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# THE STRUCTURE OF LOGICAL, PRESCRIPTIVE AND SPECIALIZED LEGAL NORMS

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The subject of this article is the norms of contemporary Russian law. The purpose of the article is the author's vision of the problem concerning the structure of the norms of contemporary Russian law. The following tasks were solved to achieve this goal: 1) to show the importance of the structure of the rule of law; 2) to analyze the arguments of both supporters and opponents of the three-tier structure of the logical rule of law; 3) substantiate the two-tier structure of prescriptive norms; 4) determine the status of specialized legal norms and their types; 5) to substantiate the author's vision of specialized legal norms.
The author uses a system of methods such as: general philosophical (dialectical-materialistic), general scientific (analysis and synthesis, induction and deduction, etc.), special (philological, etc.), private scientific (formal-dogmatic, interpretation, etc.) methods. Conclusions. The author is not a supporter of the three-tier structure of the logical norm of law. It seems that theory and legal practice should focus on the structure of norms-prescriptions (regulatory and protective), respectively highlighting the hypothesis and disposition and the hypothesis and sanction. As for the specialized norms of law (declarative, norm-principles, definitive, operational), they include such structural components as a supposed hypothesis and a real disposition. Conflict norms as a kind of specialized norms include a real hypothesis and a real disposition.

## 1. Introduction.

The most important features of a legal norm and its immanent properties are its specific structure as a whole and its constituent elements separately, which, in unity and interrelation, ensure the practical operation of a legal norm and allow it to realize its purpose. The structure of a legal norm is associated with the allocation of certain mandatory parts of each norm that create a stable order of its construction; it reinforces and complements the theoretical understanding of it, laid down in its concept and features. At the same time, it is aimed at the practice of implementing legal norms, applying and other forms of their implementation. Emphasizing that continuing the traditions of Russian pre-revolutionary legal literature, Soviet and modern Russian legal scholars made a significant contribution to the development of the issue and the structure of the legal norm, M. I. Baitin rightly argued that" ... at the same time, as a matter of course, norms-rules - of-behavior were meant " [1, 215 ].

It seems that the question of the structure of specialized norms of law is problematic, which is superficially analyzed in the legal literature. M. I. Baitin noted that "the question ...about the structure of norms that are not rules of conduct, as well as about the existence of such a special kind of legal norms, was not only not considered until recently, but was not even raised" [1, p.215]. V. N. Protasov and N. V. Protasov also pay attention to this circumstance: " ... the problem of the structure of the rule of law refers, in essence, only to those norms of law that directly regulate behavior, i.e., to the granting and calling norms. In the literature, this point is not taken into account, because there are other types of norms in the legal system. For example, norms-definitions, norms-principles, etc." [2, p. 310]. We are talking about specialized norms, which, according to the authors, "... do not have a grant-binding nature, do not directly regulate behavior, but help other norms of law in this through the system connections of law" [2, p.308]. Along the way, we note that scientists mistakenly distinguish granting-binding norms, which as such do not exist. It should be about such a feature of a legal norm as its grant-binding nature. Bearing in mind this feature of the rule of law, scholars clarify that "the regulatory impact of the rules of law is manifested in the fact that, while granting one party to the regulated relationship the right to act at its own discretion, the rules at the same time impose on the other

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party a legal obligation to a certain action, i.e., require to act in the interests of the owner of the right-the authorized person [3, p. 144]". Filimonov saw the qualitative peculiarity of the rule of law in its ability not just to regulate the behavior of subjects of public relations, but to regulate it by granting certain rights to persons and imposing certain duties on them when the conditions provided for in the legal norm in a particular sphere of public life occur[4, p.7].

By the way, we note that the stated position is similar to the point of view of other authors. For example, R. A. Romashov, believing that the structure of a legal norm is the internal structure of a legal norm, its division into its constituent elements (parts) and the relationship of these parts to each other, notes that "...such a division is characteristic of legal norms that directly contain the rules of conduct" [5, p.146].

