ABSTRACT&REFERENCES

DOI: 10.15587/2523-4153.2018.153481

CONSTITUTIONAL VALUES: FROM THEORY TO PRACTICE. FOR THE 100TH ANNIVERSARY OF THE CONSTITUTION OF THE UKRAINIAN PEOPLE'S REPUBLIC

p. 4-8

Oleksandr Skrypniuk, Doctor of Law, Professor, Academician of the National Academy of Legal Sciences of Ukraine, Deputy Director for Scientific Work, Institute of State and Law. V. M. Koretsky National Academy of Sciences of Ukraine, Trokhsviatytelska str., 4, Kyiv, Ukraine, 01601
ORCID: *http://orcid.org/0000-0003-0155-9810*

The origins of the formation and development of the newest Ukrainian constitutionalism in close connection with the process of state-building in Ukraine at the initial stage of the Ukrainian national revolution of 1917–1921 are analyzed in the article. The development of the constitutional process of this period and the influence on its evolution of the political situation associated with the adoption of the main state acts – I–IV Universal by the Ukrainian Central Rada are revealed. The main stages of the work of the Constitutional Commission on the Constitution of the newly formed Ukrainian statehood are disclosed. A key turning point in the creation of the Constitution was the proclamation of the Ukrainian People's Republic in January 1918 of its independence. There was a sharp ideological struggle around the main provisions of the constitutional act, in particular, the consolidation of the form of the future Ukrainian statehood, was a reflection of the distribution of political and class forces in the main state body – the Ukrainian Central Rada and in society as a whole. June 1917 – April 1918 was the period of birth of the Basic Law of the Ukrainian statehood at the beginning of the twentieth century. April 29, 1918, the draft Constitution of the Ukrainian People's Republic was approved by the Little Rada on the last day of its existence. Through a coup, the Constitution of the UPR has not entered into force. But its development and adoption have become an outstanding milestone in the development of national constitutionalism. The Constitution of the UNR accumulated the best achievements of national constitutional thought and the advanced European standards. The principles of the division of state power, the functioning of a developed institution of human and civil rights and freedoms, and the existence of an institution of local self-government were put in the basis of the Constitution of the UNR. The Basic Law of the Ukrainian People's Republic enshrines the system of government bodies, defines their main functions and powers. However, the Constitution had serious drawbacks. It did not solve one of the main issues of the revolution – the issue of land ownership, did not fix the strategic directions for the implementation of the state's domestic and foreign policy; outside the constitutional limits, there were problems of clearly defining the territory of the UPR, its symbolism – the coat of arms, anthem, flag, etc. The UPR was an outstanding monument of national statehood and domestic constitutionalism, its theoretical ideas had a great influence on the development of the following constitutional acts in Ukraine

Keywords: *Constitution, Ukrainian People's Republic, human rights and freedoms, separation of state power, European standards*

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DOI: 10.15587/2523-4153.2018.149740

THE METHODS OF INCREASING QUALITY AND EFFICIENCY OF INFLUENCE OF CIVIL SOCIETY INSTITUTIONS ON THE NORMAL PROJECTING OF GOVERNMENT AUTHORITIES

p. 9-14

Ihor Onyshchuk, Doctor of the Science of Law, Professor, Department of Social and Humanitarian Sciences, Precarpathian Faculty of the National Academy of Internal Affairs, Natsionalnoi Hvardii str., 3, Ivano-Frankivsk, Ukraine, 76005
ORCID: *http://orcid.org/0000-0001-9472-5472*

Importance is the definition of socially important tasks of social development, the solution of which should be oriented legal monitoring. According to the results of sociological surveys, a wide range of tasks can be identified such as: increasing the efficiency of the legal system and public administration; the development of a mechanism for feedback between public authorities, local self-government and citizens, the implementation of the constitutional duty of the state to respect and protect the rights and freedoms of man and citizen, etc.

At this stage, it is necessary to keep an account of all factors that have a positive effect on the development of rule-making. Advantage is given to the establishment of a system of independent expertise and consideration of public opinion. An example of the involvement of public associations and academic institutions is the work of international associations that monitor the observance of human rights. The absence of normative regulation in Ukraine of the issues of conducting state and public examination of the current legislative acts and draft normative legal acts is a problem that negatively affects the effectiveness of monitoring. In order to ensure that public opinion is taken into account when conducting a legal examination, it is necessary to improve the procedures for conducting public examinations. Legislation and enforcement monitoring is an instrument for the formation of a civil society, a form of dialogue between society and government.

The inclusion of civil society institutes in the process of legal monitoring optimizes the analysis, comparison and evaluation of the quality of legislation, enforcement through the prism of public needs and aspirations of civil society. Thus, it is possible to organize the interaction of institutes of state power and civil society in order to identify corruption factors and shortcomings of legislation on the basis of voluntary and independent participation in this activity.

