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ДІЄВИЙ КОНТРОЛЬ ЗА ЗАБЕЗПЕЧЕННЯМ ПРАВ І СВОБОД ЛЮДИНИ ЯК ВИМІР ДЕМОКРАТИЧНОГО СУСПІЛЬСТВА: СОЦІАЛЬНИЙ КОНТЕКСТ

Анотація. У даному науковому дослідженні поставлено завдання вивчення проблеми забезпечення ефективного контролю за реалізацією та дотриманням прав і свобод людини, зокрема, у форматі соціальних прав. Актуальність заявленої тематики обумовлюється доцільністю переосмислення природи та значення соціальних прав людини в контексті сучасних реалій, визнання того факту, що саме від можливості своєчасної реалізації цих прав залежить якість життя кожної особистості, у зв'язку із чим особлива увага має бути присвячена питанням забезпечення ефективного контролю за дотриманням соціальних прав в умовах демократичного правового розвитку. Підставою для проведення наукового дослідження послугували наступні проблеми: забезпечення достатнього життєвого рівня громадянам в умовах сучасних викликів і загроз, правова визначеність як передумова функціонування стабільного правопорядку, відсутність чітких гарантій забезпечення ефективності контролю за дотриманням прав і свобод людини тощо. Метою даного дослідження виступає аналіз ролі та значення природи соціальних прав людини як складової соціальної політики з метою обґрунтування необхідності удосконалення контролю в усіх його формах і проявах щодо ефективності їх дотримання, охорони та забезпечення в умовах сьогодення. Важливими методологічними інструментами в проведенні дослідження стали положення діалектичного підходу, які надали можливість розкрити сутність та призначення соціальних прав людини, а також напрямів удосконалення контролю за їх забезпеченням та захистом. Основними результатами, отриманими в ході наукового дослідження, стали: висвітлення сутності соціальних прав на сучасному етапі; дослідження природи, рівнів прояву та видів контролю за реалізацією та дотриманням прав, свобод і законних інтересів людини. Цінність даної роботи полягає в отриманні практичних рекомендацій з пошуку шляхів удосконалення контролю за забезпеченням та захистом прав і свобод людини в контексті сучасного демократичного розвитку

Ключові слова: права людини, соціальні права, державний контроль, громадський контроль, законодавство, правова система

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EFFECTIVE CONTROL OVER ENSURING HUMAN RIGHTS AND FREEDOMS AS A DIMENSION OF A DEMOCRATIC SOCIETY: SOCIAL CONTEXT

Abstract. *This research aims to study the problem of ensuring effective control over the implementation and observance of human rights and freedoms, in particular, in the format of social rights. The relevance of the stated topic is determined by the expediency of rethinking the nature and significance of social human rights in the context of modern realities, recognising the fact that the quality of life of each individual depends on the possibility of timely implementation of these rights, and therefore special attention should be paid to ensuring effective control over the observance of social rights in the context of democratic legal development. The basis for the research were the following problems: ensuring a sufficient standard of living for citizens in today's challenges and threats, legal certainty as a prerequisite for a stable law and order, lack of clear guarantees to ensure effective control over human rights and freedoms and more. The purpose of this study is to analyse the role and importance of the nature of social human rights as a component of social policy in order to justify the need to improve control in all its forms and manifestations of the effectiveness of their observance, protection and provision in today's conditions. Important methodological tools in the study were the provisions of the dialectical approach, which provided an opportunity to reveal the nature and purpose of social human rights, as well as areas for improving control over their provision and protection. The main results obtained during the research were: coverage of the essence of social rights at the present stage; study of the nature, levels of manifestation and types of control over the implementation and observance of human rights, freedoms and legitimate interests. The value of this work lies in obtaining practical recommendations for finding ways to improve control over the provision and protection of human rights and freedoms in the context of modern democratic development*

Keywords: *human rights, social rights, state control, public control, legislation, legal system*

INTRODUCTION

One of the most difficult tests of today, admittedly, is and remains the problem of ensuring human rights, freedoms and legitimate interests. And this refers to the whole palette of rights in general and the segment of social rights in particular. For more than a year now, the thesis that secondary human rights do not exist has been emphasised (singled out) in scientific circles. All rights are paramount, paramount, with the appropriate degree of need to guarantee and secure them. However, it is clear that today “front rights” are first of all social rights. The greater or, unfortunately, lower quality of life of the average person depends on their provision, possibility of timely realisation. In addition, it should also be borne in mind that the functioning and development of modern states and their legal systems takes place in conditions of strengthening the multilevel relationships between public and private actors aimed at achieving concrete results in a particular area of public life. These relationships lead, among other things, to the strengthening of relevant interstate integration processes, which require proper organisational and legal support in order to prevent various social conflicts or, at least, to minimise their negative consequences. In these circumstances, in particular, in the context of Ukraine's European integration, the solution of various issues related to ensuring high-quality national and international control over the stable progressive development of many important spheres and sectors of public and state Life, which are subject to reform and renewal in connection with such integration, becomes of particular importance.

