BRIDGING LEGISLATIVE GAPS THROUGH JUDICIAL LAWMAKING IN CIVIL PROCEEDINGS IN UKRAINE AND EUROPE

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Abstract: Legislative gaps are constantly happening in the law-making process. Therefore, they should be considered a kind of law-making error that significantly reduces legal regulation effectiveness and complicates law enforcement. At the same time, the gap may be justified by the lag of legal science from the dynamically changing social relations, for which it does not keep up. In this case, the gap can be compensated in various ways, the choice of which depends on the type of gap and the specific facts. Analysis of the causes of gaps has shown that the emergence of gaps is often facilitated by insufficient elaboration of the legislative idea and its implementation in specific legal regulations.

Keywords: Lawmaking, Judicial proceedings, International experience, Legal regulation, Legal system, Legislative gaps.

1 Introduction

Gaps in legislation arise for some reasons, both objective and subjective. The reasons for their appearance lie in the field of lawmaking and occur both at the stage of designing rules of law and translating subjective ideas about the nature and objectives of regulation into legal prescriptions, taking into account legal laws and regulations [25]. Therefore, the gap in the legislation should be attributed to lawmaking errors arising from any deviations from the rules of legislative technique and technology. However, it should be recognized that legislative rules do not always provide clear and diverse mechanisms to eliminate or eliminate gaps on time. In addition, the predictability of the law is an objective factor.

As a result of gaps, the quality of the adopted legal act deteriorates, which, in turn, weakens the mechanism of realization of subjective rights and goals set by the legislator, which, in turn, were put forward as a political order requiring legal registration. In a broad sense, the gap is a complete or partial lack of legal regulation in existing legislation, provided that these relations are within the scope of possible and necessary legal regulation. A narrow approach to the definition of the gap can be formulated because legal regulation does not cover and should not cover the whole variety of public relations.

Modern society's complex economic, political, and social processes demonstrate the urgent need to find new approaches to many unresolved issues in law and state education. At present, practice and objective needs must seriously influence future theoretical models. The legal system of Ukraine should be based not on traditional principles of legal positivism, which interprets law exclusively as a product of willful actions and decisions of the highest subjects of state power, but on legal understanding as a degree of freedom of equal subjects, the rule of law, its interdependence with the rule of law [8]. They are not mutually exclusive but as complementary categories.

In Europe, the long-term effectiveness of the Convention for the Protection of Human Rights and Fundamental Freedoms is based on the interaction of its judiciary and the national authorities of the Council of Europe, not least their highest judicial authorities. The European Court of Human Rights emphasizes that the enforcement of its judgments is a shared responsibility of the courts. Indeed, the courts play a crucial role in applying at the local level of national constitutions and the Convention [22].

2 Literature Review

The ambiguity in understanding the essence of such a legal phenomenon as a gap arises from some problems in determining possible and necessary legal regulation and the absence of legal norms in the presence of existing social relations and to regulate emerging social relations. Along with the concept of a gap in the law, the concept of "legal vacuum" is used, which means they lack legal norms necessary to regulate not previously settled but need legal regulation of newly emerged social relations [26].

Another classification of interest from the point of view of understanding the legal nature of the gap in the law is the concept of "incomplete gap" used. "Incomplete gap" arises when regulations do not define certain factual relations in legal regulation. In contrast, the opposite concept, in this case, is the "complete gap," which arises when changing the sphere of public relations.

Numerous classifications, many approaches to the definition of this phenomenon confirm, on the one hand, in general, the interest of the scientific community and the importance of the right to study it, and on the other – ambiguity in relation to gaps in law in terms of law enforcement and ways to overcome negative consequences caused by them.

The presence of gaps is a sign of imperfect legislation, which is largely determined by the fact that it is difficult to find adequate legal regulation of rapidly developing social relations even with the ideal procedure of law-making activities. After all, the law objectively does not keep up with the development of social relations [27]. An important subjective factor in assuming a gap may be the legislator's weak perception of the theoretical development of the issue in jurisprudence, as legally, nothing obliges him to listen to the recommendations of science, which may not keep up with all changes in public life.

