

## THE CONCEPT OF SYSTEMATIZATION OF LAW

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**Abstract.** The aim of this research is to highlight the differences in the systematization of legislation and legal acts based on the study of theoretical material, to achieve which a number of theoretical and practical issues of law systematization are discussed, in particular, the semantic differences between the terms "legislation" and "legal act", broad and narrow approaches to the understanding of legislation in jurisprudence, different definitions of a legal act in professional literature, approaches to the understanding of legal acts and the systematization of legislation, which made it possible to classify the existing concepts of the of law into two groups: limited and extensive, to justify that since a legal act is a broader concept than legislation, in order to make systematization activities more comprehensive, it is correct to use the term "legal act" instead of the terms "legislation", "legislative act" or "normative act" in the definitions and try to build a new definition.

The author considered those approaches to defining coordination that view it as an activity aimed at unifying normative acts or, in a narrow sense, regulating legislation, have been considered limited. The approaches of those authors who believe that systematization is not limited only to legislation, and that it is a legal activity aimed at unifying legal acts or sources of law, were considered comprehensive and more acceptable.

**Keywords** – *systematization, legal system, legislation, normative legal act, sub-legislative act, regulation of legal acts, legal activity, document, improvement, development of law.*

### I. Introduction

The rapid development of public relations requires regular updating of regulations enshrined in legal acts, which also leads to the expansion of law-making activity and the diversity of legal acts adopted by competent entities. Under such conditions, the possibility of repetitions, inconsistencies, inaccuracies, as well as

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the presence of outdated provisions in legal regulations becomes inevitable, which certainly complicates law-making and law-enforcement practice.

Systematization is an effective means in the process of developing and improving the legal system, as a regulated mass allows the legislator to respond to changes in a timely manner, eliminating possible gaps and contradictions, and the law enforcement to clearly orient itself in the existing legal acts. In addition, a legal act is considered a source of information from which individuals obtain primary knowledge about law, legal phenomena, legal provisions, individual regulations, and legal relationships.

Thus, systematization can play a formative role for the entire legal system, which is why a comprehensive approach should be taken to studying this phenomenon.

## **II. Research**

In the modern Armenian explanatory dictionary, the term "to systemize" means to unite, to turn into a system<sup>2</sup>. It can be said that the systematization of law is an activity aimed at incorporating existing legal acts into a single and internally agreed-upon system, the goal of which is to improve these acts, eliminate contradictory regulations, and, in practice, facilitate the search for legal information. Failure to carry out legal systematization activities in parallel with the growth of the normative legal mass can lead to chaos and disorder, the impossibility of correct legal regulation, incorrect application of norms, conflicts, repetitions, etc<sup>3</sup>.

It is worth noting that all researchers consider the systematization of law to be a certain type of human activity, but most of the authors who have addressed the issue of its definition speak not about legal acts, but about the unification of legislation or normative acts. In our opinion, such an understanding is incomplete, as it does not express the essence of systematization and narrows the possibilities of this type of legal activity. To clarify what was said, before addressing these definitions, we consider it necessary to discuss how the terms "legislation" and "legal act" are perceived in jurisprudence.

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<sup>2</sup> **Aghayan E. B.** Explanatory Dictionary of Modern Armenian, "Hayastan" Publishing, Yerevan, 1976, p. 800 (**Աղայան Է. Բ.** Արդի հայերենի բացատրական բառարան, «Հայաստան» հրատարակություն, Երևան, 1976, էջ 800).

<sup>3</sup> **Navarro P. E.** Legal Reasoning and Systematization of Law. In: Soeteman, A. (eds) Pluralism and Law. Springer, Dordrecht, (2001). [https://doi.org/10.1007/978-94-017-2702-0\\_14](https://doi.org/10.1007/978-94-017-2702-0_14) (accessed on 03.09.2025).

In jurisprudence, the term "legislation" is interpreted in broad and narrow senses. Proponents of a narrow interpretation consider it to be the totality of all laws in force in the state<sup>4</sup> or the normative acts adopted by the legislative body, that is, the direct representatives of the people<sup>5</sup>. According to a broad approach, legislation is the totality of the state's existing legislative and sub-legislative acts<sup>6</sup>. In professional literature, there is also an approach that legislation is the totality of sources of law<sup>7</sup>.

