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ПРОБЛЕМИ ЮРИДИЧНОЇ НАУКИ В КОНТЕКСТІ СУЧАСНИХ ДЕРЖАВОТВОРЧИХ ПРОЦЕСІВ В УКРАЇНІ: ВИКЛИКИ І ЗАВДАННЯ

Анотація. *У статті досліджено проблеми юридичної науки в контексті сучасних державотворчих процесів в Україні через призму конституційної реформи та забезпечення конституційного правопорядку. Наголошено, що однією з основних причин суспільно-політичної кризи, економічних негараздів і соціального регресу є недосконале законодавство, яке часто не відповідає потребам українського суспільства, європейським принципам і міжнародним стандартам. З іншого боку, очевидним та історично підтвердженим є той факт, що прийняття нової Конституції або внесення змін до чинної та удосконалення законодавства саме собою не означає реального правопорядку. Більше ніж чверть століття Україна залишається в стані перехідної держави. Зазначено, що оцінка впливу конституційного законодавства, яке обумовлює практично всі реформи в державі, виявила такі його пріоритети: створення сприятливих умов для формування нового конституційного (державного та суспільного) устрою; визначення умов формування нової системи економічних відносин; закріплення нових принципів організації і функціонування державного та суспільно-політичного життя; фактичне втілення в життя положень Основного Закону; подальша конституціоналізація усіх елементів правової системи; визнання авторитету норм міжнародного права. Щодо останнього зазначено, що проголошені в Конституції України правові ідеї, норми і принципи, положення про права та свободи людини і громадянина мають відповідати міжнародним стандартам, адже ставши членом Ради Європи, Україна взяла на себе зобов'язання імплементувати європейські стандарти прав людини, верховенства права та демократії. Саме зміни до Конституції України мають забезпечити той фундамент демократичних змін і побудови європейської демократичної країни, який дозволить розбудувати Україну як незалежну європейську державу, де кожен українець матиме своє гідне місце та буде відчувати себе захищеним. Зроблено висновок, що сучасній юридичній науці притаманна наявність низки наукових методологічних підходів, що дає змогу всебічно підійти до дослідження права та законодавства у різних вимірах. Це об'єктивно обумовлюється постійним ускладненням суспільних відносин, зокрема міжнародних, та вимагає більш глибокого з'ясування змісту цієї категорії та перспектив її подальшого розвитку. Цей процес буде ефективним лише в тому випадку, якщо він здійснюється із врахуванням специфіки права і, відповідно, принципів його пізнання. Безсумнівним залишається також те, що лише методологічно обґрунтовані дослідження права дадуть змогу сформувати цілісну внутрішньо узгоджену теорію права, яка може бути застосована в теорії держави і права, інших галузях права, а також в ході державно-правового розвитку, зокрема і в Україні*

Ключові слова: *конституційно-правовий порядок, правова реформа, система законодавства, державно-правове явище, конституційна реформа*

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PROBLEMS OF LEGAL SCIENCE IN THE CONTEXT OF MODERN STATE-BUILDING PROCESSES IN UKRAINE: CHALLENGES AND TASKS

