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Кучер А.
*студентка I курсу юридичного факультету
Тернопільського національного
економічного університету
Науковий керівник: к.і.н., доцент кафедри
теорії та історії держави і права THEU Грубінко А.В.
Консультант з англійської мови: к.ф.н., доцент
кафедри іноземних мов Рибачок С.М.*

ACTUAL ISSUES OF STATE AND LAW DEVELOPMENT IN THE CONDITIONS OF EUROPEAN INTEGRATION: GENERAL THEORETICAL ASPECTS AND HISTORICAL EXPERIENCE

The aim of this paper is to analyze the processes of integration of different countries including Ukraine into the European Union society. Foreign scholars point out that integration is primarily a process, so the focus should be on the integration process, not on the political system that brings integration. However, modern researchers have paid more attention not to the process, but to the consequences and results of the process of European integration [5, p.3]

The European Union is a unique phenomenon in the system of modern international relations. Its uniqueness lies in the fact that the people and states are part of it; they have found the most effective ways and mechanisms of the harmonious combination of national, interstate and common interests in all spheres of social life in a large geopolitical space. Today we cannot name another region of the world where different people could secure such a unity of real interests in modern life and value orientations for the future. The current state of European integration is a consequence of a long history. The unification of the peoples of Europe have realized not only with economic and political factors, but also with the cultural, ideological and religious preconditions, the basis of which was the formation of the European idea, which was reflected in the various concepts in different historical periods of development of Europe [3].

European integration has mainly carried out with the help of the European Union and the Council of Europe. In political science, there are several approaches to defining the concept of European integration: intergovernmental, institutional and communicative approaches [3].

The supporters of the intergovernmental approach give priority to the process of integration into national states. The result of their interaction at the intergovernmental level is a special environment that affects the emergence of general institutions. Within the framework of the institutional approach (Ernst Haas), European integration is seen as a process of transforming national practices of the interaction of institutes, which produces the creation of a special multi-level governance system with a multitude of decision-making centers (governance). The communicative approach treats European integration as a process of creating social communities through effective interaction between their members in various fields. As a result, a security

community is formed in which political factors are aimed at creating a new political center. This political center should coordinate the work of the participants [3].

Harmonization of national and European law systems is not coordinated easily. First, the principle of state sovereignty of each country continues to operate. Secondly, these countries have many features that they protect and do not want to lose during the integration processes. Thirdly, the universal organizational mechanisms for the harmonization of the relevant legal systems have not yet been developed. Fourthly, there are significant disadvantages in the theoretical solution to the problems that are constrained and their practical solution [7].

Referring to the process of harmonization in official documents of the United Nations, the term "implementation" has spread, which literally means "implementation". The sovereign equality of states, their independence in the implementation of domestic and foreign policy have caused circumstances when they, as the creators of international legal norms, act simultaneously as the main subjects of their implementation. The overwhelming majority of international legal norms contained in international treaties are implemented through the national implementation mechanism [6].

The primary and principal actors of integration are the individuals, human persons. Professor Tibor Palánkai states that the human history is the organisation of the individuals into different communities, and the history begins from families of early historic times through tribes, villages, cities, nations and to the global society as an integrating community in recent time. [8]

The integration is a highly structured process. In general, the formation of different communities or set of organisms is multi-layer, multi-actor, multi-level, multi-functional and multi-dimensional process. In other words, integration as a form of community covers set of great number of integrating communities into a total. They are in the process of continuous integration, while existing parallel; they are overlapping, interacting and interdependent. In each societies; there are great variety of them, but their number and complexity tend to grow parallel with socio-economic development. They cannot be separated; the process, performance or success of integration is dependent on all of its components. In this context, integration means a process, but if we analyze it at a given moment, level or place, we can get a picture about its state [8].

European integration is not just about the functioning of EU institutions or policies, but it is broadly determined not only by stability or development of its member states or competitiveness of its companies, but also by stable family relations (population growth and social welfare) or many other social organisations (cities or religions) [8].

