

beginning of major riots, which can lead to the acts of vandalism, thereby violating public order and safety of citizens. Therefore, the police control the course of mass events and, if necessary, involve the National Guard of Ukraine, because, as stated in the Constitution of Ukraine, a person, his life and health, honor and dignity, inviolability and security are the highest social value for the state.

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#### **THE LEGAL SYSTEM OF UKRAINE AMONG LEGAL SYSTEMS OF THE WORLD**

There are hundreds of legal systems in the world. Although each system has its own individuality, it is possible to group many of them into legal «families».

In general, legal systems around the world can be split into civil law jurisdictions, systems using common law and equity, religious and customary law. The specific system that a country follows is often determined by its history, its connection with countries abroad, and its adherence to international standards. The sources that jurisdictions recognize as binding are the defining features of legal systems. Yet classification of different systems is a matter of form rather than substance, since similar rules often prevails.

After all, the legal systems of the countries closer together and interact, there is the development of civil society, increasing the impact of international law. So the purpose of my work is the analysis of the legal system of Ukraine, as well as consideration of legal systems of the world, the search of their relationship and designated national legal system of Ukraine among the latter.

Since this topic is actual, it must be said that it was developed by many scientists, such as: S. Alekseev, V. Babayev, E. Babkin, A. Vasiliev, A. Zajtschuk, J. Carbon, D. Kerimov, M. Koziubra, etc. Most scientists will share all of the legal systems on the following groups: Anglo-Saxon, Romano-Germanic, Slavic legal family and Muslim law. The legal system is a complex of interrelated and coordinated legal means, intended to regulate the public relations, and legal phenomena arising from such regulation (legal norms, legal principles, legislature, legal relations and other). It includes normative legal acts, legal consciousness, state of justice and legal culture. In particular legal systems existing under certain historical conditions under the influence of certain factors one or the other side dominates. Therefore, there are a lot of points of view about what kind of legal family the legal system of Ukraine belongs to.

Ukrainian legal system is based on Roman law, consisting mainly of codified laws. Since its independence in 1991, the system has undergone several important legal developments. Ukraine became a member of the European Council in 1995 and adopted a new Constitution in 1996. In 1998, the Partnership and Cooperation Agreement (PCA) with the EU entered into force and a corresponding action plan for legislative approximation was adopted in 2005. In addition, the Working Party on the Accession to the WTO was established in 1993. The Civil Code has been reformed and the new law came into force in 2004. Further, towards market-oriented legislation also the Economic Code was adopted together with the new Civil Code.

Today there are many points of view as to what system Ukraine belongs. It is necessary to consider them.

1. Quite a few scholars refer Ukraine to Romano-Germanic law family. However, such conclusion should be made only after analyzing a number of features:

- the main source of law is legislation;
- the division of law into private and public;
- codification of law.

As to the court practice, it is not an official source in the state, but it is used in some cases of collisions as an informal source of law.

The Constitution has the highest legal force. Laws and other normative legal acts shall be adopted on its basis. The acts of the official interpretation as well as court decisions of the Constitutional Court are not formally the source of laws but they may need to be taken into consideration in the judgment of a particular case.

The next highest legislative level is based on laws adopted by the Verkhovna Rada of Ukraine. The Constitution (Article 92) defines areas exclusively to be regulated by laws. Specific spheres of legislation are regulated in «codes», such as the Civil Code, the Economic Code, the Criminal Code, the Labour Code etc. After adoption by the Verkhovna Rada the law is to be signed and published by the President or is returned to the Verkhovna Rada for further considerations. The Cabinet of Ministers with the Prime Minister as its head ensures the execution of the law including the implementation of the budget. Local state administration executes the laws on region, districts and city level.

State authorities such as President, the Cabinet of Ministers and the ministries adopt secondary legislation that implements general provisions of laws. These secondary legislative acts are:

- ✓ Decrees and directives of the President of Ukraine;
- ✓ Resolutions and directives of the Cabinet of Ministers of Ukraine;
- ✓ Resolutions, directives, regulations, instructions and orders by ministries and other state authorities.

Local state administrations and bodies of local self-government also adopt directives, orders, decisions etc., supervising the implementation of the laws at the regional level.

2. Other scientists believe that it is better to speak about Ukraine as a member of the post-socialist legal family. They believe that now the system has to a certain extent transitional in nature, keeping a number of former signs and intensively acquiring a number of new:

- Ukrainian legal system, though formally recognized legal acts as a major source of its law and legal system, unfortunately, has always used subordinate legislation. Ukraine inherited the tendency distinctive of the Soviet legislation, when legal acts correlate with subordinate legislation in the ratio of 5% to 95%;
- the existence of a wide range of sub-legal acts that are necessary in the application of a statute;
- the existence of local rulemaking is justified by prevalence of adoption of legal acts by leaders, trade unions and labor groups;
- existing pieces of legislation covering not all aspects of society, which leads to the satisfaction of the interests of society and only a low level of protection of human rights.

It is also necessary to consider V.N Sinyukov's position. The position of V.N. Sinyukova, is specific, she proposes to include the legal system of Ukraine to the Slavic legal family, On the basis of its originality, not only because of techno-

legal, formal grounds, but the deep social, cultural, state origins of life of the Slavic Nations. V.N. Sinyukov considers the doctrine of the Slavic law on the example of Russian law, focusing on economic development, collective farming, the originality of Russian statehood, the status of the individual.

In my opinion, nowadays there are no significant differences between national legal system of Ukraine and the Romano-Germanic law nor in the ways of the creation of the legal norms, nor in the ways of their systematization, nor in the ways of their interpretation, nor on how one use them in the right-applicable practice. Some movement in the direction of the change of legal thinking is done: officially recognized the ideas of the rule of law, human rights priority, legal, social democratic state, the division of the law on public and private, the inviolability of private property, typical for European legal traditions. So, on this basis, we can conclude that the legal system of Ukraine belongs to the Romano-Germanic legal family.

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### **НАЦІОНАЛЬНІ МЕНШИНИ В КОНТЕКСТІ МОВНОГО ЗАКОНОДАВСТВА**

*... А коли є окрема мова, то є і окремий народ.*

I. Огієнко

Мова – це душа народу, відображення його внутрішнього світу, його самобутності. Будь-яка міцна, стабільна та незалежна держава має свою мову, адже мова об'єднує народ.