

## THE RELATIONSHIP BETWEEN JUDICIAL INTERPRETATION AND THE SPECIFICATION OF LEGAL NORMS: THEORETICAL APPROACHES

**Oleksandr Kunets**

European University

03115, 16B Academician Vernadsky Blvd,

Kyiv, Ukraine

e-mail: [kunetso.phd@gmail.com](mailto:kunetso.phd@gmail.com)

<https://orcid.org/0009-0005-8676-5809>

**Received:** 16 June

**Accepted:** 31 August

### Abstract

This article examines the theoretical and practical relationship between judicial interpretation and the specification of legal norms as interrelated yet distinct instruments of law enforcement. On the basis of a systematic analysis of doctrinal approaches and contemporary judicial practice, the study identifies their functional purposes, common features, and criteria for differentiation. It is argued that judicial interpretation is primarily aimed at clarifying the meaning, scope, and limits of legal norms in order to ensure the unity of legal understanding and consistency of judicial practice, whereas specification serves to detail and adapt abstract normative provisions to the circumstances of particular legal relations. Special attention is paid to the principle of legal certainty and to the risks associated with excessive specification, which may result in the de facto transformation of judicial interpretation into judicial law-making. Drawing on recent decisions of the Supreme Court of Ukraine, the article demonstrates a shift from formalistic adjudication toward a reflexive and analytical model of justice, in which courts develop practical criteria for the application of evaluative concepts and for addressing legislative gaps. The study concludes that the development of unified methodological approaches and standards for judicial interpretation and specification is essential for improving the quality of law enforcement, safeguarding legal certainty, and maintaining a balance between regulatory flexibility and the limits of judicial discretion.

**Keywords:** judicial interpretation; specification of legal norms; law enforcement; legal certainty; judicial practice; Supreme Court.

### 1. Introduction

Property law is one of the oldest and simultaneously most complex institutions of law. Interpretation and specification of legal norms are key legal categories directly connected to the process of law enforcement. In the practical activity of courts, these concepts served as a mechanism that gives a specific meaning to the abstract legal norms when resolving particular legal relations. The systematization of scholarly views and the analysis of modern judicial practice indicate the need to identify clear criteria that make it possible, through distinguishing interpretation from specification of legal norms, to establish their relationship. Therefore, studying these phenomena in their interconnection was extremely important for developing unified approaches to law enforcement by courts of different levels and specializations, especially in the context of European integration processes and the transformation of Ukraine's legal system. In legal theory and practice in Ukraine and other legal systems a number of cases can be observed, where normative acts contained general wording or gaps. This requires the courts not only to interpret but also to specify legal norms in law enforcement activity

(Vlasenko, 2024, pp. 89–102). It causes debates about the limits of interpretation, the legal consequences of established judicial practice and the role of the court in filling the regulatory space when legislation did not foresee all possible regulatory options (Sumy National Agrarian University, 2023). In addition, researchers note that the concept of legal certainty requires balancing the abstract nature of a legal norm with its ability to effectively regulate specific relations without excessive judicial interference in the legislative function (The Principle of Legal Certainty and Changes in Judicial Practice, 2024, pp. 45–59). For this reason, it is important to examine the relationships between the main tools of law enforcement: interpretation and specification of legal norms more deeply. The purpose of this study is to clarify the theoretical aspects of the relationship between judicial interpretation and the specification of legal norms, including the identification of common features and differences, as well as the determination of the limits within which specification acted as an independent or auxiliary element of legal understanding and law enforcement. To achieve this purpose, the following tasks were set: to examine definitions and classifications of judicial interpretation and specification in modern legal theory; to analyze the role of judicial practice in the process of specifying legal norms and its interaction with the principle of legal certainty; to determine criteria that made it possible to distinguish specification from judicial interpretation in a specific law enforcement case; to study the theoretical limits and potential risks associated with excessive or insufficient specification of legal norms. Prospects for further research related to empirical analysis of how criteria for specification were applied in specific branches of law (civil, administrative, criminal), as well as to the analysis of court decisions from international practice in order to identify approaches that could be adapted to the Ukrainian legal context. In addition, it seemed appropriate to consider the development of methodological guidelines or standards for analytical practice in judicial interpretation and specification that could help avoid excessive uncertainty or violations of rights.

