ინოვაციური ეკონომიკა და მართვა

INNOVATIVE ECONOMICS AND MANAGEMENT

„სამართლიანობის» კატეგორიის ადგილი უკრაინის სამართლებრივ იდეოლოგიაში და მისი შესრულების მონიტორინგი საკანონმდებლო აქტებში

THE PLACE OF THE CATEGORY OF "JUSTICE" IN THE LEGAL IDEOLOGY OF UKRAINE AND METHODS OF MONITORING OF ITS REALIZATION IN LEGISLATIVE ACTS

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ანოტაცია. სტატიაში აღწერილია პოლიტიკური სამართლიანობის იდეის განვითარება, სამართლიანობის პრინციპის შემუშავება, მისი როლი და მნიშვნელობა კანონმდებლობის გაუმჯობესების და უკრაინის სამართლებრივი სახელმწიფოებრიობის გასაძლიერებლად. ხაზგასმულია იუსტიციის, როგორც კანონის პრინციპის საკითხები, დაზუსტებულია მისი როლი სამართალშემოქმედებაში. სამართლიანობის მოსაზრება, როგორც კატეგორიაში, რომლის დახმარებით შესაძლებელია საკანონმდებლო აქტების შეფასება, დასაბუთებულია, ნაპოვნია წინააღმდეგობები საკანონმდებლო აქტებისა და სამართლიანობის კორელაციაში. განისაზღვრება საკანონმდებლო საქმიანობის ოპტიმიზაციის გზები, სამართლებრივი მონიტორინგის საშუალებით. დადგენილია, რომ კანონისგან განსხვავებით, საკანონმდებლო აქტის გაყალბება, უზურპაცია და დისკრედიტაცია შეიძლება.

ნაჩვენებია, რომ პოლიტიკური სამართლიანობა და, შესაბამისად, საკანონმდებლო აქტის ხარისხი, ჩვეულებრივ, დამოკიდებულია მის კონცეფციაზე. მარეგულირებელი სამართლებრივი აქტების შემოწმების იურიდიულ, ენობრივ და სხვა თანამედროვე ტიპებთან ერთად, უნდა ჩატარდეს მათი კონცეფციების მონიტორინგის შემოწმება. ამრიგად, დასკვნას იღებს იურიდიული აქტის კონცეფციის ჰარმონიზაცია იურიდიული ტექნოლოგიის წესებთან, ასევე მისი მიღების მიზანშეწონილობის და ალტერნატივების ხელმისაწვდომობის შესახებ.

პოლიტიკური სამართლიანობის იდეა უშუალოდ მოქმედებს სამართლის ყველა დარგზე, რომელიც გათვალისწინებულია ნორმებში, პრინციპებსა თუ სამართლებრივ ნორმებში. სამართლიანობის თვალსაზრისით კანონების მოქმედების აუცილებელი ინდიკატორია, ძირითადად, მათი მკაცრი შესაბამისობა ადამიანის უფლებებისა და თავისუფლებების საყოველთაოდ აღიარებულ სტანდარტებთან, მათი პრიორიტეტის პრინციპით და ამ ფასეულობათა საიმედო დაცვის ამოცანასთან.

საკანონმდებლო აქტი არის კანონის წყარო, სადაც კანონი უნდა იყოს მიზეზი, ხოლო კანონი არის შედეგი, შესაბამისად, კანონი სამართლიანობის შედეგია. ამრიგად, კანონი უნდა იყოს კანონიერი, ხოლო სამართალი - სამართლიანი. კანონის სოციალური ღირებულება მდგომარეობს სამართლიან აღსრულებაში, რომელიც გამოიხატება შესაბამისი აქტის საშუალებით. კანონის უსამართლობის გამო, სამართლიანობა თავად ხდება კანონი.

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საკვანძო სიტყვები: სამართლიანობა, თავისუფლება, პასუხისმგებლობა, საკანონმდებლო აქტი, ხარისხი და ეფექტურობა, იურიდიული მონიტორინგი.

ABSTRACT. In the scientific article the development of the idea of political justice, the tendencies of the development of the principle of justice, its role and importance for the improvement of the legislation and strengthening of the legal statehood of Ukraine are revealed. Issues of justice as a principle of law are highlighted, his role in lawmaking is clarified. The idea of justice as a category, by means of which it is possible to evaluate legislative acts, is proved, the contradictory relation of legislative acts and justice is revealed. The ways of optimization of legislative activity through legal monitoring are outlined. It has been found out that unlike the law, a legislative act can be falsified, usurped and discredited.

