Methodological principles of research of the history of development of sanitary and epidemiological legislation in Ukraine

Principios metodológicos de investigación de la historia del desarrollo de la legislación sanitaria y epidemiológica en Ucrania

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Abstract
The article considers the methodological principles on which the study of the history of development of sanitary and epidemiological legislation of Ukraine is based. Despite a certain specificity of the direction of scientific research, the topic of the article is quite relevant, as it concerns the selection of methods for the implementation of historical and legal research of any direction. At the beginning of the work the classification of all scientific methods into philosophical, general scientific, special-scientific and concrete-problematic is given. The main methods from each group, which can be used in studying the history of sanitary-epidemiological affairs in Ukraine, are consistently covered. The essence and significance of the dialectical method, the specifics of its application are analyzed in detail. The epistemological potential of such general scientific means of cognition as: logical, historical, statistical,chronological methods, as well as the method of system analysis are also highlighted. Among the most important means of special scientific knowledge are the comparative historical, formal-legal, logical-semantic and legal methods, method of legal modeling and so on. The main forms in which historical and legal comparison can be made during the study of sanitary and epidemiological legislation are indicated. In addition to the methods of scientific knowledge, the article analyzes the main scientific approaches to studying the development of sanitation and epidemiology in Ukraine. In particular, it is noted that it is advisable to use anthropological, axiological and sociological approaches and a number of relevant principles.

KEYWORDS: sanitary-epidemiological legislation, system of scientific methods, scientific approach, dialectical method, logical method, comparative historical-legal method

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Resumen
El artículo considera los principios metodológicos en los que se basa el estudio de la historia del desarrollo de la legislación sanitaria y epidemiológica de Ucrania. A pesar de una cierta especificidad de la dirección de la investigación científica, el tema del artículo es bastante relevante, ya que se refiere a la selección de métodos para la implementación de la investigación histórica y jurídica de cualquier dirección. Al comienzo del trabajo se da la clasificación de todos los métodos científicos en filosóficos, científicos generales, científicos especiales y problemáticos concretos. Los principales métodos de cada grupo, que se pueden utilizar para estudiar la historia de los asuntos sanitarios y epidemiológicos en Ucrania, se cubren de manera sistemática. La esencia y el significado del método dialéctico, los detalles de su aplicación se analizan en detalle. También se destaca el potencial epistemológico de medios científicos generales de cognición tales como: métodos lógicos, históricos, estadísticos, cronológicos, así como el método de análisis de sistemas. Entre los medios más importantes de conocimiento científico especial se encuentran los métodos histórico comparativo, formal-legal, lógico-semántico y legal, el método de modelado legal, etc. Se indican las principales formas en las que se puede realizar la comparación histórica y jurídica durante el estudio de la legislación sanitaria y epidemiológica. Además de los métodos del conocimiento científico, el artículo analiza los principales enfoques científicos para estudiar el desarrollo del saneamiento y la epidemiología en Ucrania. En particular, se observa que es aconsejable utilizar enfoques antropológicos, axiológicos y sociológicos y una serie de principios relevantes.

PALABRAS CLAVES: legislación sanitarío-epidemiológica, sistema de métodos científicos, enfoque científico, método dialéctico, método lógico, método histórico-legal comparado.

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creates the necessary prerequisites for further reproduction of the found algorithms for the application of certain research techniques in conducting other research of historical and legal orientation. Thus, the methodological description of the procedures for the study of sanitary and epidemiological case is a necessary and very productive factor in the development of the science of history of state and law.

Analyzing the state of research in the field of these issues, it should be noted the almost complete absence of comprehensive work, which would cover in detail the possibilities and procedural aspects of general and special scientific methods in studying the history of sanitation and epidemiology in Ukraine. At the same time, it is necessary to emphasize the recent appearance of serious scientific works, which characterize in detail the use of a particular means of cognition in related scientific disciplines. Since in the vast majority of cases it is possible to adapt them to the needs of the methodology of historical and legal science, it is important for modern scholars in the field of history of law to be aware of them. In addition, the very interdisciplinary nature of modern science directly requires close cooperation between scientists in various fields. Thus, the comparative approach is widely used in the works of R. Kazak, D. Lukianov, V. Steshenko, H. Ponomarova, A. Omarova, K. Ramnath, R. J. Scott, L. Flannigan and so on. Methods of classification and typology are covered in the works of V. Vasilkova, N. Legostaeva, O. Poltavska. The modeling method is considered in the articles by J. M. Duran, Kh. Kmetyk-Podubinska, K. Lopatka and others.

