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IMPLEMENTATION OF PROBLEMS AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN UKRAINE

In the XXI century, the problems of the realization and protection of human rights and freedoms have gained world-wide, global significance and entered the first place in the international system of criteria for assessing the level of development of democracy in a particular state and society. Rights and freedoms of man and citizen are one of the most important social values, the main object of the majority of constitutional and legal relations. The social purpose of the basic rights and freedoms of citizens is that they embody the ideals of democracy, humanism and justice, promote the full development of individuals, provide citizens with broad opportunities for active participation in the management of society and the state, the functioning of the state and political and legal mechanisms, and also contribute to raising the level of general and legal culture of a person, improving the democratic way of life.

Everyone should be able to enjoy basic rights and freedoms. The state is obliged to guarantee the real exercise of these rights and freedoms by all means available to it.

That is why the task of scientists and practitioners in the field of law, political science, sociology and pedagogy is the formation of an adequate understanding of each person's rights and freedoms, as well as training on its methods and means of their affirmation, protection against any violations and attacks, first of all the state, individual members of society and their factions.

It should be noted that in the theory of law, political life and jurisprudence, there are two views on the nature of the rights and freedoms of man and citizen, which to some extent was reflected in the title of international legal acts on the protection of human rights. Proponents of one view argue that there are so-called basic human rights

and freedoms that are natural, which are provided to a person at birth, while others are allotted to every person on the part of society and the state. [1].

The main ones include personal rights and freedoms that are granted to a person as an individual, regardless of whether he is a citizen of a particular country. So the duty of the modern state is the protection of personal rights.

The system of constitutional human and civil rights in Ukraine covers the widest range of rights and freedoms in choosing the ways and means of life of every person. And this, of course, is a positive achievement of our society. However, the practical realization and protection of these rights and freedoms often encounter significant obstacles that are both objective and subjective and are the basis for unresolved problems in this area.

There are several factors that cause these problems. First of all, this is a low level of legal culture and legal consciousness of the vast majority of members of our society. After all, Ukrainians for many centuries lived without their political, economic and territorial integrity. This led to the fact that generations throughout the ages tried to adapt to different legal norms, neglecting or distorting them in various ways: from non-recognition to introduction into misleading the state, society and individual individuals.

Other factors are the lack of a clear structuring of civil society and public control over the activities of all state authorities, high levels of corruption at all levels of state and social life and lack of political will to reduce it, as well as the low level of legality (law enforcement) in the life of society and the state. Besides the absence of unconditional responsibility of each individual without exception, both before him and the surrounding for the process and the results of his activity is objectively predetermined, on the other hand, by the traditional efforts of any government to restrict freedom of life and self-realization of man in any way by establishing such mechanisms of legal regulation of social and personal life that do not leave it free to choose. If to add to this, the existence of an unjust "rule of law" through the creation and adoption of ineffective laws, selective political and legal responsibility of certain representatives of society (first of all - the authorities) for the offenses committed by them - the reasons for these problems become more reasoned and weighty [5]

Based on the foregoing, the question arises: "Are there any methods for solution these problems?"

Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is responsible to a person for his activities. The assertion and provision of human rights and freedoms is the main duty of the state [2]. This is very significant, because each state must first take care of its citizens in terms of their capabilities. The Constitution of Ukraine proclaimed a wide range of rights and freedoms of Ukrainian citizens. However, as in any bourgeois constitution, it does not contain clear material guarantees of the implementation of proclaimed rights and freedoms, although the word "guaranteed" many times mentioned in it [7].

The current stage of law and state-building in Ukraine can be characterized as transformational, linked, on the one hand, with the desire to carry out the necessary reforms, the formation of civil society, the construction of a law-governed state, and, on the other, the need to maximally protect human rights and freedoms in the face of crisis phenomena. It is clear that among the many factors that influence these processes, not the last place is the legal phenomenon, such as the role of law, its ability to act, the validity of law in terms of overcoming crisis phenomena [6].

Consequently, in Ukraine it is necessary to introduce unconditional application of the rule of law principle in all spheres of public life and public administration. Such characteristic features of this principle, such as humanism, justice, proportionality, objective justification and expediency of legal regulation of social life, enable the rule of law to function: first, to limit the activity of state power to the interests of society and the rights and freedoms of an individual; second, to apply formal legality, which must guarantee the safety and predictability of all forms of social relations; third, to ensure the rule of law, and not the person, no matter who she was and at least what position he occupied [4]. It is the rule of law as the universal phenomenon of the formation of the optimal balance of social, personal and state relations, which enables each person to realize their own rights and freedoms [3].

In this regard, the world community has accumulated sufficient experience of the rule of law in states with developed legal systems and democratic forms and methods of government and governance. There is also a small, Ukrainian experience. We must only aim to adapt these world and national legal values to the realities of our social and public life, and to show the political, corporate and individual will in their implementation, engaging in this difficult and long-term work of the entire mechanism of state power and civil society in Ukraine.

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