**2. The structure of the logical rule of law.**

In other words, when considering the structure of a legal norm, scientists do not mean specialized norms. So, the team of authors believes that legal norm has an internal structure( content) - a logical structure consisting of three parts (elements): hypothesis, disposition and sanction. All three elements together make up the rule of law as a whole [6, p. 180]. The team of authors - Goyman-Kalinsky, Ivanets G. I., Chervonyuk V. I. - believe that "the three-part structure of the rule of law (expressed in a logical norm) is of great practical importance; the legislator is guided by this approach to construct a full-fledged norm in the law that can act as an effective regulator, and the law enforcer aims at a thorough and comprehensive analysis of the normative material in its entirety, reproducing in it the entire set of elements that form one whole-a normative prescription, represented by a hypothesis, disposition and sanction" [3, p.145]. Considering the concept remains the most common in the theory of law, it is given in the literature [7, p. 19]. Explaining it, M. N. Marchenko writes: "Each legal norm defines a rule of behavior in inseparable connection with the conditions of its implementation and measures of enforcement; the connection of these definitions (elements, attributes) of a legal norm form its structure: "if-then-otherwise"
[8, p. 371]. In the presented structure, "if" is a condition for the corresponding action or behavior, "then" is the action itself (a rule of behavior, a disposition), and "otherwise" is an indication of possible adverse consequences (a sanction). In principle, this position corresponds to the point of view of D. A. Kerimov and D. V. Shumkov, who argued that "a legal norm, as an abstract concept..., cannot be one-element or two-element, it always consists of three elements". According to the authors, "each legal norm is logical if it contains answers to three mandatory questions: what kind of behavior it provides for the subjects of legal relations ;under what conditions this behavior should (or can) take place and what will be the consequences for persons who do not comply with or violate the established rule"[9, p.50]. In a categorical form, the literature asserts that hypothesis, disposition, and sanction are necessary structural elements of all norms of law. At the same time, it is emphasized that no rule of conduct provided for by a legal norm can be presented without specifying under what conditions it should be fulfilled, what it should be expressed in, and what legal consequences may or should occur if the requirements contained in the norm are not met[4, p. 8].

**3. Criticism of the structure of the logical norm.**

It should be noted that in legal science, the structure of the logical rule of law has been criticized on various grounds, some of which deserve attention.

First, it was noted that it is difficult (if not impossible) in the existing legal acts.) find an article that would combine all three elements of a legal norm, while there are plenty of texts based on the "if – then" formula in the legislation.

Secondly, in the system-logical interpretation of law, which constructs all three elements of a legal norm, such a need arises when resolving legal disputes, when applying legal norms or when preparing and adopting new regulations, but not when determining the immediate legal results of

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certain actions and circumstances, which are common for everyday life[10, p. 601].

Criticizing the structure of the logical rule of law, B. I. Puginsky noted that the difficulties in the practical application of the "if – then – otherwise" scheme were caused by the fact that it was necessary to recognize the existence of atypical norms that do not have such a structure. The scientist emphasized that in law it is generally impossible to find norms constructed according to this model; it is significant that not a single book on the theory of law, which talks about the three-tier structure of the norm, does not provide a single example illustrating and proving this statement[11, p. 24].

To be fair, we note that in the literature, there have been attempts by proponents of the logical norm structure to show this by concrete examples, which we consider not entirely successful. Thus, A.V. Malko identifies the hypothesis, disposition and sanction, as the author writes, on the example of the "simplest norm", without specifying the article of the normative legal act in which it is fixed: "... citizens of the Russian Federation who have reached the age of 18 have the right to vote; persons who hinder the exercise of this right are brought to administrative or criminal responsibility"[12, p. 274]. Abdulaev managed to see three elements in the norm enshrined in Article 65 of the Family Code of the Russian Federation: "Parents who exercise parental rights to the detriment of the rights and interests of children are liable in accordance with the procedure established by law"[13, p.317]. Although it is not difficult to see the hypothesis ("Parents who exercise parental rights to the detriment of the rights and interests of children" and the sanction ("bear responsibility in accordance with the procedure established by law") of the protective rule of law. Equally critical is the attempt to isolate the hypothesis, disposition and sanctions of the rule of law by V. Ya. Lyubashits, A. Yu. Mordovtsev and

A. Yu. Mamychev, who, analyzing Article 322 of the Criminal Code of the Russian Federation that "crossing the protected State border of the Russian Federation without established documents and proper permission is punishable by a fine... or imprisonment...". Scientists interpret the logical meaning of this norm and its regulatory requirement as follows: if we want to move across the State border of the Russian Federation, we need to have the appropriate permission and the necessary (standard) documents, otherwise we will be punished in the form of a specific fine, or imprisonment for a certain period of time [14, p. 453.].

