

was always identified with the image of the mother-woman and the image of the Great Berehinya. They always were independent and respected by the society.

### ***References:***

- 1.Бойко І.Й. Історія правового регулювання цивільних, кримінальних та процесуальних відносин в Україні (ІХ-ХХст.): навч. посіб. Для студ. вищ. навч. закладів. – Львів: Видав. Центр ЛНУ ім. І.Франка, 2014. – С.40
- 2.Кривоший Олександр.Жінка в суспільному житті України за часів козаччини: Історичні розвідки / О.П.-Запоріжжя:"Поліграф"-”Просвіта”, 1998-68с.
- 3.Смоляр Л.О.Жіночі студії і Україні:Жінка в історії тв сьогодні: Монографія / За загальн. ред.Л.О. Смоляр.-Одеса:Астропринт,1999.-440с.

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## **FORMS OF APPEAL TO THE CONSTITUTIONAL COURT OF UKRAINE**

Each state, the Fundamental Law of which is the Constitution, has its own means of constitutional control. The Constitutional Court of Ukraine (hereinafter - KSU) is the only body of constitutional jurisdiction in our country. Its activities are regulated by such normative legal acts as the Constitution and the special law of Ukraine "On the Constitutional Court of Ukraine" in 2017.

Ukraine introduced a classic European model of constitutional judicial control, which provides granting exclusive powers to verify the constitutionality of legislative acts to a special body - a constitutional court.

The law provides that one of the forms of application to the Constitutional Court of Ukraine is the constitutional appeal.

Referring to the analysis of Art. 151 of the Constitution of Ukraine and Art. 54 of the Law on the Constitutional Court of Ukraine it can be concluded that the list of subjects of appeal is exhaustive and includes the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of

Ministers of Ukraine and at least 45 deputies of Ukraine. At the request of certain entities from this list, conclusions are made on a certain category of the same appeals.

There are the following types of constitutional appeals:

1. The constitutional petition concerning the conformity of the Constitution of Ukraine with the international treaty.

2. The constitutional petition on the compliance of the Constitution of Ukraine (constitutionality) with the issues that are proposed for carrying out National referendum on people's initiative.

3. The constitutional appeal regarding the observance of the constitutional procedure for investigation and consideration of the case on the President's removal from office in the order of impeachment.

4. The constitutional petition concerning violations by the Verkhovna Rada of the Autonomous Republic of Crimea of the Constitution of Ukraine or the laws of Ukraine.

5. The constitutional appeal regarding the compliance of legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and the laws of Ukraine.

The following kind of appeal to the Constitutional Court is a constitutional submission.

According to Part 1, Article 51 of the Law "On the Constitutional Court", constitutional submission is written petition to court regarding:

- the recognition of an act (its separate provisions) unconstitutional;
- an official interpretation of the Constitution of Ukraine [1].

Following the consideration of the constitutional petition, the Constitutional Court of Ukraine, as part of the Grand Chamber, adopts the Court's ruling.

One of the most important decisions of the Constitutional Court in 2018 is the recognition of the Law "On the National Referendum" unconstitutional [3]. The Constitutional Court found that there was a systematic, gross violation of the constitutional procedure for the consideration and adoption of a normative act, as well as the significant impact of this violation on the final result of its adoption, justify the recognition of this act unconstitutional. In addition to this law, the Verkhovna Rada went beyond its constitutional powers.

The latest type of appeal and novelty of Ukrainian legislation is the Institute of Constitutional Complaint.

According to Art. 55 of the Law on the Constitutional Court "On the Constitutional Court", a written petition to the Court has been submitted to the Court regarding the verification of the compliance with the Constitution of Ukraine (constitutionality) of the law of Ukraine (its separate provisions), which was applied in the final judicial decision in the case of the subject of the right to a constitutional appeal.

The subject of the right to a constitutional complaint is a person (physical or legal) who believes that the law of Ukraine (its separate provisions) used in the final judicial decision in her case is contrary to the Constitution of Ukraine. Such entities may not include juridical person of public law.

The Institute of Constitutional Complaint has long existed in many European countries. And since the adoption of the Constitution, many discussions have been held on the feasibility of such innovation. Most lawyers believe that the institution of a constitutional complaint is a creature of European society.

A complete constitutional complaint provides an opportunity for the most general individual access to constitutional justice - a person may appeal any act of state power that directly violates fundamental rights [4].

In Ukraine there is only a partial right and this is the imperfection of this narrative for the citizens of our state. However, the introduction of this institute, albeit with disadvantages, has positive aspects. The obvious positive moment for the institution's introduction is the probable reduction in the burden not only on the Supreme Court, but also on the European Court of Human Rights.