The gap in the legislation can be caused by two reasons – the lack of proper scientific elaboration of this issue in jurisprudence and the violation of the rules of legal technique. In the first case, the legislation gap can be considered a phenomenon associated with the high dynamics of relations, which the legislator does not keep up with – a constructive gap [1-3, 5]. The second cause of gaps in its pure form should be considered as a negative factor, and the gap caused by this cause, in total, is a legislative error. Despite the need for a comprehensive study and study of all the reasons that contribute to the gaps in the legislation, we will focus on the gaps allowed due to the lack of development of the theory of the issue.

The actions of the courts must be accompanied and complemented by the concerted efforts of other branches of government, including the executive and the legislature. The Council of Europe is making every effort to strengthen the capacity of the public authorities of the member states of the Council of Europe to implement the Convention and the decisions of the European Court of Justice at the national level [7]. Attempts are being made to involve all stakeholders and decision-makers in this process.

Thus, documents adopted by the Committee of Ministers are increasingly being addressed to all national authorities, and the Parliamentary Assembly is working to involve national parliaments in the process. Moreover, the Council of Europe's cooperation programs is a tool to assist the Council of Europe member states in implementing the Convention at the national level and provide decent training for legal professionals in the case-law of the European Court of Human Rights (ECHR) [35].

Despite these efforts, the lack of coordination between public authorities at the national level in implementing the European Convention often becomes a significant obstacle to the prompt adoption of effective measures provided for in national constitutions and the Convention itself. The process needs to be well organized within the state and coordinated between all relevant agencies and decision-makers [13].

3 Materials and Methods

The theoretical-historical and philosophical-methodological basis of this article is the scientific work of domestic and foreign scientists [6, 8, 22, 37, 38]. The study aims to study legal law to overcome legislative gaps and implement the rule of law. To achieve it, the solution to the following tasks is envisaged:

- To analyze the main approaches to the interpretation of the essence of the rule of law in domestic and foreign legal science;
- To reveal the nature of legal law through its connection with the rule of law;
- To consider the essence of legal law as a means of implementing the principle of the rule of law in the countries of the Romano-Germanic legal family.

Effective national mechanisms are necessary to ensure the quality of public authorities' compliance with their obligations under national constitutions and the Convention. Their need becomes particularly apparent in cases involving general measures to prevent obvious violations of fundamental rights arising from structural problems at the domestic level [6]. Plenipotentiaries of governments at the European Court of Justice often play a key role in transmitting information to the national level [14]. Still, they often do not have the necessary tools to initiate and implement the strategic decisions needed to address complex structural problems and thus prevent new recurrences. While the persistence of certain violations is often associated with a lack of political will at the domestic level, most of them are due to inefficient administration and the lack of appropriate national mechanisms in the respondent State.

The principle of the rule of law is one of the leading elements of the general principles of the constitutional order of any modern democratic legal state, representing a derivative of all general principles of law. As a value alloy of the ideas of justice, equality, freedom, and humanism, the rule of law form the legal system's appropriate image [5, 11, 12, 15]. It determines the conditions that make it possible to turn this image into reality. The rule of law, together with democracy and respect for human rights and freedoms, are key, fundamental values of the European doctrine of legal understanding; these are the "three whales" of European civilization, which laid the basic principles of interaction between the subjects of international, European and domestic law [32].

4 Results

In Ukraine, the principles of the rule of law are enshrined in the Basic Law (Article 8) and specified in the legal positions of the Constitutional Court of Ukraine, current legislation, etc. At the same time, the legal system in Ukraine traditionally tends to take root still slowly [4] Therefore, the challenge is to enrich the practical and theoretical potential of the rule of law without diminishing the role. Unfortunately, in domestic jurisprudence, there are no well-founded concepts and practices for applying the rule of law in different areas of legal life.

The concept of the rule of law is highly complex, multifaceted, and multifaceted; it can be considered at different logical and legal levels. The rule of law intertwines scientific truth and the values of goodness and justice, the achievements of legal theory and practical legal experience, legal ideas, and common sense. All this makes this category quite dynamic[17-21]. The rule of law as a unique social phenomenon is the interdependent existence and mutually consistent realization of fundamental rights and responsibilities (i.e., natural social opportunities and needs) of man and human communities, associations, and society. At the same time, the scientist adds that the above provision also applies to the "natural" rights and responsibilities of international communities, international associations, and all humanity.