B. I. Puginsky reasonably believes that if we assume that one of the elements of a legal norm is in one article of a normative act, and the other elements are in other articles, then the norm ceases to be an integral, integral entity. With such a dismemberment, the totality of stable connections of a legal norm that ensure its integrity and identity with itself under various changes in its parts is lost. Assessing the theoretical research of the proponents of the structure of the logical norm of law as extremely dubious and causing concern, the scientist rightly argued that "the theory of law ... suggests that a certain abstraction that allows an arbitrary combination of different parts of normative acts is considered a norm of law" [11, p.25].

Yu.V. Kudryavtsev also criticizes the logical structure of the rule of law, pointing out that in current law (and, accordingly, in legislation) such a scheme is rarely observed in its pure form. It sometimes undergoes various metamorphoses, sometimes it seems to disappear, and then it is very difficult to find this structure behind the abundance of logically heterogeneous elements of the text. The author noted that " the rules of behavior, depending on the needs of regulation, sometimes appear in the form of a "norm without a sanction", then in the form of a "norm without a hypothesis", then in the form of definitions in which the structure of the norm is generally difficult to detect"[16, p.54]. Recognizing that the three-tier structure is not flexible enough, the author believes that it does not cover all the elements of information available in law; it does not make it possible to reflect the systematic and functional relationship of different categories of addressees (for example, citizens and law

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enforcement agencies) [16, p.55].

It seems that the critical statements made by S. S. Alekseev at the time are not without meaning. Thus, he believed that the authors who limit the analysis of the structure of the norm to a three-part scheme do not notice that with such an approach "... the living fabric of law, its reality, characterized by the unity of form and content, disappears. The subtleties, details, and nuances of regulation that are so essential for the legal mediation of public relations, for the solution of legal cases in practice, are also disappearing"[18, p. 312].

While agreeing with the above critical provisions, it is very difficult to agree with G. T. Chernobel, who also does not support the point of view that every legal norm consists of three elements: hypothesis, disposition and sanctions. The main objection of the author is that he considers the conditions for the operation of a rule of law as a prerequisite for the operation of a rule of law, and not as a logical element of its content. As the scientist writes, " one or another hypothesis of a rule of law in relation to a legal norm, a normative prescription acts only as a conditioning (external) factor. The same can be said about the sanctions. If the sanction is applied only in case of violation of a legal norm, i.e. it ensures compliance with this norm, then it follows with immutable logic that this is not the norm of law itself or any part of it. This is an external factor in relation to this legal norm, which performs the function of its real guarantee" [19, p. 41]. The author summarizes that the main mistake in elucidating the logical structure of a legal norm is that this structure is sought out outside the norm of law as such. The logical structure of a legal norm is formed by its content, and not by the conditions that determine its functioning, action, and not by the means by which it is provided [19, p. 41]. In other words, scientists unreasonably identified the disposition of the rule of law with the rule of law itself. This fact has been repeatedly pointed out. Thus, a number of scientists do not deny that the main element, the core of the legal norm, the rule of conduct contained in it is a disposition that cannot be identified with the norm of law. As the author writes, the disposition can neither be contrasted with other constituent elements of the rule of law, nor separated from them. Despite its priority in the structure of the legal norm, the disposition itself is not yet a rule of law [20, p. 126;
1, 217].

Apparently, it is no accident that in response to this criticism, a convergence of initially opposing views on the structure of the legal norm has been observed for a long time. Proponents of the "three-element structure" of the legal norm introduced the concept of "normative prescription" into the categorical apparatus of the theory of law, which is understood as a logically completed provision formulated in the text of a normative act aimed at regulating a certain type of public relations [21, p.34]. The objection to the "three-element structure" of a legal norm, that relatively independent prescriptions of law are "dissolved" in it, is removed. capable of regulating people's behavior and social relations, and therefore isolated in the text of the normative act. It also opens the way to an in-depth analysis of the regularities of the relationship between the texts of normative acts and the legal prescriptions contained in them [10, p. 622].

