STATE LAW AND MANAGEMENT
МЕМЛЕКЕТТІК ҚҰҚЫҚ ЖӘНЕ БАСҚАРУ
ГОСУДАРСТВЕННОЕ ПРАВО И УПРАВЛЕНИЕ

IRSTI 10.07.61
UDC 340
JEL K49

https://doi.org/10.46914/2959-4197-2023-1-2-5-11

L.T. ZHANUZAKOVA,*[1]
d.l.s., professor.
*e-mail: l.zhanuzakova.turan-edu-kz
ORCID ID: 0000-0002-9551-8306
[1]The research Institute of law «Turan» University,
Almaty, Kazakhstan

ON THE CONCEPT AND SUBJECTS OF THE OFFICIAL INTERPRETATION OF THE RULES OF LAW

Abstract

The article is devoted to one of the most important problems of the general theory of law. The issues of official interpretation of law, despite the relatively greater development in the soviet and modern legal literature of the Republic of Kazakhstan and other states of the post-soviet space, nevertheless, remain relevant. The legislation of our country rather ambiguously and controversially defines the concept and subjects of the official interpretation of laws and other regulatory legal acts, giving rise to some contradictions in the laws themselves and thereby causing an arbitrary interpretation of legislative norms by law enforcement agencies, organizations and citizens. And this is a direct path to arbitrariness, violation of the rights, freedoms and legitimate interests of individuals and legal entities, as well as the state itself and society as a whole. In this regard, the author of this work made an attempt to comprehend this problem from scientific positions and give his own vision of its solution.

Key words: law, norm, normative legal act, law, interpretation.

Introduction

The problems of interpretation of legal norms have remained relevant in modern legal science for many years. The interpretation of the rules of law plays a huge role in the law-making and law enforcement activities of state bodies. The ambiguity of this problem is caused by the lack of a unified interpretation of the legal nature of acts of interpretation of law, the definition of subjects of the interpretation of law, which is negatively reflected in the legislation.

In this regard, the purpose of this work is to understand the nature of the official interpretation of the law and to determine its subjects.

Materials and methods

When studying this problem, the legislation and legal acts regulating and affecting these issues, as well as the works of legal scholars on the issue under consideration, were investigated.

In the course of the study, general and particular methods of scientific knowledge were used: formal-logical, systemic, structural-functional, comparative-legal

Literature review

The issues of interpretation of law have been studied in sufficient detail in the general theory of law. They are reflected in the works of well-known Kazakh scientists, including the soviet period as E.B. Abdrasulov, A.U. Beisenova, M.T. Baimakhanov, S.Z. Zimanov, V.V. Kim, V.K. Kotov, E.K. Nurpeisov, G.S. Sapargaliev, S.S. Sartaev, S.N. Sabikenov, M.K. Suleimenov and others, as well as Russian legal theorists of the past and present: S.S. Alekseev, O.M. Belyaeva, N.V. Vlasenko, N.I. Matuzov, A.V. Malko, M.N. Marchenko, V.S. Nersesyants, A.V. Polyakov, V.M. Syrykh, T.N. Radko and others.

The authors raise questions of the concept, types, subjects of interpretation of the rules of law, including those contained in normative legal acts of different legal force, identify signs of normative and other types of interpretation of law, the legal force of acts of official interpretation of law.

The interpretation of the rule of law is traditionally defined in the legal literature as "a complex volitional process aimed at establishing the exact meaning contained in the rule of law, prescription, making it public" [1, p. 264], "clarification and explanation of its sublime content to be implemented in the given specific conditions of its action" [2, p. 492]. At the same time, this process consists of two parts – clarification and explanation. In the first case, the subject of interpretation learns the meaning and true content of the rule of law for himself, in the second case, he conveys this content to other persons.

There is no need to give the concept of interpretation from other authors, since there are no fundamental differences between them.

These and other scientists distinguish between official interpretation (carried out by an authorized state body and is mandatory) and unofficial interpretation (given by non-authorized entities – public organizations, scientific institutions, scientists, practitioners, is not binding).

The official interpretation can be causal (in relation to a specific case, mandatory only for specific subjects of this situation) and normative (is of a general nature, is generally binding, applies to an indefinite circle of persons and relations covered by the interpreted norm). At the same time, it is emphasized that the normative interpretation has no independent meaning, its provisions "completely share the fate of the interpreted norm", they cannot be confused with the interpreted norm of law, this is just "the rule for a proper understanding of the already existing interpreted norm of law, and not a new norm of law" [1, p. 265; 2, p. 501].