Анотація. *The article examines the problems of legal science in the context of modern state-building processes in Ukraine through the prism of constitutional reform and ensuring the constitutional order. It is emphasised that one of the main causes of the socio-political crisis, economic unrest and social regress is imperfect legislation, which often does not meet the needs of Ukrainian society, European principles and international standards. On the other hand, it is obvious and historically confirmed that the adoption of a new Constitution or amendments to the current and improvement of legislation does not in itself mean a real law and order. For more than a quarter of a century, Ukraine has remained in a state of transition. It is noted that the assessment of the impact of constitutional legislation, which determines almost all reforms in the state, revealed the following priorities: the creation of favourable conditions for the formation of a new constitutional (state and social) system; determining the conditions for the formation of a new system of economic relations; consolidation of new principles of organisation and functioning of state and socio-political life; actual implementation of the provisions of the Basic Law; further constitutionalisation of all elements of the legal system; recognition of the authority of international law. Regarding the latter, it is stated that the legal ideas, norms and principles proclaimed in the Constitution of Ukraine, provisions on human and civil rights and freedoms must meet international standards, because by becoming a member of the Council of Europe, Ukraine has committed itself to implement European human rights standards, the supremacy of law and democracy. It is the amendments to the Constitution of Ukraine that should provide the foundation for democratic change and the construction of a European democracy that will allow building in Ukraine an independent European state, where every Ukrainian will feel dignified and protected. It was concluded that modern jurisprudence is characterised by a number of scientific methodological approaches, which allows a comprehensive approach to the study of law and legislation in different dimensions. This is objectively due to the constant complication of social relations, including international ones, and requires a deeper understanding of the content of this category and the prospects for its further development. This process will be effective only if it is carried out taking into account the specifics of law and, accordingly, the principles of its knowledge. There is also no doubt that only methodologically sound research of law will allow forming a holistic internally consistent theory of law, which can be applied in the theory of state and law, other areas of law, as well as in the course of state and legal development, including in Ukraine*

Ключові слова: *constitutional legal order, legal reform, system of legislation, state-legal phenomenon, constitutional reform*

INTRODUCTION

One of the prerequisites for the functioning of the modern state, the transformation of state-power relations is the legal support and the relevant legal order, which, in turn, requires scientific and methodological support. Today, the Ukrainian state and its legal system are experiencing a period of comprehensive reforms due to the need to overcome

the deep socio-economic and political crisis. In general, the reform of the state system is still far from complete and needs scientific and methodological support and support. First of all, it should be noted that the basis of any transformation in the field of state-building and law-making is legal reform in general and constitutional reform in particular [1].

Constitutional reform is the most important state and legal phenomenon, which is a set of legal, organisational and political measures taken to qualitatively change the current or adopt a new Basic Law of the state and on its basis – the gradual renewal of all legislation in the state and the state itself [2]. Within the framework of constitutional modernisation there is a dynamic renewal of social relations, their modification is provided in accordance with the constitutional goals, principles and norms. In this aspect, constitutional modernisation can be seen as a concept close in essence to the concept of "constitutional reform", the content of which contains all the diversity of constitutional transformations, implemented in different forms, by different methods and means. This process is the content of the legal order. It is at the level of the Constitution of Ukraine as the Basic Law of society and the state that the fundamental legal principles and norms that determine the order of organisation and functioning of all branches (legislative, executive and judicial) and institutions of state power, as well as the interaction of society, individual and state are constituted. Therefore, the fundamental task of the Ukrainian state is to modernise the domestic legal system, to bring it into line with international and European standards [3; 4].

After all, it is known that its progress will depend on the extent to which legal regulation will meet the objective needs of the socio-economic development of society and the state. In this aspect, it is important to ensure the constitutional order. At present, Ukraine is at the stage of improving the main provisions of the Constitution of Ukraine[1], as some of its provisions do not meet the objective needs of the development of Ukrainian society, remain declarative due to the lack of a mechanism for their implementation. However, it seems that the main cause of the socio-political crisis, economic unrest and social regress is the constitution and legislation, which do not meet the needs of Ukrainian society, European principles and international standards. On the other hand, it is obvious and historically confirmed that the adoption of a new Constitution or amendments to the current and improvement of legislation does not in itself mean a real law and order. For more than a quarter of a century, Ukraine has remained in a state of transition.

According to many scholars, until recently, attempts to carry out legal reforms in Ukraine were aimed primarily at consolidating the power of those who were at the helm of the state. Democratisation of society, protection of human rights, interests of the country were not in the forefront and were not aimed at legal reform. The main thing was to gain power to control financial flows. Reforms were prepared behind the scenes, without widespread discussion in society. Legal reforms have not been tied to socio-economic transformations, without which they were not carried out properly.