**4. The structure of norms and regulations.**

It seems that the position according to which "in order for a legal relationship to arise (change, cease), two elements are sufficient: a) an indication of certain legally significant circumstances; b) an indication of the legal consequences that these circumstances cause. Proponents of this point of view write that "if ... the task of analyzing the text of a normative legal act is limited to clarifying the legal consequences that cause certain legal facts, then a two-element construction of a legal norm is sufficient. And this construction is reflected by the scheme: "if ... then..." [2, p. 311]. If we critically evaluate the stated position, then, first, it should be specifically indicated that we are talking about a) a hypothesis and b) a disposition or sanction of the norms of law that are inherent in the regulatory and protective norms of law, respectively; secondly, the authors unreasonably narrow the

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content of the hypothesis of the rule of law by pointing only to legal facts, without taking into account the fact that it contains an indication of the addressee of the rule of law, its spatial and temporal spheres of action; thirdly, in their arguments, scientists should not keep in mind the text of the normative legal act, but the norms of law.

**5. On the status of specialized norms of law.**

As for the specialized norms, it is noteworthy that the positions of the authors are very different and even diametrically opposed. Thus, some theoretical scientists do not mention specialized legal norms at all when classifying legal norms. Thus, S. A. Komarov, analyzing only the norms-principles, believes that the latter "do not contain explicit elements of the norms of law, they are the result of normative generalizations, express the social content of all the norms of law of this group [22, p. 181]. A number of other scientists also ignore the specialized norms of law [23, 24, 25, 26]. M. M. Rassolov, mistakenly calling specialized norms "special", referring to the latter as declarative, operational and conflict-of-laws norms, believes that they cannot be attributed to legal norms, since they do not directly define the rights and obligations of subjects. The author defines them as cognitive rules of legislation that have an intellectual orientation, "...the reference point that, in the presence of certain life circumstances, each subject must take into account, determining the scope of their powers and responsibilities." M. M. Rassolov draws attention to the fact that "... some of them, with the appropriate interpretation, can get a direct legal meaning" [27, p. 202-203]. This provision seems to be very abstract, requiring further clarification.

Apparently, such a negative attitude to specialized norms of law is largely determined by the position of the Soviet scientist V. M. Gorshenev, who defined the former as some atypical prescriptions that are included in the content of law as specific provisions of a certain level, which should be distinguished from the norms of law. The author believed that "the understanding of their nature, content, and regulatory purpose ... should be carried out in compliance with their conceptual autonomy in the categorical structure of the theory of socialist law" [28, p. 113].

In our opinion, some inconsistency in the recognition or, on the contrary, in the non-recognition of specialized norms of law is shown by M. N. Marchenko, who in some of his works, referring to specialized norms of law, classifies them accordingly[29, p. 626; 30 , p.586-587], and in others - categorically denies. In the latter case, the author argues that "sometimes the norms-rules of behavior (norms of direct regulation of human behavior) are distinguished from the original legal norms (norms-principles), which have the most general character, the highest form of abstraction" .The scientist believes that "there are no objective grounds for such a division, if we assume that the essence of law consists in regulating the behavior of people and their relationships. The so-called norms-principles, definitive and other norms are normative prescriptions of a high level of generalization, placed outside the brackets of norms-rules of conduct, but gaining validity and legal force only as part of each of them"[31, p. 735].

On the contrary, another group of authors shows a positive attitude to specialized norms of law [18, p.318-319; 32, p. 8-13]. In particular, this refers to the position of S. S. Alekseyev, who wrote that they "...in contrast to the regulatory and protective ones, are of an additional nature,...are not an independent regulatory basis for the emergence of legal relations", and "when regulating public relations, they seem to join the regulatory and law enforcement ones, forming a single regulator in combination with them[33, p. 236].

A slightly different position on the question of the place of specialized norms in the system of norms of law, which will be expressed later, is held by V. Ya. Lyubashits, A. Yu. Mordovtsev and A. Yu. Mamychev, who believe that the constituent (initial) norms occupy a special, leading place in the state-legal mechanism of regulating public relations and, accordingly, the highest legal force in comparison with other types of legal norms [34, p.466, 35, p.

