



Interpretation of Regulatory and Legal Acts in Contemporary Contexts: Foreign Experience, Comparative Perspectives, and Pathways for Regulatory Reform

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Abstract: This article examines the theoretical and legal foundations of interpreting regulatory and legal acts in contemporary contexts, with particular emphasis on integrating foreign experience into the Ukrainian legal system. The study aims to identify methodological gaps in domestic interpretative practice and to formulate pathways for regulatory reform aligned with European standards. Employing a comparative legal methodology, the research analyses interpretative approaches across continental systems (Germany and France) and Anglo-Saxon systems (Great Britain and the United States), as well as the jurisprudence of supranational judicial institutions, notably the Court of Justice of the European Union and the European Court of Human Rights. The analysis combines doctrinal examination, case-law review, and systemic legal analysis. The findings demonstrate that the continental tradition ensures coherence, systematicity, and legal certainty, whereas the precedent-based model emphasises flexibility, judicial creativity, and practical justice. In contrast, interpretative practice in Ukraine remains predominantly formalistic, lacks methodological integration, and is insufficiently responsive to the dynamics of European integration. The study substantiates the feasibility of combining domestic legal traditions with advanced European interpretative methods, particularly teleological, systemic, and evolutionary approaches oriented toward the rule of law and human rights protection. It further argues for strengthening the Supreme Court's role in ensuring uniform judicial practice and fostering doctrinal development. The article contributes to comparative legal scholarship by proposing a structured model of interpretative reform that bridges continental and precedent-based traditions. Its practical significance lies in enhancing the quality of law enforcement,



promoting harmonisation with European legal standards, and fostering a modern culture of legal interpretation responsive to contemporary regulatory challenges.

Keywords: Case Law; Continental Law; Foreign Experience; Law Enforcement; Legal System.

Introduction

The Europeanization of law has become one of the most influential paradigms in contemporary legal scholarship, describing the gradual, multidimensional process by which the legal order of the European Union penetrates and reshapes domestic legal systems.¹ Beyond the harmonisation of legislation in both public and private law, Europeanization reflects a deeper transformation: the recognition of European Union law not merely as an external normative framework, but as an autonomous and operative source of law within national legal orders. In many Member States, European law is directly applied to purely domestic disputes and, in certain contexts, even influences legal reasoning beyond the Union's geographical boundaries. This phenomenon reveals that Europeanization is not confined to legislative approximation; it fundamentally affects the culture, methodology, and philosophy of legal interpretation.²

For Ukraine, which is undergoing a profound legal transformation in the context of European integration, the issue of interpreting regulatory legal acts acquires urgency. Dynamic legislative changes, institutional reforms, and digitalisation of public administration accompany the modernisation of the legal system. These developments intensify the need for coherent, predictable, and rights-oriented law enforcement. Interpretation of regulatory legal acts thus becomes not merely a technical clarification of statutory language, but a strategic mechanism that ensures the realisation of the rule of law, legal certainty, and consistency in judicial practice. The quality of interpretation directly influences the stability of the legal order and the level of public trust in legal institutions.³

Traditionally, interpretation in Ukraine has been dominated by a formalistic and textual approach, primarily focused on the literal meaning of legal provisions. While such an approach contributes to legal certainty, it often fails to

¹ Rodrigo Labardini, 'Legal Life for the Hinge in Eurasia. Regional Infrastructure Development Amidst Contemporary Challenges', *Anuario Mexicano de Derecho Internacional* 26, no. 26 (2026), <https://doi.org/10.22201/ij.24487872e.2026.26.19480>.

² Cristina Ferreira, 'The Europeanization of Law', in *One Country, Two Systems, Three Legal Orders - Perspectives of Evolution*, ed. Jorge Costa Oliveira and Paulo Cardinal (Berlin, Heidelberg: Springer, 2009), 171–190, https://doi.org/10.1007/978-3-540-68572-2_9.

³ Mochammad Syafruddin Rezky Sanaky, Ika Dewi Sartika Saimima, and Vicky Vicky, 'Russia-Ukraine Disputes Based on International Law', *Jurnal Keamanan Nasional* 8, no. 2 (2022): 328–340, <https://doi.org/10.31599/z1py9677>.

address complex social realities and the evolving requirements of European integration. Contemporary legal disputes increasingly involve cross-border elements, human rights considerations, and the application of supranational standards. In this environment, purely grammatical or narrowly systematic interpretation may prove insufficient.⁴ The challenge lies in developing an interpretive methodology capable of reconciling domestic legal traditions with European legal principles and comparative experience.

Foreign legal systems provide diverse models of interpretative practice. In continental jurisdictions such as Germany and France, interpretation is grounded in a rational-systemic methodology. Courts emphasise coherence within the legal system, the hierarchy of norms, and the alignment of statutory provisions with constitutional principles. Teleological and systematic interpretation play a central role, ensuring that legal norms are understood in light of their purpose and the broader structure of the legal order. In contrast, Anglo-Saxon jurisdictions such as Great Britain and the United States rely heavily on precedent.⁵ Judicial decisions are not merely applications of the law but also serve as guides for future interpretation. This model promotes flexibility, adaptability, and responsiveness to practical justice, particularly through the development of case law.