In this context, we must state that the basis for control at the national (domestic) and international levels should be based on common approaches to understanding control as a general social phenomenon, its essence and functions, as well as regulatory sources within certain temporal-spatial dimensions. It is the theoretical, conceptual perspective of understanding control as a general social phenomenon that makes it possible to systematically explore its basic forms or varieties, in particular, through the prism of their holistic teleological determination, their common value basis, the origins of which must be sought in the socio-normative culture.

In this regard, the problem of ensuring effective control over the observance of social human rights, through which the individual has the opportunity to first realise their skills, abilities, skills in the process of employment in order to ensure a decent standard of living, as well as receive from the state and other identified entities appropriate social services, in particular medical, which it needs to ensure social well-being.

The aim of the article is to analyse the role and significance of the nature of social human rights as a component of social policy in order to justify the need to improve control in all its forms and manifestations of their effectiveness, protection and security in today's conditions. In accordance with the purpose of the study, we consider it necessary to solve the following tasks: to highlight the essence and purpose of social policy in a democratic, legal state; determine the role of the legal system in ensuring the social rights of the individual, in particular, the right to an adequate standard of living; to study the nature of control as a social phenomenon, its levels and varieties (forms of expression); identify problems of ensuring the effectiveness of control over the observance of human rights and freedoms; substantiate the priority areas for improving the mechanism of social human rights in the context of modern realities, as well as control over their proper implementation.

1. MATERIALS AND METHODS

During the study, the key methodological tools were the provisions of the dialectical approach, which provided an opportunity to reveal the nature and purpose of social human rights, as well as areas for improving control over their provision and protection. The dialectical approach provided an opportunity to comprehend the multifaceted nature of social human rights, to predict the consequences of the asymmetric development of their components, as well as to identify factors that contribute to improving the mechanism of control over their provision. Philosophical and ideological basis of knowledge are the key provisions of anthropocentrism as a paradigm of social development. The axiological method directly related to it made it possible to reveal the nature of human rights and freedoms, as well as control over their observance as values of democratic law and order, which affect the quality of life of citizens. With the help of the synergetic method it was possible to establish the influence of social and other factors on the social rights of the individual and the mechanism of control over their observance. The method of systematic analysis was used, in particular, in determining the relationship and interaction of social human rights with the concept of "social policy", as well as in characterising the types of control as a means of ensuring effective implementation of human rights, freedoms and legitimate interests.

Such foreign legal scholars as: F. Blok, B. Deacon, R. Robertson, D. standing, L. Taylor, M. Freeman and others have devoted their works to various issues of ensuring effective control over ensuring human rights and freedoms, including social rights. A special place is occupied by the works of the American researcher D. Rawls, who developed the principles of social justice, which should be the basis for determining the rights and obligations of the main institutions of society and thanks to which social benefits should be distributed among all subjects on the same principles acceptable to all. Such Ukrainian scientists as S. Bobrovnik, E. Borshchuk, S. Gusarev, N. Dobreva, A. Kopylenko, T. Koretskaya, S. Kosinov, V. Kravchuk, N. Onishchenko, A. Petrishin, Y. Shemshuchenko and other scientists have also devoted their works to the problems of ensuring control over the observance of human rights and freedoms.

2. RESULTS AND DISCUSSION

In modern Ukraine, in the period of formation of legal bases of the state and public life, the problem of efficiency of the legislation which shortcomings are connected first of all with the mechanism of realisation, absence of necessary institutional forms sharply arises. In addition, the legal forms of normative material are insufficiently elaborated (imbalance of rights and obligations, lack of proper sanctions, inconsistencies between the legal system and legislation, etc.). It should be borne in mind that the quality of legislation is determined by the social content, its compliance with public needs and interests. The national legal system is a kind of indicator of sustainable (or close to it) economic, legal, political, social development of each state, and most importantly – the achieved level of protection of human rights, freedoms and legitimate interests. Thus, it is clear that the legal system, as the embodiment of the appropriate level of development of law, must be able to: a) perform certain tasks; b) reproduction of the necessary functions both in the normal course of life and in extreme conditions.

A few words about it in more detail. Today, the social orientation of the legal system as a means of forming and realising the interests of the subjects by fixing certain goals, norms, rules of conduct is growing. Of particular importance is the provision of optimal combination of social and legal principles of society. This task is quite difficult, because legal and social principles are designed to ensure the well-being of the individual,

that is, above all his social rights. In this context, it should be noted that the social policy pursued by the state can not be understood only as the protection of socially vulnerable groups. After all, social policy includes, in particular, a number of measures aimed at ensuring the effectiveness of social effectiveness of economic transformations, ensuring the social component of law enforcement, investment, financial, tax policy of the state, etc. The strategic goal of the state's social policy is to create a favorable social climate and social harmony based on balancing different social interests through mechanisms that meet the basic needs of the population and increase the quality of life of all citizens. Social policy affects the processes of labor reproduction, increasing labor productivity, educational and qualification level of labor resources, the level of scientific and technological development of productive forces, the cultural and spiritual life of society. This is a system of relationships between the basic elements of the social structure of society on the preservation and change of social behaviour of the population in general and its constituent classes, strata, communities. Social policy includes the most important social institutions of education and science, culture and art, social protection and employment, etc. [1].