Main provisions

How is this issue resolved in Kazakhstani legislation?

The Constitution of Kazakhstan and the Constitutional Law of the Republic of Kazakhstan dated November 5, 2022 "On the Constitutional Court of the Republic of Kazakhstan" entrust the right of official interpretation of the norms of the Constitution to the Constitutional Court [3; 4].

The Supreme Court provides clarifications on issues of judicial practice through the adoption of normative resolutions [3; 5].

The Law of the Republic of Kazakhstan "On Legal Acts" [6] does not contain a section or at least separate norms defining the subjects of the official interpretation of the norms of law. There is also no definition of this concept. Meanwhile, the former Law of March 24, 1998 "On Normative Legal Acts" provided that the official interpretation of the norms of the Constitution is given by the Constitutional Council[1], and by-laws are given by the bodies or officials who adopted (issued) them [7].

According to the 1993 Constitution of the Republic of Kazakhstan, the Supreme Council had this right in relation to laws [8].

Thus, according to the current legislation, only the subject of the official interpretation of the norms of the Constitution is established.

At the same time, chapter 13 "Acts of official clarification of regulatory legal acts" was introduced into the Law of the Republic of Kazakhstan "On legal acts", which are classified as non-normative

[1] This Law acted in the version of the Constitution with the Constitutional Council.

legal acts. According to Article 58 of the Law, such acts "do not establish the rules of law and do not fill the gap in the legislation" and are issued "in order to clarify, clarify the content of the rules of law", do not change their meaning. The Ministry of Justice, central and local authorities have the right to officially explain legal acts in relation to by-laws, including their own, they are not binding and are advisory in nature [6].

But explanation is the second part of the interpretive process. At the same time, it is unthinkable without clarification – the first part of the process of interpretation, when the right-interpreting subject tries to find out for himself the true content of the rule of law put into it by the legislator. And, therefore, the substitution of the words "official interpretation" for "official explanation" does not make any sense here.

On the other hand, whether such an official interpretation-explanation can be normative or not, then the Law unequivocally says "no", in the sense that these acts "do not establish the rules of law and do not fill in the gap in the legislation", cannot "change the meaning of the norms rights and go beyond the limits of the explained norm". Moreover, the acts of official explanation of the normative resolutions of the Government, given by the Ministry of Justice, central and local state bodies in relation to their acts, are mandatory in their implementation, including application, with the exception of application in justice. In other words, such an explanation is of a general nature, but is not normative. In the theory of law, this type of interpretation is not distinguished. This is the know-how of the Kazakh legislator.

Results and discussion

As for the informal explanation of normative legal acts in relation to a specific situation, it can be safely attributed to a casual interpretation.

And what about the normative resolutions of the Constitutional Court (formerly the Constitutional Council) on the official interpretation of the norms of the Constitution and the normative resolutions of the Supreme Court containing explanations on issues of judicial practice?

The Law "On Legal Acts" bashfully keeps silent about this issue, not classifying them either as acts of official interpretation or as acts of official explanation.

It is clear that the normative resolutions of the Constitutional Court, as well as before the Constitutional Council, are adopted not only on the issues of official interpretation of the norms of the Constitution, but also on the determination of the constitutionality of normative legal acts. Since their legal nature is still insufficiently studied and comprehended, the legislator took the easier path, not including provisions on official interpretation in the Law "On Legal Acts". And the Constitutional Law does not give a clear answer to the question of what is "regulation" and on what issues it is adopted. Based on the fact that the Constitution refers them to the current law, this means that they contain the rules of law.

The same can be said about the normative decisions of the Supreme Court, which are also an integral part of national law.

On this basis, the Law "On Legal Acts" classified these acts as the main type of normative legal acts, and placed them outside the hierarchy and did not apply to them the rules regarding the procedure for preparing, adopting, structure and formalizing normative legal acts.

In our opinion, such confusion in the views on the legal nature of the acts of these bodies is largely due to the fact that there is a confusion of the concepts of "source of law" and "normative legal act", which, in fact, are identified. However, in the theory of law, not only normative legal acts, but also normative agreements, and in some countries legal precedents (jurisprudence), religious norms are considered sources of law. Legal doctrine is also considered a vital source of law. In this case, we are talking about legal sources of law, which are a form of expression of law.