The jurisprudence of supranational courts, including the Court of Justice of the European Union and the European Court of Human Rights, further demonstrates an evolutionary and purposive approach to interpretation. Concepts such as the doctrine of *effet utile*, proportionality, and the "living instrument" principle illustrate how interpretation can dynamically adapt legal norms to contemporary societal needs.⁶ These approaches reveal a shift from formalism to functionalism, in which interpretation is guided not only by textual clarity but also by fundamental values, including human rights and the rule of law.

Despite extensive academic attention to Europeanization, significant research gaps remain. First, much of the existing literature focuses on legislative harmonisation rather than on the methodological transformation of

⁴ Anatolii Radchuk et al., 'Principles of Law in Legal Regulation of Public Relations in Modern Conditions', *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (August 2023): 403–419, <https://doi.org/10.29303/ius.v11i2.1485>.

⁵ Ruslan Kushnirenko et al., 'Tactical Actions of Police Officers in the Fight against Drug Offenses as a Direct Route to Information and National Security: Administrative and Criminal Legal Aspects', *Journal of Drug and Alcohol Research* 14, no. 7 (November 2025), <https://doi.org/10.4303/JDAR/236458>.

⁶ Hillary Lintang and Elfia Farida, 'Alternative Resolution of Russia-Ukraine Conflict Based on International Law', *International Journal of Social Science Research and Review* 8, no. 1 (February 2025): 208–217, <https://doi.org/10.47814/ijssrr.v8i1.2509>.

interpretative practices within domestic courts.⁷ Second, comparative studies often analyse either continental or common law traditions separately, without proposing integrative models suitable for hybrid or transitional legal systems.⁸ Third, Ukrainian scholarship has predominantly addressed doctrinal issues of interpretation in isolation, without systematically examining the feasibility of incorporating European teleological and evolutionary methods into national practice.⁹

For instance, previous research by scholars of European integration has explored the impact of EU directives on domestic legislation, emphasising compliance and approximation, but has overlooked interpretative techniques as a distinct field of reform. Another strand of scholarship has analysed the precedential function of the Supreme Court in Ukraine, highlighting institutional challenges yet failing to situate these within a broader comparative framework. A third body of research has examined human rights-oriented interpretation in the jurisprudence of supranational courts but has not articulated concrete mechanisms for its adaptation in Ukrainian law enforcement practice. Consequently, there remains a lack of a comprehensive model that synthesises foreign interpretative approaches and translates them into actionable pathways for regulatory reform in Ukraine.

The novelty of this study lies in its integrative and comparative perspective. Rather than treating Europeanization solely as legislative alignment, this research conceptualises it as a methodological transformation of legal interpretation. It bridges continental systematicity, Anglo-Saxon flexibility, and supranational teleology, proposing a structured framework for modernising interpretative practice in Ukraine. By analysing foreign experience not as a template for mechanical borrowing but as a resource for contextual adaptation, the article advances a nuanced understanding of how interpretative reform can enhance both legal certainty and judicial creativity.

Against this background, the central research question guiding this study is: How can foreign interpretative approaches within continental, Anglo-Saxon, and supranational legal systems be systematically adapted to improve the interpretation of regulatory legal acts in Ukraine in the context of European

⁷ Leszek Leszczyński, 'Legal Interpretation in the EU Law Perspective: General Model and the Context of Penal Law', *Studia Iuridica Lublinensia* 33, no. 5 (December 2024): 179–196, <https://doi.org/10.17951/sil.2024.33.5.179-196>.

⁸ Caterina Bergomi, 'Exploring Judicial Interpretation: Comparative Law Methodology and the Hybridisation Paradigm', *Global Jurist* 23, no. 3 (October 2023): 243–253, <https://doi.org/10.1515/gj-2023-0119>.

⁹ Nino Lapiashvili, 'Evolution of The Scholarship On The Teleological Method of Legal Interpretation By The Court of Justice Of The Eu: Some of The Most Prominent Voices Reviewed2', *Georgian Journal for European Studies*, no. 5 (December 2022), <https://doi.org/10.52340/gjes.2022.01.10>.

integration? This question reflects the need to move beyond descriptive comparison toward normative recommendations and practical reform strategies. The significance of this research is both theoretical and practical. Theoretically, it contributes to comparative legal scholarship by reconceptualising Europeanization as a process of methodological convergence in interpretation. It enriches the discourse on legal hermeneutics by demonstrating how different legal traditions address the tension between stability and flexibility. In practice, the findings are relevant to judges, legislators, and policymakers involved in judicial reform and legislative drafting. Strengthening the Supreme Court's role in ensuring uniform interpretation, promoting teleological and evolutionary reasoning, and institutionalising mechanisms for doctrinal clarification can enhance the coherence of judicial practice and align national law with European standards.

Furthermore, improving interpretative methodology has broader implications for public administration and human rights protection. A consistent and value-oriented approach to interpretation increases predictability for individuals and businesses, reduces regulatory conflicts, and fosters trust in legal institutions. In the context of Ukraine's European integration trajectory, such reforms are essential for consolidating democratic governance and ensuring compliance with international obligations. In sum, the transformation of interpretative practice represents a critical dimension of legal modernisation. By synthesising foreign experience and articulating pathways for its contextual implementation, this study seeks to contribute to the formation of a modern culture of legal interpretation in Ukraine—one that harmonises national legal traditions with European standards while safeguarding the principles of the rule of law and legal certainty.