Thus, we can preliminarily conclude that the essence of the social policy pursued by the state can be broadly defined as the activities of the state to create the most favorable conditions for the comprehensive development of each individual and ensure the well-being of society in various spheres and spheres of public life. In this regard, it is impossible not to notice a certain limitation of purely legal and accompanying organisational measures to influence the relevant social relations in the social sphere. At the same time, such a limited right and related organisational impact, in particular, on such components of the social sphere of public life as employment, health care, housing, transport, education and other provision of daily normal activities of individuals, is primarily about objective nature, the existence of which does not depend on the will and consciousness of citizens, but follows from the necessary existing and permanent relationships between various phenomena of the real world, including at the level of elements of a complex system of social regulation of human behaviour. The legal system of the social, legal state is designed to ensure the stability of civil solidarity established by social policy by proclaiming, implementing and protecting social and legal conditions to stimulate the active part of the population to work productively as a basis for personal well-being; maintaining the optimal ratio between the incomes of the able-bodied part of society and incapable citizens; providing subsidies, relevant benefits, reducing and limiting the scale of impoverishment; curbing unemployment, and as a prospect – ensuring a sufficient standard of living. And this is in the mode, so to speak, of the “regular” course of events. However, today it is also such general social tasks as ensuring national security, eliminating the effects of pandemics, environmental disasters, implementation of social programs that will reflect the position of “everything necessary taken into account”, support for rehabilitation measures, etc. [2; 3, p. 17-18].

It is extremely important in these conditions what “cross-section” of social rights should be provided by the legal system today, guaranteed by the state and defended by the judicial authorities: those that will now be built for decades on a residual principle, or, indeed, those that will help in modern Ukrainian realities to live not only with “bread alone”, but also to have sufficient conditions for self-realisation of the individual, protection of his honor and dignity. Thus, in today's European countries, the right to an adequate standard of living is one of the most important social rights of the individual. Despite the fact that each person must personally take care of their well-being, it must, however, be created conditions for them to be able to ensure a minimum standard of living. Especially when it comes to the elderly, the disabled. This is the duty of the state, according to which it recognises the right of everyone to a sufficient standard of living for himself and his family [4]. It should be noted that the concept of “sufficient standard of living” is, at least to some extent, evaluative, i.e. each person determines for himself a level that corresponds to his idea of a sufficient standard of living. However, the position formulated by the lawyers of Ancient Rome, according to which “the law can and should be determined” (Digests of Justinian), is relevant to any legal system. The principle of certainty, accuracy, unambiguity of the rule of law is considered a guarantee of a strong rule of law, because provided that each member of society understands his rights and responsibilities, he gets some freedom of action and decisions within the legal space. It is up to the state to define and set minimum standards below which the living standards of citizens cannot fall.

Admittedly, ensuring a sufficient standard of living is a difficult problem even for wealthy countries. The realisation of the right to an adequate standard of living, admittedly, affects the internal resources and capabilities of the state. The right to an adequate standard of living includes, as already mentioned, such opportunities as the right to adequate food, the right to sufficient clothing, housing, and the improvement of living conditions. The right to adequate food is: freedom from the Holodomor; the right to quality food; opportunity to have the means to receive quality food, etc. In the current conditions of the global pandemic

“COVID-19” the right to an adequate standard of living acquires special relevance and importance, in particular, in the conditions of necessary vaccination.

In this context, it should be emphasised that the appropriate level of provision and protection of social human rights is an indicator of the effectiveness of the social management system in general, which is expressed, *inter alia*, in effective control at its various levels (eg national, international, etc.) and appropriate forms or varieties (for example, state and public control). Therefore, a separate component of ensuring the effective implementation of social rights of the individual should be recognised the exercise of proper control by the relevant actors over the implementation of social policy in the state. General theoretical understanding of the category “control” or the ratio of the terms “Control” and “supervision” regarding their identification or providing criteria for their differences, as well as the allocation of control in an independent branch of government, the grounds for recognition and existence of a control branch of government, etc. – issues covering the necessary format of theoretical understanding and study. The practical section of the plane of control in democratic, legal states covers the functional ability to ensure human rights, freedoms and legitimate interests, and hence the legitimacy of the government that effectively protects these rights (welfare state). It is a state that is able to answer to civil society and the individual for the consequences of its activities [5].