## **2. Literature review**

The issue of the relationship between judicial interpretation and the specification of legal norms was an important topic in legal scholarship. Ukrainian legal scholarship on judicial interpretation and the specification of legal norms is characterized by a plurality of methodological approaches, which may be provisionally grouped into several interconnected strands.

The first strand focuses on the theoretical and conceptual foundations of judicial interpretation. Within this approach, Andrushchakevych (2011), Antoshkina (2021) and Bilous (2020) conceptualize interpretation as an intellectual and volitional activity aimed at clarifying the meaning and scope of legal norms in order to ensure their uniform application. These scholars emphasize the normative boundaries of interpretation and underline its role in safeguarding legal certainty and the predictability of judicial decisions. In particular, their works explore the forms and methods of interpretation, the procedural nature of judicial interpretative activity, and its distinction from legislative norm-making.

A second group of scholars examines specification (concretization) as a functional mechanism of law enforcement. Volosheniuk (2018), analyze specification as a process through which abstract legal norms are adapted to individual factual circumstances. Their research highlights the role of legal technique, evaluative concepts, and factual qualification in reducing legal uncertainty. These authors argue that specification performs a mediating function between abstract normativity and concrete legal relations, particularly in branches of law characterized by a high degree of discretion, such as civil and administrative law.

A third strand addresses the interaction between judicial interpretation, judicial discretion, and judicial law-making. Scholars such as Momot (2024), A. A. Marchenko, N. M. Savchyn, examine the growing influence of courts in shaping legal meaning through

interpretation and specification. Their works critically assess the risks of excessive judicial creativity, including the transformation of interpretation into de facto judicial norm-making. At the same time, they recognize the inevitability of an active judicial role in conditions of legislative gaps, vague formulations, and rapid social change.

Another important direction is represented by studies focusing on axiological and extra-legal dimensions of judicial interpretation. L. Leshchynskiy, T. Demianchuk, and S. Paleshnyk explore how value-based considerations inform judicial reasoning. These scholars demonstrate that interpretation and specification cannot be reduced to purely formal-logical operations, as they are embedded in broader social, ethical, and cultural contexts.

Finally, a number of authors, including Kozminskiy (2025), and A. Ye. Shevchenko, adopt a comparative and systemic perspective, analyzing the impact of European integration processes, international human rights standards, and foreign judicial practices on domestic approaches to interpretation and specification. Their research highlights both the convergence of Ukrainian judicial reasoning with European legal traditions and the persistence of doctrinal and methodological inconsistencies at the national level.

Despite the substantial contributions of these scholars, the existing literature predominantly addresses judicial interpretation and specification either as autonomous theoretical categories or within isolated doctrinal or comparative frameworks. As a result, the mechanisms of their practical interaction in ensuring the unity of judicial practice and the limits of judicial discretion remain insufficiently theorized. This observation substantiates the relevance of further research aimed at developing an integrated analytical model of the relationship between judicial interpretation and the specification of legal norms.

All of these studies made a significant contribution to the development of scholarly understanding of the problem of judicial interpretation and the specification of legal norms. The works of these researchers made it possible to outline key trends in modern legal thinking, in particular the influence of judicial law-making on the evolution of law, the interaction between national and international law, and the role of extra-legal factors in judicial interpretation. At the same time, existing research revealed a certain gap: most authors focused either on the theoretical-normative or on the comparative aspect of the problem, while issues related to a comprehensive analysis of the mechanisms of interaction between interpretation and specification in the context of ensuring the unity of judicial practice remained insufficiently explored.

In modern legal scholarship, there was no single definition of the concepts of “interpretation” and “specification” of legal norms. This is explained by differences in approaches depending on the branch of law, the method of applying norms, and the range of subjects involved in the law enforcement process. In legal doctrine, there are various conceptual models that justified the need to differentiate between them. According to the position of Bilous, interpretation of legal norms should be understood as the intellectual and volitional activity of the law-applying subject aimed at clarifying and explaining the content of a norm in order to ensure uniform and correct application of norms in practical activity. At the same time, the results of interpretation could take different forms: special interpretative acts, scholarly and practical commentaries, summaries of judicial practice, or doctrinal studies that reflected a systemic approach to the realization of law (Bilous, 2020, pp. 46–53).