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158].

M. I. Baitin, adhering to this position, believed that specialized norms play a special role in the mechanism of regulating public relations, and their main purpose is that they determine the foundations of legal regulation of public relations, its goals, objectives, principles, limits, directions, and fix legal categories and concepts[36, p.156-176].

We should, in our opinion, agree with the scientist who argued that it is wrong to reduce the original norms, calling them "non-standard prescriptions", to norms that have an additional character, because they "occupy the highest step in the hierarchy of generally binding legal prescriptions" [1, p. 241].

Yu. V. Kudryavtsev is convinced that definitions and similar provisions cannot be considered independent norms of law, although they play a significant, sometimes decisive role in regulating human behavior, although they do not directly affect it. The author believes that the law is a system of norms that establish the mutual rights and obligations of subjects. Definitions can be considered as a kind of "auxiliary information", because they clarify and reveal the provisions that are part of the elements of the norm. From the point of view of a scientist, definitions can always be attached to a particular norm according to their "addressee", although they "serve" many norms due to the commonality of concepts in different institutions and branches of law.

Finally, attention is drawn to the position of Yu. V. Kudryavtsev that definitions that specify a particular normative provision are, so to speak, a decomposed norm, i.e. decomposed into component semantic parts [38, p. 70-71].

Developing these provisions, I. V. Moskalenko also objects to the identification of legal definitions with the norms of law, because this does not agree with the etymology of these terms. Nevertheless, it notes the close connection of legal definitions with the norms of law. Moreover, according to the author, there are cases of using definitions as one of the elements of the norms of civil legislation. In the form of definitions, legal facts are often formulated that form the hypothesis of the corresponding civil law norms. The author also argues that, being fixed in the hypothesis of legal norms, legal definitions act in relation to them as the primary element of the mechanism of civil law regulation, because only when life circumstances occur, fixed in the definition of the concept that makes up the content of the hypothesis of a legal norm, the legal consequences provided for by this norm are transformed into subjective rights and obligations of specific subjects of civil legal relations [39, p.56-60]. In other words, we are talking about the fact that in this case, such specialized norms as legal definitions manifest themselves as a special legal phenomenon, acting as a legal expression of various elements of the mechanism of legal regulation, without being a kind of legal norms.

In our opinion, the intermediate position on the problem under consideration is occupied by representatives of the legal and doctrinal interpretation of law, who consider the legal definition not as an independent element of legal regulation, but as a modification of one of the specific manifestations of legal norms[41, p. 427; 42, p.172 ], as well as the authors who recognize the first as "an integral part of the rule of law existing in the form of a normative legal prescription, which is a way of textual expression of parts of the norms of law (hypotheses, dispositions)" [43, p. 65].

We believe that the point of view of scientists who do not doubt the independent nature of specialized norms should be recognized as justified. Thus, M. I. Baitin, without denying the division of the norms of law into rules of conduct and initial (starting, constituent) norms, wrote that the first ones are directly regulatory norms, norms of direct regulation, which, if there are appropriate conditions, establish the type and measure of possible and proper behavior of participants in public relations, their mutual subjective rights and legal obligations, protected and guaranteed by the state; the latter are the norms of indirect regulation[47, p. 359], which establish the general principles, initial provisions and directions of legal regulation, acting in a

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systematic connection and unity with the norms-rules of behavior, are detailed and implemented through them[47, p.359].

M. I. Baitin came to the conclusion that "...legal regulation is unthinkable without an organic combination and complementarity in the system of law, in all branches of the starting (initial, constituent) norms and norms - rules of conduct" [47, p.359]. Scholars note that the main difference between the norms-rules of behavior and the original norms is that the norms - rules of behavior are directly aimed at regulating public relations, people's behavior, and the impact of the original norms on public relations is indirect[48, p.371].