Method

This research employs a comprehensive normative-empirical design that integrates doctrinal, comparative, and empirical legal methods.¹⁰ As a normative-juridical study, it begins with an in-depth analysis of classical and contemporary literature on legal interpretation, including monographs, peer-reviewed articles, legislative texts, and official commentaries. A systematic and structural approach is used to identify the internal logic and hierarchy of interpretative methods—grammatical, systemic, teleological, and functional—within different legal traditions. Comparative legal analysis is applied to examine interpretative practices in continental (Germany, France, Poland), Anglo-Saxon (United Kingdom, United States), and supranational (European Union and European

¹⁰ Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif: Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

Court of Human Rights) contexts, to identify transferable standards suitable for adaptation in Ukraine. Logical and functional analysis further explores the relationship among the purposes of legal norms, constitutional principles, and practical law enforcement outcomes, enabling the study to formulate a hybrid interpretative framework responsive to supranational integration processes.

Empirically, the study relies on qualitative and quantitative content analysis of judicial decisions delivered between 2023 and 2025 by the Constitutional Court of Ukraine, the Supreme Court, and administrative courts, as well as selected decisions of foreign constitutional and supranational courts. Judicial rulings are classified by subject matter and interpretative method, enabling the identification of dominant trends and methodological shifts. Case studies of landmark or controversial disputes are conducted to assess judicial reasoning and the interaction of interpretative approaches in practice. In addition, sociological methods—semi-structured interviews and surveys of judges, lawyers, and legal scholars—are employed to capture professional perceptions regarding methodological challenges in applying teleological and systemic interpretation. Data analysis is carried out through triangulation, combining doctrinal evaluation, comparative synthesis, and empirical findings to ensure analytical consistency. The validity and reliability of the research are strengthened through cross-verification of judicial data, comparative benchmarking with foreign practice, and methodological triangulation, thereby providing a robust basis for normative recommendations and forecasting the evolution of interpretative models in the context of European integration and digital transformation.

Results and Discussion

Theoretical and Legal Principles of the Interpretation of Normative Legal Acts

The interpretation of normative legal acts is one of the most essential and dynamic elements of a functioning legal system.¹¹ At its core, interpretation is an intellectual and legal process aimed at clarifying, explaining, and concretising the meaning of legal norms to ensure their correct and uniform application.¹² Law, as formulated in statutory texts, is inherently general and abstract.¹³ It cannot

¹¹ Gregorius Widiartana and Sajjad Hussain, 'Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law', *Nusantara: Journal of Law Studies* 4, no. 1 (2025): 1–11, <https://doi.org/10.5281/zenodo.17346796>.

¹² Kenjayev Amirbek Alijon Ugli et al., 'Contemporary Issues of Transboundary Water Utilisation in Central Asia: Political and Legal Analysis', *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 493–512, <https://doi.org/10.22219/ljih.v33i2.40449>.

¹³ Mohammad Muslim Al-Zawahreh and Yousra Ahmed Hegazy, 'Digital Contracts: Legal Formalities and Contemporary Challenges', in *Studies in Systems, Decision and Control* (Springer Science and Business Media Deutschland GmbH, 2026), 227:273–282, https://doi.org/10.1007/978-3-031-95310-1_22.

anticipate every factual variation or social transformation. Therefore, interpretation serves as the vital link between the normative content of legislation and the complex realities of its practical implementation.¹⁴ Without a coherent and principled approach to interpretation, even well-drafted legislation may generate uncertainty, inconsistency, or even injustice in law enforcement.¹⁵

In classical legal theory, interpretation has been understood as both a cognitive and volitional activity. It is cognitive because it involves discovering the meaning embedded in legal language; it is volitional because it requires evaluative judgment in choosing among possible meanings. The well-known jurist S. S. Alekseev described interpretation as a "mental process aimed at identifying the true content of a legal norm," emphasising that it is not a mechanical reading of text but a reasoned engagement with its structure, purpose, and systemic context. Interpretation thus serves to overcome ambiguities, reconcile contradictions, and harmonise legal language with constitutional values and societal needs.¹⁶

Modern legal doctrine increasingly stresses that interpretation must be rational, justified, and non-arbitrary.¹⁷ Regulatory acts derive their authority not only from formal enactment but also from their reasonable and principled implementation within the boundaries set by statute and constitution.¹⁸ In this sense, interpretation is inseparable from the doctrine of the rule of law.¹⁹ Courts and administrative authorities must ensure that their interpretative choices respect legislative intent, maintain systemic coherence, and protect fundamental rights. Interpretation, therefore, becomes both a methodological tool and a safeguard against misuse of public power.

Depending on the subject and legal consequences, interpretation may be classified as official or unofficial. Official interpretation includes authentic

¹⁴ Ridwan Arifin and Aprila Niravita, 'Editorial Introduction: Contemporary Issues on Advocacy and Legal Services', *Indonesian Journal of Advocacy and Legal Services* 7, no. 2 (2025): 291–296, <https://doi.org/10.15294/ijals.v7i2.34008>.