It is also possible to note positively the absence of claims for payment of a court fee for filing a constitutional complaint by a person whose rights have been violated. After all, the rules of law a priori should be brought in line with the Constitution at the expense of budgetary funds [5].

But why there is low efficiency of this institute? First of all these are mistakes that are permitted in the procedure and form of a constitutional complaint and low awareness of citizens of such right. At the moment, a sociological survey of citizens' awareness of the new institute of constitutional complaint has not been conducted. At the same time, the

authors of the analytical report on the introduction of the constitutional complaint institute admit that the citizens' awareness of the new institute is low. This is due to the fact that this institute is new for the Ukrainian society, and the general low confidence in the Constitutional Court and low legal culture [6].

The second problem is no less important and it is that in the present partial complaint is allowed for Ukrainian people. Thus, the number of subjects of this right decreases and the subject of this institute is significantly narrowed. As the lawyer Denis Krizhovyi writes in the newspaper "Law and Business" in order to improve the quality of the Court's exercise of powers, it is necessary to confer the right to a constitutional complaint of every citizen of Ukraine, as defined in the previous edition of the law on the right to a constitutional petition. For example, in Italy, this is the right of every citizen, and the number of appeals during the year reaches many thousands [7].

We agree with the views of this lawyer, but we believe that initially it is necessary to establish the functioning of the institution of a partial institutional complaint and ensure its full functioning. After all, while the CCU only began to receive these complaints, and citizens are not generally familiar with this right and how to apply it, there is no sense to make any changes and improvements. If citizens do not even suspect that such a way exists to protect their rights, how can they use this method of protection? Therefore, the problem needs to be treated from inside and begin with improving the legal culture of every citizen, and above all, young people.

In conclusion, it should be noted that our country has a lot ways to improvement and there are many problems that need to be solved.

### ***References:***

1. Law of Ukraine "On the Constitutional Court of Ukraine". – Electronic resource. Access mode: <https://zakon.rada.gov.ua/laws/show/2136-19>
2. Constitution of Ukraine. – Electronic resource. Access mode: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
3. Рішення Конституційного Суду України у справі за конституційним поданням 57 народних депутатів України щодо відповідності Конституції України (конституційності) Закону України "Про всеукраїнський референдум" Access mode: <https://zakon.rada.gov.ua/laws/show/v004p710-18>
4. Доклад «Индивидуальная конституционная жалоба: европейские тенденции системного развития» г-на Гагика Харутюнана. Страсбург.

Конференция на тему «Защита прав человека органами конституционного правосудия». – Киев, Украина, 16 сентября 2011 г. Режим доступа: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-JU\(2011\)018-rus](http://www.venice.coe.int/webforms/documents/?pdf=CDL-JU(2011)018-rus).

5. Electronic resource. Access mode: [https://zib.com.ua/ua/130176-chi\\_zmozhe\\_konstituciyna\\_skarga\\_v\\_ninishnomu\\_viglyadi\\_z\\_teor.html](https://zib.com.ua/ua/130176-chi_zmozhe_konstituciyna_skarga_v_ninishnomu_viglyadi_z_teor.html)
6. Аналітичний звіт щодо запровадження інституту конституційної скарги / Ю. Кириченко, Б.Бондаренко – К.: ФОП Москаленко О.М., 2018. – 40 с

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## **CRITICAL REVIEW OF MARXIST THEORY OF STATE**

Among plenty of theories of the origin of the state, Marx's, or class theory of State occupies its significant place. Created in XIX century by Karl Marx and Frederich Engels it was followed by many scientists. It asserts, that the state originates on the basis of economic reasons (social division of labour, emergence of additional product and private property) and further society division into classes with different and even opposite economic interests. But the more people get informed, the less this represented theory is acknowledged as truthful.

As any theory, this one also has a large number of those, who criticize it or have different views on some points. Among them is a Russian historian V. Ilyushechkin. Analyzing Engels' views on "The Origin of the Family, Private Property and State", he highlights two "main forms" – Roman and German. In both cases (based on Engels) the State emerged before the emergence of classes and class antagonisms. Describing the German form, Engels considers German States as "direct result of the conquest of vast territories". It has to be mentioned, that Ilyshechkin didn't refute the whole Marxist theory of state, but only the number of classes. Ilyshechkin developed the idea of one pre-capitalist class formation.

Another criticism is based on Marx's allegation, that the State will not exist if classes disappear. Critics state the opposite, stating that "you may