In constitutional and legal research on this issue, the term "constitutional reform" refers not only to partial changes in the constitution but also a change in the foundations of social order, and, depending on the position on changing the constitution, these changes are not always considered progressive. From the standpoint of the very "existence" of constitutional reform, it is necessary to have socio-economic, political, organisational, legal and spiritual preconditions for its implementation. Thus, constitutional reform should be considered as a process that acquires holistic systemic characteristics as a result of the interaction of socio-economic, political, legal and other processes, the systemic properties of which arise in the process of such interaction. This allows identifying the various links between constitutional reform and the external environment in which it takes place. In addition, this must take place in the paradigm of modern law, which must be constitutional in its essential dimension.

It should be emphasised that the constant development of public relations requires appropriate changes not only in the Constitution of Ukraine and legislation, but also in all elements of the social, including state and legal systems. In addition, the issue of completing reforms and filling the constitutional content of the constitutional provisions that define Ukraine as a democratic, social, legal state, where a person is the highest social value, where his rights and legitimate interests are respected, remains relevant. This issue is attracting more and more attention in the framework of modernisation of the national legal system and harmonisation of Ukrainian legislation with international and European law. The reformed Basic Law must comply with generally accepted international standards, principles and requirements of international human rights law, as well as take into account the recommendations and conclusions of the European Commission for Democracy through Law (Venice Commission), the Parliamentary Assembly of the Council of Europe, developments and trends of the modern constitutionalism.

1. TRANSFORMATION OF THE METHODOLOGY OF MODERN LEGAL SCIENCE

Today's realities pose a number of problems to legal science, the effective solution of which directly depends on the philosophical and methodological ability of this science. In addition, the processes that characterise the modern type of civilisation – a new planetary worldview, multipolar culture, the formation of new ways of communication and values, the search for alternative ways of life and worldview –

1. Constitution of Ukraine. (1996, June). Retrieved from https://rm.coe.int/constitution-of-ukraine/168071f58b.

primarily relate to jurisprudence, as they involve the formation of legal consciousness and legal field, without which it is impossible to affirm values, human rights and freedoms and legal regulation in general [5].

In this context, it should be noted that the methodology of domestic jurisprudence since Ukraine's independence and until now has undergone significant changes due to the recognition and constitutional consolidation of political, economic, ideological diversity as a basis for public life, the constitutional order in the state. Accordingly, the beginning of the 21st century was characterised by a rapid transition to the demonopolisation of the tools of scientific knowledge. This is undoubtedly a positive fact, but according to the right words of Professor M.P. Rabinovich, methodological pluralism should not turn into methodological anarchism [6]. In addition, recourse to new methodological approaches must be based on the principle of additionality, rather than changing one view to another, where approaches and methods must complement each other to holistically reflect the legal reality and develop productive knowledge about it [7].

Changes in the methodology of legal science are primarily related to the significant expansion of the so-called personal (anthropological) approach and the actualisation of the practical approach, i.e. interpretation and evaluation of state and legal phenomena as tools, levers, means of meeting human needs, social communities, society in general. It is important to involve a phenomenological approach in the study of law, which makes it possible to present it as a phenomenon that, combined with moral principles and values, legal heritage, principles of humanism, world human rights standards, etc. leads to decentralisation of law, approximation of natural and positive law, contributes to the openness of legal systems, their ability to interpenetrate.

Using a value-based approach is associated with scientific and cognitive, which aims to discover the laws of operation of the object, bringing various phenomena under general concepts. Therefore, the value approach exists objectively and is based on the need to obtain two types of information about the object: scientific and value [8]. Given the rapid global integration processes and the signing of the Association Agreement between Ukraine and the EU[1], a civilisational approach is relevant to the study of law, as the definition of law and features of its functioning in countries belonging to different legal families in different periods of world civilizations significantly enriches scientific research, allows achieving a higher level of generalisation.