If we turn to modern doctrinal legal sources, we can see that there are no common approaches to understanding the concept of control, including in the context of the relevant state activities. For example, control in the system of state activity can be considered in broad and narrow meanings. In a broad sense, control is a special kind of state activity, which includes a system of political, economic and ideological processes and methods aimed at achieving stable functioning of society and the state, social order, influence on the mass and individual consciousness. In the narrow sense, control is an activity of the state, which consists in verifying the implementation of decisions of higher organisations, compliance with technical, economic, organisational standards for the implementation of tasks, compliance with labor discipline and legal norms [6, p. 102]. As we can see, the above definitions are essentially focused on the concept of “state control”, which has a power-binding nature and the subject of which are public authorities. It should be noted that one or another sphere of state activity in the conditions of democratic development can also be the object of appropriate types of public control, as well as international.

In addition, in the legal literature, the nature of control in the system of state activity is also defined through the concept of “functions of the state”, as well as one of the forms of legal activity of the state. Thus, some authors distinguish the legislative, executive-administrative, judicial, control-audit and supervisory functions of the state according to the methods of exercising state power [7, p. 87]. At the same time, in our opinion, the control (control-audit) function of the state as a separate main direction of its activity can be discussed only conditionally, because, as previously noted, control to some extent accompanies any socially significant activity, especially that which is associated with the exercise of state power. After all, it is obvious that certain control functions are constantly carried out in the process of implementation by the authorised state bodies, in particular, the legislative, executive and administrative, and even more so the judicial function of the state. In the domestic scientific literature in this context, it is fair to say that control in itself is not a primary activity, but applies to actions that can be carried out independently of control. The control function includes, in particular, “identification and analysis of the actual state of affairs, comparison of this provision with the set goals and objectives, evaluation of controlled activities, taking measures to eliminate the identified shortcomings and prevent them in the future. Such a comprehensive understanding of control is not limited to observing, checking, recording deviations and informing about them” [8, p. 164-165]. It should be recognised that in the activities of specific government agencies, control may be predominant or fundamental, which gives grounds for the separation of the so-called controlling or supervisory bodies in the state apparatus (for example, the Accounting Chamber).

Another is the approach according to which control is considered as a form of legal activity of the relevant entities, including the state. In particular, S. Kosinov considers control as a special legal form of activity, consisting of a set of actions aimed at establishing compliance of actions and decisions of legal entities with certain principles, standards, rules of conduct. In this case, social control as a generic concept, according to the scientist, has a broad meaning and combines the following elements: 1) state control, i.e. internal control exercised by public authorities against each other within the system of public authority; 2) public control exercised by entities not endowed with public authority; 3) international control [9, p. 19-25]. In general, agreeing with this elemental composition of the concept of social control, we believe that state control can not be limited only to its so-called internal hardware variety, as state control is implemented primarily in the process of public administration, i.e. power-organising activities of authorised entities (state bodies), aimed at ensuring the stable functioning and progressive development of certain spheres and branches of public life. After all, public control, the subjects of which are various organisations, public associations and individuals

(for example, journalists), also goes beyond the relevant structures, extending its effect, *inter alia*, to public administration relations, as this type of control occurs in the process of interaction between civil society and the state.

Thus, control in a broad sense is a democratic institution, because democracy is, among other things, control over the exercise of public power in society. In our opinion, control in terms of historical and legal paradigm is a form of governing society, which consists in: a) the establishment of certain behavioural rules; b) their appropriate consolidation, which will ensure publicity and awareness of them; c) the need to comply with the requirements of society in the context of legitimation of public authorities. In addition, it should be noted that the control activities of various subjects of public relations (state and public) at the present stage of development of Ukraine, is carried out in terms of intensification of the European integration course of our state, a new impetus was given in connection with the signing of the Agreement on the Association between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part (hereinafter referred to as the Association Agreement). The provisions of this Agreement address a large number of issues of cooperation between Ukraine and the EU in many important areas and spheres of public life. Admittedly, their content also includes the issue of implementing control, which should accompany almost every essential aspect of the implementation of the association agreement (for example, control in the field of public finance management, tax control, health control, arms control, preferential treatment control, customs control, etc.).

After a kind of definitive understanding of the category of “control”, we want to note that the scope (instrumental dimension) of control can be considered, in particular, as: state control, public control and international control. All three systems of control in a modern democratic, legal and social state are united by common functions, have a common denominator – the protection of human rights, freedoms and legitimate interests. Each individual system of social control is a value-oriented vector of democratic development of modern states, in particular, Ukraine in the context of transforming the declarative constitutional provision “man is the highest social value” into a real, legally protected constitutional principle. Thus, state control in the field of human rights and freedoms in Ukraine today is exercised through the use of powers of state bodies and officials defined in the Constitution and laws of Ukraine. In this context, we can talk, in particular, about presidential control, parliamentary control, control by the Cabinet of Ministers of Ukraine and other executive bodies, judicial control, etc. In this case, each of these concepts is quite voluminous in scope, as it includes a number of functions and powers, the implementation of which directly or indirectly indicates the implementation of the relevant government control activities, which in many cases is not directly defined as such.