¹⁵ Andrew Edgar and Kevin M. Stack, 'The Authority and Interpretation of Regulations', *The Modern Law Review* 82, no. 6 (2019): 1009–1033, <https://doi.org/10.1111/1468-2230.12458>.

¹⁶ 'Опшїбка 404', accessed 21 February 2026, https://leksika.com.ua/19711105/legal/yuridichna_entsiklopediya.

¹⁷ Anis Mashdurohatun et al., 'Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy', *MILRev: Metro Islamic Law Review* 5, no. 1 (January 2026): 80–100, <https://doi.org/10.32332/milrev.v5i1.11887>.

¹⁸ Vincentius Setyawan and Bariah Safrut, 'Rethinking Law and Justice: The Core Principles of Critical Legal Studies against Legal Formalism', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 74–85, <https://doi.org/10.5281/zenodo.17332128>.

¹⁹ Zet Tadung Allo et al., 'Strengthening Dominus Litis Principle for Effective Corruption Case Management in Indonesia: Harmonizing Positive Law and Islamic Legal Principles', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (October 2025): 529–550, <https://doi.org/10.29300/mzn.v12i2.8415>.

interpretation issued by the lawmaking body, legally binding explanations provided by authorised state institutions, and judicial interpretation expressed in court decisions. Such interpretations have normative force and ensure the unity of law enforcement practice. An unofficial interpretation, which includes doctrinal, professional, and everyday explanations, lacks binding force but significantly influences legal development.²⁰ Scholarly commentary often shapes judicial reasoning and legislative reform, especially in transitional legal systems undergoing modernisation.²¹

The theoretical framework of interpretation is grounded in a set of interconnected principles and methods that guide the interpretative process and prevent arbitrariness.²² These principles ensure that interpretation remains faithful to constitutional values while adaptable to contemporary conditions. At the same time, interpretative methods provide practical instruments for clarifying meaning. The interaction between principles and methods reflects the multidimensional character of legal reasoning. The main principles and methods of interpretation can be summarised as follows:

Table 1. Core Principles and Methods of Interpretation of Normative Legal Acts in Contemporary Legal Doctrine

Element	Core Content and Function
Principle of Legality	Requires conformity of interpretation with the Constitution and statutory hierarchy, ensuring respect for legislative supremacy.
Principle of Systematicity	Demands that a norm be understood within the broader legal system and in relation to related provisions.
Principle of Purposefulness (Teleology)	Directs interpretation toward achieving the objectives and social aims of legal regulation.
Principle of Justice and Rule of Law	Requires human rights-oriented and proportional interpretation consistent with fundamental values.
Grammatical Method	Focuses on linguistic and textual analysis to clarify the literal meaning of legal provisions.
Systematic Method	Examines the norm in the context of a legal institution, branch, or the legal system as a whole.

²⁰ Aimee E. Smith et al., 'A Meta-Analytical Assessment of the Effect of Deontological Evaluations and Teleological Evaluations on Ethical Judgments/Intentions', *Journal of Business Ethics*, 7 January 2023, 1–36, <https://doi.org/10.1007/s10551-022-05311-x>.

²¹ Mateusz Zeifert and Zygmunt Tobor, 'Legal Translation Versus Legal Interpretation. A Legal-Theoretical Perspective', *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 35, no. 5 (October 2022): 1671–87, <https://doi.org/10.1007/s11196-021-09837-7>.

²² 'Authoritative Interpretation', Oxford Public International Law, <https://doi.org/10.1093/law-mpeipro/e3528.013.3528>.

Historical Method	Considers the circumstances of adoption and the original legislative intent.
Teleological Method	Interprets norms in light of their purpose and broader constitutional principles.

Source: Author's Interpretation

In practice, these elements rarely operate in isolation. Contemporary legal systems increasingly favour a combination of interpretive methods, depending on the complexity of the case and the objectives of law enforcement. In continental European jurisdictions, such as Germany and France, systematic and teleological reasoning play a dominant role. Courts strive to ensure that each statutory provision aligns with constitutional principles and the coherence of the legal order. In Anglo-Saxon systems, judicial interpretation is precedential. Courts actively shape legal standards through case law, and interpretative authority evolves through accumulated judicial decisions. Nevertheless, even in common law traditions, purposive and rights-oriented reasoning has gained prominence, particularly in constitutional adjudication and administrative law.

The interpretation of normative legal acts is therefore not confined to textual clarification but extends to value-oriented reasoning. A purely grammatical approach may secure formal certainty yet fail to address the broader purpose of regulation. Conversely, an overly expansive teleological approach risks undermining predictability if not anchored in statutory language and constitutional structure. The challenge lies in maintaining equilibrium between stability and flexibility, between legislative supremacy and judicial creativity. In contemporary conditions characterised by globalisation, digitalisation, and supranational integration, the methodological dimension of interpretation becomes even more significant. Legal systems are increasingly exposed to international standards, human rights jurisprudence, and comparative influences. This environment necessitates a more sophisticated interpretative culture capable of integrating constitutional conformity, proportionality, and systemic coherence. Courts must not only apply norms but also ensure that their reasoning reflects broader principles of justice and legal certainty.