It is shown that political justice, and therefore the quality of a legislative act, usually depends on its concept. Along with the legal, linguistic and other modern types of expert examination of normative legal acts, a monitoring expertise of their concepts should be carried out. Consequently, a conclusion is reached on the approval of the concept of a legal act with the rules of legal technology, as well as the appropriateness of its adoption and the availability of alternatives.

The idea of political justice directly affects all branches of law, being enshrined in norms-principles or legal norms. A significant indicator of the full value of laws from the standpoint of justice in many respects is their strict harmony with the generally recognized standards of human rights and freedoms, with the principle of their priority and the task of reliable protection of these values.

Legislation is the source of law, where the right must be the cause, and the law is consequence, therefore, the right is a consequence of justice. Thus, the law must be legal, and the law is fair. The social value of the right is the fair use of the law, expressed through the relevant act. As a result of the injustice of the law, justice itself becomes a law.

Key words: justice, freedom, responsibility, legislative act, quality and efficiency, legal monitoring.

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INTRODUCTION

According to the modern conception of the rule of law, the legislative act must ensure the reliable protection of human rights and freedoms, guided by the idea of justice, and also comply with the main legal and institutional principles of the organization of state power. According to the criterion of fairness, all branches and norms of law are evaluated. Democratic values such as legitimacy, humanism, justice, and as principles, work closely together and complement each other organically.

The scattering of monitoring research and public policy analysis adversely affects the process of correcting current legislation, state strategy and programs. Monitoring scientific or quasi-scientific assessments requires far greater investment than intuitive or impressionistic political assessments through the systematic use of practical knowledge and experience provided by the responsible administrative authority.

Unlike law, a legislative act can be falsified, usurped and discredited. The right is stable, unlike the law. Right is within us, not outside, and is independent of any political or legal constructs that can be deformed, usurped, and speculatively used. The law does not give rise to rights, but to the contrary, the law is, at best, a formalization of law and its generalization, and at worst a means of infringement.

By monitoring legislative acts for political justice, one can increase the legislator's accountability for the results of his or her decisions and thus promote the democratic functioning of political institutions; create a basis for a critical approach to the law and the legal system as a whole. De facto identifying the discrepancy between the legislator's goals or intentions and the results actually achieved will give impetus to the improvement of regulations.

Justice is a criterion for evaluating all political and state-legal phenomena, though, of course, it is not the only one, since socio-economic circumstances dictate their demands and limit the application of the principles of justice, and oppose them as necessary.

ANALYSIS OF RECENT RESEARCH AND PUBLICATIONS

The problem of correlation of law and justice has occupied and is now one of the leading places in the scientific research not only of jurists, but also of philosophers, sociologists, political scientists. These are the works of S. Alekseev, V. Babayev, G. Hegel, T. Hobbes, R. Iering, I. Kant, D. Kerimov, S. Montesquieu, V. Nersesjanc and other scientists.

The questions of assessing the quality and effectiveness of legislation on the criterion of justice have been developed by world science to some extent since the early stages of the existence of the state and law. It was the ideas of Plato, Aristotle, M.-T. Cicero, T. Hobbes, J.-J. Rousseau, Sh. L. Montesquieu, F. Bacon, I. Bentham on the quality of laws and rules for their writing became prerequisites for the formation of the theory of law-making technique. Thus, Aristotle held the view that an essential indicator of the quality of the law was its agreement with political justice and law [1, p. 98].

Renowned English philosopher and jurist E. Bentham is recognized as the founder of normography - the science of legislative art, as well as the principles of morality and law [2]. English politician, statesman, scientist, philosopher F. Bacon is considered one of the founders of legal technology. In the well-known work of F. Bacon's «New Organon» (1620) laid down the rules of writing fair laws [3].

A more thorough analysis of the issues of justice as an indicator of the quality and effectiveness of regulations began in the XIX-XX centuries. In the XIX century. special works on legal technology have been published in Germany (R. Iering, A. Wach), in Switzerland (K. Stokes), in France (F. Zhen), in England (K. Ilbert). These issues were also covered in the works of law theorists: R. Stammler, L. Guenter, G. Ellinek and others.