Human rights and freedoms, including social, and therefore, at least to some extent, control over the state of their provision and observance, is taken care of essentially by the entire state apparatus, which, exercising the relevant powers, should act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine. In this context, we note that the presence of a large number of state authorities, to one degree or another authorised to perform certain control functions aimed at ensuring and protecting constitutional human rights and Freedoms, does not mean and does not presume their effective activity in this direction, even in the conditions of high-quality legal regulation of relevant relations. After all, the effectiveness of control in any important area or sphere of public life depends not only on the specific objective parameters of its establishment and implementation, but also on certain subjective factors that are associated, *inter alia*, with different states of will and consciousness officials of state bodies authorised to perform these functions, with the level of their moral and legal culture, with their value orientations, etc.

Speaking of state control, it should be borne in mind that the specifics of control relations in the coordinate system “state-person” is, in particular, that they are mostly governed by law. As you know, the value approach to law involves its delimitation of the right ideally, i.e. the level of formal and substantive freedom in legal relations, and the level of law in action, i.e. the effectiveness of law in certain temporal-spatial coordinates. With this in mind, it should be noted that human freedom cannot and should not be excessively restricted by any means of control, including those to which the relevant state bodies are subject. After all, control in democratic legal systems is a blessing, not an oppression. At the same time, it is at the state level that the dichotomy (dualism, duality) of control will always find its most manifestation, which is associated, on the one hand, with the objective need to exercise state-power control over the relevant relations and processes taking place in society, that is, in fact, with the restriction of the freedom and will of individuals, and on the other – with the creation of conditions for the comprehensive development of the individual, expanding the boundaries of his individual freedom, etc. That is why only the legislative or legal detailing of control functions and the redundancy of control institutions, first of all state ones, are unlikely to contribute to the stability of both the general social order in general and the legal one in particular. The latter follows, in particular, from the fact that quantitative control does not contribute to quality of life.

Along with state control, public control plays an extremely important role in the national dimension of every democratic state. First of all, it is control over the redistribution of social space between the state and civil society, coverage of problems that arise between the state and citizens, and most importantly – control over the responsibility of the rule of law to civil society. Thus, to some extent, public control is “control over controllers”. Public control is a function of civil society, a way to involve the population in the management of society and the state. It is an important form of democracy, as it provides the population with the opportunity to participate in public administration, in solving state and public affairs, to actively influence the activities of public authorities and local governments [10, p. 74]. Thus, we can trace the appropriate unity between state and public control over the implementation of social tasks, ensuring the effectiveness of social policy, and therefore – the effective protection of social rights and legitimate interests of citizens.

In the domestic scientific literature it is noted that public control is “a tool for public assessment of the degree of performance of public authorities and other controlled objects of their social tasks”. In other words, “the characteristic differences between public control and any other type of control are in the subject-object sphere and consist in the fact that, firstly, public control is carried out precisely by the public (organised and unorganised) and, secondly, in the process of public control, the performance of social tasks directly related to the implementation and protection of citizens' rights and freedoms, satisfaction and coordination of social needs and interests of the population is checked” [11]. Among the main features of public control are usually the following:

- 1) public control is a means of ensuring the balance of interests of different social groups;
- 2) the purpose of public control – ensuring and protecting human rights, freedoms and legitimate interests by uniting and coordinating the efforts of civil society institutions;
- 3) public control is a guarantor of the implementation of not only legal but also other social norms;
- 4) public control extends to various spheres of activity of subjects of power;
- 5) public control is massive, as it involves various social groups and segments of the population;
- 6) participation in the implementation of public control is voluntary [12, p. 91].

At the same time, unlike state control, public control has no legal and authoritative content, as the subjects of its implementation do not have the power to enforce the relevant decisions taken as a result of observations and inspections of certain aspects of government activities. This feature significantly reduces the effectiveness of this type of social control in general. In this regard, natural questions arise: can public control in general be an effective way to ensure and protect human rights and freedoms, a means of counteracting the usurpation of state power and its separation from the interests and needs of citizens? What are the main prerequisites for ensuring the effectiveness of public control?

In our opinion, public control, admittedly, can and should be an effective means of ensuring human rights and freedoms, a way to ensure the rule of law and discipline in public administration. However, it is unlikely that this effectiveness can be ensured only through appropriate legal means, in particular, perfect legal regulation of certain important social relations. In this context, if we turn to the legal regulation of various issues of public control in Ukraine, we can be sure that in general it meets European democratic standards in this area. In particular, there are several laws of Ukraine in force in Ukraine, which enshrine essentially the basic, fundamental provisions of public control, its tasks and means of implementation. These include, first of all, the Laws of Ukraine “On Public Associations” [13], “On citizens' Appeals” [14], “On Information” [15], “On Access to Public Information” [16]. These and some other laws provide an opportunity for citizens and relevant institutions of civil society to use the legal means enshrined in them, through which public control over the activities of public administration.