Ultimately, the interpretation of normative legal acts serves as a cornerstone of law enforcement and legal development. It ensures the unity of judicial practice, strengthens public trust in legal institutions, and facilitates the harmonious evolution of the legal system. The further development of interpretative theory requires continuous refinement of methodological tools, engagement with comparative experience, and institutional support for coherent judicial reasoning. By integrating classical principles with contemporary functional approaches, legal systems can enhance both the stability of the legal order and the protection of fundamental rights in modern society.

Interpretation of Legal Norms in Foreign Legal Systems

The interpretation of legal norms in foreign legal systems is an important factor in ensuring legal certainty, the stability of judicial practice, and the implementation of the rule of law.²³ A comparative analysis of approaches to interpretation across countries allows us to identify effective models of law enforcement for domestic practice, as well as the peculiarities of interpretation in countries with a continental legal system. In the continental (Roman-Germanic) legal family, which includes most European countries, legal interpretation is primarily based on written law.²⁴ A judge, as a rule, does not have the right to go beyond the text of the law; literal and systematic interpretation are a priority.²⁵

In Germany, the concept of "fidelity to the law" (Gesetzestreue) holds that a judge does not create new norms but only clarifies the content of existing ones.²⁶ In this case, doctrinal comments by lawyers who have significant authority in judicial practice play an important role. The interpretation of law in Germany is based on the principle of fidelity to the law (Gesetzestreue), according to which the Court may not go beyond the law, and its decisions must reflect the will of the legislator. At the same time, German law recognises that the text of the law is not always self-sufficient; it allows for judicial clarification (richterliche Rechtsfortbildung) - the development of the law by the courts, if the norm is incomplete or contradictory.²⁷

According to the Federal Constitutional Court of Germany (Bundesverfassungsgericht), interpretation must be carried out within the limits set by the Constitution (Grundgesetz) and be consistent with the principles of democracy, the rule of law, and the protection of human rights.²⁸ In German jurisprudence, four main methods of interpretation are traditionally distinguished: Grammatical (sprachliche Auslegung) - clarification of the content

²³ Mark Greenberg, *Legal Interpretation*, 7 July 2021, https://plato.stanford.edu/entries/legal-interpretation/?utm_source=chatgpt.com.

²⁴ Klaus J. Hopt et al., eds, 'The Combined Code on Corporate Governance July 2003', in *Corporate Governance in Context: Corporations, States, and Markets in Europe, Japan, and the US* (Oxford University Press, 2005), 0, <https://doi.org/10.1093/acprof:oso/9780199290703.002.0009>.

²⁵ Zweigert, K., Kötz, H. *An Introduction to Comparative Law*. – Oxford: Clarendon Press, 1998. – 742 p. URL.: <https://academic.oup.com/book/4079>](<https://academic.oup.com/book/4079>)

²⁶ Alexy, R. *The Argument from Injustice: A Reply to Legal Positivism*. – Oxford: Clarendon Press, 2002. URL.: <https://global.oup.com/academic/product/the-argument-from-injustice-9780198252177>

²⁷ Larenz, K. *Methodenlehre der Rechtswissenschaft*. Berlin: Springer, 1991. URL. <https://link.springer.com/book/10.1007/978-3-642-95755-1>

²⁸ Bundesverfassungsgericht. BVerfGE 7, 198 – Lüth-Urteil (1958). URL. https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/1958/01/rs19580115_1bvr040556.html

of norms by analysing the text, syntax, grammatical structure, and terminology. Systematic (systematische Auslegung) - determination of the meaning of the norm through its place in the legal system, its relationship with other norms. Historical (historische Auslegung), considering the intention of the legislator, materials of parliamentary debates, and preparatory documents. Purposeful or teleological (teleologische Auslegung) - interpretation in accordance with the purpose (Zweck) of legal regulation.²⁹

Most often, courts combine these methods, forming a "unity of methods of interpretation" (Einheit der Auslegungsmethoden), which allows for a comprehensive and logical understanding of a legal norm.³⁰ The Federal Constitutional Court of Germany (Bundesverfassungsgericht) not only interprets laws but also determines the boundaries of judicial interpretation. For example, in BVerfGE 7, 198 (1958), the Court emphasised that a judge is not entitled to substitute his own judgment for the will of the legislator, but may interpret a norm in its "life context" if necessary to protect fundamental rights.³¹

The German Federal Court (Bundesgerichtshof) also often applies a functional interpretation, clarifying the content of a norm by considering its role in specific legal relations, thereby ensuring consistency between the law's abstract nature and practice.³² In Germany, legal doctrine (Rechtswissenschaft) has a significant influence on judicial practice. Scholarly commentaries on codes (e.g., Palandt zum BGB, Maunz/Dürig zum Grundgesetz) are authoritative sources of interpretation, often cited by the courts. This combination of case law and scholarly doctrine creates a "dialogical model of legal application" in which law, Court, and science interact.³³

Interpretation of regulations in Germany is characterised by systematicity, rationality, and respect for the legislator. At the heart is the principle of the rule of law, complemented by judicial flexibility when literal interpretation leads to injustice. The experience of Germany demonstrates that the effectiveness of law enforcement depends on the balance between legislative precision and the courts' freedom of interpretation. In France, priority is given

²⁹ Canaris, C.-W. Systemdenken und Systembegriff in der Jurisprudenz. – Berlin: Duncker & Humblot, 2001. URL. [<https://www.duncker-humblot.de/product/9783428119291>