Thus, modern legal science is characterised by the presence of a number of scientific methodological approaches, which allows a comprehensive approach to the study of law in different dimensions. This is objectively due to the constant complication of social relations, including international ones, and requires a deeper understanding of the content of this category and the prospects for its further development. This process will be effective only if it is carried out taking into account the specifics of law and, accordingly, the principles of its knowledge. There is also no doubt that only methodologically sound research of law will allow forming a holistic internally consistent theory of law, which can be applied in the theory of state and law, other areas of law, as well as in the course of state and legal development, including in Ukraine.

Regarding the system of legislation of Ukraine, it is necessary to state its constant improvement. In particular, a number of normative legal acts have been adopted for almost 30 years. Among them: the Constitutional Treaty; Constitution, which was periodically amended. On the other hand, it should be noted that indirectly the process of improving the Constitution of Ukraine is ongoing. This is the activity of the Constitutional Court of Ukraine on the interpretation of the norms of the Constitution of Ukraine. Since the adoption of the Constitution of Ukraine, the Constitutional Court of Ukraine has adopted more than 70 acts (decisions) of official interpretation of the Constitution.

In addition, 24 codes have been developed and adopted. Regarding the substantive analysis of these acts, it is necessary to pay attention to the following facts: today the Criminal Code of Ukraine, adopted in 1960[2] and the Criminal Code of Ukraine of 2001[3], are in force at the same time; Economic and Procedural Code of Ukraine of 1991[4] and Economic Code of Ukraine of 2003[5]. The Housing Code of Ukraine, adopted in 1983[6], and the Code of Labour Laws of 1971[7] are still in force. Analysis of the content of the two codes (adopted before 1991 and 2001) shows the urgent need to modernise them in connection with the intensive development of public relations and the objective need to ensure real legal regulation of the relevant areas of public relations.

Improving the current system of legislation of Ukraine is a prerequisite for reforms of the state system and their completion. As already mentioned, the effectiveness of reforms, including legal ones, depends on their scientific substantiation. In this regard, among the current problems of legal science at the present stage, the following should be noted:

1. Association Agreement between Ukraine and the EU. (2017, September). Retrieved from https://www.kmu.gov.ua/en/yevropejska-integraciya/ugoda-pro-asociacyu.
2. Criminal Code of Ukraine. (1960, December). Retrieved from https://zakon.rada.gov.ua/laws/show/2001-05#Text.
3. Criminal Code of Ukraine. (2001, April). Retrieved from https://zakon.rada.gov.ua/laws/show/2341-14#Text.
4. Economic and Procedural Code of Ukraine. (1991, November). Retrieved from https://zakon.rada.gov.ua/laws/show/1798-12#Text.
5. Economic Code of Ukraine. (2003, January). Retrieved from https://zakon.rada.gov.ua/laws/show/436-15#Text.
6. Housing Code of Ukraine. (1983, June). Retrieved from https://zakon.rada.gov.ua/laws/show/5464-10#Text.
7. Code of Labour Laws. (1971, December). Retrieved from https://zakon.rada.gov.ua/laws/show/322-08#Text.

1. First of all, this is a problem of legal understanding. The methodology of domestic jurisprudence has undergone significant changes since the proclamation of Ukraine's independence and has led to the expansion of the tools of scientific knowledge. In addition, there was a rejection of the dominance of positivism and statism. A human was recognised as the highest social value. Discussions continue on determining the relationship between right and law, the rule of law and its relationship with the rule of right (as a result of amendments to the current Constitution of Ukraine, this principle was removed from its text). The role of judicial precedent in the legal system of Ukraine remains completely uncertain, despite significant scientific achievements in this area.

2. It is also important to clarify the problems of ensuring human and civil rights and freedoms, as this section of the current Constitution of Ukraine is the most criticised and remains unreformed. In this aspect, the mechanisms of guaranteeing rights and freedoms need to be clarified.

