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SYSTEMATIZATION OF LAW: GENERAL PRINCIPLES AND LEGAL NATURE

In modern conditions of accumulation over many years of a large amount of legal material, the existence of a significant array of regulations adopted at different times, in force or truncated, or actually expired, the systematization of legislation is especially necessary. In this regard, the analysis of the doctrinal understanding of the essence and legal nature of the systematization of law is relevant. The essence of the concept of systematization is based on scientific and theoretical ideas about the system and the practical use of a systems approach. In this regard, it is necessary to dwell in more

detail on the theory of systems approach, as well as on the problem of the theory of the legal system and the legal system.

The systematic approach involves the disclosure of the essence of the object under study through the identification of the whole complex of internal and external connections. Currently, a systematic approach is used in the study of all spheres of social and technical activities and is not a specific scientific tool of jurisprudence. However, it should be noted that the application of a systematic approach to the study of law at different levels increases the ability to identify its content and form, internal unity and delimitation, the relationship and interaction of parts, its components. Therefore, speaking about the legal system, it should be borne in mind that the internal unity, coherence, differentiation, characteristic of the entire legal system, are inherent in its elements. In legal science, the concept of system has certain specifics. In the modern legal literature you can find different definitions of «legal system».

The system of law is considered in modern jurisprudence as: 1) the structure (internal structure) of law; 2) certain, objectively existing, reflecting the historical and cultural features of law; 3) is a regulatory entity; 4) reflects the unity of legal norms and their differentiation; 5) reflects existing and developing social relations. Law, developing in a certain system of social relations as their source, factor or result, is in a uniquely unique vector of development. However, its understanding and, as a consequence, the theoretical organization of the system is carried out under the influence of external, doctrinal factors. In this regard, the subjectivity of the legal system, along with objective existence, cannot be denied. In addition, law can act as a source, factor or as a result of the development of social relations. Exclusively direct dependence of law on public relations is not absolute. In this regard, it should be emphasized that the legal system remains the same even in moments of some disorganization, as long as it is able to pursue its goal and it retains the system-forming factors.

The legal system is one that historically consists of and reflects the national and cultural features of the law of a particular state, the unity of legal norms and their differentiation in industries, subsectors, institutions and norms, selected according to the subject

and method of legal regulation. According to established views in science, the elements of the legal system are legal norms, sub-institutions, institutions, subsectors and branches of law. The unity of the subject and method of legal regulation allows to single out the largest independent branches of law in the systematization practice. However, for a certain law enforcement practice, when establishing a branch of law to a specific legal fact, the third, additional criterion for distinguishing an independent branch of law is the presence of a large codified normative legal act, which is the basic source of the relevant branch of law. It should be emphasized that the rule of law is the primary element of the legal system, which creates all the other, larger systemic legal elements: institutions, industries, etc. Based on this, it should be emphasized that the rule of law should be the basis, the starting point of the practice of systematization of law. Thus, normativeness is a sign that reveals the connection between the legal system and the legal system.

Understanding the legal system in legal science is also ambiguous. Analysis of different points of view on the definition of the concept of legislation makes it possible to identify the following approaches: 1) it is a set of all laws and regulations; 2) it is a set of normative legal acts of the legislative body, the President, the government; 3) it is a set of all regulations of the legislature; 4) it is a set of laws only. At the same time, specific forms of law are subject to systematization. In this regard, it should be emphasized that the system of legislation in the broadest sense (laws, other regulations) is one of the most important, most perfect and significant in all legal families form of law. The legislative system (legislative system) is an integral part of the legal system. The system of legislation objectifies, establishes the connection between the elements of the legal system, proceeding from the doctrinal to the formal level of expression of law. The differences between the legal system and the legal system are as follows. As a primary element of the legal system is the rule of law, which consists of three elements: hypotheses, dispositions and sanctions.

The primary element of the legal system can be recognized as an article, paragraph, paragraph of a normative legal act, which may not coincide in scope with the rule of law, as different elements

of the rule of law are usually contained in different articles of the normative legal act. The system of law is its internal content, and the system of legislation is an external expression, the design of law, enshrined in the forms of law. The branch of law has a single subject and method of legal regulation, while the branches of law differ only in the subject of regulation. The system of legislation is secondary to the system of law. Legislation is derived from law, which, in turn, is often derived from existing social relations in a given area. The system of law is formed objectively under the influence of social relations, and the system of legislation is formed subjectively, depending on the will and discretion of the legislator, the state. The structure of the legal system provides only a horizontal division, and when building a system of legislation adds a vertical hierarchy of various regulations.

