

*ДО 100-РІЧЧЯ НАВС: ПРАДИЦІЇ ПІА СУЧАСНІ НАПРЯМИ РОЗВИТКУ
НАУКОВИХ ШКІА НАВС У РЕАЛІЗАЦІЇ ПРІНЦИПІВ ПУБЛІЧНОЇ БЕЗПЕКИ
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**CONCEPTS AND TASKS OF MODERN CONSTITUTIONAL- LEGAL
REFORM**

Quite often you can hear the two terms used when it comes to reforming the Constitution of Ukraine: constitutional reform and political reform. Both are suitable for defining the process in Ukraine. Constitutional-legal reform is a change in the provisions of the basic Law of the state, the main idea of which is to replace the rules of formation of the executive branch of power - the Government. At the same time it should be recognized that, in any political and legal definition of the ways of constitutional reform, its main source and task is to reform the

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constitutional order of the state. First of all, this is due to the fact that systemic constitutional reform is being carried out in order to ensure the dynamic development of the Ukrainian statehood, to strengthen the real role of parties and structures of civil society and to include democratic institutions that fit the European model.

At the present stage of development of the Ukrainian state the leading branch of the law "constitutional law" is undergoing and needs significant changes. The foregoing is related to the need to build and strengthen a sovereign, legal, democratic, social Ukraine in order to achieve a dramatic increase in the efficiency of power. In this regard, there is a need to reform and improve the organization of activities, forms and methods of work of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, executive bodies, judicial authorities, local self-government bodies. government bodies and other institutions of Ukrainian society.

In general, we must admit that in the recent history of the Ukrainian people, proclaiming its independence on August 24, 1991, and adopting the Constitution of Ukraine on June 28, 1996, are two extremely important events for our state and society. Finally, the past makes it clear that the new stage of development of society and the state, initiated by these documents, today calls for an urgent need to reform the institutions of public power, further improving the legal foundations of life of society and the state, that is, implementing a modern constitutional reform of comprehensive constitutional reform.

Regarding the improvement of the mechanism of state power (forms of government), it should be restructured, abstracting from those models of organization of state power, which are envisaged by the Constitution of Ukraine in the 1996 and 2004 versions. Both are characterized by theoretical flaws and both models have not been tested [1].

I support the thought of deviding the powers of the President into three categories. In particular, the President: a) independently; b) upon submission of the Cabinet of Ministers of Ukraine or the Minister respectively; c) which enter into force subject to a counter-signaling in accordance with the decision. The first group should include, first of all, ceremonial powers, the right to veto laws, powers to dissolve the Verkhovna Rada of Ukraine in cases determined by the Constitution, the appointment of an all-Ukrainian referendum, the right to set up deliberative bodies and some other powers. The second should include, first and foremost, the cadres and constituent powers of the President in executive bodies, foreign policy and security powers. With respect to the third group, the signatures of the counterparty must be subject to the decrees of the President issued for the exercise of all powers, except those exercised by him or by the submission of the Cabinet of Ministers of

Ukraine or the respective minister. I believe that this approach to determining the powers of the President will be able to ensure the unity of state policy and improve the system of checks and balances in the mechanism of power.

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Strengthening parliamentarism as a prerequisite for the proper functioning of the state mechanism and the development of the country as a whole requires the improvement of constitutional provisions on the protection of deputies and the activity of the legislature. Yes, it is necessary to narrow the scope of Parliament's immunity by granting Parliament's consent only to the detention or arrest of a Member of Parliament before being sentenced by a court. Parliament's consent should not require criminal prosecution. Today, Article 80 of the Constitution provides that "Members of Ukraine shall not be held criminally responsible, arrested or arrested without the consent of the Verkhovna Rada" [2].

In my opinion, in order to strengthen the independence and professionalism of the Constitutional Court, the main direction of improvement should be the procedure for selecting candidates for a judge of the Constitutional Court. Today, in accordance with Article 148 of the Constitution of Ukraine, the President of Ukraine, the Verkhovna Rada and the Congress of Judges of Ukraine appoint six judges to the Constitutional Court. In fact, these bodies can appoint anyone who meets a simple qualification. Often this has led to the appointment of politically loyal individuals. It is therefore appropriate to introduce a special qualification committee to nominate potential candidates.

Given the general context of the debates that take place during the presidential election, the issue of constitutional reform will be relevant even after it has taken place. Usually during constitutional reform, the focus is on the content of the new Basic Law, while at the same time the process of constitutional reform is of great importance to ensure its further implementation and support in society. Strengthening the political and social cohesion of the country, to a new impetus for reforms and modernization of the state, to the introduction of an open and inclusive political system [3]. In the constitutional process, Ukraine has accumulated enough mistakes to learn lessons. This time, constitutional reform needs to be conducted professionally, openly, transparently, with maximum involvement of civil society at all stages.

So, to summarize all the above mentioned, it can be said can say with certainty that Ukraine now needs a new, modern constitutional reform that would ensure the strengthening of a sovereign, legal, democratic, social state and achieve a fundamental increase in the efficiency of power in Ukraine.

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