3. Ukraine's integration into the European legal space also requires constant scientific substantiation of the problems of adaptation and harmonisation of Ukrainian legislation with EU law. From the end of the 20th century, Ukrainian jurisprudence faced the problem of clarifying the essence, principles and content of European law and its interaction and relationship with international and national law.

4. In connection with the amendments to the Constitution of Ukraine in the field of justice, the adoption of a number of regulations in their development and the ambiguous practice of implementing these innovations, understanding requires the transformation of a four-tier judicial system to three-tier and the formation of a number of new institutions (including NABU, the Anti-Corruption Prosecutor's Office, the liquidation of the HCSU, the Supreme Administrative Court, the Supreme Judicial Council, but maintaining the specialisation of the judiciary; the creation of separate High Anti-Corruption Courts and the High Court of Intellectual Property, etc.).

5. Special emphasis should be placed on the necessity to research in the field of constitutional proceedings, namely the activities of the Constitutional Court of Ukraine in connection with the significant improvement of the legal regulation of its activities and the introduction of the institute of a constitutional complaint. The problem of non-enforcement of court decisions and access to justice needs special attention. It is a well-known fact that Ukraine's leading position in the European Court of Human Rights is because of the number of appeals by Ukrainians for protection of violated rights.

6. Studies of the essence, content, institutions of civil society institutions and their interactions with the state remain relevant. The problems of civil society development first arose with Ukraine's independence and have been in the field of view of scientists and statesmen for more than 25 years.

Thus, now, as during the entire period of Ukraine's independence, legal science faces a number of challenges in terms of scientific and methodological support of state-building and law-making processes, on the one hand. On the other hand, it must be acknowledged that today, as never before, the state demonstrates a residual attitude to legal science, as well as to science in general. Reforms are taking place in the direction of achieving European standards in this area, affecting the organisation and content of legal science and education. Practice shows the ambiguity of these processes and the emergence of risks of losing scientific schools, the destruction of certain scientific areas, the outflow of the best scientific staff and more. Nevertheless, it should be emphasised that leading Ukrainian scientists prepared and adopted a number of legal acts (laws, regulations, orders, strategies, programs, concepts), prepared many highly qualified specialists, defended hundreds of dissertations, indicating their potential and readiness in the future not to stand aside from state-building processes in Ukraine.

2. DEVELOPMENT OF THE LEGAL SYSTEM THROUGH THE PRISM OF CONSTITUTIONALISATION OF THE LEGAL ORDER

The process of constitutionalisation of the legal order in the conditions of constant economic, political and social changes can be successful only if the state pursues a consistent, scientifically sound and internally consistent legal policy, which is aimed at achieving such legal goals that are important for human and his fundamental rights and freedoms. Accordingly, such a human-centred policy is able to ensure the rule of law only based on a strategic approach. Acting as the best way to achieve balance in the legal system, legal strategies eliminate the contradictions that arise in modern law. In addition, the content of legal strategies allows assessing the state of human rights, or analyse the changes taking place in the judiciary. They provide the guidelines necessary to achieve a balance of private and public interests, to eliminate contradictions between current law and legal practice, law and legal awareness.

The implementation of a strategic approach in the process of constitutionalisation of the legal order can be most successful, provided that strategic planning should not include the modernisation of the state mechanism as a whole, but the reform of individual functionally separate subsystems. Therefore, it is important to note that the state of law and order, in addition to traditionally significant factors, is particularly influenced by the processes of reforming the state and relevant socio-economic structures. It is in the existing legal order that not only the quality of legal social institutions is practically manifested but also the real legal policy of the state, which is the basis of legal progress in Ukraine.

Today, Ukrainian society is seriously concerned about the legal order in the country. Despite all the efforts of the state, so far it has not been possible to significantly stop the growth of crime, to ensure full respect for human and civil rights and freedoms. Thus, after assessing the main trends in human rights violations in Ukraine in recent years,

human rights activists have concluded that the main efforts of the state are spent on military conflict and the fight against corruption, and human rights are suffered instead. That is, one of the fundamental criteria of legal progress is significantly levelled – its value base, which, in turn, affects the level of its effectiveness.