Following this position, the principle of the rule of law should be analyzed in two aspects: first, in a broad sense, as a principle of the legal organization of state power in society in the sense of "the rule of law over the state." This principle is explained outside the continental model of the rule of law through the English-language rule of law. Secondly, in a narrow sense, namely in the context of the relationship of homogeneous legal categories – law and law in the system of regulation of public relations, their role, and place in maintaining law and order, i.e., in the sense of "the rule of law over law." This approach to understanding the essence of the rule of law is based on the idea that the essence of law determines its content as a socio-cultural phenomenon that has the most significant socio-regulatory potential in society due to several properties, including legal.

In turn, the rule of law is a manifestation of universal values, an expression of the development of the culture of society, including legal; the rule of law is the primary means and goal of social advancement, a kind of demonstration of the stages of formation and evolution of the legal system [23, 28-31]. After all, the legal system, its essence, nature, and dimension as a social phenomenon determine the relationship between such concepts as law and order, law and freedom, law and responsibility, law and equality, law and justice.

The rule of law exists in two modes. First, the rule of law is the rule of human rights over the state's duty to ensure all human rights and freedoms. Secondly, the rule of law is the rule of natural human rights over the rights of the state, social groups' rights, and society's rights. The practice of law is the primary means to achieve the main internal goal of the legal system – to ensure the priority of natural human rights [37].

The rule of law determines the living conditions of the whole social organism, i.e., the creation, existence, and functioning of state bodies and public organizations, social communities, attitudes, and relationships, so it is basic, the most significant. Due to this, it is modified in different spheres of functioning of the state and law, for example, in law-making, law enforcement, and law enforcement. This principle also means that the state does not form the law. On the contrary, the law is the basis of the organization and life of the state in the face of its bodies and, officials, other organizations [34-36]. Hence the assertion that it is not the state that grants rights and freedoms to man, but the people creates the right to limit their state power in the first place.

Following this principle, the very philosophy of law and human rights must change. After all, the Universal Declaration of Human Rights and international covenants on this issue affirm the absolute value of the human person, its priority over the state, and the natural, inalienable nature of human rights and freedoms. Accordingly, domestic legal science and practice should take a new approach to the definition of the external expression of law, to the understanding of the law and legislation in general.

It is worth recognizing that the law is not a product of the arbitrary acts of the state; it must: first meet the democratic legal principles of justice, humanism, democracy, and the like; secondly, affirm and ensure the rights, freedoms, and legitimate interests of citizens; third, to reflect the social relations that have objectively developed; the law should not overtake them or lag behind them [39, 40]. The legislator must understand that these laws in his activities limit him. Only under this condition can it be argued that a significant step has been taken towards developing the rule of law.

In the European Court of Justice, the main burden is on unresolved structural problems in the Member States [33]. Now is the time to analyze the need for unique coordination mechanisms that would allow national authorities to resolve emerging issues effectively.

The main problem faced by the Constitutional Court in its work is the need to solve two not always readily compatible tasks simultaneously: harmonization of the Ukrainian legal system with the common European legal space, on the one hand, and protection of one's own constitutional identity on the other. This

issue has substantive and procedural aspects that deserve attention in our study [9].

According to experts, difficulties in implementing the Convention are often due to a lack of political will, which, in turn, leads to shortcomings in the organizational and legal mechanism for implementing the Convention. The lack of political will to implement the decisions of the ECHR in some member states is also stated in PACE Resolution 2075. What is referred to in the documents as "lack of political will" is a complex and ambiguous phenomenon that needs to be understood. Without denying the existence of the problem, it should be noted that reducing it only to a lack of interest, and even more so to the presence of some "evil will" of the national authorities in implementing the Convention, would mean a one-sided view of the situation.

As the activities of the ECHR become more and more focused on identifying structural defects in national legal systems that require changes in legislation, the question of the legitimacy of such, in essence, law-making activities is becoming more relevant. The law-making function of the ECHR as a supranational judiciary, not part of the system of checks and balances inherent in democracies in the separation of powers, suffers from a lack of democratic legitimacy. This problem is exacerbated by the growing judiciary of the ECHR, implemented through some doctrinal and legal-technical mechanisms.