II. Materials and methods

The methods by which scientific knowledge of sanitary and epidemiological legislation takes place are in such an organic connection that turns the conduct of the entire study into a single cognitive process. The set of methods forms the methodology of scientific work, and the reliability of the obtained results often depends on their choice. So, we can conclude that not only the purpose is important, but also the way to achieve it.

Characteristics of methods of scientific research of sanitary-epidemiological affairs in Ukraine at different stages of its history contributes to the facilitation of the process of mastering the means of knowledge used in historical and legal science. Moreover, it provides better control over the correctness of the researcher's actions in the application of certain methods, as well as directly related to the development of new methodological techniques. The immediate result of this is a significant enrichment of historical and legal methodology, which is gradually becoming an important factor in improving the effectiveness of research in the sphere of history of state and law.

The study of methods used during the research on sanitary and epidemiological legislation in their system contributes to the fulfillment by the historical and legal methodology a number of important functions: a) identification of ways to acquire scientific knowledge that reflect the dynamics of state and legal phenomena and processes; b) ensuring the comprehensiveness of obtaining information on the studied state and legal process or phenomenon; c) providing clarification, enrichment and systematization of terms and concepts in historical and legal science; d) creation of a system of scientific information based on objective phenomena, as well as a logical-analytical tool of scientific knowledge.

Taking into account that any scientific method is a system of regulatory principles and techniques by which objective knowledge of reality is achieved, it is clear that the success of scientific creativity depends on the correct choice of the system of methods. Coverage in this article of a set of cognitive tools used to study a particular problem, allows us to understand more clearly the sequence of actions of a scientist.
historian who develops the methodological basis of his scientific work. In addition, it becomes possible to understand the algorithms for rapid assessment of the epistemological potential of each method selected by the researcher for further scientific practices.

III. Results and discussions

Methodological work is not limited to the analysis of the process of cognition. It considers the schemes of activity created by specialists in order to reproduce historical and legal phenomena and processes. The task of the methodology is to clarify, construct and transform the schemes of activity integrated into everyday human experience. Its meaning lies in the internal organization of research activities, the practical transformation of objective reality and providing the process of cognition with a rational construction. The methodology is used to comprehend the methods and approaches on which scientific research is based.

The modern system of scientific methods is diverse. All methods, depending on which scientific field they can be used (narrow or broader), are divided into main groups: philosophical, general, special-scientific and specific-problem. We should note that since problem-specific methods are developed for the study of highly specialized problems, they will not be characterized in this article. In addition, it should be borne in mind that the need for them is relatively rare, and the procedural aspects of their consideration are so specific that such issues should be the subject of a separate scientific study.

Dialectical method

The dialectical method, which belongs to the group of philosophical means of scientific knowledge, is the basis of almost all sciences and allows to conduct research as comprehensively and objectively as possible. That is why it is the main philosophical method in the study of sanitary and epidemiological legislation. As noted by O. Petryshyn, the dialectical method involves an objective, comprehensive and specific consideration of legal phenomena, identifying their inherent connections, the presence of contradictions, assessment of state and legal phenomena, qualitative and quantitative aspects, revealing the dependence of the form of the phenomenon on its essence (Cvik, et al. 2002, p. 16). It can be both materialistic and idealistic. The essence of this method is also that “it requires the providing of the research of the subject not in statics, but in its development, taking into account the factors and conditions that affect its essence, purpose, features” (Lysenkov, et al. 2005, p. 11).

O. Ioffe (1961, p. 13-16) in his work indicated dialectical method as the basis of all science and practice. The main requirements of the dialectical method are to consider the studied objects in terms of movement, change, development, taking into account both the form in which this development takes place, and, above all, the internal reasons that cause it.