The results of legal monitoring received as a result of the involvement of public associations and scientific institutions should become the basis for making changes to the work of state authorities, legislatures during strategic planning and identifying the priority directions of the country's development

Keywords: *normative design, legal monitoring, draft law, legislative act, civil society institutes, democracy*

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DOI: 10.15587/2523-4153.2018.153482

SELECTED PROBLEM ASPECTS OF THE IMPLEMENTATION OF PUBLIC CONTROL IN UKRAINE

p. 15-19

Sergii Ishchuk, PhD in Law, Associate Professor, The National University of Ostroh Academy, Seminarska str., 2, Ostroh, Ukraine, 35800
E-mail: ishchyk@gmail.com
ORCID: *http://orcid.org/0000-0002-3080-3870*

The article examines the specific legal mechanisms of public control:
1) public consultation and the activities of public councils under the executive branch;
2) public expertise of the executive authorities.
As a result of the analysis of such mechanisms, it has been established that the existing forms of interaction between the executive authorities and civil society institutions require improvement in order to introduce a clearer and more imperative procedure for taking into account civil society initiatives in the activities of state institutions. A separate aspect of research is an analysis of the problem of the implementation effectiveness of existing public control mechanisms in the modern conditions of Ukraine's development, since such efficiency is directly related to the actual involvement of ordinary citizens in its implementation, as well as the level of public confidence in basic civil society institutions.
According to the research results, it is established that for effective legal support of interaction between civil society and the state, clearer guidelines are necessary at the Constitution level in this matter, and there is a necessity to adopt a special law on procedures and mechanisms for interaction between civil society and the state, should be a guarantee of partnerships and cooperation between them
Keywords: *public control, public consultation, public expertise, public organizations*

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DOI: 10.15587/2523-4153.2018.153483

IMPLEMENTATION OF THE INDEPENDENCE PRINCIPLE IN THE IMPLEMENTATION OF CERTAIN TYPES OF LEGAL ACTIVITIES

p. 20-24

Nataliia Perepelytsia, Department of Theory of State and Law, National Academy of Internal Affairs, Solomianska sq., 1, Kyiv, Ukraine, 03035
E-mail: olenagusareva@gmail.com

This article is devoted to the modern problems of the implementation of the independence principle in the process of practical legal activity. Modern domestic science almost does not contain systematic and thorough researches of this problem. Scientific research is limited to specific branches of law or types of legal profession. Independence is one of the most important and significant legal principles that are embodied both in the process of creation and in the process of implementing legal norms.
The analysis of the main provisions of legal acts devoted to the regulation of various types of legal activity shows the following. The independence principle has been formalized at the level of law. However, different legal acts have different interpretations and the scope of the concept. Consequently, there is a difference in understanding and application of this principle by practitioners of legal professions. This negatively affects the level of their effectiveness, increases the external influence and the possibility of pressure.
The main problems in the process of implementing general legal principles are the following: the lack of legislative consolidation of certain principles of law, divergences in the definition of one and the same principle of law, in particular, the independence principle, in various normative legal acts, the contradictory nature of scientific positions regarding the concept and content of this principle of law, insufficient level of legal culture, skills and abilities, with which the legal practitioner can make logical conclusions regarding the separation and application of general principles of law, especially in the case of a gap in the right.
Consequently, it is considered necessary to achieve scientific consensus on the concept and content of the principles of law. The achievement of such a consensus should take place on the basis of the involvement of a wide range of representatives of science and the practical legal profession
Keywords: *advocacy, independence, notary, principles, prosecutor's office, professional ethics, court, legal activity*

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DOI: 10.15587/2523-4153.2018.153484

MODERN APPROACHES TO UNDERSTANDING THE NATURE OF ACTION OF OATH

p. 25-28

Olga Starytska, PhD, Associate Professor, Department of State and Law Theory, National Academy of Internal Affairs, Solomianska sq., 1, Kyiv, Ukraine, 03035
E-mail: ostar0811@gmail.com
ORCID: *http://orcid.org/0000-0002-5237-5889*

Different science article that are devoted to the issue of oath are analyzed by the author. According to them, in the article are highlighted modern approaches to understanding the concept of oath and its relation with such legal categories as swear, duty, official duty, internal imperative and vow. With the help of comparison method, it has been found that, unlike the above concepts, the oath does not have a religious attribute, so the concept of such notions can't be the same.

According to the analyzed science literature an interpretation on the two-aspect of the existence of the oath is made – doctrinal and normative. In accordance with the doctrinal aspect of the oath is considered as text, the administrative action, action of demonstration of internal convictions, moral authority and the deontological basis of professional activity. In the normative aspect, the oath is considered from the point of view of internal textual content, taking into account the common and different features of the content of the oath of representatives by various public state professions. It is installed that differences in oath are caused by the professional sphere of activity of the person, a common aspects is performing certain duties and comply with applicable law.