The proponent of the recognition of the legal definition as one of the varieties of legal norms is G. V. Maltsev, who believes that it does not require anything, but only tells us something important about the subject. According to the scientist, the definition included in a legislative act becomes institutionalized, clothed in a legal form common to norms - rules of conduct, norms - principles, norms - declarations, norms – goals [49, p.712]. In other words, the definition can be transformed into a prescriptive legal norm. The essence of the requirement (the element of imperativeness) is not laid down in the definition itself, but in the need to take it into account, to consider it when performing legal actions.

**6. On the types of specialized rules of law and their characteristics.**

On the question of what specialized norms of law are meant, it should be immediately noted that we exclude from their system incentive norms [50, p. 202], which stimulate both ordinary (necessary, desirable) and law-active behavior; constituent[3, p.152] and general (fixing) norms[2, p. 308], norms-calculations [2, p. 308], legal presumptions and fictions[51, p. 6], prejudices and legal axioms [52, p. 338].

At the same time, we take into account other opinions about the composition of specialized norms of law. So, some scientists believe that these are general (binding) norms - "norms of law that establish, fix the general conditions for the operation of granting and binding norms". According to the authors, these include, for example, "the rules governing the conditions of legal personality, the general conditions for the performance of obligations in civil law, the rules of the general part of criminal law (or rather, the code-V. K.), indicating some common features of crimes, punishments, conditions of release from punishment, etc." [2,p. 308]. Often, constituent norms are considered as specialized norms - " normative provisions of a status nature (establishing the status of an official, establishing the legal regime of regulation, etc.). It is argued that an example of such a variety of norms is Article 80 of the Constitution of the Russian Federation: "The President of the Russian Federation is the head of state" [3, p.152].

In our opinion, the following should be considered as specialized rules of law, while paying more or less attention to their peculiarities.

From the position of V. I. Chervonyuk, "the principles of law are generally binding initial normative legal provisions, characterized by universality, general significance, and the highest imperative, determining the content of legal regulation and acting as a criterion for the legality of the behavior and activities of participants in relations regulated by law"[54, p. 138]. Most theoretical scientists consider the norms-principles of one of the types of legal norms. So, S. S. Alekseyev once argued that the norms-principles have a certain independent regulatory value, directing legal practice, determining the general lines of solving legal cases [33, p. 242]. N. S. Malein drew attention to the fact that "from the sphere of legal consciousness, science, theory, ideas-principles are embodied, pass into the sphere of law-making, objectifying themselves in the norms of law and legal relations" [56, p.13]. Many scientists recognize that the fundamental ideas expressed in laws become legal norms, acquire a state-power character. No scientific ideas that are not enshrined in law can be considered legal principles. They cannot regulate legal actions and legal relations [57, p. 9; 58, p. 92-98].

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form the features of a particular legal category (for example, the concept of a crime in criminal law, the concept of a legal entity in civil law, etc.). Definitional norms contain legal (established in the law) definitions (definitions) of terms found in other norms. They prescribe how the relevant terms should be understood[60, p. 12-19].

Conflict-of-laws rules are designed to eliminate the contradictions that arise between legal regulations. Conflict of laws rules indicate the legal norms that should be applied in the event of a conflict of norms, i.e. a collision of legal norms that regulate the same social relations in different ways. In the literature, conflict-of-laws norms are understood as norms adopted for the purpose of eliminating conflicts or determining the procedure for resolving contradictions between prescriptions (normative legal acts) issued on the same issue[3, p. 159]. Vlasenko, referring to the characterization of conflict-of-laws norms, reasonably believes that "the requirements, prescriptions of conflict-of-laws norms, like any legal norm, are mandatory for the subject applying specific material norms, i.e., the fulfillment of the prescriptions of these norms is one of the requirements ... of legality for the application of law"[61, p. 43].

Operational rules that regulate the abolition of legal norms, extend their effect to new areas, and extend their effect. They provide legal regulation in an expeditious way-not by issuing new regulatory norms, but by changing the scope and duration of existing legal norms or by terminating them altogether.