5 Discussion

The gap, being a lawmaking error, has the same innate consequences in the course of law enforcement as other errors, having, in addition, the ability to cultivate legal nihilism in the legal consciousness. Society develops a feeling of dissatisfaction with how the legislator formalizes constitutional human rights and freedoms, the state's obligations to its citizens, and other legal regulations. There are many complaints about gaps in the legislation governing such a sensitive area for citizens as taxation and related conflicts. In particular, in law practice, there are often gaps in tax legislation related to the procedures for blocking and unblocking taxpayer accounts, hindering the ordinary course of business and other economic activities, the effectiveness of which depends on the flexibility and efficiency of legislation [38].

The gap in the general sense can be considered a technical and legal defect or a kind of lawmaking error. It can be characterized as an officially implemented good faith error resulting from directed actions of the rule-making body, violating general principles or specific norms of lawmaking by issuing a false rule of law with adverse social and legal consequences. Gaps in the law are the most difficult to determine when considering the motivation of the legislator's will. The gap can be caused both by insufficient qualifications of the legislator (theoretically, it can be assumed that there is no lawyer in the representative body) and intentional unspoken in the text of the legal action to further arbitrarily use the gap to please personal or group interests.

Suppose the technical and legal shortcomings of the legislation are caused by insufficient professional competence of parliamentarians serving the state apparatus. In that case, it is necessary to expand and deepen it and equip legislators with special legal knowledge in legislative techniques. In the same issue, when technical and legal defects are due to personal interests, this may indicate non-compliance with the principles of lawmaking, particularly the principle of democracy, which requires maximum consideration of public opinion, enshrining in standard interest regulations beginning lawmaking practice. However, there is no denying the fact that the gap in the legal action may be intentional for various reasons: from the rush to pass the law to the calculation that in law enforcement practice, the gap will be filled by gaining experience in resolving cases related to amendments to legislation.

This is evidenced by many federal laws dissolved in the amendments. The study of gaps in law has become relevant in connection with the development of a general concept of legislative errors. The gap was correlated with the general idea of defects in the law. In the light of this concept, it has become possible to correctly associate gaps in the law with the activities of law enforcement agencies.

Gaps in the legislation are more common when the legislator seeks to reflect the newly formed relationship in legal norms. Thus, appellate and higher courts are overwhelmed with cases that often require interpretation of substantive rather than procedural law, as evidenced by the nature of the rulings of the Constitutional, Supreme, Supreme Arbitration, and other courts. Often, these courts have to fill gaps in law with the depth of analysis of law enforcement practice and the power of their authority.

Gaps in the legislation can be identified in the interpretation process. Logical, grammatical, systematic, and other methods of interpretation give a complete picture of the current rules of law and thus indirectly, in the form of a negative conclusion, allow to judge the need to publish missing rules, i.e., to determine the presence or absence of a gap in the law.

A gap in the law is a de facto gap in the law because there is no specific rule for resolving certain cases that fall within the scope of the law. Consequently, the absence of the legal regulation of certain relations contributes to the proper application of law and the resolution of the merits of the case. In the most general form, the gap in the law is expressed in the complete or partial poor regulation of public relations by legal norms.

It should be recognized that the latter often assumes the role of filling the gap by drawing on additional sources from other regulations that contribute to the proper resolution of the case. This is especially true for the rulings of the Arbitration Courts, which practically fill the gap in the legislation. If there were case law in the legal system, the issue of filling the gap in the law would be resolved by current law enforcement practice.

As a result of a brief analysis of the state of approaches to the gap of law, it is possible to formulate several general conclusions that allow us to present the gap as a kind of law-making error. These conclusions can be realized by classifying gaps in the law based on the following criteria:

1. On the "territorial" principle following how partially classified regulations by place of their legal personality and competence:

- Regional level;
- By branches of law (gaps in constitutional, criminal, civil, administrative, etc.), in which gaps are eliminated by interpretation, based on the general principles of Ukrainian law [10];
- Depending on the legal force of the normative legal act (the gap between the law and the bylaw), implying the possibility of resolving the conflict through the content of the act having the highest legal force concerning the document under study;
- A gap in the substantive and procedural rules of law, which most often in form represent the shortcomings of the legislator, perhaps not always able to express the emerging social relations in the new rules of law;
- A gap in positive law, indicating a relative lag of existing law from developing social relations, unless, of course, selfish or corporate interests are seen here.