Clause 1 of Article 4 of the Constitution puts the normative resolutions of the Constitutional and Supreme Courts outside the limits of "other normative legal acts" [3]. However, their assignment to legal acts actually erases the difference between the system of law and the system of legislation. The Constitution distinguishes between the concepts of "normative resolutions of the Constitutional Court and the Supreme Court" and "other normative legal acts".

This conclusion is confirmed by the legal position of the Constitutional Council of the Republic of Kazakhstan itself in the resolution of October 28, 1996 N 6/2 "On the official interpretation of paragraph 1 of Article 4 and paragraph 2 of Article 12 of the Constitution of the Republic of Kazakhstan" [9].

If the constitutional norm proceeded from the same position as the Law "On Legal Acts", then it would be stated in a different way: "The current law in the Republic of Kazakhstan is the norms of the Constitution, the laws corresponding to it, the normative resolutions of the Constitutional Court and the Supreme Court of the Republic , other normative legal acts, as well as international contractual and other obligations of the Republic".

The opinions of scientists who attribute the decisions of the Constitutional and Supreme Courts to interpretive normative legal acts with the content of concretizing norms in them are still not entirely consistent.

The translation of the word interpret from English into Russian means interpretation, that is, "interpret" – it means to translate with meaning [10, p. 396], that is, to explain the meaning, meaning of something.

In this regard, acts of interpretation of law, which explain the content of the rule of law, these are interpretative acts. After all, the person performing the interpretation understands the meaning of the rule of law for himself and explains it for others in accordance with his own understanding and knowledge of the theory of law, legislation and experience in legal activity.

We agree with the Russian researcher N.V. Vlasenko, who writes: "A normative interpretation is a general explanation, which is mandatory when considering all legal cases of a certain kind. It is inseparable from the norm itself…". In the legal literature, such norms are referred to as "rules on norms" and do not have an independent character, therefore they cannot become the basis for law enforcement [11, p. 160].

The rulings of the Constitutional Court, containing the official interpretation of the norms of the Constitution, as well as the normative rulings of the Supreme Court, which provide explanations on the application of legislation in judicial practice, are acts of interpretation of law, but not normative legal acts. They do not establish new legal norms, have no independent meaning and are applied only together with the interpreted norm. But they are mandatory, their implementation, including application, must be ensured by the state precisely in full accordance with the understanding of the relevant norm that they interpreted (explained).

Even the legislator's reservation about finding the normative resolutions of the Constitutional Court and the Supreme Court outside the hierarchy of normative legal acts [6] is meaningless. They are outside the hierarchy, not so much because they are issued by independent bodies, but because they are not normative legal acts. Recognition of the acts of these bodies as normative legal acts is tantamount to recognizing their law-making function, which contradicts the constitutional principle of separation of power.

Academician G.S. Sapargaliyev, who emphasized that they only explain legal acts for their correct application by the courts [12, p. 293].

This conclusion is also substantiated by the fact that the order of planning, preparation, execution, scientific expertise, enshrined by law in relation to normative legal acts, does not apply to the decisions of these bodies.

This conclusion is also substantiated by the fact that the order of planning, preparation, execution, scientific expertise, enshrined by law in relation to normative legal acts, does not apply to the decisions of these bodies.

However, neither the Constitution nor current legislation establishes the subject of official normative interpretation of laws. There have been different opinions on this in the literature.

So, S.N. Sabikenov proposes to give this right to the Parliament to achieve the goal of the legislator [13, p. 154].

However, there are also opposing views on this issue.

On the contrary, V.S. Nersesyants is an opponent of this approach, believing that it contradicts the principle of separation of powers. Interpretation, as a judicial function, he believes, should be given to the Constitutional or Supreme Court [2, p. 501, 502].

In most foreign countries, the Supreme Courts are vested with the power of official interpretation of laws, and where constitutional justice is not separated into a separate system, they can also interpret

the norms of the Constitution. In Uzbekistan, the interpretation of laws, as well as the norms of the Constitution, is entrusted to the Constitutional Court. In Indonesia, the Supreme Court gives opinions to the President and the Government on issues related to the interpretation of the Constitution, laws and certain legal issues.

From the point of view of A.K. Kotov, the right of official interpretation of laws should be divided between the Supreme Court (in relation to ordinary laws) and the body of constitutional control (in relation to constitutional laws) [14, p. 175–176].