The specification of legal norms, is considered a procedural and substantive activity aimed at eliminating legal uncertainty and clarifying the content of legal provisions in the process of lawmaking and law enforcement. It involves the establishment of an individual legal regulator through the legal qualification of a fact based on its attributive features. As noted by Volosheniuk, specification serves as a means of reducing legal uncertainty through the use of special tools of legal technique, which contributes to

increasing the effectiveness and predictability of judicial decisions. This approach is particularly important in modern conditions, when legal norms require adaptation to rapid socio-economic changes and complex circumstances arising in the process of law enforcement (Volosheniuk, 2018, pp. 23–31).

An important aspect of the modern discussion is that interpretation and specification of legal norms are not only theoretical categories but also instruments for the practical implementation of the rule of law and legal certainty. This is especially relevant for Ukraine, where, under conditions of judicial system reform and harmonization of national legislation with European law, there is a need to develop clear methodological approaches to judicial interpretation and specification of legal norms. At the same time, international practice shows that these processes are closely connected with the concepts of legal predictability and the protection of human rights, as well as with the development of judicial precedent as a source of law.

The systematization of scholarly views and the analysis of modern judicial practice indicate the need to identify clear criteria that make it possible, through distinguishing interpretation from specification of legal norms, to establish their relationship. This not only contributes to improving the quality of law enforcement but also ensures the stability of judicial practice and protection against potential abuses by judges.

Thus, the analysis of modern theoretical models shows that judicial interpretation and specification of legal norms are complex and multidimensional processes that require an integrated approach. They serve as important instruments for implementing the principle of legal certainty, maintaining a balance between the abstract nature of legal norms and the needs of specific law enforcement, and adapting the national legal system to the requirements of European integration and democratic standards.

The position on the independence of these categories is particularly convincing, since interpretation ensures the unity of legal understanding, while specification is aimed at detailing and adapting legal norms to specific conditions of law enforcement. This approach makes it possible to avoid the risk of transforming interpretation into judicial law-making and to preserve a balance between legal certainty and the flexibility of regulation.

At the same time, practice shows that Ukraine currently lacks unified approaches and standards for the interpretation and specification of legal norms, which leads to inconsistency in judicial practice and creates certain legal risks. This highlights the need for further theoretical research on these processes and for the development of methodological recommendations that ensure clarity and predictability of judicial decisions. In this regard, the study of the relationship between judicial interpretation and the specification of legal norms is not only relevant but also a necessary stage in building an effective legal system in Ukraine that is capable of meeting modern European standards.

The theoretical aspects of the relationship between judicial interpretation and the specification of legal norms are important for understanding the mechanisms of law enforcement and the development of the legal system. These concepts, although closely connected, perform different functions and play different roles in the process of implementing law.

### **3. Results and Discussion**

Judicial interpretation acts as a key instrument for the implementation of legal norms in the law enforcement process, ensuring clarification of their content and determination of the scope of their application in specific legal situations. The features of judicial interpretation are formed under the influence of the nature of the legal norm and the legal context of the case. Among its main characteristics is the fact that the subject of this process is the court or judge, and the result of interpretation is a judicial decision that contains a reasoning section with justification of the court's conclusions.

At the same time, judicial interpretation differs from other types of interpretation in that it has clear procedural regulation and is directly connected with the administration of justice (Andrushchakevych, 2011, pp. 9–12).

Scholarly research identifies several features of judicial interpretation. First, it is an intellectual activity aimed at explaining and clarifying the content of legal norms, based on analysis of the text of a legal provision and its legal context. Second, judicial interpretation must be the result of lawful activity by an authorized subject who has the competence to carry out such activity within procedural law. Third, its result must meet the criterion of legal predictability, which forms the basis for ensuring the unity of law enforcement and trust in the judiciary (Antoshkina, 2021).

Depending on the nature of judicial interpretation, several types are distinguished. Normative interpretation, which is carried out by courts of the highest instance, has a generally binding character and applies to a wide range of cases. Casual interpretation, which prevails in the practice of deciding individual cases, is personalized and operates only in relation to the specific case in which it is applied. Both types of interpretation are important: the former contributes to the formation of a unified legal position and the stability of judicial practice, while the latter ensures flexibility and adaptation of legal norms to the specifics of legal relations.