In addition, Ukraine also has other laws and regulations that define the features of public control in specific areas or spheres of public life, as well as forms and types of public control and procedural aspects of its implementation. Among these regulations it is necessary to allocate first of all the Laws of Ukraine “On Public Procurement” [17], “On Prevention of Corruption” [18], “On the National Police” [19], “On Improvement of Settlements” [20], “On Trade Unions, Their Rights and Guarantees of Activity” [21], “On principles of state regulatory policy in the field of economic activity” [22], etc., as well as the resolution of the Cabinet of Ministers of Ukraine dated 03.11.2010 No. 996 “On ensuring public participation in the formation and implementation of national policy” [23] and the resolution of the Cabinet of Ministers of Ukraine dated 05.11.2008 No. 976 “On approval of the Procedure for facilitating public examination of the activities of executive bodies [24].

It should be noted that the main shortcoming of the legal regulation of public control in Ukraine, which significantly reduces its effectiveness and, in many cases, turns it into a purely declarative phenomenon, is the lack of proper detailing of procedural support for its implementation. For example, paragraph 4 of part 1 of Article 21 of the Law of Ukraine “On Public Associations” [13] enshrines the right of public associations to

participate in the development of draft regulations issued by authorised state bodies and relating to the activities of public associations and important issues of state and public life. But, unfortunately, the specified norm has, rather, declarative character in connection with absence of the normatively defined order or procedure of its realisation. In this case, the law, as a normative regulator, somewhat loses its formally defined quality, which distinguishes it from other important socio-normative systems, in particular, morality.

Thus, it should be agreed that the formation of only a model of public control without detailing the procedural support in most cases is an obstacle to its practical implementation. As a result, the subjects of the relevant public relations have only a general idea of the system of public control in Ukraine. The result is low efficiency of public control, insufficient public initiative in this area and uncertainty of public authorities in the legal relations that arise during such control. Collectively, this situation only exacerbates the existing problem, and “any public activity to control public authorities is often de facto on the shaky border of legality and legitimacy” [25, p. 302]. However, in our opinion, the problem of the effectiveness of public control is not limited to the legal dimension, and therefore, even in terms of ensuring clear and high-quality legal regulation of relevant public relations, public control may not be implemented effectively enough. The fact is that the effective implementation of public control depends not so much on the availability of high-quality legislation in this area, but on the degree of solidarity of citizens of the relevant society, its moral climate, a significant number of structural elements of which are more or less involved in the process of implementing this type of social control.

Public control, regardless of the specific subject of its direct implementation, objectively requires the presence in the relevant society of strong solidarity principles of its functioning, ie the unity of interests, objectives, standards and mutual understanding between its institutions and entities. After all, it is obvious that outside such principles, ie in the conditions of “atomicity” of society, when its individuals as primary subjects realise themselves only as an autonomous, independent, free from society and binding social relations of the individual, it is impossible to talk about achieving declared goals of public control, aimed ultimately at ensuring the achievement of national consensus and social harmony in society. That is why a necessary prerequisite for the practical effectiveness of public control is the presence of strong solidarity between members of society, which should ensure awareness of their own identity through the prism of a particular socio-cultural identity in which they were born, raised, educated and professionally engaged in certain activities. If citizens, as direct subjects of public control, interact with the outside world only through the prism of personal self-identity, i.e. as subjects who are guided in their actions only by their own selfish preferences, recognise personal authority and at the same time reject any other, they will carry out any important activity not to ensure the common good, but only for their own closed comfort [26]. The solution to the problem of formation and development of such a person who would be able to be fully responsible for their actions and activities, associated with the whole system of spiritual and material values of society, with the correct perception and awareness of their hierarchy by its representatives.

Thus, we want to note that the task of civil society, admittedly, is to protect people from excessive state control. Thus, the positions of detailing or consolidating control bodies and strengthening public order, including the legal one, do not always coincide, because the amount of “control” does not mean the quality of life itself. However, control, admittedly, is the benefit of democracy, the institution of a democratic state, which must serve the interests of the average person. In the context of the separation of the third type of control (international control), in our opinion, it should be noted that it is a relatively new tool to ensure the implementation of states' international legal obligations, which began to be widely used after World War II and the Organisation of the United Nations. International control plays a special place in the field of human rights (international human rights protection system, European human rights mechanisms) [27; 28; 29]. In general, control over the provision of human rights, freedoms and legitimate interests in modern democratic realities is an orthodox, classical slice of understanding this phenomenon of social reality in general. After all, the practical slice of the plane of control in democratic legal systems covers the functional capacity for real rather than declarative provision of human rights, freedoms and legitimate interests, which fully ensures the legitimacy of power in the state. Effective enforcement of human rights means effective governance and, consequently, the legitimacy of power.