S. Alekseev (1981, p. 23) considered the dialectical method as the basis of the methodology of jurisprudence. At the same time, the scientist noted that “it is necessary to see a number of consistently determined links, which, following the worldview of science - philosophical methodology, include general scientific methods, methodological provisions of other sciences, general scientific and general methodological provisions”.

Sanitary is a homogeneous group of phenomena of the objective world, which develops in certain forms and according to its own unique reasons. Therefore, the use of the dialectical method is due not only to its content, but also to the nature of the subject of scientific research. The latter includes primarily
social relations that arise in the process of sanitary and anti-epidemic activities. At the same time, the
development of relevant legal phenomena related to this activity, on the one hand, is influenced by various
socio-historical processes, as well as changes in the types of state and historical forms of law, and on the
other hand - affects these processes and changes.

The dialectical method in the study of sanitary and epidemiological legislation is used to clarify the
essence of this legislation, the impact of various factors on its development, operation and improvement.
After all, sanitary legislation is designed to ensure the effectiveness of health care, aimed at preserving
human health and combating infectious diseases at different stages of Ukrainian history.

The essence and significance of the dialectical method in the study of sanitary and epidemiological
legislation is manifested in the fact that with its help through integration (unification of what previously
existed in a scattered form) and differentiation (gradual increase in differences between initially
homogeneous parts) acts of sanitary and epidemiological legislation are investigated. This is, for example,
the resolution of the SNC of the USSR “On sanitary authorities of the republic” dated June 1, 1923, which
defined the structure of sanitary authorities, the order of their construction and territorial location, the
scope of their responsibilities, functions and powers. According to the resolution of the SNC of the USSR “On
Sanitary and Technical Councils” dated September 3, 1923, we can conclude that the sanitary and technical
councils were divided into central, provincial and district (Hotsuliak, 2015, p. 9-11).

**General scientific methods**

General scientific methods are those techniques by which certain general cognitive tasks are solved
(Klymenyuk, 2006, p. 83). General scientific methods are used in all or many sciences and, unlike philosophical
methods, cover only certain aspects of scientific and cognitive activities. They are also a means of solving
research problems. Thus, when studying sanitary and epidemiological legislation, it is necessary to use
such general scientific methods as: logical, historical, statistical, chronological, system analysis, etc. They
do not cover all scientific knowledge as philosophical methods, but are used only in some of its stages.

The logical method includes analysis and synthesis, induction and deduction, classification and
typology, and others. The value of this method is that it makes it possible to formulate in short definitions
all the diversity and richness of state and legal phenomena, get rid of unnecessary description of details
and creates an opportunity for proper orientation within legal science, legislation, law enforcement (Cvik,
et al. 2011, p. 32). Induction and deduction express different approaches to the disclosure of the essence
of the studied phenomena, and analysis and synthesis are different methods of penetrating this essence.
Accordingly, classification is manifested in the division of many objects of a particular subject into ordered
classes, and typology - in the distribution and subsequent grouping of objects using a generalized, idealized
model or type (Poltavska, 2018, p. 18).

The use of the logical method makes it possible to identify some important definitions in sanitary
and epidemiological legislation. These are, for example: “sanitary inspection”, the purpose of which was
to improve the sanitary service of the population and protect it from health hazards; “military-sanitary
business” as a system of organizations aimed at preserving the health of servicemen; “technical and legal
norms in sanitary legislation”; “sanitary business”; “sanitary guards”; “Sanitary ware”; “sanitary statistics”,
etc. These are also concepts formulated in Article 1 of the Law of Ukraine “On ensuring the sanitary and
epidemiological well-being of the population” dated February 24, 1994. For example, “sanitary and epidemic
welfare of the population”, “state sanitary norms and rules”, “sanitary-hygienic and sanitary-anti-epidemic
rules and norms”, “sanitary-epidemiological rules and norms” and others.
The peculiarity of the logical method is to focus on the logical processing of legal norms. “Logical processing is carried out in relation to the concepts that characterize certain state and legal phenomena, namely: government, rules of law, their implementation, etc.” (Cvik, et al. 2002, p. 18). With this method you can identify the structure of regulations in the field of sanitary and identify the main features of their evolution at different stages of history. For example, the study of the Statute of Medicine of 1857 makes it possible to trace both the logic of the legal norms contained in it, and the sequence of measures aimed at combating disease, including educational work (Hotsuliak, 2013, p. 12).