The publication «Expert Analysis of the Bill» covers the principles of development and adoption of the concept of law, entry into force, issues of expertise at the stage of drafting the bill. Author of the paper - Assistant Secretary of the Cabinet of Ministers of Canada from 1998 to 2001, expert at the Canadian School of Public Service, professor at the University of Queens, Kingston and Ontario D. Elder [4].

In the paper «Theoretical Foundations of the Study of the Effectiveness of Legal Regulation of Publicity and Its Limitation» by Polish Professor Kmieciak Z. [5] methodological foundations of the study of the effectiveness of legal regulation in the sphere of access to information and its limitation have been characterized; methodology for determining the purpose of legislative power; the concept of «effectiveness of law» is defined.

Of great interest is the work of contemporary American scholars C. Volden and A. Wiseman «Legislative Effectiveness in the US Congress: Legislators.» The authors develop metrics for the individual effectiveness of the legislator (assessing the effectiveness of legislation). The book proposes a monitoring technique for measuring legislative effectiveness, which contains 15 indicators [6]. Important from our point of view are the findings of the Human Rights Monitoring Institute [7]. The organization was founded in Lithuania in 2003, and its main goals are: to ensure continuous improvement of national legislation to protect human rights; monitoring of alternative reports in international human rights bodies; public response to human rights abuses, etc. Most of the Institute's staff have worked in several national and international human rights organizations, such as the United Nations Committee on the Rights of the Child and the National Judicial Selection Committee. A considerable number of staff members of the Institute for Human Rights Monitoring worked with experts from the Council of Europe and the OSCE. Practical recommendations on the application of legal monitoring mechanisms to improve legislation are set out in a Council of Europe document

«Practical Impact of the Council of Europe Monitoring Mechanisms on Strengthening Respect for Human Rights and the Rule of Law in Member States» [8]. The document brings together a selection of examples of measures taken by the Council of Europe in the EU Member States as a result of human rights monitoring and corruption.

Thus, law and justice have been subjected to theoretical analysis mainly in the past, as two separate, isolated phenomena. This position requires a critical reassessment. Quite often, emphasizing the limited connection between law and justice, their common features are absolutized.

AIM AND RESEARCH OBJECTIVES

The purpose of the article is to explore the development of the idea of political justice and to illustrate the tendency of the development of the principle of justice, its role and importance for improving the legislation and strengthening the legal statehood of Ukraine.

To achieve this goal, the following tasks were set:

1. To raise the issue of justice as a principle of law, to find out its role in lawmaking.
2. To substantiate the idea of justice as a category intended to evaluate legislative acts.
3. To identify contradictions between the balance of legislative acts and justice.
4. Outline ways to optimize lawmaking through legal monitoring.

PRESENTING MAIN MATERIAL

Being part of the legal culture, political justice acts as a regulator of social relations, a condition for the normal and peaceful coexistence of members of civil society.

«Fair» in political relations, according to Aristotle, is reasonable, and therefore these relations should be limited by law in all spheres of public relations, including political (power - subordination). For the first time, the philosopher distinguishes: political justice as an opportunity to unite in political communities and participate in government; legal justice, that is, special relations between free and equal members of the policy, which are included in two systems - vertical (polis-citizens - distributive justice) and horizontal (between individuals - equitable justice) [9, p. 34]. Modern Ukrainian society wants greater justice, expresses concern about the problems of legislation and honest government, feels the need to develop national self-awareness in compliance with the law.

The need to evaluate legislation on political justice is driven by the current challenges for Ukraine's regional policy and one of the goals of the EU-Ukraine association - to enhance cooperation in the area of justice, liberty and security in order to ensure the rule of law and respect for human rights and fundamental freedoms [10]. .

Law depends on law, not the other way around. The legislator can summarize some established practice and formulate the result in the form of a law. This is actually the function of the legislator. And such a law cannot contradict the right because the law is at its core. There is a «will of the legislator», some initiative of which he may offer «another right», but such an initiative should not and cannot ignore justice. For if it is ignored, then what will the court rely on? Therefore, a legislative initiative must be based on political justice, and must be accepted by society, become part of common practice, and only then will it become a «right.» And to regard the law as an instrument of violence against society (and law) in the name of protecting one's interests, this position is wrong, anti-legal [11].