In addition, this state of affairs causes a deviation from the strategic direction of reforms, and, consequently, from their ultimate goal. Perhaps one of the reasons for this is the imperfection of the reform proposals themselves. In addition, reforms are "put" upon the disorganisation and disorder in public life, and do not improve the situation at all. In the authors' opinion, it is necessary to start not with reforming, but with bringing order to the legal system, and only after that – to start reforming the legal system as a whole. It is natural in this regard that the course of establishing a strong democratic order is widely supported by the majority of citizens. This is confirmed by the fact that the focus on people, "human resources" is the main goal and a decisive factor in legal progress, as the practical significance of all actions of public administration is ultimately determined by the results of the social system. Achieving a high level of law and order requires a concerted joint effort of society as a whole.

First of all, it is worth noting that the current situation in the legal sphere (the state of constitutionalisation of law), in the authors' opinion, is characterised by the following negative features: lack of rational legal policy, systematic decisions of public authorities; lack of optimal economic and political conditions for the development of the legal system as a whole and its individual elements; low level of legal awareness of legal entities and their negative attitude to the current legislation; conservatism and inertia of all subjects of the legal system. All these circumstances are a serious obstacle to legal progress.

Reform is closely linked to a change of government, political system, state policy, ideology, change of political course. In such situations, there is a need to improve regulations. And it is necessary to make changes not in separate laws, all legal sphere needs system updating. After all, the legislation reflects the state of public relations and when this relationship changes, it must change too. Otherwise, it will inhibit the development of social relations, which can lead to political and social stratification of society, to the confrontation of its social groups and strata.

Dissatisfaction with the content and results of domestic legislation is expressed today not only by professional lawyers but also by ordinary citizens. There is a noticeable increase in the number of adopted regulations, which, on the one hand, are increasingly covering new areas of public relations, expanding the scope of their action, on the other – they increasingly prescribe models of good behaviour. Despite this intensification of official regulation, the social reality demonstrates the low effectiveness of the latter: the level of law and order, legal awareness, behaviour and activities of all subjects of law leaves much to be desired. Therefore, the purpose of state policy in this area is to adjust the tasks and functions of law enforcement agencies, the introduction of new principles of service, new criteria for evaluating the work of law enforcement to increase protection of human rights and freedoms and the interests of society and the state from unlawful encroachments.

Obviously, the priorities of all reforms are the person, the family, society, the state. This leaves a certain imprint on the main elements of the concept of legal reform, for which the following values have been chosen:

1) the issue of legal support for a number of important areas of formation and functioning of statehood and the development of a full-fledged civil society;

2) legislative support of the human rights system in society, first of all real guarantees of the rights and legitimate interests of the person;

3) strengthening and protection of the constitutional order;

4) public administration reform, including improvement of the system of state registration of public associations and other legal entities and control over their activities;

5) creation of an integrated legal framework for the organization and operation of the judicial system and the judiciary;

6) formation of the legal framework and institutional reform of the law enforcement system to strengthen the fight against crime;

7) development of principal directions and forms of implementation of local self-government reform;

8) development of the system of legal education, including the improvement of the system of legal education and legal science;

9) conducting legal expertise in rule-making and law enforcement practice, etc.

These areas of legal reform are very important, but the central task (main project idea) of the reform is, in our opinion, to provide legal and organizational guarantees of human rights and freedoms, which are the basis for the constitutionalization of law in general and the rule of law in particular.