2. In the circle of persons, which may mean conscious or unconscious removal from the law of certain social groups or complexes of social relations.

The gap is a specific legal error because, unlike several others, it does not carry a clear political or lobbying burden. It naturally looks like an omission in the text, which the legislator allowed due to carelessness or disregard for the rules of legal technique. The gap cannot be appealed in court because it would mean a complete revision of the law and even difficulty in its application

in law enforcement practice. Being a legislative error, the gap requires a different approach to compensate and eliminate it.

The main way to bridge the gaps is to concretize, i.e., publication of the missing legal norm. The desire to close the gap at the secondary level is generally a negative practice, although, in certain circumstances, it can be used as a temporary, or rather, the operational solution to facilitate the proper consideration and application of a specific legal action, if such an approach does not contradict current legislation. At the same time, this technique is quite common in law enforcement practice, as the court can not refer to the gap as an insurmountable obstacle to the proper consideration of cases.

The second most important way to bridge the gap is the analogy of law and law when the gap is actually filled through the law enforcement process. The analogy of the law allows the resolution of a specific legal case based on a legal norm designed for similar cases but not containing a gap, so the gap in the law is often compensated in the current rule of law of another legal act. In the case of the analogy of law, the solution to the problem of bridging the gap is based on general principles and meaning of the law, in other words, general principles of law, which in most cases allow a professional lawyer to find a logical justification for bridging the gap.

In the legal literature, it is noted that there are no fundamental differences between the goals of the rule of law and the rule of law, but the means of achieving them in both cases are different. Moreover, the essence of the Ukrainian doctrine of the rule of law can be characterized as such, recognizing the dominance of the rule of law in the legal system justifies the independent role of the rule of law as a necessary guarantor of rights and freedoms based on principles of justice, morality [16]. Practical implementation of the rule of law is possible only in the presence of legal laws and limiting the activities of state bodies, the division of state power into three branches (legislative, executive, and judicial), equality of all subjects of law before law and court, state responsibility to individuals and not only individuals before the state, recognition of the person, his life and health, honor and dignity, inviolability and security of the highest value. It follows that the principle of the rule of law cannot function without the existence of appropriate legislation.

The rule of law does not abolish the principle of legality; on the contrary, it develops it to a new quality – the rule of law from purely formal requirements of "observance of the law" to other, super-positive factors of the content of the law. In this context, it is appropriate to cite the content of paragraph 4.1 of the decision of the Constitutional Court of Ukraine (case of a milder sentence) of 2 November 2004, which notes that the rule of law requires the state to implement it in lawmaking and law enforcement activities. In particular, the laws should be permeated primarily by the ideas of social justice, freedom, and equality [24]. Considering the above, the approach according to which the definition of legal law is carried out by establishing a connection with the principle of the rule of law is methodologically sound and correct.

Legal law is a legislative act created based on the principle of the rule of law to ensure the development of man, civil society, and the state within legal limits. In other words, a legal law is a right that has acquired official, formal expression, concretization, and provision; that is, it has acquired legalized the legal force due to public recognition.

The essence of legal law determines its social value. Legal law is the basis for the development of civilization and culture of a society and affects behavior and the consciousness and will of people. Legal law objectively expresses the principles of justice and humanism and protects the rights and freedoms of man and citizen, so it has a "legal nature," although it is a subjective expression of the objectivity of law. Legal constructions interconnect the principle of the rule of law and law regulation. The connection between them is manifested in the fact that ensuring the rule of law is the first and necessary step in establishing the rule of law.

The principle of the rule of law is the next stage in developing the legal system after it has established the rule of law, which is the result of the rule of law. For this reason, in legal systems where the rule of law is not fully applicable, it is impossible to implement the rule of law. The main content of the principle of the rule of law is: first, to require a clear and unambiguous establishment of basic public relations exclusively adopted by the representative body as a result of democratic procedure laws, rather than by laws of the executive branch; secondly, to the provision on the supreme force of the Constitution. In essence, the principle of legality is largely linked to the above procedural aspect of understanding the rule of law. The supremacy of legal laws in lawmaking is expressed in the fact that they enshrine legal principles, the most important legal institutions, and thus directly predetermine the main trends in legal regulation in bylaws. Ensuring the rule of law strengthens its role and influence on public relations. Increasing the authority of legal law leads to its supremacy in legal regulation. At the same time, violating the rule of law reduces the effectiveness of legal regulation. The legal law, by its essence, determines the legal content and the same essence of all normative legal acts, turning them into acts that enshrine the principles of humanism and justice and ensure the realization of the rights and freedoms of individuals.