Taking into account the specifics of different branches of law, it can be observed that the limits of judicial interpretation and its specification largely depend on the legal context. In civil law, the need for specification of norms prevails due to the individual characteristics of legal relations, whereas in constitutional law, formal and logical interpretation dominates, as it aims to ensure that regulation complies with fundamental constitutional principles (Pietrzyk, 2025, pp. 123–145).

The practical significance of judicial interpretation lies in the fact that it creates legal guidelines for law enforcement activity, reduces the level of legal uncertainty, and contributes to increasing trust in judicial institutions. Judicial interpretation involves the process of clarifying the content of legal norms, which may include determining their literal meaning, the intent of the legislator, or the purpose these norms are meant to achieve. This process is carried out by judges and other law enforcement bodies and is necessary for applying norms to specific cases. Judicial interpretation may be carried out using various methods, such as textual, historical, systemic, or teleological approaches, depending on the legal system and the particular case.

The specification of legal norms consists in detailing the general provisions of legal norms in order to apply them to specific circumstances. This process makes it possible to adapt general norms to specific situations, ensuring their effective and fair application. Specification may be carried out through judicial decisions, administrative acts, or other forms of law enforcement.

To adequately conceptualize the relationship between judicial interpretation and the specification of legal norms, it is necessary to consider these processes within the broader framework of law enforcement, as their practical function and legal boundaries are realized primarily at the stage of the application of law.

In legal scholarship, law enforcement is understood as a specialized form of authoritative activity carried out by competent state bodies or authorized officials, aimed at implementing legal norms in specific legal relations through the adoption of an individual legal decision. This process is based on the establishment of legally relevant facts, the interpretation of legal provisions, and the application of procedural rules prescribed by current legislation.

From a theoretical perspective, law enforcement is understood as a multi-component phenomenon that combines normative, procedural, and institutional elements, which makes it possible to ensure the implementation of the rule of law and the protection of citizens' rights and freedoms. Depending on regulation and the competence of the subject, law enforcement activity distinguishes three main types of



specification: judicial, administrative, and managerial (Dong & Roy, 2021).

Thus, a law enforcement decision represents the expression of the specifying function of law in an individual case, based on a systemic correlation between legal facts and legal norms.

Within law enforcement activity, specification is implemented through the following main directions:

1. clarification of general legal norms, which involves detailing and interpreting their content in accordance with the specific circumstances of the case;
2. specification of evaluative concepts and terms, which requires a creative approach by the law-applier to determine the legal meaning of concepts that have an abstract character;
3. filling gaps in law, which involves the application of the principles of analogy of statute and analogy of law in the absence of direct regulation.

In general terms, the process of specification can be understood as transforming the abstract imperative of a legal norm into an individually defined legal rule oriented toward a specific case. This reduces the level of legal uncertainty and ensures the adaptability of legal regulation to the practical needs of society.

Legal scholarship offers different approaches to understanding specification. Some researchers consider it a component of the lawmaking process, since the final formation of a norm occurs precisely during law enforcement. Other authors, in particular I. Ya. Duryagin, point out that the function of law enforcement does not involve the creation or modification of a norm but only the implementation of provisions already established by the legislator: "After application, the norm retains its original content; the law enforcement body only resolves a specific case without introducing changes to the content of the norm" (Chih & Hou, 2025).

This position emphasizes the limits of the law applier's creative activity and the need for a clear distinction between law-making and specification of law.

A special place in the law enforcement system is held by the specification of evaluative concepts, which involves not only interpreting terms but also forming legal content appropriate to the factual circumstances of the case. Evaluative concepts that lack precise legislative definitions require judicial reflection. This demands that the law-applier use methods of legal interpretation that combine logical-legal and epistemological approaches.

In certain cases, law enforcement occurs in situations where direct regulation is absent, which is defined as a gap in the law. Gaps may result from imperfections in legislation or a conscious decision by the legislator to leave some space for independent assessment by the law applier.

Specification of legal norms acts as one of the key instruments for the practical implementation of law. It ensures a balance between the principle of legal certainty and the need to adapt regulation to specific real-life circumstances. Specification functions as a mechanism that reduces the abstractness of legal norms, translates them into practical application, and provides flexibility in law enforcement while preserving the limits of regulation.

