

проведення політичних виборів, громадянам пропонують зробити свій вибір із альтернативних відповідей на поставлені питання. У сучасних демократичних країнах використовуються такі види референдумів: дорадчий, обов'язковий, добровільний, референдум-петиція. Вадодою цього суспільно-політичного заходу (крім можливості упереджено тлумачити його) є те, що він призводить не до спільної, а до єдиної думки, яка ігнорує інше бачення вирішення проблеми, змушує до однозначного вибору вирішення складних, часто суперечливих питань.

Література

1. Арбластер Е. Ключові ідеї демократії / Ентоні Арбластер // Демократія: антологія / упор. О. Проценко. – К. : Смолоскип, 2005. – С. 41–78
2. Закон України «Про всеукраїнський референдум»: від 06.11.2012 р. – [Електронний ресурс]. – Режим доступу: <http://zakon3.rada.gov.ua/laws/show/5475-17>.
3. Маклаков В.В. Референдум в странах-членах Европейского Союза. – М.: ИНИОН РАН, 1997. – 512 с.

UDC 342.9:477 (043.2)

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CHARACTERISTICS OF UKRAINE AS A CONSTITUTIONAL STATE

In a democratic society, the Constitution is important value. Since the proclamation of independence in Ukraine, there has been a process of expanding the scope of constitutional and legal regulation, changing the content of the norms and institutions of constitutional law, and new ones. This leads to the formation of a more complex system of sources of this branch of law in comparison with that which existed in the Soviet period. The most significant changes occurred with the adoption of the Constitution of Ukraine on June 28, 1996.

The modern Constitution of Ukraine is the most important normative and legal act of the Ukrainian state. Ukraine has finally received its Main Law – an essential element of the modern legislative system. The Constitution of 1996 consolidated the status of an independent Ukraine – an equal participant in international relations.

The Constitution of Ukraine establishes the basis of its social and state structure, determines directions of development of society and the state, principles of organization and activity of state bodies and bodies of local self-government establishes a constitutional guarantee of rights and freedoms of

man and citizen, directs the development of the state and self-governing forms of democracy.

Art. 1 of the Constitution proclamation: "Ukraine is a sovereign and independent, democratic, social and legal state" [1]

In the 16 century outstanding thinker Boden introduced the concept of popular sovereignty, according to which the source of power in any state is the people. "The sovereignty and independence of states means that its power is supreme, full, independent and indivisible in the relations that take place within the boundaries of the state and its independence and equality in relations with other states" [4, p. 694].

The democratic nature of the Ukrainian state means that it has the purpose of creating favorable conditions for the participation of citizens in management of public Affairs. In a democratic state required is the formation of government through regular free elections [2, p. 3].

Describing the state as a social, the Constitution provides orientation on the implementation of ambitious and effective policies, a manifestation of which is the safeguarding of human rights, the formation is available for different layers of the systems of education, health and social protection, support of the low-income groups. In article 1 of the Constitution says that Ukraine is a legal state. The idea of a lawful state for the first time quite clearly was formed by article 16 of the Declaration of the rights of man and citizen of 1789, which says: "any society in which there is provided the use of rights and not separation of powers, has no Constitution". The rights of man and citizen, the separation of powers are fundamental characteristics of a legal state. Such a state is characterized by the rule of law, the rule of law. Setting legal norms, the state itself is obliged to observe them, to maintain law and order. Art. 2 of the Constitution proclaims Ukraine as a unitary state. This means that, within its borders, there are no other entities with signs of sovereignty and the right to enter into relations with other states or to withdraw from Ukraine [1].

Ukraine is a unitary state with a republican form of government.

In accordance with the Constitution, "State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial". An important prerequisite for the implementation of this principle is the creation of a system of mutual checks and balances between different branches of government [1].

The only legislative body in Ukraine is its parliament – the Verkhovna Rada of Ukraine. The bodies of state executive power are the Cabinet of Ministers of Ukraine, central and local bodies of state executive power. The judicial authorities are the Constitutional Court of Ukraine and courts of general jurisdiction [5].

Ukraine is a state in which local self-government is recognized and guaranteed. The people's will is exercised through elections, referendum and other forms of direct democracy. According to Art. 11, the Ukrainian state

promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, as well as the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine. The Ukrainian state protects the constitutional system and ensures its stability [1].

For the modern Ukrainian state, such traits as single citizenship, tax and financial systems, national currency, unified legal and judicial systems are characteristic [1, 3 p.78].

The modern Constitution of Ukraine is not only a summary of the processes of state formation, it is a peculiar way for further improvement of our state, filling its established institutions with real content, turning them into real factors of legal regulation of social relations in Ukraine [3, p. 211].

Thus, we can conclude that in the political and legal practice of Ukraine and public opinion, it is important to ensure and understand the necessity of the rule of law in all spheres of social relations, equality of citizens and the state, control over the activities of state structures. The society should be based on the legal principles that govern the state. One of these fundamental principles is to ensure the interests of a person and a citizen, and protect them from any encroachment. The shift of priorities in the "state-personality" relationship in favor of the state is the path to the formation of totalitarian and authoritarian political regimes.

Literature

1. Constitution of Ukraine: Adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996. – K.: Ukraine, 1996.

2. Constitutional the Law of Ukraine: Handbook. For Students of Higher Educational Institutions / For Ed. V.P.Kolisnik and Yu. G. Barabash // Kh.: Law. – 2008. – 416 pp.

3. Zayets A.P. The rule of law in the context of the newest Ukrainian experience. – K.: 1999. – P. 133.

4. Constitution of Ukraine. Scientific and practical comment / editorial board: V. Tatsiy (head of the editorial board), O. Petryshin (executive secretary), Yu. Barabash and others.; National acad. right Sciences of Ukraine. – 2nd form., Reworked. and listens. – X.: Right, 2011. – 1128 p.

5. Six books on the republic (state) J. Boden [Electronic resource]. – Access mode: <https://studfiles.net/preview/2452046/>