**7. On the structure of specialized norms of law.**

V. K. Babaev, in a collective monograph devoted to the theoretical problems of the norms of law, in connection with the development of the concept of dividing the norms of law into starting (initial, constituent) norms and rules of conduct, suggested that the structure of these legal norms should be distinguished accordingly. In his opinion, "it makes no sense to look for a hypothesis, disposition or sanction in the starting (constituent) norms. They have other structural elements" [62, p. 96-97]. V. K. Babaev noted that despite all the differences in the basic norms from each other by the degree of generality, functional purpose, range of action, general legal or industry affiliation, " they all have a common property-they legislate (establish) any legal provision of a substantive or procedural nature. This is done either by its verbal designation, or by indicating one or more essential features, or by a complete definition (definition). These features of a legal concept, phenomenon, principle, socio-political situation act as structural elements of the initial (constituent) legal norm"[62, p. 96].

The possibility of identifying the features and structural elements of a particular phenomenon is immediately questioned, given that a feature is understood as "a property by which an object is known or recognized", and the elements as "the original substance"[63, p.362, 537]. In another philosophical dictionary, that element is "the concept of an object that is part of a certain system and is considered within its limits as indivisible" [64, p.559].

Evaluating the ideas expressed by V. K. Babaev about the structure of the basic norms of law (norms-principles, norms-definitions, etc.), which are of certain scientific and practical interest, especially in connection with the emerging specialization of legal norms in the regulation of public relations, M. I. Baitin believed that the first ones only outline one of the possible approaches to the study of the question raised, they need further in-depth theoretical development and verification by practice [1, p. 216].

T. N. Radko, speaking about the constituent norms of law contained in constitutional law, about the norms-principles and norms-declarations, emphasizing that they often lack a sanction or hypothesis, focuses on such a structural part as disposition. At the same time, the norm set out in Part 1 of art. 1 of the Constitution of the Russian Federation: "The Russian Federation - Russia is a democratic federal state governed by the rule of law with a republican form of government" and stipulates that "...this establishment is mandatory for all subjects of legislative, executive and judicial

power..." [68, p.272]. This position is also similar to the position regarding the structure of specialized rules of law, which define them as starting points, according to which they have a special structure (lack of sanctions, hypotheses); their specificity is actually expressed in the disposition: "The President of the Russian Federation is the head of state" (Article 80 of the Constitution of the Russian Federation) [3, p. 151].

As for our position, it is expressed in the fact that, given that any rule of law-logical, rules-prescriptions (regulatory and protective) and specialized-are formulated by logical reasoning, taking into account that specialized norms of law in their social purpose, function and structure are closest to regulatory norms, most specialized norms have an assumed hypothesis and a real disposition. For example, if a tort-capable individual is brought to criminal responsibility (alleged disposition), then its basis is a crime, i.e. "... a culpably committed socially dangerous act prohibited by this Code (Criminal Code-V. K.) under the threat of punishment" (Part 1 of Article 14 of the Criminal Code of the Russian Federation) (real disposition). When bringing a natural person to criminal responsibility and determining his punishment for the crime committed (the alleged hypothesis), the relevant officials must comply with the principle of legality, which, according to ch. 1 Article 3 of the Criminal Code of the Russian Federation, assumes that "the criminality of the act, as well as its punishability and other criminal legal consequences are determined only by this Code"(real disposition).

**9. The structure of conflict of laws rules.**

We believe that when solving the problem of the structure of specialized rules of law, conflict-of-laws rules of law stand apart, having a real hypothesis and disposition. By the way, a similar position is expressed by some scientists.

So, referring to the conflict of laws norms, N.A. Vlasenko, argues as follows: "Considering the question of the legal content of this type of specialized norms, we noted that the latter, as a rule, begins with a list of those relations to which the relevant law is "tied". Therefore, the part of the norm that outlines the circle of necessary relations ("volume") is traditionally called a hypothesis. The second part of the norm, which contains an indication of which law (legal system) is to be applied ("binding"), is called the disposition." Scientists summarized that "... the content of conflict-of-laws norms objectively determines their organization from two parts-hypotheses and dispositions, which constitute the specifics of this group of norms in terms of their structure" [61, p.54].

**10. Conclusions.**

Theory and legal practice should focus on the structure of rules-prescriptions (regulatory and protective), respectively, distinguishing hypothesis and disposition and hypothesis and sanction. As for the specialized rules of law (declarative, rules-principles, definitive, operational), they include such structural components as the presumed hypothesis and the real disposition.

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