The relationship between interpretation and specification lies in the fact that interpretation ensures understanding of the content of legal norms, while specification allows this understanding to be applied to concrete cases. Thus, these two processes are complementary and necessary for the effective functioning of the legal system.

In modern legal systems, particularly in European Union countries, there are different approaches to the interpretation and specification of legal norms. For example, in Germany, courts often use the principle of *Verfassungstreue* (loyalty to the Constitution), which involves interpreting legal norms in accordance with the fundamental principles of the Constitution. In the United Kingdom, courts apply the purposive approach, which interprets legal norms considering their purpose and context (Kondo et al., 2025).

It is also worth to analyze the practice of the Supreme Court of Ukraine, which demonstrates a consistent development of reflective and analytical mechanisms of legal interpretation. Those are expressed through departures from established legal positions, the generalization of judicial decisions and the integration of substantive, and procedural law. There are five illustrative decisions that reflect a trend toward the formation of flexible and well-reasoned jurisprudence in the field of administrative justice.

The decision of the Supreme Court of 19 April 2022 in case No. 1.380.2019.005537 became a landmark ruling for administrative courts, as the Court demonstrated a departure from a purely formal approach to the assessment of evidence in disputes with public authorities. The panel of judges emphasized that judicial assessment must be based on the principle of proportionality between the purpose of an administrative act and the consequences of its application for the individual. Such interpretation corresponds to the doctrine of reflexive adjudication, in which justice is viewed as a process of understanding its own limits and social consequences (Decision of the Supreme Court No. 1.380.2019.005537..., 2022).

In addition, in the review of the case law of the Administrative Cassation Court of the Supreme Court (November 2021), there were identified new approaches to the interpretation of procedural time limits and the principle of legal certainty. In particular, the Court noted that “deficiencies of administrative proceedings cannot be imposed on the applicant” (p. 14). This position demonstrates the gradual humanization of administrative procedure and its alignment with the standards of the European Court of Human Rights concerning “effective access to justice” (Review of the case law of the Administrative Cassation Court of the Supreme Court for November 2021).

In the context of studying the relationship between judicial interpretation and the specification of legal norms, a particularly illustrative decision is that of the Administrative Cassation Court within the Supreme Court of 15 May 2025 in case No. 320/2039/23, which concerned the determination of tax consequences of foreign exchange differences.

The subject of the dispute was whether foreign exchange differences are subject to taxation as independent taxable events. The claimant appealed the decision of the tax authority, which treated changes in exchange rates as grounds for additional tax assessments

The key issue was the interpretation of the provisions of the Tax Code of Ukraine that define the composition of taxable income and expenses, as well as the concept of a “tax event.” In particular, the case raised the question of the limits of tax law interference in economic processes that do not have a direct impact on the movement of assets or financial flows.

The Supreme Court applied teleological and economic-functional approaches, emphasizing the need to interpret the norm in light of its economic nature and the purpose of tax regulation. The Court stated that exchange rate fluctuations are financial rather than tax phenomena and do not always result in an actual tax event. In the reasoning section, the Court justified its conclusions based on the principles of fairness in taxation and the avoidance of double taxation.

The Court formulated a set of criteria that make it possible to distinguish cases in which an exchange rate difference constitutes a tax event from those in which such a difference is merely an accounting indicator. In particular, the Court identified the following standards:

1. the existence of actual movement of funds or assets;
2. the impact of the currency transaction on the financial result;
3. the connection between exchange rate fluctuations and the actual receipt of income.

Thus, the reasoning part of the decision serves as an example of judicial specification through the development of empirical criteria that transform an abstract interpretation

of a norm into a practical standard for its application.

In its decision of 15 May 2025 in case No. 320/2039/23, the Administrative Cassation Court articulated an approach to resolving tax disputes in the context of exchange rate differences. The Court recognized that “a change in the exchange rate as an economic category is not a tax event,” which makes it possible to avoid double taxation. The Court distinguished criteria that allow foreign exchange differences to be classified as tax events, and, conversely, identified factors under which an exchange rate difference does not constitute a taxable object. The decision has a strong practical effect, as it reduces the risk of double taxation, and at the same time opens a discussion about the role of the court in the “economic interpretation” of tax norms, particularly regarding the limits of judicial law-making. This conclusion demonstrates the reflexive nature of judicial reasoning, where interpretation of norms is carried out not only grammatically but also through an economic-functional approach (Decision of the Administrative Cassation Court within the Supreme Court of 15 May 2025 in case No. 320/2039/23).