E. Abdrasulov, taking an intermediate position, proposes to give this right to the Parliament (with the participation of the President) or the Supreme Court, and to entrust the resolution of disputes on these issues to the body of constitutional control"[15, p. 344; 15, p. 39].

Despite the existing legal gap regarding the definition of the subject of the normative interpretation of laws, their official casual interpretation, as well as in relation to subordinate normative legal acts, is carried out by the courts in the process of considering specific civil, administrative and criminal cases.

Giving the Supreme Court the right to officially interpret laws and other normative legal acts does not mean that it replaces the legislator or other law-making body. After all, no one disputes the right of official interpretation of the norms of the Constitution by the Constitutional Court and does not consider that it replaces the legislative body or the people that adopted the Constitution.

The Supreme Court is composed of the most qualified lawyers with deep theoretical knowledge and rich practical experience. Therefore, giving this function to the highest judicial body should not cause any particular doubts, but imposes on it a special responsibility for the quality of the normative resolution being prepared.

In addition, the binding nature of the explanations contained in the normative resolutions of the Supreme Court makes it possible for the courts to apply laws uniformly.

At the same time, it should be clarified that we are not talking about all laws, but only those that are applied in judicial practice.

On the other hand, the Constitutional Court, considering the issues of compliance with the Constitution of the norms of laws, to one degree or another is also forced to refer to the meaning of these norms, clarifying, at least, their content for itself.

The foregoing allows us to conclude that the position on the division of powers for the official interpretation of laws between the Constitutional Court (in relation to constitutional laws and, possibly, other laws – upon request) and the Supreme Court (in relation to laws applied in the judicial system) seems to be legitimate practice.

In this regard, the Law "On Legal Acts" should clearly establish the concept of "official interpretation", such varieties as "normative" and "casual" interpretation, reflect the subjects that carry out the official casual interpretation.

Conclusion

Thus, the study of the theoretical content of the concept of "official interpretation" and its normative legal regulation do not quite coincide.

Moreover, there are even some contradictions in their interpretation. The modern legislation of Kazakhstan in connection with the unsettled subjects of the official interpretation of laws in the Constitution of the Republic avoids even the use of this term at the level of the law, replacing it with other wordings. However, this approach leads to legislative deadlock and administrative arbitrariness on the part of the courts and other bodies that apply the law. This was clearly manifested throughout the years of independence of our state and still takes place in the "new" Kazakhstan.

Obviously, this trend must be resolutely broken. This range of problems needs a legislative solution.

REFERENCES

1 Теория государства и права: Курс лекций / Под ред. Н.И. Матузова и А.В. Малько. – 2-е изд., перераб. и доп. – М.: Юристъ, 2001. – 776 с.

2 Нерсесянц В.С. Общая теория права и государства. – М.: ИНФРА-М, 1999. – 552 с.

3 Конституция Республики Казахстан. Принята на республиканском референдуме 30 августа 1995 г. С изменениями и дополнениями, внесенными законами РК от 7 октября 1998 г., от 21 мая 2007 г., от 2 февраля 2011 г., от 10 марта 2017 г., от 23 марта 2019 г., от 8 июня 2022 г., от 17 сентября 2022 г. // Ведомости Парламента РК. – 1996. – № 4. – Ст. 217; 1998. – № 20. – Ст. 245; 2007. – № 10. – Ст. 68; 2011. – № 3. – Ст. 29; 2017. – № 5. – Ст. 9; 2019. – № 5–6. – Ст. 28; Казахстанская правда – 2022. – 8 июня, 19 сентября.

4 Конституционный закон РК от 5 ноября 2022 г. «О Конституционном Суде Республики Казахстан» // Информационно-правовая система нормативных правовых актов РК «Әділет» // adilet.zan.kz

5 Конституционный закон РК от 25 декабря 2000 г. «О судебной системе и статусе судей Республики Казахстан» // Ведомости Парламента РК. – 2000. – № 23. – Ст. 410.

6 Закон РК от 6 апреля 2016 г. «О правовых акта» // Ведомости Парламента РК. – 2016. – № 7-I. – Ст. 46.

7 Закон РК от 24 марта 1998 г. «О нормативных правовых актах» (утратил силу) // Ведомости Парламента РК. – 1998. – № 2–3. – Ст. 25.