According to Article 67 of the Treaty on the Functioning of the European Union (“the Treaty”), the Union is an area of freedom, security and justice, in which fundamental rights and different legal systems are respected. Article 68 states that control is a means of operational planning in the area of freedom, security and justice [30, p. 104]. In particular, it should be noted that many articles of this Treaty provide for control in various spheres of human life, in particular, in the field of health care and adequate access to medicine (Articles 114, 168 of the Treaty, etc.). It is axiomatic to recognise that health care is an area that needs the most careful attention from the state and civil society. Thus, Article 3 of the Charter of Fundamental Rights of the European

Union of 7 December 2000 regulates the right to the integrity of the person, which, in addition to information on medical procedures, includes the right to quality vaccinations and pills (quality medicines). One of the interpretations of this consideration may be the right to quality fresh drinking water [31], quality medicines, etc. It is clear that the “second hand” in the medical field is impossible. In view of this, one of the essential directions of such control is control in the field of health care. Thus, the European Union has the competence to take measures to support the control, coordination or complementarity of the actions of the Member States. Areas of such action at European level are the protection and promotion of human health (Article 6 of the Treaty, point “a”).

Despite this, today in Ukraine, unfortunately, there are still many cases of selling in pharmacies and kiosks drugs with a short duration, “unsuitable” pills or vaccinations with expired vaccines. In this regard, we consider it necessary to improve the current legislation of Ukraine (Law of Ukraine “On Medicines” [32], “Fundamentals of Legislation of Ukraine on Health Care” [33]) in the context of ensuring the effectiveness of control over the sale of substandard medicines, as well as to introduce effective control from the quality of medicines and procedures to a balanced pricing policy for them. One that deserves close attention in the context of personal health and safety is the use of international experience regarding the Prohibition of experiments in the field of eugenics, that is, artificial transformation of human nature; the Prohibition of trade in organs and parts of the human body for profit; the Prohibition of reproductive cloning of human beings, etc. (Article 3 of the Charter of the European Union on fundamental rights of 7 December 2000).

Thus, an essential component, which, admittedly, plays a priority role in modern state-building processes, is the provision and protection of human rights. However, it seems to us that today we should talk not only and not so much about the potentially granted rights, but about the reality of their use, implementation, compliance, application, and hence – the “realism” of their implementation. Especially important in these conditions is the effectiveness of law: a sense of security for everyone, guarantee of rights and legitimate interests, opposition to arbitrariness in the process of regulating public relations, the undoubted operation of mechanisms for introducing legal order in all spheres of public life, ensuring and ensuring a security system related to social activities, especially those that pose a potential threat to the vital interests of the individual, society and the state. This is by no means a complete list of our expectations of modern law. To a large extent, the success of democratic transformations depends on the extent to which the law in society is supported and respected by different societies and each individual in particular. It is clear that legal issues, legal forecasting, legal development programs, in particular, the directions of formation of modern legal systems always more or less affect the related political, economic and social processes.

There is no doubt that in the domestic legal field, or in the phenomenon that reproduces the essential features of national law, an important role today must be played by effective law and effective legal regulation as necessary conditions for improving state-building processes. The vocation, “mission” of law in general and its “constructive” burden, in particular, today, first of all, is to achieve social stability, and hence – proper social protection in society, without which the functioning of welfare state institutions is impossible. Moreover, the effective implementation and enforcement of constructive law guidelines will certainly determine the role of a democratic European state governed by the rule of law, the role of social arbiter, “organiser of many cases”, its ability to relieve social tensions, avoid acute social conflicts [34], etc. Modern jurists have repeatedly turned to the consideration of certain possibilities that seem to “reproduce” the translation of potential proclaimed rights into a real practical plane. It should be noted that it is quite clear that sometimes the implementation of a particular right requires at least one but several opportunities, such as economic, educational, social, gender, etc., existing in the relevant space-time continuum. Moreover, there is an indisputable thesis that there are no secondary or non-first-class or type of human rights, so every unrealised, untimely or not fully realised right, no doubt, is based on the lack, first of all, of the relevant real opportunities.

