead to changes in both the content and the internal structure of both these elements and the system as a whole. At the same time, the external environment (other systems) also undergoes changes;

- the system as something whole executes a program that cannot be reduced to the functions of each individual element of the system (the purpose of the system);

- self-determination, self-determination of a set of properties of the system, which is part of the law [10, p. 34-35; 11; 12, p. 14; 13, p. 185-186; 14, p. 370; 15, p. 6-7; 16, p. 44; 17; 18, p. 38-54; 19, p. 38-41; 20, p. 18-19; 21, p. 31-32; 8, p. 34-35].

It is important to understand the purpose of any system is the ability to analyze it through the prism of different roses of classification criteria. It is known that the classification of systems can be carried out on various grounds, but the main, according to the vast majority of scientists, is to group them into three systems (subsystems): technical, biological and socio-economic. Technical subsys-

tem – machines, equipment, computers and other products that have instructions for the user. The set of solutions in the technical system is usually limited, and the consequences of decisions are defined. For example, the procedure for turning on and working with a computer, the procedure for driving a car, the method of calculating mast supports for power lines, solving math problems, etc. Such decisions are formalized and executed in a strictly defined manner. The professionalism of the decision-maker in the technical system determines the quality of the decision made and executed [22].

In turn, the biological subsystem includes the flora and fauna of the planet, including relatively closed biological subsystems, such as the anthill, the human body and others. This system has a greater variety of operation than technical. The set of solutions in the biological system is also limited due to the slow evolutionary development of fauna and flora. However, the consequences of decisions in biological subsystems are often unpredictable. For example, physician decisions related to methods and means of treating patients; agronomist's decision to use certain chemicals as fertilizers. Solutions in such subsystems allow the development of several alternative solutions and the choice of the best of them on any grounds [22].

Instead, the socio-economic subsystem is characterized by the presence of man in a set of interdependent elements. As a typical example of a socio-economic subsystem can be cited the company, its production team. These subsystems are significantly ahead of biological in the diversity of functioning. The set of solutions in the socio-economic subsystem is characterized by great dynamism both in quantity and in the means and methods of implementation. This is due to the high rate of changes in human consciousness, as well as the nuances of its reactions to the same and similar situations. These types of subsystems have different levels of uncertainty (unpredictability / randomness) in the results of solutions [22]. Let's outline other known and common classifications of systems today. In particular:

- according to the degree of randomness of the system is divided into: a) deterministic, in which the movement and development of the system is completely conditioned and not subject to randomness, and the components interact accurately; b) random (or stochastic) – the movement and development of the system is random and is considered a probable process, it is impossible to predict exactly how it will behave in any given conditions [3].

- by the origin of the system are classified into artificial (artificial systems created by man to implement given programs or goals), natural (created by nature to achieve the goals of world existence) and mixed (created by nature and changed (improved) by man);

- according to the internal structure of the system is divided into: a) open systems, which are constantly exchanging matter and energy with the external environment, b) closed – which uses only information that characterizes the internal changes of the system and the control unit is part of he manages;

- according to the degree of sensitivity of the system is classified into: a) solid (have high resistance to external influences and respond poorly to minor influences; authoritarian, based on the high professionalism of a small group of leaders, organizations); b) soft (characterized by high sensitivity to external influences, and as a result – weak resistance);

- according to the degree of organization there are a) a class of well-organized, b) a class of poorly organized (diffuse) systems; c) a class of developing systems (self-organizing);

– according to the complexity of the system are divided into:

a) simple – have a small number of interconnected elements and unbranched structure, perform the simplest functions, the state and dynamism of these systems are easy to describe and analyze;

b) complex – are characterized by a branched structure and a large number of interconnected elements. Such systems can have several different structures, a description of their state is possible;

c) very complex systems – systems that cannot be described in detail and accurately, because it takes more time to describe than that spent by the system between changes in its state, or the level of knowledge may be insufficient to reveal the essence of the system;

– by the state of mobility: a) static (systems characterized by the fact that it is in a state of relative rest; their state remains constant over time; b) dynamic (systems that change their state over time);

– by the criterion of materiality of the system can be a) physical (consist of matter and energy, may include information and show some behavior); b) conceptual or functional (abstract, consist of pure information and demonstrate meaning rather than behavior); c) a combination of both [22; 3].

Starting from the scientifically formulated features of the system, as well as recognizing the most meaningful concept of the system as a set of interconnected elements that have a common goal, form a single whole, and interact with each other and the external environment, note that any systemic phenomenon or process should occur through the prism of the purpose of such a system, its elements, subsystems, as well as the connections that form the structure of the system under study.