The essence of the historical method is that “the process of development of state and legal phenomena is reproduced in all its diversity, taking into account all the positive and negative that have been accumulated by historical experience” (Lysenkov, et al. 2005, p.14). This method, in particular, is used to create periodization, or conditional division of the historical process into certain chronological boundaries, which have their own characteristics. Thus, in the development of sanitary and epidemiological affairs in Ukraine, the following stages can be distinguished: 1) the period of the Russian Empire; 2) the period of liberation struggles of the beginning of the XX century; 3) the Soviet period. With this method, you can also fully disclose the content of each step.

The statistical method is based on quantitative methods of obtaining data, objectively reflecting conditions, dynamics and trends of state and legal phenomena. “Statistical research operates with numbers, which are often more reasoned than any words, includes several stages: statistical observation, consolidated processing of statistical data and its analysis” (Matuzov & Mal`ko, 2000, p. 26-27). The statistical method is used to establish statistics on the number of epidemic diseases, the percentage of recovery and mortality from epidemics. This method is also used to study the effectiveness of sanitary measures to combat epidemics. Sanitary statistics help to make scientifically sound forecasts of the state of health of the population in order to plan and implement health measures, fight against infectious diseases and improve the sanitary living conditions of the population at the state level. Thus, according to statistics, the number of infectious diseases during the Russian Empire was about 1 million people a year, and in the Soviet period was reduced by 20%. In general, the mortality rate from epidemiological diseases on the territory of Ukraine in 1901-1917 was 88.5%, and from 1917 to 1991 - from 66 to 60% (Hotsuliak, 2017, p. 60).

The chronological method is used in determining “key, milestones in the development of state and law” (Evseev, et al. 2014, p.7). The main feature of this method is that it contributes to the study of historiographical facts, their positions at each stage and in each period. This makes it possible to identify objective patterns of accumulation and deepening of historiographical knowledge. “The selection of facts that make up the links of this chain is determined by the research topic, but their placement in chronological order forces the scientist to follow the time, to take into account, on the one hand, recurring and on the other - different phenomena”(Zevelev, 1987, p. 31-32). Using this method, we can identify the main stages of development of sanitary and epidemiological legislation, which was in force in the Ukrainian provinces of the Russian Empire in the early XX century. These are the following stages: 1) in the conditions of liberation struggles (1917-1921); 2) in the first years of Soviet power and during the new economic policy (1921-1929); 3) in the conditions of domination in the USSR of the command-administrative system of management (1930-1980); 4) during the perestroika (1985-1991), etc.(Kazak & Hotsuliak, 2020, p. 259).

In the study of sanitary and epidemiological legislation is accurate to use the method of systematic analysis, which helps to analyze the individual elements of this legislation by delving into its essence by studying each of its components and identifying the main parts. Thus, its purposeful application allowed to identify the provisions of the Constitution of the USSR in 1978, which regulated sanitary affairs, as well as to trace the relationship of this Constitution with the Law of the Ukrainian SSR “On Health” dated July 15, 1971.
and the Law of Ukraine “On Ensuring sanitary and epidemic well-being of the population” dated February 24, 1994 (Hotsuliak, 2013, p. 186).

It should also be noted that the method of systems analysis in legal science allows us to consider the state and law as systems consisting of individual elements. There is a relationship between the elements of each system, which is determined by the place and role of each element in this system. The scientist with the help of system analysis can “ask and solve the question of what place should be occupied by this or that norm in the system of the institute, branch, law and legislation as a whole” (Cvik, et al. 2002, p. 20). In the conditions of modern scientific and technical development the method of the system analysis directly provides the use of information technologies.

**Special scientific methods**

Special scientific methods are additional methods developed within specific sciences or their separate groups. Thus, the special scientific methods that can be used in the study of sanitary and epidemiological legislation include: comparative historical and legal, formal and legal, legal modeling, logical and semantic, as well as the method of descriptive analysis.