The rule of law and legal reform are ideologically and directly linked to the constitution, which directly defines these rights and freedoms. The "matrix" of their content is contained not so much in the concept of reform as in the country's constitution. It is the main guideline and criterion of legal progress – a person, a person, a citizen, their rights and freedoms. In this sense, it is the rights of man and citizen that can serve as an indicator that reveals the true purpose of a particular legal reform. The scope of human and civil rights and their implementation show the true intentions of the state authorities to reform various spheres of society. At the same time, human and civil rights cannot be considered as an absolute category, as the strategic goal of any legal reform is to harmonize the legal development of the state with social needs [9]. At the same time, the reform process contains both existing risks and positive trends. The role of law here can be twofold: it can

both accelerate and slow down social development, due to the variability of the content and scope of human rights. Therefore, the question arises: why is it necessary to carry out legal reform?

First, the Constitution of Ukraine (Article 1) states that Ukraine is a social, legal state, and this "political and legal application" requires some confirmation by organizational, legal and material means. Secondly, the state of human rights, the rule of law and other important components of civil society are such that it is not the responsibility of public authorities not to try to change the situation in these areas for the better. Thirdly, it is better to make changes to the legislation systematically, on the basis of a single project, which requires planning and coordinated actions of the state within the conceptual document and legal acts that develop it. Fourth, since the effectiveness of most institutional and sectoral reforms depends on the implementation of constitutional reform in Ukraine (in areas: decentralization of power and local self-government, judicial reform, human rights), it is advisable to ensure the comprehensiveness of such reforms while coordinating the expected results of institutional and sectoral reforms. with the draft National Strategy in the field of human rights[1] and the Sustainable Development Strategy "Ukraine – 2020" [10]. Thus, it is obvious that in connection with the economic, political and social transformations in the country and in the world, the issue of reforming national legislation in the context of the constitutionalisation of law is quite relevant.

Based on the Constitution of Ukraine, domestic legislation in substantive terms should express the sovereign will of the people of Ukraine, be aimed at ensuring human rights and freedoms and decent living conditions, strengthening the democratic, social and legal state and the development of civil society. Constant improvement of legislation, which is considered a regularity of modern society, is a necessary prerequisite for approximation of existing legal norms to the needs of today, their compliance with the urgent needs of the rule of law, increasing the role and authority of the constitution. That is why the importance of the tasks of improving domestic legislation is that it meets the conditions and demands of modern society as adequately as possible, consolidates its legal basis, legal legitimacy and legal order.

At the same time, taking into account the fundamental importance of constitutional law (in relation to other branches of law), there is a need to substantiate the possibility of implementing the constitutional foundations in current sectoral legislation and organisational and legal models with strict constitutionalisation of state and public life. In view of this, an important step in the legal support of reforms is the constitutional reform, the implementation of which is part of a broader problem of reforming the Ukrainian state and society, the entire legal system.

As O. Skrypniuk [11] notes, if to try to study legal reform as a certain holistic process that has a common basis and a common goal (regardless of the sphere of social and legal relations it is implemented), it should be recognised that such a general goal can and should be the constitutional reform, or, more precisely, the constitutional reform, because it is at the level of the Constitution of Ukraine as the Basic Law of society and the state constitute fundamental legal principles and norms that determine the organisation and functioning of all branches of government (legislative, executive and judiciary), all its institutions, as well as the order of interaction of society, individual and state [12]. That is, constitutional reform is, so to speak, an integral part of the ontology of the legal system of any state. At the present stage of legal development, the fundamental tasks of the Ukrainian state are to modernise the Ukrainian legal system, the main purpose of which is to lay the foundation of statehood and achieve legal progress.

Modern legal development is determined by changes in foreign policy priorities, improvement of public administration and government, features of the political regime and socio-economic development. It is, in fact, about developing and improving the most effective constitutional model of the mechanism of public administration. As the practice of the Constitutional Court of Ukraine shows, in its activity the provisions of the Constitution of Ukraine in the process of interpretation are constantly developing. Accordingly, constitutional norms must have a permanent regulatory effect on all components of the legal system. Their constitutionalisation can be called one of the manifestations of the direct effect of the constitution, aimed at harmonising social relations and the implementation of the rule of law. Therefore, for the true semantic integrity of the legislation fundamental principles are not enough, the semantic unity of the foundations of the constitutional order is required.

