

TO THE QUESTION ON THE NUMBER OF METHODS OF LEGAL REGULATION

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The article indicates the need to revise the traditional approach to the methods of legal regulation. The author explains and justifies the presence of six methods of legal regulation, which are divided into regulatory and protective, active and passive. Each of the above methods and legal means typical for them are characterized.

Method of legal regulation, legal way, active and passive methods of legal regulation, regulatory and protective methods.

Problem of methods of legal regulation have come a long way. Having a great theoretical and practical importance, it requires a special extension of constructive discussion and further creative development at present.

If we turn to mechanism of legal influence of rules of law on economic relations, the importance of methods of legal regulation and their spectrum becomes clearer. Economic legislation includes 80% of all normative legal acts.

Economic relations are divided into absolute and relative and contribute to the understanding of the mechanism of influence of methods. Set of economic possibilities of entrepreneur is important for absolute relations.

Absolute and relative economic relations are linked by an economic factor for regulatory relations. Property right claims arise between the parties

of relative economic relations. These relationships form the model of economic relations. The linkage of economic relations and legal influence characterizes the method of legal regulation.

Mechanism of formation of rules of law is the main criteria of legal method. Six appropriate methods of legal regulation: four are active and two passive.

Passive methods of legal influence are regulative and protective methods of legal influence on legally neutral relations. These methods exist until the legislator will not create an appropriate system of active methods of legal regulation or will deduce the economic relations from under the influence of active methods.

Active methods formed by the legislator are: imperative and dispositive methods of legal regulation, imperative and dispositive protective methods of legal regulation.

Each method of legal regulation corresponds for the certain methodological apparatus, namely, each of the methods correspond the certain ways of legal regulation (legal persons) - primary elements of legal regulation.

It is marked higher the following scientific determination allows finally to offer: the method of the legal adjusting (legal providing) is an individual aggregate of legal methods, erected in accordance with conformities to law of mechanism of legal influence on the certain types of integral (that include absolute and relative parts) economic relations.

The resulted reasonings about legal methods allow to extend and list of primary elements of legal influence - legal methods (norms of right): imperative prohibition and imperative order, non-mandatory prohibition and non-mandatory order, which on the stage of absolute economic relations can be changed, finally, permission which after the essence is non-mandatory. The noted vision of methods is a necessity for perfection of technique of construction of legislation which will allow to heave up his efficiency.