The word "goal" means – what someone aspires to, what he wants to achieve; target; pre-planned task; idea [23, p. 661]. The purpose of the system is called its desired future state. Depending on the stage of cognition of the object, the stage of system analysis, this term is given a different meaning – from the ideal aspirations that express the active consciousness of individuals or social systems, to specific goals and results. In the first case, goals can be formulated, the achievement of which is impossible, but which can be constantly approached. In the second – the goals must be achievable within a certain time interval and are sometimes formulated even in terms of the final product of the activity. There is often a distinction between subjective and objective goals. The subjective goal is the subjective view of the researcher (manager, owner) on the desired future state of the system. An objective goal is the future real state of the system, ie the state to which the system will pass under given external conditions and management influences. Subjective and objective goals of the system in general may differ. In particular, they do not match if the system is poorly researched or if the entity that sets the goals is insufficiently aware of the laws of the system or ignores them. [3; 24, p. 165].

The purpose of the system of interpretation of administrative-tort rules of law coincides with the objectives of the process of interpretation of the relevant rule and, as a rule, is general in nature. It should be emphasized that the purpose of the system is always detailed in its tasks and functions, which are also reflected in the immediate tasks and functions of interpretation, respectively.

In turn, the components of the system are a set of elements and subsystems. "Element" – 1) a simple substance that does not decompose by conventional chemical methods into simpler parts; 2) an integral part of something; detail of any construction, equipment, mechanism; a separate side, a feature of something; 3) the

basics of something, basic knowledge in any field; 4) representatives of any social group; 5) (size) about a person, a person; 6) a device for obtaining electric current due to the energy released during a chemical reaction [25, p. 473]. In systems theory, an element is an indecomposable (in this system) component of complex bodies, material systems, theoretical constructions; any object connected by certain relations with other objects in a single complex. Any object taken as primary can be interpreted as an element (subsystem) of some system of higher rank [26].

The concept of indivisibility of elements is, of course, conditional and is determined depending on the specific tasks. In this context, it is logical to argue that the rule of law has its own structure, which makes it possible to decompose the rule into its components – hypothesis, disposition and sanction. However, in the framework of this study in the field of our view – the system of interpretation of certain legal norms, and in the lens of scientific research – the interpretation of the legal norm and the effectiveness of this process. Thus, given the fact that the specific task of this study is to study the effectiveness of interpretation of administrative tort law, the primary elements of our system of interpretation are certainly the rules of administrative law, which, in fact, form the subject of interpretation. In other words, administrative-tort legal norms, as elements of the system of appropriate interpretation, take a direct part in the creation of this system, are its necessary components, without which the system of interpretation does not exist as such.

In turn, a subsystem is a system that is part of a more general system; a set of elements that represent an autonomous industry within the system (eg, economic, organizational, technical subsystem); subordinate or auxiliary system; part of any larger, general system characterized by relative integrity [22; 3]. Subsystems are usually classified within the system depending on their functional direction. For example, if, say, a system is considered the country's economy, then as subsystems can be considered individual sectors and sectors of the economy. Any system can be a subsystem of another system, which in relation to it is a supersystem. The external environment of this system is a system consisting of elements that do not belong to this system [27].

Thus, the three such subsystems of interpretation of administrative tort law are a system of methods of interpretation, a system of principles of interpretation, as well as a system of subjects of interpretation, each of which has its own functional purpose, which generally corresponds to the overall purpose of the system. Methods of interpretation of legal norms are an instrumental mechanism for achieving the goal of interpretation, principles are the conceptual basis, the basis for achieving the relevant goal, and the system of subjects of interpretation is the management subsystem that determines the priority of interpretation, its subject, etc.

In defining such a model of the system of interpretation of legal norms, a logical question arises – are the primary elements of the studied system of interpretation (administrative-tort legal norms) elements of both subsystems outlined by us (methods and principles of interpretation)? Obviously not. And if not, is it possible to have a system model in which the primary elements are not components of the next order of the system – subsystems? First, we note that our proposed model of the interpretation system in no way violates the rules of systems theory (in particular, the property of the system is its structure, is the possibility of decomposition (division) of the system into components), because, first, these

laws are unconditional exclusion; secondly, there are clear connections between the components outlined by us, and each of these components can be considered as a separate system (subsystem) of a broader global system, which corresponds to another mandatory property of the system – hierarchy. In addition, the presence of such primary elements is the basis for outlining additional features of the system and its relationship to a certain group of types of systems, defined by known classification criteria. In particular, in our case, such a model of the system of interpretation of administrative-tort legal norms gives grounds for its characterization as complex, multilevel, with more pronounced internal vertical connections due to which (including) these components form a system.