8 Конституция Республики Казахстан от 28 января 1993 г. // adilet.zan.kz

9 Постановление Конституционного Совета РК от 28 октября 1996 г. № 6/2 «Об официальном толковании пункта 1 статьи 4 и пункта 2 статьи 12 Конституции Республики Казахстан» // Информационно-правовая система нормативных правовых актов РК «Әділет» // adilet.zan.kz Oxford English Dictionary. Sixth edition.

10 Oxford University Press, 2001, 2002, 2005, 2006. – London.

11 Власенко Н.А. Теория государства и права. – М.: Проспект, 2011. – 416 с.

12 Сапаргалиев Г.С. Конституционное право Республики Казахстан. – Алматы: Жеты жаргы, 1998. – 336 с.

13 Сабикенов С.Н. Проблемы повышения статуса и полномочий Парламента Республики Казахстан как высшего представительного органа государства // Перспективы казахстанского парламентаризма как важнейшего института демократизации и устойчивого развития страны / Материалы межд. научно-практ. конф., 27 мая 2005 г. – Астана, 2005. – С. 150–157.

14 Котов А.К. Конституционализм в Казахстане: опыт становления и эффективность механизма власти. – Алматы: КазГЮА, 2000. – 288 с.

15 Абдрасулов Е.Б. Толкование закона и норм Конституции: теория, опыт, процедура. – Алматы: Өркениет, 2002. – 400 с.

16 Абдрасулов Е.Б. Толкование закона и норм Конституции: теория, опыт, процедура / Автореф. дисс…докт. юрид. наук. – Алматы, 2003. – 50 с.

REFERENCES

1 Teorija gosudarstva i prava: Kurs lekcij / Pod red. N.I. Matuzova i A.V. Mal'ko. 2-e izd., pererab. i dop. M.: Jurist#, 2001. – 776 p. (In Russian).

2 Nersesjanc V.S. Obshhaja teorija prava i gosudarstva. M.: INFRA-M, 1999. 552 p. (In Russian).

3 Konstitucija Respubliki Kazahstan. Prinjata na respublikanskom referendume 30 avgusta 1995 g. S izmenenijami i dopolnenijami, vnesennymi zakonami RK ot 7 oktjabrja 1998 g., ot 21 maja 2007 g., ot 2 fevralja 2011 g., ot 10 marta 2017 g., ot 23 marta 2019 g., ot 8 ijunja 2022 g., ot 17 sentjabrja 2022 g. // Vedomosti Parlamenta RK. 1996. No. 4. St. 217; 1998. No. 20. St. 245; 2007. No.10. St. 68; 2011. No. 3. St. 29; 2017. No. 5. St. 9; 2019. No. 5–6. St. 28; Kazahstanskaja pravda – 2022. 8 ijunja, 19 sentjabrja. (In Russian).

4 Konstitucionnyj zakon RK ot 5 nojabrja 2022 g. «O Konstitucionnom Sude Respubliki Kazahstan» // Informacionno-pravovaja sistema normativnyh pravovyh aktov RK «Ədilet» // adilet.zan.kz. (In Russian).

5 Konstitucionnyj zakon RK ot 25 dekabrja 2000 g. «O sudebnoj sisteme i statuse sudej Respubliki Kazahstan» // Vedomosti Parlamenta RK. 2000. No. 23. St. 410. (In Russian).

6 Zakon RK ot 6 aprelja 2016 g. «O pravovyh akta» // Vedomosti Parlamenta RK. 2016. No. 7-I. St. 46. (In Russian).

7 Zakon RK ot 24 marta 1998 g. «O normativnyh pravovyh aktah» (utratil silu) // Vedomosti Parlamenta RK. 1998. No. 2–3. St. 25. (In Russian).

8 Konstitucija Respubliki Kazahstan ot 28 janvarja 1993 g. // adilet.zan.kz. (In Russian).

9 Postanovlenie Konstitucionnogo Soveta RK ot 28 oktjabrja 1996 g. No. 6/2 «Ob oficial'nom tolkovanii punkta 1 stat'i 4 i punkta 2 stat'i 12 Konstitucii Respubliki Kazahstan» // Informacionno-pravovaja sistema normativnyh pravovyh aktov RK «Ədilet» // adilet.zan.kz Oxford English Dictionary. Sixth edition. (In Russian).