From the point of view of understanding legislation, the approach of D. A. Kerimov is interesting, who believes that it is only the totality of legislative acts, but in practice it is understood more broadly and includes not only laws, but also sub-legislative acts, which together form a unified legislative system<sup>8</sup>.

Domestic legal regulations use a broad understanding of the term "legislation". Part 2 of Article 2 of the RA Law "On Normative Legal Acts" stipulates that a legislative act is a normative legal act adopted by the people or the National Assembly of the Republic of Armenia (Constitution, constitutional laws and laws), and legislation is the totality of legislative and sub-legislative normative legal acts /part 7 of the aforementioned article/. In our opinion, such a definition of the concept of "legislation" by the legislator is a more correct and acceptable approach than the view that it is the totality of laws or normative acts adopted by the legislative body.

This point of view is also held by D. A. Abdiyeva, expressing in her dissertation the opinion that the discussion of the legislative system cannot be limited

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<sup>4</sup> The concept of stability of law / edited by V. P. Kazimirchuk. - M.: Prospect, 2000, p. 9 (Концепция стабильности закона / под ред. В. П. Казимирчука. - М.: Проспект, 2000, № 9).

<sup>5</sup> **Mayakunov A. E., Ilyina S. A.** On the issue of understanding legislation in legal theory, Epoch of Science No. 26 - June, 2021, pp. 33-35, DOI 10.24412/2409-3203-2021-26-33-35 (**Маякунов А. Э., Ильина С. А.** К вопросу о понимании законодательства в юридической теории, Эпоха науки № 26 – Июнь, 2021, 33-35 № 33-35, DOI 10.24412/2409-3203-2021-26-33-35).

<sup>6</sup> **Alekseev S. S.** State and law. Primary course 2nd ed., revised. and additional - M.: Jurid. lit. 1994, p. 108 (Алексеев С. С. Государство и право. Начальный курс 2-е изд., перераб. и доп. - М.: Юрид. лит. 1994, № 108).

<sup>7</sup> **Romashov R. A.** Realistic Positivism as a Type of Integrative Legal Understanding // Theoretical and Practical Problems of Legal Understanding. Proceedings of the III International Scientific Conference, held April 22–24, 2008, at the Russian Academy of Justice / Ed. V. M. Syrykh. 2nd edition. M.: RAP, 2010, p. 95 (**Ромашов Р. А.** Реалистический позитивизм как тип интегративного правопонимания // Теоретические и практические проблемы правопонимания. Материалы III Международной научной конференции, состоявшейся 22–24 апреля 2008 в Российской академии правосудия / Под ред. В. М. Сырых. 2-е издание. М.: РАП, 2010, № 95).

<sup>8</sup> **Kerimov D. A.** Culture and technique of lawmaking. M.: Jurid. lit., 1991, p. 9 (**Керимов Д. А.** Культура и техника законотворчества. М.: Юрид. лит., 1991, № 9).

exclusively to the totality of laws, but it is necessary to consider it as a set of laws and sub-legislative normative legal acts adopted in the state<sup>9</sup>.

The term "legal act" is one of the most common in legal theory and practice. There are various definitions of a legal act in professional literature, which is the result of the use of this term in different meanings.

In the opinion of G. Danielyan, who addressed the issues related to the legal act, It is an official written document adopted by the people, state or local self-government bodies, state or community institutions, as well as legal entities, their separate subdivisions or institutions, within the scope of their powers, in cases and in accordance with the procedure provided for by law, which defines rights, obligations, responsibilities, limitations or other rules subject to mandatory recognition, preservation, protection, execution or application<sup>10</sup>.

The term "legal act", according to S. S. Alekseev, is multifaceted and is used as: a) an action (conduct) - a customary legal act, that is, a legal fact that serves as the basis for one or another legal consequence, b) the result of lawful conduct, i.e. a legally significant component of the legal system, c) a legal document, i.e. an oral or written expression of will that establishes lawful conduct or its consequences<sup>11</sup>.

Within the framework of this study, we will take as a basis the meaning of a legal act as a legal document. According to S. S. Alekseev, a legal act is an external expression of the will of the state, its bodies, and individual persons, formulated in an appropriate manner (oral or written), which includes legal norms, legal practice, individual decrees, and autonomous decisions of individuals as components of the legal system.