Given that state, public and international control are special types of social control, their concept, nature and purpose can not be considered in isolation from the latter. In any society and in any organisational entity, there are always diverse social relationships or social relations that must be predictable, not chaotic or unpredictable. That is why there is a need to ensure the creation of an effective mechanism for maintaining social order in general, which implies not only the existence of an appropriate sociorormative system, the rules of which determine the standards of actions, behaviour and activities, but also purposeful activities aimed at maintaining harmony and peace in society through the use of a certain system of means and procedures. The basis of social control is a system of social norms prevailing and / or enshrined in society, the content of which includes socially useful and acceptable rules, patterns, standards, principles governing human behaviour and activities. Despite the fact that in modern democratic realities the main and most important role in regulating social relations relies on the law, the content of which goes beyond, in fact, formal state institutions and includes appropriate timeless and universal principles of proper organisation of public life, in under no

circumstances should the importance of other social regulators be diminished, some of which (for example, morality) are able to lay a much stronger foundation in building consensus and solidarity principles for the functioning of society and the state.

In our opinion, the value, role and importance of non-legal social regulators, primarily morality, grows in the implementation of not only state but also public control over certain socially important processes, including those that take place in government institutions. The extreme importance of morality in the exercise of public control is explained, in particular, by the fact that the latter does not have a power-binding character, and therefore, its implementation objectively cannot fall under the same detailed legal regulation that takes place at the public-legal level. In view of this, there is a need to strengthen the influence of other social regulators on the behaviour of social control entities, which through the activities of relevant social institutions (family, school, church, etc.) form a positive value-normative dominant of individual behaviour.

In addition, the norms of morality to the greatest extent ensure the formation of a sense of self-control and discipline in all subjects of social relations. At the same time, the elements of such self-control are primarily the will and conscience of a person, which, on the one hand, help the individual to overcome his internal subconscious desires and needs, the external pressure of life circumstances, control personal emotions and thoughts, make clearly conscious, meaningful decisions and implement them, and on the other-to correlate his behaviour with the moral and legal principles of due and not violate conscious personal beliefs and attitudes. In view of the above, the systematic action of traditional social regulators for the respective society is extremely important not only to ensure the proper quality of public control, but also state control, as the direct or primary subjects of the latter are relevant officials of state bodies whose powers and activities the tasks and functions of specific state bodies and the state in general are activated. The practice of recent years and even decades, in our opinion, has convincingly proved the impossibility of ensuring effective public administration, including control, only through legal means, even those whose content appeals to universal universal values.

CONCLUSIONS

Thus, finally, we note that the purpose of social policy is to ensure the material and spiritual well-being of citizens, achieving stability and security of life in society, the integrity and dynamism of its development. Therefore, it is extremely important to ensure social rights, as noted by leading legal practitioners and representatives of the scientific community, to work out the following areas, namely:

1. Prevention of poverty, changes in the quality of life in the direction of deterioration.
2. Creation of state, first of all legal, guarantees for prevention of natural disasters, epidemics, epizootics, technogenic catastrophes, for immediate liquidation of their consequences, help to the affected population.
3. Creation of education, health care, pension, other social issues accessible to a wide stratum of the population, taking into account the issue of security of citizens, population groups, etc.

In addition, we must keep in mind that conducting a “sound” social policy is impossible today without the following statements: it is important to emphasise that to ensure social human rights in practice it is necessary to doctrinally develop and implement the category of “social responsibility” of the state, business and other civil society institutions. Without proper rights corresponding to the rights, as well as the appropriate level of social responsibility of the relevant institutions, it is impossible to raise the question of proper social rights either in the theoretical sense or in practice. Ensuring the effectiveness of national and international control in the context of European integration implies the need for a set of organisational, legal and other measures aimed primarily at forming a comprehensively developed personality with a high level of spiritual culture in general, not just legal culture and legal awareness. After all, any control activity at the national and international levels is always implemented in specific actions and deeds of entities authorised to do so by law or international treaties. It should be borne in mind that many values of spiritual culture, despite their universal significance for humanity in general, always have a certain socio-cultural context, which affects the specifics of their perception and understanding within a society and state, and therefore, including efficiency control activity, which is manifested in the achievement of socially useful results of its implementation.

The proper quality and effectiveness of national and international control cannot be ensured by legal means alone, including the adoption of “best” or “perfect” laws, as well as relevant international treaties. After all, laws and international treaties, like any other source of law, are not a closed “thing in itself”, but are created, exist and are implemented only in connection with the perception and knowledge of the surrounding diverse reality. In this regard, social control in general includes a holistic system of interconnected and mutually agreed mechanisms for maintaining order and harmony in society through a set of social regulators, the most important, most influential and most universal of which are law and morality. At the same time, the systematic and coordinated action of law and morality, and in some societies and the relevant religious tradition, provide

the most effective influence on the relevant socially significant activities, in particular, on control in the field of public administration. This, in turn, means that in the context of modern democratic realities of building a legal, social state, in which the rule of law prevails, the moral (ethical) factor of ensuring proper quality and effectiveness of control over proper implementation and observance of social and other human rights. This necessitates special attention to the human potential of control activities, highly professional formation of which must contain an element of moral (ethical) education, through which the greatest achievement of the individual's ability to “go beyond himself” and thus, aim at their actions not only personal aspirations and desires, but also the interests of other actors.

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