Branches of law may not coincide with branches of law. If in the process of legal systematization practice the subsystem of legislation coincides with the branch of law, then there is sectoral legislation. If the subsystem of legislation is recognized, becomes part of the field of law, then there is intra-industry legislation. If the subsystem of legislation includes several branches of law or their parts, then there is a complex legislation. Thus, the system of law in systematization and law-making practice should act as a doctrinal basis of the legal system. The scope of regulation of legal systems and legislation is also different. In addition to normative legal acts, the legal system includes other sources of law, in particular legal customs and precedents, and therefore more fully regulates the relevant social relations. The system of law and the system of legislation are closely interrelated independent categories that represent two aspects of the same essence – law. The system of law is an internal structure of law that corresponds to the nature of public relations regulated by it. The system of legislation is an external form of law that expresses the structure of its sources, ie the system of normative legal acts. Law does not exist outside the law, and law in its broadest sense is law. Thus, the system of legislation is an external form of law (system of rules of law) or normative-regulatory level of the legal system.

Communication, integrity and the resulting stable structure are the hallmarks of any system. In this regard, it should be emphasized

that legislation is not just a set of legal acts, but their system. The system of legislation is a set of interconnected and interdependent normative legal acts, drawn up in such a way that allows to reproduce the whole picture of the totality of the current normative legal regulation. It should be emphasized that the systematization of law is primarily a doctrinal legal practice, and the systematization of legislation is its most real embodiment. In this form, the systematization of law and systematization of legislation are identical and act as a mechanism for linking the legal system and the legal system. Theoretical understanding of the system determines the areas and directions of application of the systems approach in science and the very essence of the systematization of law. Theorists of law do not give an unambiguous definition of the concept of systematization. The first group includes the judgments of the authors, representing the systematization of law in the broadest sense of its understanding.

Representatives of this group classify the systematization of law as a kind of legal practice. The object of systematization, focused on achieving streamlining and improvement, in this aspect are all legal acts of various types. The second group consists of supporters of a narrower understanding of systematization, who defined it as a kind of legal activity, the objects of which are regulations. Systematization of law – is a special kind of legal activity, practice, in its implementation is manifested as a permanent form of development and streamlining of the existing legal system.

Systematization of legal acts in legal practice is not only a way to optimize legislation, but also a necessary mechanism for legal education, training of lawyers, as well as law enforcement practice. It should be emphasized that in the process of balanced, progressive development of society, systematization plays a priority role in lawmaking. Lawmaking cannot stop at a certain stage, but is constantly in dynamics, the development due to the dynamism of social ties, the emergence of new needs in public life that require legal regulation. The state and legal basis of modern civilized societies is characterized by the presence of a significant number of regulations adopted by the legislature and the executive.

The process of normal evolution of social relations creates a need for constant updating and increasing legislation. Legislatures

are actively adopting new laws and regulations. This leads to regular modifications of legal and legal systems. The use of an updated system of legislation involves work to streamline its elements. A constant form of such work is the systematization of normative legal acts, which means the activity of streamlining normative acts, bringing them into an orderly, coherent system. The purpose of systematization of legislation is to bring regulations, through their streamlining, in a coherent system that most objectively reflects the legal system. The activity of systematization of legislation occupies one of the main places in the legal policy of the modern state. In the complex of interrelated problems that the state solves through political and managerial activities in the legal sphere of society, the priority is legislative policy, which means government activities related to the design of political decisions in the form of regulations, process optimization and techniques of lawmaking, promulgation of laws and bylaws and their systematization.

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БЕЗПЕЧНЕ НАВКОЛИШНЄ СЕРЕДОВИЩЕ ЯК УНІВЕРСАЛЬНЕ ПРАВО КОЖНОЇ ЛЮДИНИ

Питання безпечного навколишнього середовища все частіше лунає у міжнародній спільноті. Ведуться дискусії щодо пагубного впливу зміни клімату на повсякденне життя людей, забруднення водного середовища та атмосферного повітря тощо. Велику увагу до проблеми навколишнього середовища привертають екологічні активісти, зокрема шведська активістка Грета Тунберг, яка у своїх виступах наголошує на екзистенційну кризу людства в результаті зміни клімату. Що ж до права на безпечне навколишнє середовища, то воно не згадується ні в Загальній декларації прав людини, ні в двох Міжнародних пактах про права людини. Проте актуальність цього питання зростає з кожним днем, тому важливо дослідити його зміст та нормативно-правове закріплення.