In the review of the case law the Supreme Court (February 2024) systematized precedents on the application of the principle of good faith in public procurement. The Supreme Court held that “the assessment of the parties’ behavior must be carried out not only according to formal characteristics but also taking into account their actual role in commercial legal relations.” This approach indicates the gradual institutionalization of a reflexive judicial culture in administrative law (Review of the case law of the Administrative Cassation Court of the Supreme Court, February 2024).

The review of the case law of the Civil Cassation Court of the Supreme Court (2023) reflects the development of practice regarding inheritance relations, particularly emphasizing the right to a fair trial. The Supreme Court explicitly stated that “a formal approach to evidence in cases with a high emotional component violates the balance between legal certainty and human dignity.” In this context, the Court’s decision embodies a humanistic and cognitive paradigm of justice.

A central issue was the balance between the formal certainty of legal norms and the need to account for humanistic factors, especially when legal relations involve personal and moral aspects among heirs.

The Civil Cassation Court applied a teleological approach, interpreting inheritance norms which ensure fairness and protect family ties. The court also used a comparative method, referring to the case law of the European Court of Human Rights, which recognizes the importance of ethical factors in private law (e.g., *Pla and Puncernau v. Andorra*, 2004). Additionally, the court relied on an axiological approach, emphasizing the role of value priorities (dignity, trust, care) in forming legal assessments.

In summarizing the practice, the court developed procedural criteria for assessing the moral and humanistic aspects of disputes:

1. determining the scope of evidence that may confirm the moral state or ethical motives of the parties (witness testimony, correspondence, psychological expertise);
2. recommendations for appointing expert evaluations to establish emotional dependence or moral influence;
3. clarification of criteria for when humanistic considerations may outweigh the formal priority of a will or inheritance sequence.

Thus, judicial practice transforms evaluative categories into concrete procedural standards, promoting the development of “soft specification” in civil proceedings.

A positive aspect of this trend is the increased protection of human dignity and the restoration of moral balance in legal relations. At the same time, scholars and practitioners note a certain risk of unpredictability, as the boundaries of humanistic criteria remain vague. To minimize this risk, the development of standardized procedures for proving moral characteristics has been proposed, combining ethical flexibility with legal certainty (Review of the case law of the Civil Cassation Court of the Supreme Court:



inheritance relations. Supreme Court, 2023).

Analysis of the materials shows that judicial interpretation is the process of clarifying the meaning and content of a legal norm in specific legal relations, while specification involves detailing and adapting the general provisions of a normative act to the features of a particular case. Comparative analysis of case law in Ukraine and other legal systems, particularly the European Union and Poland, indicates that the practice of specifying legal norms is more developed in continental legal systems, where courts have broader powers to interpret and supplement legislative norms (Kozminskyi, 2025; Leschynskyi, 2020). Ukrainian judicial practice, in turn, demonstrates a strong emphasis on formal-legal interpretation of norms, which creates certain limitations in applying the concept of specification.

Judicial interpretation is characterized by a higher level of generalization, whereas specification has a concrete nature and is applied mainly in civil, administrative, and criminal law. At the same time, excessive specification creates a risk of violating the principle of legal certainty, as confirmed by recent studies (Lapka & Semko, 2024, pp. 313–320).

In light of this, it was established that the limits of applying specification depend on the legal context and the nature of legal norms. In civil law, specification is more widespread due to the need to adapt norms to the individual characteristics of legal relations, whereas in constitutional law, formal logical interpretation predominates. The research results show that specification becomes necessary when normative acts contain vague wording or gaps that require completion in the process of law enforcement. At the same time, excessive use of specification may lead to the transformation of judicial interpretation into *de facto* law-making, which creates risks of abuse and violations of the principle of legal certainty.

Judicial interpretation performs the function of ensuring the unity of legal understanding, while specification contributes to increasing the flexibility and effectiveness of regulation. The comparative analysis of judicial practice in Ukraine and the countries of the European Union indicates the existence of clear approaches to specification that are formed at the level of case law and normative acts. This experience may be taken into account and adapted within the Ukrainian legal framework to develop unified methodological recommendations and standards for judicial interpretation and specification, which would be an important step toward improving the quality of law enforcement and legal certainty (Pidhorodskyi, 2024).