Also the part of the article is devoted for the medical oath, especially for its comparison of the "Hippocratic Oath" and modern oath for the doctors of Ukraine.

With the help of the classification method, an author's vision of the type of oath by the criterion of the sphere of professional activity is offered. In particular, it is proposed to establish the following types of oaths: political, judicial, legal and medical

Keywords: *oath, oath act, essence of oath action, duty, swear, promise, aspects*

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DOI: 10.15587/2523-4153.2018.153485

LEGISLATIVE DEFINITIONS OF SECURITY: GENERAL AND THEORETICAL ASPECTS

p. 29-33

Denys Tykhomyrov, PhD, National Academy of Internal Affairs, Solomyanska sq., 1, Kyiv, Ukraine, 03035
E-mail: beleg85@gmail.com
ORCID: *http://orcid.org/0000-0001-8366-8564*

The article deals with the general theoretical characteristics of legislative safety definitions in the context of the allocation of their general and special features. Common features are inherent in all definitions, legal definitions and legislative security definitions in particular. Special features distinguish them from other legislative definitions and are constructed, mainly, in a classical manner by generic type principle.

The general features of the legislative definitions of safety include: legal nature, intellectual orientation, connection with other normative-legal requirements, allocation and formulation of features of the phenomenon, scientific validity, mediated form of their implementation, etc. Special features are divided into generic (state, measure, lack, characteristic, property, protection, ability, boundary, process, activity, compliance) and specific (any risk, unacceptable risk, marginal risk, threats, civil aviation, air transport, radiation exposure, norms, rules, standards, interests of man and citizen, society and state, information, state sovereignty, territorial integrity, democratic constitutional order, drugs, radiation-nuclear facilities and the environment, influence on employees, staff).

It is indicated in the expediency of formulating one or another legislative definition of security, which consists in the need to find out in what meaning the term of safety in the normative legal document is used: commonly used; special – inherent in a certain field of special knowledge; specifically legal. The requirements for legislative safety definitions are defined, in particular they must: contain the main (general and distinctive) features of phenomena or processes being formulated; be reasonable and expedient, aimed at achieving the goals envisaged by law, adequate for both social reality and for the requirements of legislative technique aimed at satisfying the needs of legal practice

Keywords: *law definitions, legal definitions, types of legal definitions legislative definition of «security»*

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DOI: 10.15587/2523-4153.2018.150348

LEGAL SUBJECTITY IN PRIVATE-PUBLIC LAW: CATEGORICAL-CONCEPTUAL COGNITION IN THE CONTEXT OF GENERAL THEORY OF LAW

p. 33-40

Volodymyr Sichevliuk, PhD, Associate Professor, Department of Theory of State and Law, Koretsky Institute of State and Law of National Academy of Sciences of Ukraine, Trokhsviatytelska str., 4, Kyiv, Ukraine, 01601
E-mail: arsenal-vas@ukr.net
ORCID: *http://orcid.org/0000-0003-1479-9418*

The private-public sphere in law is constituted through the essential commonality of subjects and methods of those sectors that form it. The conventionally common subject of private-public sectors of law are social relations arising between natural persons, legal entities and various associations of the first and/or second in the process of realization by these subjects of their personal interests at the expense of public resources and subject to public interests. The methods of private-public sectors of law are characterized by a combination of imperative and dispositive elements, when the latter are playing a decisive role. In addition, the sectoral legal norms of private-public origin are consolidated into a specific integrity by a special system of generic principles.

The essential features, generally inherent in nature of private-public legal subjectity, include, firstly, its integrity and structural completeness (which means the constant presence at the disposal of the subject of law the appropriate scope of private-public legal capacity, delictual capacity and active capacity), secondly, internal systemic concordance (which does not provide for the domination of separate structural element in the private-public legal subjectity), thirdly, the functioning of this legal phenomenon mainly in the format of special legal subjectity and, fourthly, diversity of its species (which allocated by functional content).

In the doctrines of private-public sectors of law the application of the notions «legal capacity» and «active capacity» to the characteristic of the relevant sectoral phenomena of legal subjectity causes a critical attitude. Instead, on the basis of concrete provisions of sectoral legislation the scientists propose to use the notion of the «competence» which has more large volume of content and publicly-legal origin. The notion of «delictual capacity», despite the essentiality of its methodological potential, in the doctrines of the private-public law has not received proper admission and research.

Private-public legal subjectity – it's a specific kind of legal subjectity, which is inherent to natural persons, legal entities and their various partially personalized associations, which within the current legal order and at the expense of public resources realize their personal interests

Keywords: *private-public law, subjects of private-public law, category «legal subjectity», notion «private-public legal subjectity»*

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