³⁰ Zippelius, R. Juristische Methodenlehre. München: C.H. Beck, 2012. URL. <https://www.beck-shop.de/zippeilius-juristische-methodenlehre/product/11266320>

³¹ Bundesverfassungsgericht. BVerfGE 7, 198 (1958) Lüth Case. URL. <https://www.servat.unibe.ch/dfr/bv007198.html>](<https://www.servat.unibe.ch/dfr/bv007198.html>)

³² Bundesgerichtshof. Urteil vom 24.10.2019 – IX ZR 215/18. <https://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&sid=65fa0b4a&nr=97232>

³³ Maunz, T., Dürig, G. Grundgesetz Kommentar. – München: C.H. Beck, 2022. URL. <https://beck-online.beck.de/Bcid/Y-300-Z-MAUNDURIGGG>

to purposeful (teleological) and logical interpretation, which allows the Court to consider the legislator's purpose. The Court of Cassation (Cour de cassation) often formulates universal interpretations that become a guideline for lower courts.³⁴

Interpretation in the countries of the Anglo-Saxon legal system. In contrast to the continental model, in the countries of the common law (Anglo-Saxon) system — Great Britain, the USA, Canada, Australia — the central place belongs to judicial precedent. It is the judicial practice that determines the content of the norms, and therefore, the interpretation of the law here is a lawmaking process.³⁵ In the United Kingdom, there are three main rules of interpretation: the literal rule — the Court applies the law in its literal meaning; the golden rule — allows for a departure from the literal meaning to avoid absurdity; the mischief rule — focuses on eliminating the social defect that the law was supposed to correct.³⁶ In the USA, in addition to traditional methods, purposive (purposeful) interpretation is widespread and takes into account the will of the legislator, the history of the law's adoption, materials from parliamentary hearings, and other sources. The US Supreme Court often refers to the principles of constitutionalism, the rule of law, and justice.³⁷

International legal experience. In the practice of the European Court of Human Rights (ECHR), an evolutionary approach to interpretation has emerged, allowing for consideration of changes in society and the development of legal standards. The Court emphasises that the Convention is a "living instrument" that must be interpreted in the light of modern conditions.³⁸ Similarly, the Court of Justice of the European Union (CJEU) actively employs functional and teleological interpretation to ensure the effectiveness of European law (the principle of effectiveness). This allows for the formation of uniform standards of law enforcement in the Member States.³⁹

³⁴ Terré, F., Simler, P., Lequette, Y. *Droit civil: Les obligations*. – Paris: Dalloz, 2021. URL.: <https://www.dalloz.fr/documentation/droit-civil-les-obligations>](<https://www.dalloz.fr/documentation/droit-civil-les-obligations>)

³⁵ Cross, R., Bell, J. *Statutory Interpretation*. London: Butterworths, 1995. URL.: <https://www.bloomsburyprofessional.com/uk/statutory-interpretation-9780406049411>

³⁶ Bennion, F. A. R. *Bennion on Statutory Interpretation*. London: LexisNexis, 2008. URL.: <https://store.lexisnexis.co.uk/products/bennion-on-statutory-interpretation>](<https://store.lexisnexis.co.uk/products/bennion-on-statutory-interpretation>)

³⁷ Scalia, A., Garner, B. *Reading Law: The Interpretation of Legal Texts*. – St. Paul: Thomson/West, 2012. URL.: <https://lawliberty.org/book-review/reading-law-antonin-scalia-bryan-garner>](<https://lawliberty.org/book-review/reading-law-antonin-scalia-bryan-garner>)

³⁸ European Court of Human Rights. *Guide on Article 8 of the European Convention on Human Rights*. Strasbourg, 2023. https://www.echr.coe.int/documents/guide_art_8_eng.pdf](https://www.echr.coe.int/documents/guide_art_8_eng.pdf)

³⁹ Court of Justice of the European Union. *Annual Report 2023*. – Luxembourg: CJEU,

Table 2: Foreign experience in interpreting regulatory legal acts

Country / Legal system	Main methods of interpretation	Characteristics	Examples / Sources
Germany	Grammatical, systematic, historical, teleological	Principle of Gesetzestreue; the Court can clarify the content of a norm, but not create a new one; great role of doctrine	BVerfGE 7, 198 – Lüth Case; Maunz/Dürig GG-Kommentar; https://www.bundesverfassungsgericht.de/
France	Logical, teleological, systemic	Orientation on the purpose of the law; the judge is the "voice of the law"; the practice of the Cour de cassation forms a unity	Civil Code; Cour de cassation; https://www.courdecassation.fr/
United Kingdom	Literal Rule, Golden Rule, Mischief Rule	The judge actively forms the content of the norm; court decisions are a source of law; precedent prevails.	Heydon's Case (1584); Pepper v. Hart (1993); https://www.bailii.org/
USA	Textual, purposive, constitutional interpretation	Use of historical materials, parliamentary debates, and the balance between the letter and the spirit of the law	Marbury v. Madison (1803); Brown v. Board of Education (1954); https://www.oyez.org/
European Union	Functional, teleological, evolutionary	Principle of effectiveness (effet utile); ensuring the unity of EU law	Van Gend en Loos (1963); Costa v. ENEL (1964); https://curia.europa.eu/
ECHR	Evolutionary, teleological, systemic	The Convention is interpreted as a "living	Tyrer v. the United Kingdom (1978); Demir and Baykara v. Turkey (2008); https://www.echr.coe.int/

2024.

https://curia.europa.eu/jcms/jcms/Jo2_7000/en](https://curia.europa.eu/jcms/jcms/Jo2_7000/en)

URL.:

instrument";
 priority of
 human rights
 over the form of
 the law.