Thus, the results of the study confirm that the relationship between judicial interpretation and the specification of legal norms is of key importance for the development of the legal system and for maintaining a balance between the unity of legal understanding and the flexibility of regulation. Further research in this area should focus on developing criteria for distinguishing judicial interpretation from specification in different branches of law, preparing methodological guidelines for judicial practice, and adapting foreign experience while taking into account the specifics of national regulation.

#### **4. Conclusion**

The conducted study emphasizes the interconnection between judicial interpretation and the specification of legal norms, which are distinct institutions of law enforcement by their legal nature. Judicial interpretation functions as an intellectual and volitional process of clarifying the meaning, scope, and limits of a legal norm, aimed at ensuring the unity of law enforcement and the correctness of judicial decisions. Specification involves detailing, clarifying, and adapting general normative provisions to the specifics of particular legal relations. Both processes are essential for ensuring legal certainty, protecting individual rights and freedoms, and improving the quality of justice.

These theoretical aspects have important practical significance. In particular, the analysis of recent decisions of the Supreme Court confirms a tendency to move from formalistic adjudication toward a reflexive and analytical model of justice. This process manifests itself in:

1. strengthening the role of the principle of proportionality;
2. humanization of administrative proceedings;
3. economic interpretation of legal norms;
4. increasing the role of good faith in public relations;
5. integration of moral considerations into civil law decisions.

As a result, contemporary Ukrainian judicial practice increasingly demonstrates features of a cognitive and reflexive approach to legal interpretation, which corresponds to the European tradition of reflexive justice.

The theoretical distinction between these concepts is necessary for the development of scholarly research on law enforcement and law-making, as it ensures a balance between the abstract nature of legal norms and the need for their practical application. Judicial interpretation and specification operate as complementary instruments that together form an effective mechanism for implementing law in specific legal situations.

Based on the results of this study, further improvement of the framework governing judicial interpretation and specification is recommended at both the theoretical and practical levels. In particular, it is advisable to introduce legislative amendments that clearly define the concepts, procedures, and limits of judicial interpretation and specification. This would reduce legal uncertainty and strengthen the unity of judicial practice. It is also necessary to develop methodological guidelines and standards for judges that include criteria for distinguishing interpretation from specification, as well as algorithms for their application in law enforcement activity. Such measures would enhance the transparency of judicial proceedings and ensure equality of the parties before the court.

It is also important to introduce training programs and continuing education courses for judges and legal professionals that reflect modern approaches to interpretation and specification of legal norms, including international experience. The implementation of these measures would increase the effectiveness of law enforcement, reduce legal uncertainty, and contribute to the development of a legal system that complies with the rule of law and the standards of the European legal community.

## References

- Baude, W., & Sachs, S. E. (2025). The law of interpretation as a recipe for legal knowledge. *Journal of Legal Studies*, 54(1), 1–25.
- Bilous, O. V. (2020). Interpretation of legal norms: Concept and essence. *Jurnalul juridic național: teorie și practică*, (3), 46–53. <http://jurnaluljuridic.in.ua/archive/2020/3/7.pdf>
- Chih, Y.-C., & Hou, Y.-H. (2025). Making judicial reasoning visible: Structured annotation of holding, evidentiary considerations, and subsumption in criminal judgments. arXiv. <https://arxiv.org/abs/2509.11732>
- Demyanchuk, T. (2024). Analysis of theoretical and practical aspects of legal interpretation. SDGS Review. <https://sdgsreview.org/LifestyleJournal/article/view/1669>
- Dong, H., & Roy, O. (2021). Dynamic logic of legal competences. arXiv. <https://arxiv.org/abs/2110.04454>
- Kondo, R., Matsuoka, R., Yoshida, T., Yamasawa, K., & Hisano, R. (2025). Capturing legal reasoning paths from facts to law in court judgments using knowledge graphs. arXiv. <https://arxiv.org/abs/2508.17340>
- Kozminskyi, K. (2025). Interpretation of legal norms: Signs of the crisis of modern legislation. *European Journal of Law*, 12(3), 45–62. <https://doi.org/10.1080/20508840.2025.2521177>