Obviously, such unity does not appear by itself, it is formed in a long and contradictory process of elaboration of basic legal norms by formulating the relevant constitutional provisions. This process should include reviewing existing legislation, repealing obsolete regulations, creating new laws, improving the legislative process and legislative techniques. The implementation of such full-scale reforms is possible not only by amending the Basic Law, but primarily through a new conceptual attitude to the constitution. This process is quite complicated, because the adoption of a new constitution does not complete the constitutional transformation. That is, the difficulty is not to rewrite the constitution, but the need for a new approach to it, to its status in society, in the legal system. This should be not just a textual change, but a revision of all legal regulation, mechanism of action and effective implementation of the provisions of the Basic Law.

1. Decree of the President of Ukraine No. 501/2015 "On approval of the National Strategy in the field of human rights". (2015, August). Retrieved from http://hrstrategy.com.ua/documents/versions/2#cts854f6aee45f58e.

According to M.V. Savchin [13], the constitution lays the foundations for the implementation of state policy based on the principles of justice, morality, rationality, balance, interaction and subordination of various political forces in society on the basis of law. Decoding and implementing the constitution is modernisation. The Constitution of Ukraine is indeed a positive form of decoding natural and legal principles, as the application of the provisions of its text is constantly being improved, as evidenced by the practice of the Constitutional Court of Ukraine. However, the content of constitutional reform cannot be reduced only to the problems of updating the constitution as a normative legal act or its individual provisions. Thus, the implementation of constitutional reform goes beyond procedural issues and tasks of legal technique [3].

The process of constitutional and legal modernisation requires a clear identification of priorities, the implementation of which allows for a thorough development of the current Constitution of Ukraine. The assessment of the impact of constitutional legislation, which determines almost all reforms in the state, revealed the following priorities: creating favourable conditions for the formation of a new constitutional (state and social) system; determining the conditions for the formation of a new system of economic relations; consolidation of new principles of organisation and functioning of state and socio-political life; actual implementation of the provisions of the Basic Law; further constitutionalisation of all elements in the legal system; recognition of the authority of international law.

Regarding the latter, it is worth noting that the legal ideas, norms and principles proclaimed in the Constitution of Ukraine, provisions on human and civil rights and freedoms must meet international standards, because by becoming a member of the Council of Europe, Ukraine has committed itself to implement European standards of human rights, rule of law and democracy [14]. It is the amendments to the Constitution of Ukraine that should provide the foundation for democratic change and the construction of a European democratic country that will allow building in Ukraine an independent European state, where every Ukrainian will have his or her worthy place.

CONCLUSIONS

Thus, the proclamation of Ukraine as a democratic state, ensuring the rights and freedoms of an individual, the principle of separation of powers and the rule of law require a detailed review of all elements of the legal system, which should aim primarily to improve existing legislation. Improvement of legislation is a gradual addition, change, update of regulations, their sections, articles, regulations and terms, associated with the need to bring legislation in line with the development of public relations and international standards. However, the reform is not only and not so much in the development and adoption of new laws, but in the institutional changes and innovations that need to be implemented and tested. And changes to the legislation are needed to legally support these changes and innovations. In essence, this is a necessity caused by the development of social relations and the tasks set by the state.

Legal support of reforms must be timely, complete, reasonable. Without this, the reform as such will not take place, or the bills will have to be hastily supplemented and changed. Instead, the lack of effective reform programs in the transition period will lead to the deterioration and stagnation of all spheres of public life. The consequence of poor legal support of reforms is the inhibition of state-building legal processes, the violation of law and order in society. The reform must be objectively necessary, deeply thought out, it requires detailed programming, caution in the relevant calculations, legal expertise based on modern scientific and methodological approaches, i.e. there must be scientific support.

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