

widespread position outlined in publications of I. Glovyuk and O. Balatska consists in the conclusion that access to justice cannot be applied in the process of pre-trial investigation, since the court's activity in the pre-trial stages doesn't have the justice features. Such a position is based on the interpretation of the justice notion in the "narrow" sense, that is to say, as an activity of applying substantive law and applying measures of state coercion to persons who have committed a crime. On that ground, the following distinction is made:

access to court – as the possibility of consideration and resolution on the merits of a criminal law and criminal procedural dispute by the court both at the pre-trial (access to judicial control) and judicial (access to justice) stages;

access to justice – as ensuring the possibility of considering a criminal case on its merits in the judicial stages of the criminal process.

Thus, scholars come to the conclusion that the right to access to justice is an element of the right to access to court and the right to a fair trial.

Summing all it up, it should be noted that the legislator did not completely follow the sequence and logic during formulation of Article 21 of the CPC of Ukraine, which in its turn caused disagreements among scientists when clarifying the notion of access to justice. In this regard, we offer the following solution to this issue: since, as previously established, access to justice is an element of the right to a fair trial, it is proposed to amend Article 21 of the CPC as follows:

- The title should be read as follows: "Article 21. Right to a fair trial";

- P. 2 of Art. 21 of the CPC should be excluded since, firstly, the binding nature of court decisions is established separately as a general basis for judiciary at the constitutional level, and therefore requires to be independently established in the CPC, and secondly, it is not directly related to justice, but it is rather its consequence.

## **THE IMPORTANCE OF STRICT ADHERENCE TO THE PROVISIONS OF INTERNATIONAL TREATIES IN THE APPLICATION OF NATIONAL LEGISLATION OF UKRAINE**

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The problem of such a complex term as human dignity has been around for centuries attracted great attention of mankind. The relevance of the problem of consideration of dignity personality as ethical and legal and the basis of human life and functioning state and society is obvious. Today it is quite relevant because radical changes in modern society, in particular Ukrainian. For bright ones examples do not need to go far: even the last revolution was named «Revolution of dignity».

The constitutional (positive) right to the dignity of a person enshrines respect for his dignity, as well as the prohibition of torture, cruel, inhuman or degrading treatment or punishment, the prohibition of medical, scientific or other experiments on a person without his free consent.

Ukraine, being a member of the UN and other international organizations, clearly fulfills its obligations under international treaties, including those concerning the rights and freedoms of man and citizen. This is confirmed by the fact that all the main ones have been enshrined in the Constitution of Ukraine provisions of international legal acts in the field of human rights, first of all, the Universal Declaration of Human Rights. Already in the preamble of the Constitution of Ukraine, the principle of «ensuring human rights and freedoms and decent conditions for his life» [1]. In Ukraine, dignity appears as an ethical and legal category, because as many as five articles of the Constitution of Ukraine contain references to these phenomena as fundamental provisions:

- Article 3 states that «a person, his life and health, honor and dignity, inviolability and security are recognized as the highest social value in Ukraine»;

- Article 21 emphasizes that «all people are free and equal in their dignity and rights»;

- Article 28 declares that «everyone has the right to respect for his dignity. This right cannot be limited even in the conditions of war or emergency. That is, it is a direct ban on committing the above-mentioned actions. The above constitutional norm is a reflection of the provisions of international law, namely Art. 5 of the Universal Declaration of Human Rights, Articles 7 and 10 of the International Covenant on Civil and Political Rights, Art. From the European Convention on Human Rights. No one can be subjected to torture, cruel, inhuman or degrading treatment or punishment»;

- Article 68 warns: «Everyone is obliged to be steadfast to adhere to the Constitution of Ukraine and the laws of Ukraine, not to encroach on the rights and freedoms, honor and dignity of other people»;

- in Article 105 it is emphasized that «for encroachment on the honor and dignity of the President of Ukraine, guilty persons shall be prosecuted on the basis of the law».

The norm of Part 2 of Art. 64 of the Constitution of Ukraine, according to which a person's right to respect for his dignity cannot be limited under any exceptions and conditions. It should be added that the mentioned and related articles define the humanistic spirit of the entire Constitution of Ukraine.

Normative consolidation of a person's right to respect for his dignity in The basic law of the state, according to scientists V. Volik, P. Rabinovych and M. Havronyuk, testifies to the humanistic trend in the development of the human rights institute and the growth of its self-worth.

Dignity is a multifaceted value of a person, which has deeply penetrated the content of law, is a constantly changing social phenomenon and acts as the ontological basis of human rights and freedoms and that is why experts investigate the right of a person to respect his dignity in many aspects: spiritual, historical, philosophical, legal and empirical. Dignity enables a person to assess the situation, to choose ways of achievement goal, to take into account the possible consequences of one's behavior based on the demarcation of real social relations.

Dignity is one of the intangible goods belonging to a person birth. A person with positive moral qualities becomes a value both in the eyes of other people and in

his own eyes. A person's self-awareness is based on these assessments and his identity is determined. The importance of a person increases or decreases depending on how much moral values have become rules for him, entered his inner world.

By studying the content of the principle of respect for human dignity, it is possible to note that the right to respect for human dignity is a set of norms established by law and guaranteed by the state, which give every person confidence in his social value, the opportunity to realize himself as a person, respect his own moral principles and ethical norms, insist on the respect of other people, state bodies and their officials and officials, as well as demand that any doubts about their moral qualities and ethical principles be properly substantiated.

So, based on the above, we can say that dignity is a certain amount of respect for a person, to which he has the right from birth, keeps throughout his life and even after death.

In any case, the state is obliged to ensure adequate protection of the dignity of every person. It is no coincidence that a significant number of constitutions of foreign countries enshrine the principle of human dignity in connection with popular sovereignty and the basic duties of the state. (Germany, Greece, Portugal). That is why the peculiarities of implementation and protection of the human right to respect for her dignity is a promising direction for further research in this area.

## **THE IMPLEMENTATION OF THE ETERNITY CLAUSE IN THE CONSTITUTION OF UKRAINE IN THE CONTEXT OF CONSTITUTIONAL IDENTITY**

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The Constitution, as an act of the constituent power of the people, mainly enshrines the constitutional rights and freedoms of a person and a citizen, establishes mechanisms of limitation of state power, and determines constitutional values. O. V. Hryshchuk considers the Constitution as a tool of value filling of the legal system of the state, constitutional axiologisation of legal theory and practice. She also adds that the value of the Constitution is manifested in the fact that it is a unique document that expresses the system of values and the life program of society, and state, which is general and obligatory.

Hence, the need for the protection of a certain number of values that are fundamental for a specific state and society arises. The constitutional identity of the state is called the system of constitutional values shared by society and provided by the correspondent state-legal mechanism.

Among the constitutional values, some are specially protected in comparison with other values guaranteed by the Constitution. Thus, Article 157 of the Constitution of Ukraine establishes that the Constitution of Ukraine shall not be amended if the amendments provide for the abolition or restriction of human and