It is due to the connections that the system "moves", its functionality is started, the synchronicity of the step of the components on the way to the goal of the system is ensured. As I. Rodionov rightly notes in this context, the connection of the system is one of the fundamental concepts in the system approach. According to his absolutely correct belief, the system as a whole exists precisely due to the presence of connections between its elements, that is, in other words, the connections express the laws of the system [28].

As noted in the special scientific literature, the relationship is the relationship between the components of the system, which is based on interdependence and interdependence. The concept of "connection" characterizes the factors that give rise to and maintain the integrity and properties of the system. In both theoretical and applied sciences, communication is characterized by direction, strength, character (type). According to the first sign, connections are divided into directed and undirected. For the second – for the strong and weak. By nature, there are connections of subordination, generation (genetic), equal, management. Some of these classes can be divided in more detail: for example, subordinate clauses can be of the genus-species, part-whole; generation-cause-effect relationships. Relationships can also be classified by location (internal and external), the direction of processes in the system as a whole or in its individual subsystems (forward and reverse) and some more specific features. Connections in specific systems can be characterized by several of these features [3; 2, p. 80].

As Yu. Surmin notes, taking into account the fact that the complexity of such a phenomenon indicates their multifaceted nature, which requires their understanding from the standpoint of several approaches. That is why Yu. Surmin believes that the connections between the elements of the system should be considered in terms of four approaches: formal – which captures the presence and direction of communication; functional – records the presence or absence of functionality in the relationship; logical – within which the explanation of the nature of connections is given; meaningful – where the content, the nature of connections are analyzed. However, each of these approaches in itself, as the scientist notes, has limited possibilities for explaining connections and therefore it is necessary to use them in unity as complementary approaches. Thus, in the formal approach, relations are divided into such types as non-directed, directed, intermittent, unilateral, bilateral, equal and unequal, internal and external. In addition, they differ in duration (long-term and short-term), as well as frequency (frequent and rare) [29, p. 106-107].

In turn, according to the functional approach, according to Surmin, connections are considered in terms of their function: neutral (or static), in which action and counteraction are equal in magnitude and change does not occur; functional, which are character-

ized by the fact that the action and counteraction do not coincide and the element begins to implement some function in the system. The functional connections can be imagined: generation, or causal relationships; transformations – are realized by direct interaction of two objects with their transition to a new state; structural – provide the structure of the system; functional (in the narrow sense of the word) – ensure the functioning of the system; development – change of states that differ in qualitative changes; management – provide the process of system management. In addition, the functional approach includes direct and feedback, each of which fulfills its purpose. Feedback informs the input of the system about the state of its output, and direct – connects one element with another. Feedback plays an extremely important role in management, as it provides the subject of management with the necessary information about the object of management [29, p. 107].

According to the logical approach, as noted by Yu. Surmin, connections are divided according to the main types of determination: causal – one phenomenon gives rise to another; correlation – a change in one phenomenon leads to a change in another, and this changes another, leads to a change in the first; states – from one state of the system follows another, and the relation of generation is absent. According to the content approach, connections are divided into: energy – energy transfer processes between the elements of the system; material – characterized by material transformations; information – are information flows [29, p. 107].

It should be emphasized that the connections of the system form its structure, is the structure of the system is a set of necessary and sufficient to achieve the goals of the relationship (connections) between its components. In complex systems, however, the structure does not reflect all the elements and connections between them, but only the most significant, which change little during the current operation of the system and ensure the existence of the system and its basic properties. The structure characterizes the organization of the system, the stable ordering of its elements and connections [3; 2, p. 80; 24, p. 166-167].

According to the formal approach, the connections of the system of interpretation of administrative-tort law can be divided into unilateral and bilateral, internal and external. For example, one-way relations, ie those that are directed by one component relative to another and do not provide feedback, are usually characteristic of the interaction on the one hand subsystems of methods and principles of interpretation of law, and on the other – the primary elements of this system of administrative tort rules of law. In such relations, the influence of interpretation subsystems on the element of the system due to intellectual tools used by the interpreter (logical methods, historical, comparative law, rules and techniques of lexical, grammatical, etymological, semantic cognition, etc.) and on the basis of certain principles, which have the character of guiding ideas, the observance of which is obligatory for achieving the efficiency and legality of the whole process of interpretation and its results.

Instead, two-way connections are manifested in particular in the interaction of the three subsystems outlined above and provide interaction between them. Thus, the principles of interpretation of law ensure the integrity of the use of methods of interpretation, which in turn, as a subsystem, are used by the management subsystem (entities) to achieve the desired result, which is ensured by the subject's interpretation of basic principles and rules of interpretation.