S. S. Alekseev, as general features of such legal acts, distinguishes the documented form, the voluntary nature and the enshrining in them of elements of

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<sup>9</sup> **Abdieva D. A.** Systematization of legislation in the context of transition to a new technological order: Dissertation for the Degree of Candidate of Legal Sciences: 5.1.1. Theoretical and historical legal sciences / Abdieva Datkayim Akylbekovna. - Moscow, 2024, p. 54 (Абдиева Д. А. Систематизация законодательства в условиях перехода к новому технологическому укладу: дис. ... канд. юрид. наук: 5.1.1. Теоретико-исторические правовые науки / Абдиева Даткайым Акылбековна. – Москва, 2024, 125 54).

<sup>10</sup> **Danielyan G.** Law-making activity and legal techniques. - Educational manual. - Yerevan "Tigran Mets" publishing house. 2021, pp. 55-56 (Դանիելյան Գ. Իրավաստեղծ գործունեություն և իրավաբանական տեխնիկա. - Ուսումնական ձեռնարկ. - Եր. «Տիգրան Մեծ» հրատ. 2021, 55-56 էջեր).

<sup>11</sup> **Alekseev S. S.** General Theory of Law: textbook. - 2nd ed., revised and enlarged. - M: Prospect, 2009, p. 469 (Алексеев С. С. Общая теория права: учебник. – 2-е изд., перераб. и доп. – М.: Проспект, 2009, 125 469).

the legal system, that is, legal norms, practical regulations, individual orders, autonomous decisions of individuals<sup>12</sup>.

Another author who addressed the issue, Yu. S. Salavatova, offers the following definition of a legal act: it is a form of expression of the will of a subject of law aimed at regulating public relations, which is aimed at regulating public relations and gives rise to certain legal consequences<sup>13</sup>. The latter differs from S. S. Alekseev's approach in that it emphasizes the possibility of legal consequences.

The specific features of legal acts reflected in professional literature are not typical for everyone. As A. A. Asanova rightly notes, there is a certain group of legal acts that have common features. The author considers them to be special legal acts. A. A. Asanova, analyzing and supplementing the characteristics characteristic of this category of legal acts in professional literature, gives the following definition: it is the external expression of the will adopted by a legal subject and given a documentary formulation in accordance with the procedure prescribed by law, which is endowed with legal force, characteristics and functions aimed at regulating public relations<sup>14</sup>.

This author is of the opinion that such legal acts are voluntary, authoritative and binding in nature, enshrine legal regulations, results of legal practice, are adopted in accordance with the established procedure and within the scope of the jurisdiction of entities established by legislation, act as regulators of public relations, express not only the will of the state, but also the interests of individuals and organizations, are supported by various material, coercive, and incentive measures, and comply with the constitution, laws, and rules of legal technique.

Thus, we can state that a legal act is a more comprehensive concept than legislation and includes normative, internal (local), law enforcement, interpretative acts, and other legal documents.

A. S. Pigolkin notes that law-making activity cannot stop at a certain stage, because it is always in motion and develops due to the mobility of social ties and the emergence of new demands in public life that require legal regulation. The constantly changing legal system, its development and improvement, the adoption

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<sup>12</sup> Alekseev S. S. mentioned work, pp. 428-429 (Алексеев С. С. նշանակած աշխատանք, 428-429 էջեր).

<sup>13</sup> Salavatova Yu. S. Legal acts: some theoretical issues, Vestn. Mosk. UN-TA. - Series. 11. Law. 2011. No. 1, pp. 112-122, <https://cyberleninka.ru/article/n/pravovye-akty-nekotorye-teoreticheskie-voprosy/viewer> (accessed on 12.10.2025) (Салаватова Ю. С. Правовые акты: некоторые теоретические вопросы, Вестн. Моск. УН-ТА. - Сер. 11. Право. 2011. № 1, 112-122 էջեր).