Analysis of the content of constitutional reforms upon accession to the European Union (Bulgaria, Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary, Czech Republic) suggests that the following amendments to the constitutions were mandatory: strengthening the role of the international treaty in the domestic legal systems, review of the powers of state authorities and the introduction of the institution of delegated legislation that imposes certain legislative powers on the government when it is necessary to react promptly to certain situations of interaction with the European Union; interaction of the legal force of EU legal acts and acts of internal law, the transfer of part of the sovereignty or its restriction, the mandatory

holding of a referendum on issues of integration to the EU, as well as the amendment of the constitution of the "European amendment"[9, p.71].

For the modern Ukrainian state, European integration is primarily a peculiar way of modernizing the economy, overcoming technological backwardness, attracting foreign investment and cutting edge technologies, creating new jobs, increasing the competitiveness of the domestic commodity producer, and entering the world markets. At the same time, the political advantages of Ukraine's integration into the EU are tied with the creation of reliable mechanisms of political stability, democracy and security. The rapprochement with the European Union is a guarantee and fulfillment of its requirements is an instrument for the development of democratic institutions in Ukraine. Membership in the European Union can open the way to the collective structures of the common European security, ensure more effective coordination of activities in the field of export control and non-proliferation of weapons of mass destruction, in the fight against terrorism, organized crime, illegal migration, etc.[1].

Taking European integration as a sufficiently complex socio-economic process of the political, legal, economic, social and cultural association of European states, the first attempts to resolve political and legal issues related to this phenomenon were made in Ukraine at the beginning of the 90th of the last century. Thus, the provisions of the Declaration on State Sovereignty of Ukraine (16.07.1990) stated that our state "acts as an equal participant in international communication, actively contributes to the consolidation of universal peace and international security, directly involved in the European process and European structures". It was clearly stated that Ukraine "recognizes the superiority of universal values over the class, the priority of generally accepted norms of international law to the norms of domestic law" [2; p.19].

The aim of this paper was to find answer to the question if the law and the state change a lot and deeply while the integrating into the European Union society. The main sources of research on the given subject were analyzed in the paper. The research showed the fact that the EU integration has many legal bases. In general, the formation of one integrated community is multi-functional and multi-dimensional process.

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Мартинюк Я.
*аспірант кафедри теорії та історії
 держави і права юридичного факультету
 Тернопільського національного
 економічного університету
 Науковий керівник: к.ю.н., доцент
 кафедри теорії та історії
 держави і права ТНЕУ Кравчук В.М.*

ЄВРОПЕЙСЬКА СИСТЕМА ЗАХИСТУ ПРАВ ЛЮДИНИ

Питання у сфері забезпечення прав і свобод людини та їх практичної реалізації на сьогодні є чи не найважливішою проблемою внутрішньої й зовнішньої політики всіх держав світової спільноти. Велику увагу розвитку та забезпеченню прав людини приділяє міжнародне співтовариство. Прийняття цілої низки міжнародних документів щодо закріплення, нормативної регламентації й розробки механізму міжнародного захисту прав людини у державах сприяло коригуванню внутрішніх механізмів захисту й забезпечення прав людини, які склалися у державах-членах.

Поняття прав людини, проблеми сутності, стану, практичного застосування, системи їхнього захисту, удосконалення та перспектив розвитку розглядалися у працях багатьох вчених з усього світу, серед яких: В. Буткевич, А. Дмитрієв, С. Крижанівський, В. Погорілко, П. Рабинович та ін. Про специфіку права Європейського Союзу йдеться у дослідженнях З. Бредлі, І. Грицяка, М. Дженіс, М. Ентіна, В. Кернза, М. Костроміна, І. Лукашука, Л. Луць, М. Микієвича, Р. Кей, Л. Тимченко, В. Посольського, Д. Харріс та ін.

Аналізуючи передусім систему Європейського Союзу, варто відзначити, що вона вирізняється досконалим інституційним механізмом, у тому числі й стосовно дотримання прав людини й основних свобод. Серед семи основних органів Євросоюзу (Європейський парламент, Європейська Рада, Рада ЄС, Єврокомісія, Суд ЄС, Європейський центральний банк, Рахункова палата ЄС) Європейському суду (Суду ЄС) належить провідне місце у захисті прав і свобод людини. Його юрисдикція є обов'язковою для держав-членів.

Європейський Суд формується із суддів та генеральних адвокатів. Їх призначення відбуваються за домовленістю між урядами; місця генеральних адвокатів резервуються за найбільшими європейськими державами. Судді і