The comparative historical and legal method involves the comparison of different historical and legal objects, including sanitary and epidemiological legislation, in order to identify the degree of similarity and (or) difference between them (Hotsuliak, 2017, p. 28). Being quite an effective tool of special scientific knowledge, the comparative method provides such forms of comparison of historical and legal objects as: 1) synchronous and diachronic comparison (Shygal, 2019, p. 8); 2) descriptive, applied and contrastive comparison (Shygal, 2019, p. 39); 3) micro-, meso- and macro-level comparisons (Shygal, 2019, p. 35), etc. Thus, a synchronous approach to comparison, based on the simultaneity of historical and legal phenomena, involves the staticity of the compared objects, determining their geographical location, abstraction from their previous historical development. The diachronic approach instead obliges the comparativist to consider the dynamics of the genesis of historical and legal objects, allowing during the comparison to establish different stages of their development and to identify the specifics of the evolution of complex state and legal systems (Shygal, 2019, p. 15). In order to obtain conclusions with a high degree of reliability, comparative analysis should be carried out in accordance with the methodology of this type of scientific work.

The comparative historical and legal method allows to establish similar and distinctive features of the sanitary and epidemiological legislation during all stages of its formation and development in Ukraine. With its help, it is possible, in particular, to explore such an aspect as the financial costs of development and improvement of sanitation in different countries. With its help, it is possible, in particular, to explore such an aspect as the financial costs of development and improvement of sanitary in different countries. For example, the problem of water pollution in Africa, which is the high population density and low cost of purification of water contaminated by latrine pits. Comparative analysis of financial costs for capital and operating costs per capita to provide sewerage measures allows us to understand the reasons for the poor state of affairs in this area in some countries (von Munch & Mayumbelo, 2007, p. 598-599).

Formal-legal method is used to know the internal form of legal phenomena and processes, allows on the basis of generalization and identification of their features to formulate concepts and definitions. This means of scientific knowledge is mainly used to clarify the will of the legislator, expressed in the text of the law. The formal-legal method is useful for studying the provisions of various legislative acts and bills.
relating to public health and sanitary in a certain period. The analysis of the content of sanitary legal acts is carried out with the help of this method.

The method of legal modeling can be used in conducting historical and legal research. It should be described as a way to study the state and legal phenomena of reality by finding and creating their optimal models based on generalized historical experience. The specificity of modeling is that with its help the object is studied not directly, but with the help of another object, which is similar to the first in certain respects. That is, modeling is characterized by the fact that between the subject (researcher) and the object of knowledge there is an intermediate link - the model (Kmetyk-Podubinska, 2020, p. 212). This method helps, in particular, to identify historical and legal norms and build on their model, which will best illustrate the importance of appropriate sanitary and anti-epidemic measures in the fight against epidemics and epizootics in the present. It should also be noted that computer modeling has recently acquired its development, which in the future can be used in historical and legal research of sanitary and epidemiological legislation (Duran, 2021, p. 108).

The logical-semantic method helps to define concepts by analyzing their features, the relationship between linguistic expressions and reality (Sayfulina, 2013). This method allows you to expand and enrich the concepts and terminology, which aims to define the basic concepts used in the regulations of sanitary legislation.

The method of descriptive analysis is a description and systematization of primary data on historical and legal phenomena and processes. According to V. Ogleznev (2011, p.48), this method “in the classical sense is an activity that seeks to explain the meaning of the concept, considering it in relation to possible cases”. Unfortunately, in modern methodological practice, this method is not used as often as we would like. Its application is especially interesting in the study of sanitary and epidemiological legislation.

**Scientific approaches**

Legal regulation of sanitary and epidemiology, as branches of medicine, is manifested in the elements of the structure of the relevant legal relations, in particular, in determining the composition of participants, the ratio of their rights and responsibilities, as well as means of influencing their behavior. In addition to methods, scientific approaches are also used to study the latter. They reveal the objective links between certain types of social relations and their legal forms. Principles as the fundamental means can also help solving a scientific problem. The content of principles is expressed in certain requirements that have a regulatory nature (Kovalchenko, 2003, p. 112). For a deeper study of sanitary-epidemiological affairs, it is advisable to use anthropological, axiological and sociological approaches and a number of relevant principles.

