

es of formation law as a whole, which is the transformation of psychic energy into the social, as well as social energy in the psychic. Therefore, since the introvert model of understanding of law

involves finding the source of law-making mechanism in the inner world of man, his sense of justice, the representatives of the extrovert model, however, consider the law only in a social context.

***Karmazina K. Yu.,***  
*Candidate of Law Sciences,*  
*Senior Lectures, Department of constitutional law and justice,*  
*Odessa National University named after I.I. Mechnikov*

## PECULIARITIES OF THE INTERNATIONAL AND NATIONAL LAW LEGAL SOURCES MECHANISM OF CO-OPERATION IN THE LEGAL SYSTEMS OF COMMON TYPE

New scientific task, which consists of revealing the basic parameters and peculiarities of the International and National Law legal sources mechanism of co-operation is solved in this article. Such kind of mechanism provides the coordinated functioning of standard and legal instructions in the legal systems of Common Type (Law).

The lightening of peculiarities of the International and National Law legal sources mechanism of co-operation in the legal systems of Common Type (Law) is based on an example of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, the United States of America legal systems.

The results of this research allow to make following conclusions:

1. The peculiarities of the modern Common Law legal sources are the following ones:

- the judicial precedents are the basics of the system of the modern Common Law legal sources;

- there are a lot of laws (acts, statutes) and consolidated acts in their system;

- the character of precedent law sources has been changed;

- the usage of legal custom and the doctrine of law is minimised;

- the specific gravity of the international treaties (agreements) has grown;

- the spheres of legal regulation has expanded and the spheres of precedent regulation has narrowed;

- there is a growth of precedents' role in the standard and legal instructions' specification and interpretation;

- an assimilation of standard and legal instructions under the international standards' influence takes it place;

- the diversification of the legal sources system takes it place.

2. Legal sources mechanism of co-operation in the legal systems of Common Type (Law) is a method of the purposeful providing of standard and legal instructions' co-ordination within the borders of the system with the purpose of effective regulation of public

relations. Its main parameters should include the following items:

- 1) co-operation principles;
- 2) normative spheres of the legal adjusting and their limits should be expressly certain and fixed;
- 3) specific gravity of legal facilities;
- 4) subjects, which provide co-operation;
- 5) collision mechanism.

3. Special attention in this article is paid to a deep analysis of the international treaties' models of incorporation into the national legal systems. The automatic model of international treaties' (agreements') incorporation is widely used in the United States of America. Other

Common Law countries use the Westminster model of international treaties' (agreements') incorporation.

4. The author focuses her attention on a need to fix up in the constitutions and constitutional acts or in the specially adopted for these purposes laws of the Common Law countries the mechanism of the national Common Law legal sources with the International Law legal sources co-operation inside the borders of a legal system. The author insists on the idea that the basic parameters of such kind of mechanism should be taken into the consideration. It's recommended to name those special laws in the following way: «On the legal sources' system».

**Kachur V.O.,**  
*Candidate of Law Sciences,*  
*Associate Professor, Head of department theory and history of state and law,*  
*National University of Bioresources*  
*and Natural Resource Use Sciences of Ukraine*

## ABOUT UNDERSTANDING AND DEFINITION OF «SOURCES OF LAW» NOTION

Under conditions of the present day European integration and globalization, the legislators are facing a vital necessity for search of the most general and universal definitions of basic legal notions and categories, in order to formulate single approaches to their understanding and usage. The legal theorists aim efforts at improvement of the conceptual and categorical framework of their science that as before shall contain the so called polysemantic, difficult to understand and inexact notions. One of them is the term «sources of law».

The problem of determine the «sources of law» notion still remains es-

sential. The reason for this is that there are no single approaches to the interpretation of the meaning of this term, the separation of which is not always followed by formulation of its definition. At the same time we observe the trend to investigate the «sources of law» notion alongside with the «form of law» notion. There is an established peculiar «tradition» to define the sources of law through the exterior form of law by their refinement within the brackets by the «form» notion, or vice versa (for example, «sources (forms) of law», or «forms (sources) of law»). Other researchers