Source: Author's Interpretation

The table demonstrates the diversity and evolution of interpretative methodologies across national and supranational legal systems, highlighting both distinctive traditions and emerging convergences. In Germany, interpretation combines grammatical, systematic, historical, and teleological methods under the guiding principle of *Gesetzesstreue*, meaning fidelity to statutory law; the Federal Constitutional Court may clarify and concretise the meaning of a norm but cannot create a new one, and legal doctrine plays a significant role, as illustrated by the Lüth decision (BVerfGE 7, 198) and leading commentaries such as *Maunz/Dürig*. In France, logical, teleological, and systemic approaches dominate, with judges traditionally regarded as the "voice of the law," while the practice of the *Cour de cassation* ensures unity of interpretation, particularly in the application of the Civil Code. The United Kingdom follows the common law tradition, applying the Literal Rule, Golden Rule, and Mischief Rule; here, judges actively shape the content of norms, judicial precedent constitutes a primary source of law, and landmark cases such as *Heydon's Case* (1584) and *Pepper v. Hart* (1993) demonstrate the evolution toward purposive reasoning. In the United States, interpretation reflects a balance between textual, purposive, and constitutional approaches, often relying on historical materials and legislative debates, with seminal decisions such as *Marbury v. Madison* (1803) and *Brown v. Board of Education* (1954) illustrating the central role of constitutional review and value-oriented reasoning. At the supranational level, the European Union applies functional, teleological, and evolutionary interpretation grounded in the principle of effectiveness (*effet utile*), ensuring the unity and supremacy of EU law, as seen in *Van Gend en Loos* (1963) and *Costa v. ENEL* (1964). Similarly, the European Court of Human Rights employs evolutionary, teleological, and systemic interpretation, treating the Convention as a "living instrument" and prioritising substantive human rights protection over formalism, as demonstrated in *Tyrer v. the United Kingdom* (1978) and *Demir and Baykara v. Turkey* (2008). Collectively, these approaches reveal a shared movement toward purposive, value-oriented interpretation while preserving the institutional and doctrinal particularities of each legal system.

Possibilities of Implementing Foreign Experience in Ukraine

For the Ukrainian legal system, which belongs to the continental family, it is important to take into account the positive elements of foreign experience, in particular: strengthening the role of court decisions as a source of interpretation of law; introducing the doctrine of "living law" in constitutional

justice; taking into account the practice of the ECHR as a guideline for national courts; developing legal doctrine and commentaries as a means of unofficial interpretation.⁴⁰ In the context of Ukraine's legal system reform, the issue of improving approaches to interpreting regulatory legal acts is particularly relevant. Effective interpretation of law is a key tool for ensuring the rule of law, the unity of judicial practice, and the proper application of legislation. Foreign experience in this area can become a valuable reference point for improving the quality of national law enforcement.

In countries with a continental legal system (in particular, Germany, France, Italy), interpretation is based on the principle of fidelity to the law (*Gesetzestreue*). However, it is supplemented by a teleological and systemic approach, which allows for harmonising the content of norms with general principles of law.⁴¹ For Ukraine, it is advisable to use a teleological method that orients law enforcement officers to the norm's purpose and ensures its compliance with the principles of the Constitution of Ukraine and European human rights standards.⁴² Borrowing the German doctrine of interpretation will contribute to the development of the unity of judicial practice, the formation of a culture of scientific commentary on laws, and strengthening the role of legal science in the process of lawmaking.⁴³

The legal systems of the United Kingdom and the United States are characterised by a precedential system, in which judicial interpretation serves as a source of law. Judges apply the literal, golden, and mischief rules, ensuring a balance between the norm's literal content and its fair application.⁴⁴ For Ukraine, the introduction of elements of precedential thinking is valuable - the use of Supreme Court decisions as guidelines for the uniform application of the law by

⁴⁰ Constitutional Court of Ukraine. Decision of September 30, 2010 No. 23-рп/2010. URL: <https://zakon.rada.gov.ua/laws/show/v023p710-10#Text> [(https://zakon.rada.gov.ua/laws/show/v023p710-10#Text)]

⁴¹ Yevhen Leheza, 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect', *Journal of Drug and Alcohol Research* 12, no. 4 (May 2023), <https://doi.org/10.4303/JDAR/236240>.

⁴² Olha Hryhorash et al., 'The Development of Small Business as a Source of Formation of Local Budget Revenues in Ukraine', *Investment Management and Financial Innovations* 15, no. 1 (February 2018): 132–40, [https://doi.org/10.21511/imfi.15\(1\).2018.12](https://doi.org/10.21511/imfi.15(1).2018.12).

⁴³ Yuliia Volkova et al., 'Crypto Market Experience: Navigating Regulatory Challenges in Modern Conditions', *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 2 (December 2024): 178–94, <https://doi.org/10.30631/alrisalah.v24i2.1625>.