The quality of the draft law plays an essential role in minimizing gaps in the law. The result should ideally identify all legislative errors and suggestions for their elimination. As for the gaps, as mentioned earlier, the presence of a gap may be justified at a given time due to objective reasons, but in this case requires a clear justification and definition of ways to overcome them, i.e., particular law enforcement technologies are needed. But this is the ideal to strive for. In practice, the presence of gaps and other lawmaking errors is detected not at the stage of expert work but in the process of law enforcement. It should be recognized that most gaps are still the result of low-quality lawmaking work and insufficient scientific elaboration, from legislative to its implementation in specific legal regulations. Particular attention needs to be paid to improving the technology of all lawmaking, increasing the role of the scientific community in expert work, and developing such a scientific field as legal technology. It will provide new tools and offer effective methods of lawmaking to minimize lawmaking errors. Such a rather ambitious task is quite feasible provided the development and implementation of modern methods of legislative technology and increase the professional training of experts involved at the stage of implementation of the legislative idea.

6 Conclusion

The rule of law is, in essence, a fundamental and common European standard – to guide and restrain the exercise of democratic power. In the Ukrainian reality, the rule of law is an independent legal mechanism that has received official legal recognition and practical implementation and aims to protect human and civil rights and freedoms, based primarily on justice, morality, equality, etc. This mechanism includes the legal laws that make up its standardized part. Legal law is a means of implementing the principle of the rule of law, especially in the countries of the Romano-Germanic legal family, to which the legal system of Ukraine is evolving.

Apart from law, no other normative legal act can have the rule of law. The principle of the rule of law acts as a particular technological construct. It puts forward several axiological requirements for the content of laws, making the legal system both fair and efficient. The essence of the legal law, which the Constitution of Ukraine reveals, is its derivative nature from the need to ensure the rule of law. Unlike the rule of law, which is part of the rule of law mechanism, the rule of law is also one of the principles of the rule of law, but its meaning is not limited. After all, the rule of law is inextricably linked with the fundamental rule of law. Consequently, the rule of law is a condition of the rule of law, so under these conditions, the first concept is part of the second.

Intensification of scientific discussions, dialogue of citizens with the authorities, generalization of judicial and legal practice, and wide involvement of legislators in the debate on problems of theory and philosophy of law are the most effective forms of filling gaps in legislation. No matter how much the legislators are protected from the influence of legal ideology, those who have scientific methods of lawmaking will gradually displace those guided in their activities only by the theory of yesterday. Thus, filling the gaps in the legislation will become a function of civil society, which should be given the right to public examination of laws. It is also necessary to develop public initiative and provide the public with real levers of participation in lawmaking. It has every right under the constitutional provision on the people as the only source of power. Accordingly, it should be the rule that the improvement of legislation should be the lot of officials from the judiciary and the scientific community.

Literature:

1. Andros, S., & Gupta, S. K. (2021). Scenario Analysis of the Expected Integral Economic Effect from an Innovative Project. *Marketing and Management of Innovations* 3, 237-251. DOI: 10.21272/mmi.2021.3-20.
2. Bashtannyk, A., Kveliashvili, I., Yevdokymov, V., & Kotviakovskyi, Y. (2021). Legal bases and features of public administration in the budget sphere in Ukraine and foreign countries. *Ad Alta: Journal of interdisciplinary research*, 1(1), XVIII, 63-68.
3. Bashtannyk, V., Novak, A., Tkachenko, I., Terska, S., Akimova, L., & Akimov, O. (2022) Anti-corruption as a component of state policy. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 79-87.
4. Campo, V. (2008). *Ukrainian doctrine of the rule of law: problems of formation and development. Problems of modern Ukrainian constitutionalism: a collection of scientific works*. In honor of the first Supreme Court of Ukraine. In A. Strizhak and V. Tatsiy (Eds.) K., Ukraine, 85–100.
5. Denysov, O., Litvin, N., Lotariev, A., & Yegorova-Gudkova, T. (2021) Management of state financial policy in the context of the Covid-19 pandemic. *Ad Alta: Journal of interdisciplinary research*, 11(2), XX, 52-57.
6. Edwards, R.A. (2020). Police Powers and Article 5 ECHR: Time for a New Approach to the Interpretation of the Right to Liberty. *Liverpool Law Rev*., 331-356, accessed 11 September 2021.
7. Fennelly, N. (2011). *Human Rights and the National Judge: His Constitution, the European Union, the European Convention.* ERA Forum, 87, accessed 11 September 2021.
8. Gida. E. (2011). *Deontological principles of ensuring the rights and freedoms of man and citizen by police officers in law and order.* A monograph in E. Gida (Eds.). K.: Lipkan O.S., 416.
9. Gryshchenko, A. (2002). *Legal law: issues of Theory and practice in Ukraine.* PhD thesis, 12.00.01 "Theory, and history of state and law; history of political and legal doctrines". K., Ukraine, 18.
10. Kolodiy, A. (1998). *Principles of the law of Ukraine: monograph.* K.: Jurinkom Inter, 208.
11. Kostiukevych, R., Mishchuk, H., Zhidebekkyzy, A., & Nakonieczny, J. (2020). The impact of European integration processes on the investment potential and institutional maturity of rural communities. Economics and Sociology, 13(3), 46-63. DOI: 10.14254/2071-789X.2020/13-3/3.
12. Kryshtanovych, M., Gavkalova, N., & Shulga, A. (2022) Modern Technologies for Ensuring Economic Security in the Context of Achieving High Efficiency of Public Administration. International Journal of Computer Science and Network Security. Vol. 22 No. 2. 362-368. DOI: 10.22937/IJCSN S.2022.22.2.42.
13. Kużelewska, E., & Tomaszuk, M. (2020). European Human Rights Dimension of the Online Access to Cultural Heritage in Times of the COVID-19 Outbreak. *Int. J. Semiot Law,* 11, September 2021.
14. Łuków, P. (2018). A Difficult Legacy: Human Dignity as the Founding Value of Human Rights. *Hum. Rights Rev.,* 19, 313-329.
15. Lyulyov, O., Pimonenko, T., Kwilinski, A., Us, Y., Arefieva, O., & Pudryk, D. (2020). Government Policy on Macroeconomic Stability: Case for Low-and Middle-Income Economies*. Proceedings of the 36th International Business Information Management Association (IBIMA)*. ISBN: 978-0-9998551-5-7. Dated on November, 4-5, 2020. Granada, Spain, 8087-8101.
16. Malyshev, B. (2012). *Legal system (teleological dimension).* A monograph in B. Malyshev (Eds.). K.: PH "Dakor," 364.
17. Marchenko, A., & Akimova, L. (2021) The current state of ensuring the effectiveness of coordination of anticorruption reform. *Ad Alta: Journal of interdisciplinary research*, 11(2), XX, 78-83.
18. Mihus, I., Laptev, S., Zakharov, O., & Gaman, N. (2021). Influence of corporate governance ratings on assessment of non-financial threats to economic security of joint stock companies. *Financial and Credit Activity: Problems of Theory and Practice*, *6*(41), 223–237. DOI: 10.18371/fcaptp.v6i41.251442.
19. Mishchuk, H., Bilan, S., Yurchyk, H., & Navickas, M. (2020). Impact of the shadow economy on social safety: The experience of Ukraine. *Economics and Sociology,* 13(2), 289-303. DOI:10.14254/2071-789X.2020/13-2/19.
20. Mlaabdal, S., Kwilinski, A., & Muzychuk, O. (2020) Economic Growth and Oil Industry Development: Assessment of the Interaction of National Economy Indicators. Proceedings of the 36th International Business Information Management Association (IBIMA). 8102-8114.
21. Mordvinov, O., Kravchenko, T., Vahonova, O., Bolduiev, M., & Romaniuk, N. (2021). Innovative tools for public management of the development of territorial communities. *Ad Alta: Journal of interdisciplinary research*, 11(1), XVII, 33-37.
22. Muraviov, V., & Mushak, N. (2017). Judicial Control of Public Power as Legal Instrument for Protection of Human Rights and Fundamental Freedoms in Ukraine. Rule of Law. *Human Rights and Judicial Control of Power,* 189-197. DOI: 10.1007/978-3-319-55186-9_10.
23. Oliinyk, O., Bilan, Y., Mishchuk, H., & Vasa, L. (2021). The Impact of Migration of Highly Skilled Workers on The Country's Competitiveness and Economic Growth. *Montenegrin Journal of Economics*, 17, 3, 7-19. DOI: 10.14254/1800-5845/2021.17-3.1.
24. Onishchenko, N., & Parkhomenko, N. (2011). *Social dimension of the legal system: realities and prospects.* A monograph in Yu. S. Shemshuchenko (Eds.). K.: Juridical thought, 176.
25. Patey-Bratasyuk, M., Gvozdetsky, V., Murashin, O., et al. (2010). *The rule of law: the tradition of doctrine and the potential of practice.* A monograph in M. Patey-Bratasyuk (Eds.). Kyiv: Publishing House of the European University, 536.
26. Petryshyn, O. (2010). Rule of law in the system of legal regulation of public relations. *Pravo Ukrainy, 3*, 24–35.
27. Pogrebnyak, S. (2008). Fundamental principles of law (content characteristics). A monograph in S. Pogrebnyak (Eds.). Kh.: Pravo, 240.
28. Rumyk, I., Laptev, S., Seheda, S., & Karpa, M. (2021) Financial support and forecasting of food production using economic description modeling methods. *Financial and Credit Activity: Problems of Theory and Practice*, 5(40), 248–262. DOI: 10.18371/fcaptp.v4i35.245098.
29. Serohina, T., Pliushch, R., Pobirchenko, N., & Shulga, N. (2022) Pedagogical innovations in public administration and legal aspects: the EU experience. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 7-13.
30. Shestakova, S., Kravchenko, I., & Kuznetcova, M. (2022) Comparative characteristics of social leave: international and foreign experience. *Ad Alta: Journal of interdisciplinary research*, 12(1), XXV, 27-32.
31. Shpektorenko, I., Piatkivskyi, R., & Palamarchuk, T. (2021). Legal bases of public administration in the context of European integration of Ukraine: questions of formation of a personnel reserve. *Ad Alta: Journal of interdisciplinary research*, 11(1), XVIII, 76-81.
32. Shyshkina, E. (2005). Some Aspects of the Legal Nature of Decisions of the European Court of Human Rights. *Pravo Ukrainy,* 102-104.