10 Oxford University Press, 2001, 2002, 2005, 2006. London. (In English).

11 Vlasenko N.A. (2011) Teorija gosudarstva i prava. M.: Prospekt, 416 p. (In Russian).

12 Sapargaliev G.S. (1998) Konstitucionnoe pravo Respubliki Kazahstan. – Almaty: Zhety zhargy, 336 p.
13 Sabikenov S.N. (2005) Problemy povyshenija statusa i polnomochij Parlamenta Respubliki Kazahstan kak vysshego predstavitel'nogo organa gosudarstva // Perspektivy kazahstanskogo parlamentarizma kak vazhnejshego instituta demokratizacii i ustojchivogo razvitija strany / Materialy mezhd. nauchno-prakt. konf., 27 maja 2005 g. Astana. P. 150–157. (In Russian).
14 Kotov A.K. (2000) Konstitucionalizm v Kazahstane: opyt stanovlenija i jeffektivnost' mehanizma vlasti. Almaty: KazGJuA, 288 p. (In Russian).
15 Abdrasulov E.B. (2002) Tolkovanie zakona i norm Konstitucii: teorija, opyt, procedura. Almaty: Өrkeniet, 400 p. (In Russian).
16 Abdrasulov E.B. (2003) Tolkovanie zakona i norm Konstitucii: teorija, opyt, procedura / Avtoref. diss…dokt. jurid. nauk. Almaty, 50 p. (In Russian).

Л.Т. ЖАНҰЗАҚОВА,*[1]
з.ғ.д., профессор.
*e-mail: l.zhanuzakova.turan-edu-kz
ORCID ID: 0000-0002-9551-8306
[1]«Тұран» университетінің құқық ҒЗИ,
Алматы, Қазақстан

ҚҰҚЫҚ НОРМАЛАРЫН РЕСМИ ТҮСІНДІРУ ТҮСІНІГІ ЖӘНЕ СУБЪЕКТІЛЕРІ ТУРАЛЫ

Аңдатпа

Мақала жалпы құқық теориясының маңызды мәселелерінің біріне арналған. Құқықты ресми түсіндіру мәселелері Қазақстан Республикасының және посткеңестік кеңістіктегі басқа мемлекеттердің кеңестік және қазіргі заманғы заң әдебиетіндегі салыстырмалы түрде ауқымды дамуға қарамастан, өзекті болып қала береді. Еліміздің заңнамасы заңдарды және өзге де нормативтік құқықтық актілерді ресми түсіндірудің түсінігі мен субъектілерін біршама екіұшты және қарама-қайшылықты түрде айқындайды, бұл заңдардың өзінде кейбір қарама-қайшылықтар туғызады және сол арқылы құқық қорғау органдарының, ұйымдардың заңнама нормаларын ерікті түрде түсіндіруіне әкеп соқтырады. және азаматтар. Ал бұл озбырлыққа, жеке және заңды тұлғалардың, сондай-ақ мемлекеттің өзінің және жалпы қоғамның құқықтарын, бостандықтары мен заңды мүдделерін бұзуға апаратын төте жол. Осыған байланысты бұл жұмыстың авторы бұл мәселені ғылыми позициялардан түсінуге және оның шешіміне өзіндік көзқарасын беруге тырысты.

Тірек сөздер: заң, норма, нормативтік құқықтық акт, заң, түсіндірме.

Л.Т. ЖАНУЗАКОВА,*[1]
д ю.н., профессор.
*e-mail: l.zhanuzakova.turan-edu-kz
ORCID ID: 0000-0002-9551-8306
[1]НИИ права университета «Туран»,
г. Алматы, Казахстан

О ПОНЯТИИ И СУБЪЕКТАХ ОФИЦИАЛЬНОГО ТОЛКОВАНИЯ НОРМ ПРАВА

Аннотация

Статья посвящена одной из наиболее важных проблем общей теории права. Вопросы официального толкования права, несмотря на относительно большую разработанность в советской и современной юридической литературе Республики Казахстан и других государств постсоветского пространства, тем не менее, сохраняют свою актуальность. Законодательство нашей страны довольно неоднозначно и спорно определяет понятие и субъектов официального толкования законов и других нормативных правовых актов, порождая некоторые противоречия в самих законах и вызывая тем самым произвольную трактовку законодательных норм правоприменительными органами, организациями и гражданами. А это – прямой путь к произволу, нарушению прав, свобод и законных интересов физических и юридических лиц, а также самого государства и общества в целом. В этой связи автором данной работы сделана попытка осмыслить данную проблему с научных позиций и дать собственное видение ее решения.

Ключевые слова: закон, норма, нормативный правовой акт, право, толкование.