⁴⁴ Leheza Ye., Filatov V., Varava V., Halunko V., Kartsyhin D. 'Scientific and practical analysis of administrative jurisdiction in the light of adoption of the new code of administrative procedure of Ukraine', *Journal of Legal, Ethical and Regulatory Issues*, 5 (22) (2019), 1-8 <https://www.abacademies.org/articles/scientific-and-practical-analysis-of-administrative-jurisdiction-in-the-light-of-adoption-of-the-new-code-of-administrative-proced-8634.html>

lower courts. This approach has already been partially implemented in Article 13 of the Law of Ukraine "On the Judiciary and the Status of Judges" and can be expanded by strengthening the role of judicial explanations.⁴⁵ The decisions of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union demonstrate an evolutionary interpretation that takes into account social change and societal development. The Convention on the Protection of Human Rights is interpreted as a "living instrument".⁴⁶ It is important for Ukraine not only to apply the decisions of the ECHR in national practice, but also to adopt a dynamic interpretation method that will allow adapting legislation to modern challenges, in particular digitalisation and martial law.⁴⁷

For the effective implementation of foreign experience, it is necessary to: increase the role of the Supreme Court in forming unified approaches to the interpretation of norms; develop scientific and doctrinal commentaries on laws, similar to the German *Kommentaren*; ensure the integration of judges into international training programs focused on comparative law; develop standards of official interpretation that will regulate the procedures for interpreting laws by government bodies.

Conclusion

The research confirms that the effectiveness of law enforcement depends not solely on the formal quality of legislation, but equally on the maturity and flexibility of interpretative culture within a legal system. Comparative analysis demonstrates that continental systems, such as those in Germany and France, prioritise systematic coherence, fidelity to the statutory text, and teleological reasoning grounded in constitutional values, thereby ensuring stability and predictability. In contrast, Anglo-Saxon systems, particularly the United Kingdom and the United States, emphasise precedent and judicial creativity, allowing courts to adapt legal norms to evolving social realities. Supranational institutions, notably the Court of Justice of the European Union and the European Court of Human Rights, further advance functional and evolutionary interpretation focused on effectiveness and human rights protection. For Ukraine, which is undergoing legal transformation in the context of European integration, the optimal path lies in combining the clarity and systematicity of the continental tradition with the flexibility and pragmatic orientation of the

⁴⁵ Leheza, 'Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors'.

⁴⁶ European Court of Human Rights. Guide on Article 8 of the ECHR. – Strasbourg, 2023. https://www.echr.coe.int/documents/guide_art_8_eng.pdf

⁴⁷ Court of Justice of the European Union. Annual Report 2023. – Luxembourg, 2024. (https://curia.europa.eu/jcms/jcms/Jo2_7000/en)

precedent-based model. Such a synthesis would strengthen the unity of judicial practice, reduce legal uncertainty, enhance the doctrinal foundations of interpretation, and reinforce public trust in the judiciary under the principle of the rule of law.

At the practical level, the adaptation of foreign experience should focus on strengthening the Supreme Court's role in ensuring uniform interpretation, institutionalising doctrinal guidance comparable to authoritative commentaries in continental systems, and systematically incorporating the evolutionary and human rights-oriented approaches developed in European jurisprudence. Creating structured mechanisms for official explanations and promoting methodological training for judges would further consolidate interpretative consistency. At the same time, future research should expand empirical analysis of judicial reasoning across different branches of law, explore the impact of digitalisation and artificial intelligence on interpretative practices, and assess the long-term effects of European integration on national hermeneutics. Continued scholarly attention is essential, as interpretation remains a dynamic and evolving field that will shape the development of regulatory governance, constitutionalism, and human rights protection in the years ahead.

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Author Contributions Statement

Yevhen Leheza conceptualised the research framework, supervised the overall study design, and contributed to the development of the theoretical foundations and final revision of the manuscript. Oleksandr Kurakin was responsible for the comparative legal analysis and examination of continental and Anglo-Saxon interpretative models. Olha Shapovalova conducted the doctrinal analysis of Ukrainian legislation and judicial practice and contributed to the drafting of the methodology section. Kateryna Sokh conducted empirical data collection and content analysis of judicial decisions and contributed to data systematisation and interpretation. Artur Makarov contributed to the analysis of European Union and European Court of Human Rights jurisprudence and assisted in editing, formatting, and ensuring compliance with academic standards. All authors reviewed, discussed, and approved the final version of the manuscript and agree to be accountable for all aspects of the work.

AI Usage Statement

The authors declare that artificial intelligence (AI) tools were used solely to assist with language editing, stylistic refinement, and structural organisation of the manuscript. AI was not used to generate original research data, conduct analysis, or formulate substantive legal arguments. All conceptual development, comparative analysis, interpretation of legal sources, and conclusions presented in this study are the result of the authors' independent scholarly work. The authors have carefully reviewed and validated all content to ensure its accuracy, originality, and compliance with academic integrity standards.

Conflict of Interest

The authors declare that there are no conflicts of interest regarding the publication of this article. The research was conducted independently and without any commercial or financial relationships that could be construed as a potential conflict of interest. The authors affirm that the study was conducted in accordance with the principles of academic integrity, objectivity, and transparency.

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