Thus, at the beginning of the twentieth century, in conditions of methodological uncertainty, a rather rapid development of human rights began, including the rights to health and a prosperous sanitary environment. It was during this period that human rights began to be recognized as the highest value, and health protection became an integral part of human rights. In addition, human began to be recognized as the center of any methodology. In this regard, the key methodological approach to the study of sanitary and epidemiological legislation has become anthropological. This is due to the fact that human is the basis of everything, and his needs (life, health) are the basic values of the state. This approach distinguishes human, the protection of his health and life as a value and puts them at the center of legal reality, as well as studies the role of human in creating this reality, his life within it, their mutual influence. The anthropological
approach is an important component of the study of health strategy and social experience of diseases related to the social conditions of human existence in different areas (Larrea-Kilinger, et al. 2013, p. 464).

According to O. Skakun (2006, p. 29) anthropological approach means that human as a biosocial individual is a "measure of all things", including state and legal phenomena. Human lives with other people, but he is separated and does not merge with them, "which presupposes the possibility of a double manifestation of his attitude to other people: as a cooperative being that helps others and complements them, and a conflicted being that threatens other people" (Cvik, et al. 2011, p. 30).

The axiological approach is “based on the correlation of the studied objects with certain generally accepted values” (Nechurin, et al. 1996, p. 143). Axiological evaluation-value approach to the past is an organic part of both historical and any other scientific knowledge. Thus, the application of this approach allows us to understand that the effectiveness of legal relations in society mainly depends on the ability and willingness of participants to perform their responsibilities. In the study of the legal regulation of sanitary using this method, based on the analysis of regulations in this area, we can identify the most important value for our modern society - human, his life and health.

The sociological approach helps to investigate the problems associated with the deterioration of sanitary conditions in both urban and rural areas, as well as to identify current problems related to sanitary and epidemiology. Using the results of interviews, questionnaires and stenographic records of different historical periods, it is possible to trace the public awareness of issues of sanitary and epidemiology, the dynamics of the implementation of sanitary norms and their effectiveness. The value of the sociological approach - in its ability to contribute to the expansion of narrow definitions of sanitation by attracting broad data that reflect the quantitative composition, needs and socio-economic status of participants in sanitary-epidemiological relations of different historical periods. In the future, it can allow to modernize and improve the legal technique of sanitary legislation (for example, in the issues of drainage, sewerage etc.).

IV. Conclusions

Thus, the methodological principles of studying sanitary-epidemiological affairs in Ukraine in different historical periods are based on the use of philosophical, general and special scientific methods, as well as appropriate approaches and principles, which allows for a full and comprehensive study and achieve this goal. Almost any scientific method has a rather complex structure and is aimed at solving a purely specific problem. Therefore, in the study of sanitary and epidemiological legislation a set of methods and approaches specified in the article should be used. After all, only an organic combination of all these tools of scientific knowledge can lead to truly heuristic conclusions in the analysis of sanitary and epidemiological legislation.

At the same time, it should be noted that despite the fact that any method used is important and necessary, the researcher should in each case soberly assess the epistemological potential of a means of cognition. First of all, this is due to the fact that methodological approach cannot exclude the risk of getting lost in the course of scientific work. In addition, one should not go to extremes when forming the methodological basis of the study. Equally dangerous in the context of scientific and cognitive activity are both “methodological negativism”, which is manifested in the underestimation of the method, and “methodological euphoria”, which is expressed in exaggeration of the method, turning the method into a “universal key” to everything.
The study of the development of sanitary and epidemiological affairs in Ukraine differs in a great variety of methods and methodological approaches. This is due to the fact that the results of any scientific research are all the more valuable. Moreover, the broader the scientific generalization, and therefore the more fundamental and well-developed is its methodological basis. It is also important that the systematization of methods has a greater effect on their use in research similar in their problems. Since the truly scientific approach, as a rule, has a systemic nature, the ordering of all methods and approaches, even at the specific problem level, contributes to the further development of all science, including historical and legal.

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