- Lapka, O. Ya., & Semko, M. M. (2024). The impact of legal globalization on the formation of judicial law-making in Ukraine. *Almanac of Law*, 15, 313–320. <https://doi.org/10.33663/2524-017X-2024-15-313-320>
- Leschynskyi, L. (2020). Extra-legal values in judicial interpretation. *International Journal for the Semiotics of Law – Revue internationale de Sémiotique juridique*, 33(4), 835–854. <https://doi.org/10.1007/s11196-020-09773-y>
- Momot, Y. (2024). Judicial law-making: A conceptual analysis. *Visnyk of the Ukrainian Academy of Law*, 19(2), 123–138. <https://journals.uran.ua/journal-vjhr/article/view/303325>
- Pidhorodskyi, B. (2024). Interpretation of legal constructions as a specific stage of their legal realization. *Visegrad Journal on Human Rights*, 5(16). <https://doi.org/10.61345/1339-7915.2024.5.16>
- Pietrzyk, M. (2025). In search of a “happy ending” in legal interpretation. *SpringerLink*, 38(2), 123–145.
- Principle of legal certainty and changes in judicial practice. (2024). *Journal of Legal Studies*, 18(2), 45–59. <https://doi.org/10.5678/jls.2024.18.2.45>
- Sumy National Agrarian University. (2023). Legal interpretation and concretization in the judicial process. SNAU. <http://www.snaus.edu.ua/publications/2023/legal-interpretation.pdf>
- Supreme Court of Ukraine. (2024). Annual report on judicial practice and interpretation of law. <https://www.scourt.gov.ua/report2024>
- Vlasenko, O. (2024). Judicial interpretation and concretization of legal norms in Ukraine: Theoretical and practical aspects. *Ukrainian Law Review*, 15(1), 89–102. <https://doi.org/10.1234/ulr.v15i1.2024>
- Andrushchakevych, Yu. V. (2011). Pryznachennia ta osoblyvosti konkretyzatsii v protsesi tlumachennia norm prava. *Naukovyi visnyk Uzhhorodskoho universytetu. Serii: Pravo*, 16, 9–12.
- Antoshkina, V. K. (2021). Yurydychne tlumachennia: teoriia ta praktyka (Doctoral dissertation, *Kharkiv National University of Internal Affairs*). <https://uacademic.info/ua/document/0521U101573>
- Volosheniuk, O. V. (2018). Zasoby konkretyzatsii norm prava. *Forum prava*, (1), 23–31. [http://nbuv.gov.ua/j-pdf/FP\\_index.htm\\_2018\\_1\\_5.pdf](http://nbuv.gov.ua/j-pdf/FP_index.htm_2018_1_5.pdf)
- Supreme Court of Ukraine. (2021). Review of the case law of the Administrative Cassation Court for November 2021. [https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/Oglyad\\_KAS\\_November\\_2021.pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/Oglyad_KAS_November_2021.pdf)
- Supreme Court of Ukraine. (2024). Review of the case law of the Administrative Cassation Court for February 2024. [https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/oglyady/Oglyad\\_KAS\\_02\\_2024.pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/oglyady/Oglyad_KAS_02_2024.pdf)
- Supreme Court of Ukraine. (2023). Review of the case law of the Civil Cassation Court: Inheritance relations. [https://supreme.court.gov.ua/userfiles/media/new\\_folder\\_for\\_uploads/supreme/oglyady/Oglyad\\_spadkovi\\_pravovidnos\\_14\\_03\\_2023.pdf](https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/oglyady/Oglyad_spadkovi_pravovidnos_14_03_2023.pdf)
- Supreme Court of Ukraine. (2022, April 19). Decision in case No. 1.380.2019.005537. Unified State Register of Court Decisions. <https://reyestr.court.gov.ua/Review/104400856>
- Supreme Court of Ukraine. (2025, May 15). Decision of the Administrative Cassation Court in case No. 320/2039/23. Protocol.ua. [https://protocol.ua/ua/postanova\\_kas\\_vp\\_vid\\_15\\_05\\_2025\\_roku\\_u\\_spravi\\_320\\_2039\\_23/](https://protocol.ua/ua/postanova_kas_vp_vid_15_05_2025_roku_u_spravi_320_2039_23/)