The external connections of the system of interpretation of legal norms allow to transform the system into a broader one in content, to adapt it to its properties, to ensure the possibility of functioning within a more meaningful system and to effectively achieve its goal. This system of interpretation, in particular, is integrated into the law enforcement system, ensures the achievement of its latter results. In the legal system, the subsystem of interpretation of legal norms is one of the functional subsystems that provide the relationship between such elements as subjects of law, legal norms, legal relations, legal behavior, legal practice, legal ideology, legal awareness, legal culture. etc.

In turn, the functional connections of the system of interpretation of administrative-tort law are crystallized in such types of system relations as managerial (subjects determine the subject of interpretation, methods of interpretation, etc.), transformations, which are realized by direct interaction of several components, which leads to a change in their state (clarification of the understanding of the legal norm was the result of the transformation of the idea of its content, etc.).

The causal links of the system of interpretation of administrative-tort rules of law ensure the effectiveness of interpretation, and correlation (external) – qualitative changes in other systems (law enforcement, lawmaking, legal awareness, etc.). Information links, on the other hand, provide the exchange of information flows between components of the interpretation system between the person as well as the external environment.

Conclusions. Having analyzed such initial concepts for understanding any system as the purpose, elements, subsystems, and also communications forming structure of the investigated system, it is possible to come to a conclusion that properties of system of interpretation of administrative-tort legal norms are:

– emergence – a property of the system that causes the emergence of new properties and qualities that are not inherent in the elements that make up the system;

– purposefulness and multiplicity – the activity of the system of interpretation of administrative-tort legal norms is subordinated to a specific goal, and the unidirectionality of the components enhances the efficiency of the system as a whole;

– hierarchy – the elements of the system are always interconnected and interact with each other within the system as a whole or within its individual subsystems, which can lead to the fact that in complex systems elements can merge into certain formations that are more complex than the element, and less complex than the system – subsystems;

– structure – the ability to describe the system through the establishment of its structure, is a set of connections and relations of the system, the conditionality of the behavior of the system not so much the behavior of its individual elements, as its structure;

– dynamism – the system is able and changes its state over time under the influence of various social, economic and political factors;

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It is summarized that the system of interpretation of administrative-tort legal norms is a holistic, emergent, hierarchical, complex functional dynamic set of components (administrative-tort legal norms, subjects, methods and principles of interpretation) that have a common goal – clarification and analysis. clarification of the content of administrative-tort legal norms, their correct and uniform understanding and application.

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Ліпинський В. В. Аналіз компонентів системи тлумачення адміністративно-деліктних правових норм

Анотація. У статті на підставі аналізу низки доктринальних джерел окреслено компоненти системи тлумачення адміністративно-деліктних правових норм та властивості останньої. Зокрема, відзначено, що властивостями системи тлумачення адміністративно-деліктних правових норм є:

– емерджентність – властивість системи, що зумовлює появу нових властивостей і якостей, які не властиві елементам, що входять до складу системи;

– цілеспрямованість та мультиплікативність – діяльність системи тлумачення адміністративно-деліктних правових норм підпорядкована конкретній меті, а односпрямованість компонентів посилює ефективність функціонування системи у цілому;

– ієрархічність – елементи системи завжди взаємопов'язані і взаємодіють між собою всередині системи у цілому або в межах її окремих підсистем, що може призвести до того, що в складно організованих системах елементи можуть зливатися у певні утворення, що є більш складними, ніж елемент, і менш складні, ніж система, – підсистеми;

– структурність – можливість описання системи через встановлення її структури, тобто комплексу зв'язків і відносин системи, зумовленість поведінки системи не стільки поведінкою її окремих елементів, скільки її структури;

– динамічність – система здатна та змінює свій стан у часі під впливом різних соціальних, економічних та політичних чинників;

– за своїми класифікаційними характеристиками вказана система є соціальною, динамічною, стохастичною, відкритою, м'якою, штучною, самоорганізованою, функціональною, абстрактною.

Резюмовано, що система тлумачення адміністративно-деліктних правових норм – це цілісна, емерджентна, ієрархічна, складна функціональна динамічна сукупність компонентів (адміністративно-деліктних правових норм, суб'єктів, способів та принципів інтерпретації), що мають спільну мету – з'ясування та роз'яснення змісту адміністративно-деліктних правових норм, правильне та однакове їх розуміння і застосування.

Ключові слова: адміністративно-деліктні норми права, завдання, зв'язки, елемент, компоненти, мета, підсистема, система, структура.