<sup>14</sup> Asanova A. A. Concept and features of a typical legal act // Bulletin of the Ural Law Institute of the Ministry of Internal Affairs of Russia. 2024. No. 3, pp. 29-36 (Асанова А. А. Понятие и признаки типичного правового акта // Вестник Уральского юридического института МВД России. 2024. № 3, 29-36 էջեր).

of new regulatory acts, amendments to them, the abolition of outdated regulatory decisions objectively determine the need to strengthen the entire normative body, unify it into a scientifically substantiated system, and publish various collections of legislation. This activity of bringing regulatory acts into a single, regulated system is usually called the systematization of legislation<sup>15</sup>.

According to R. T. Mukhaev, the activity aimed at unifying existing acts into a certain system by compiling unified normative acts or their collections is called the systematization of legislation. The goal of the latter is to improve existing regulatory acts, eliminate contradictions, gaps, and outdated norms, as well as ensure the convenience of using them<sup>16</sup>.

In terms of the essence and goals of systematization, N. V. Protasov demonstrates almost the same approach. According to this author, it is an activity aimed at standardizing and improving normative material through external and internal development, the goal of which is to maintain the regularity of legislation and provide legal subjects with the necessary normative legal information<sup>17</sup>.

D. A. Abdieva's approach differs from the positions of authors who view systematization as an activity aimed at unifying normative acts. In the latter's opinion, since systematic legislation is an adequate guarantee of providing citizens with high-quality and complete information on the normative activities of the legislative and executive authorities, this type of legal activity should not be limited only to work with legislation. The norms contained in sub-legislative acts, as well as other sources of law, are subject to systematization<sup>18</sup>. This approach shows that the author understands the term "legislation" in a narrow sense.

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<sup>15</sup> **Pigolkin A. S.** Systematization of legislation / in the textbook Theory of State and Law, edited by A. S. Pigolkin. – M.: Yurist-Izdat, 2006, p. 438 (**Пиголкин А. С.** Систематизация законодательства / в учебнике Теория государства и права, под ред. А. С. Пиголкина. – М.: Юрист-Издат, 2006, § 438).

<sup>16</sup> **Mukhaev R. T.** Theory of State and Law: Textbook. – 2nd edition, revised and enlarged. - M.: UNITY-DANA, 2005, p. 375 (**Мухаев Р. Т.** Теория государства и права: учебник. – 2-е изд., перераб. и доп. - М.: ЮНИТИ-ДАНА, 2005, § 375).

<sup>17</sup> **Protasov V. N.** Theory of State and Law: a textbook for universities – 5th edition, revised and enlarged. – M.: Yurait Publishing House, 2020, p. 91 (**Протасов В. Н.** Теория государства и права: учебное пособие для вузов – 5-е изд., перераб. и доп. – М.: Издательство Юрайт, 2020, § 91).

<sup>18</sup> **Abdieva D. A.** Systematization of legal norms in the context of digitalization, Bulletin of Moscow State Pedagogical Univ. - Series "Legal Sciences", 2022, p. 120-126, DOI: 10.25688/2076-9113.2022.47.3.11 (**Абдиева Д. А.** Систематизация правовых норм в условиях цифровизации, Вестник МГПУ – Серия «Юридические науки», 2022, 120-126 §91).

According to S. S. Alekseev, systematization is an activity aimed at uniting the normative acts in law into a single, coordinated, complete system<sup>19</sup>. The author sees its direction and main goal in overcoming phenomena that are objectively characteristic of legislative activity and have a negative impact on the state of the mass of legislative acts. Of course, the systematization of legislation is one of the means of developing law, but, in our opinion, this is not a very correct approach, because first of all, law and legislation are not identical phenomena, and systematization cannot be limited only to the unification of normative acts.

From this perspective, we can say that the most correct approach to the issue is taken by those authors who view coordination not as a normative activity, but as an activity aimed at unifying legal acts. For example, V. N. Kartashov believes that in order to achieve regulation and improvement, various types of legal acts should be systematized<sup>20</sup>.

This position is developed by T. V. Kashanina, justifying that not only normative, but also practical acts, as well as interpretative acts (for example, acts of higher courts) are coordinated. The author rightly notes that the constant nature of systematization work is an objective pattern of the development of law<sup>21</sup>.

The study of the concepts of systematization discussed above allows us to divide them into groups according to the scope of the activity, and to call them limited and extensive approaches. Proponents of a limited approach can be considered those authors who believe that only legislative or normative legal acts can be subject to systematization, and supporters of the comprehensive approach, who believe that systematization is not limited to legislation alone, and that it is a legal activity aimed at unifying legal acts or sources of law.