33. Skakun, O. (2011). *Theory of law and the state: textbook.* The 2nd edition. K.: Alerta; CST, CUL, 520.
34. Smyrnova, I., Krasivskyy, O., Shykerynets, V., Kurovska, I., Hrusheva, A., & Babych, A. (2021). Analysis of The Application of Information and Innovation Experience in The Training of Public Administration Specialists. *IJCSNS International Journal of Computer Science and Network Security,* 21, 3, March 2021, 120-126.
35. Stachowiak-Kudła, M. (2021). Academic freedom as a source of rights' violations: A European perspective. *Higher Education, 82*, 1031–1048.
36. Sysoieva, I., Balaziuk, O., & Pohrishchuk, B. (2021). Social innovations in the educational space as a driver of economic development of modern society. *Financial and Credit Activity: Problems of Theory and Practice*, *3*(38), 538–548. DOI: 10.18371/fcaptp.v3i38.237486.
37. The decision of the Constitutional Court of Ukraine: in 3 volumes. (2010). By order of S.A. Kuzmin. Vol. 1. K.: Palyvoda A.V., 496.
38. The legal system of Ukraine. (2008) History, state, and prospects (in 5 volumes). In M. Tsvik and O. Petryshyn (Eds.). *Methodological and historical-theoretical problems of formulation and development of the legal system of Ukraine*. Kh.: Law, Vol. 1, 726.
39. Venediktov, V., Boiko, V., Kravchenko, I., & Tyshchenko, O. (2021) European standards of mediation in civil disputes and their implementation in Ukraine: theory and practice. *Ad Alta: Journal of interdisciplinary research*, 11(2), XXI, 25-29.
40. Zapara, S., Pronina, O., & Lohvinenko, M. (2021) Legal regulation of the land market: European experience and Ukrainian realities. *Ad Alta: Journal of interdisciplinary research*, 11(2), XXI, 18-24.

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