The approach of V. A. Tomin should also be considered comprehensive, as he defines the systematization of legal acts as an activity aimed at their regulation and inclusion of existing legal documents in a single, mutually agreed system<sup>22</sup>. The only thing we should disagree with this author is that all legal documents can be

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<sup>19</sup> Alekseev S. S. General Theory of Law: textbook. - 2nd ed., revised and enlarged. - M: Prospect, 2009, p. 469 (Алексеев С. С. Общая теория права: учебник. – 2-е изд., перераб. и доп. – М.: Проспект, 2009, § 469).

<sup>20</sup> Kartashov V. N. Theory of the legal system of society. In 2 volumes. V. 1. – Yaroslavl: YarGU, 2005, p. 423 (Карташов В. Н. Теория правовой системы общества. В 2 т. Т. 1. – Ярославль: ЯрГУ, 2005, § 423).

<sup>21</sup> Kashanina T. V. Legal technique: textbook. - M.: Eksmo, 2007, p. 308 (Кашанина Т. В. Юридическая техника: учебник. - М.: Эксмо, 2007, § 308).

<sup>22</sup> Tomin V. A. Legal technique: textbook - St. Petersburg, 2015, p. 67 (Томин В. А. Юридическая техника: учебное пособие - Санкт-Петербург, 2015, § 67).

subject to systematization. To substantiate this, let us make the following observation.

The study shows that systematization pursues certain goals, in particular, improving and streamlining existing legal provisions, ensuring the convenience of using the material, correcting contradictory legal regulations, eliminating gaps and outdated provisions, providing necessary legal information for legal entities, etc.

In professional literature, the following types of legal documents are distinguished: normative, interpretative, legal-enforcing, law-enforcing documents, and documents that record certain legal facts (for example, passport, marriage certificate, military record book, vehicle technical passport, birth certificate, etc.)<sup>23</sup>. It is clear that documents that enshrine legal facts do not enshrine legal provisions, legal regulations, and, in our opinion, their systematization does not at all stem from the goals of this type of legal activity and the regularity of the development of law.

In terms of implementing the systematization of legal acts, the experience of France is also interesting, where this process is generally called codification and is understood in broad and narrow senses. In the narrow sense, codification results in the creation of a new, complex legal act regulating a certain sphere of public relations. One such example is the French Civil Code of 1804. In a broad sense, codification is the unification of various normative legal acts according to certain criteria into a single document (collection), where the legal provisions are essentially not revised. According to the French, if contradictions are revealed in this process or the need to revise outdated legislation arises, the relevant legal acts should be revised not through codification, but in the sequence of the usual legislative process<sup>24</sup>.

### III. Conclusion

Summarizing the results of the research, we can state that a legal act is a broader concept than legislation, therefore, in order to make systematization activities more comprehensive, it is correct to use the term "legal act" instead of the terms "legislation", "legislative act" or "normative act" in the definitions.

Definitions of law systematization available in the literature are classified into two groups: limited and extensive. More accurate are the broad approaches that

<sup>23</sup> Kashanina T. V. Legal technique: textbook. - M.: Eksmo, 2007, pp. 73-74 (Кашанина Т. В. Юридическая техника: учебник. - М.: Эксмо, 2007, 73-74 էջեր).

<sup>24</sup> Ashuraxunova Sh. T. Systematization of legislation: theoretical legal analysis based on foreign experience, Central Asian Journal of education and innovation, Volume 3, Issue 5, May 2024, pp. 196-202, doi.org/10.5281/zenodo.11261090.

consider that all legal acts can be subject to systematization. Approaches that view systematization as an activity aimed at unifying normative acts or, in a narrow sense, regulating legislation are considered limited.

*The systematization of law is a permanent legal activity aimed at unifying legal acts with general characteristics, the purpose of which is to improve existing legal provisions, eliminate contradictory regulations, gaps, outdated provisions, and ensure the convenience of using legal material.*

This perception of systematization stems from the objective pattern of the development of law.

### **Conflict of Interests**

The author declares no ethical issues or conflicts of interest in this research.

### **Ethical Standards**

The author affirms this research did not involve human subjects.

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