The criteria of political justice depend on many factors - economic, class, national, demographic, cultural, etc. They can vary in different peoples depending on the specific historical stage, the level of development of civilization. Is the law fair? The question is complex, and a question that will always trouble the minds of philosophers, thinkers, and at the same time we can never give a definite answer. What is the difficulty in determining the correlation of these concepts? Law is a measure of the realization of freedom and at the same time a norm of political justice. Law and justice are categories of different social institutions (morality, morality and jurisprudence), so it is so difficult at times to draw parallels between them. In the case where the citizens of one country live and mutually recognize the rights and freedoms of each other, in this case, we can call this order fair, or «justice.» Justice itself is the basis of ideas, the

basis of law, expresses its essence, and special consolidation in the form of a legal act allows us to recognize both justice and the phenomenon of law as a whole [12].

Are laws always valid? The question is relevant at any time and in any state, regardless of any factors. And it is certainly clear to everyone that it is not always the case, however, the law is binding and legal in nature. Moreover, it can often be concluded that many laws, above all, have a regulatory function. It is only natural that people expect a just result from a just law as a result of its implementation. But when a fair law is applied, a fair result is not always guaranteed, the law may be misinterpreted, misinterpreted or misapplied. And in addition, there are three branches of government in the state, and at any stage of implementation, the implementation of the law may receive absolutely not the result that was initially expected. And it is all the more difficult to expect a just result when the law itself does not initially possess the signs of universal justice. The law is a manifestation of a certain will in specific historical conditions, and therefore it is impossible to speak of its absolute justice, but only in relation to a particular society. Much attention has always been paid to the possibility of the existence of an unjust law and the duty to obey it. It is a well-established opinion that even a very effective law should not exist if it is unjust. In this case it does not matter that this law is good for many by restricting the freedoms of others [12].

In the meantime, V. Nersesjanc equates law and justice with great perseverance. “Understanding justice as equality (as a universal scale and an equal measure of freedom of people) includes justice. In the context of the distinction between law and law, this means that justice enters into the notion of law that right is by definition fair, and justice is the intrinsic property and quality of law, the category and characteristic of legal rather than outside legal [13].

According to Professor E. Allott University of London, the main reason for the ineffectiveness of the legislation is related to defects in the linguistic formulation of the legal message, the imperfection of legal structures and lack of feedback. Legal systems tend to have drawbacks in each of these areas. Another reason for the ineffectiveness of legislation is the conflict between the legislature’s political goals and the nature of the society in which it intends to implement it. In many cases, legislative proposals enter into force only after they have been approved by those who will obey them [14, p. 236-237].

The most important regulator of the political system is the legal system (the totality of sources of law and jurisdictions of a particular state, and sometimes its separate parts; legal culture, legal ideology, legal science, non-state legal institutions) covers all legal phenomena and processes that occur throughout the state society.

If the targets are not set out in the legislation, they are stated during parliamentary deliberations and formulated in a cover note. Appraisers, without politically defined goals, will have to determine what to consider as the purpose of the law.

The meaning of «efficiency» refers to the degree of protection of citizens by laws and legal processes. Almost all serious legal cases are conflicts between the state and the citizen. The effectiveness of legislation depends to some extent on the compliance of citizens with legal decisions. The big problem is to persuade citizens to accept what is going on in the lawsuit. The lawsuit is about ordinary life, where people become entangled in conflict. It is often necessary to persuade people to comply with a judgment that they believe does not agree with their interests. [15]

The concept of a legislative act is a document that clearly states: the basic idea, purpose and subject of legal regulation; the number of persons covered by the NPA project; the place of future NPA in the system of current legislation; the value that the NPA will have for the legal system; a general description and evaluation of the state of legal regulation of the relevant relations, the existing deficiencies of the legal regulation and the ways of eliminating these deficiencies; socio-economic, political, legal and other consequences of the implementation of the future law.

For example, in Canada, the monitoring of legislative concepts is an integral part of the drafting process. Monitoring expertise begins with policy making and is carried out throughout the NPA development cycle. The examination is conducted by the ministries or other agencies involved in the submission of proposals, by the Ministry of Justice and other central agencies, in particular the Bureau of the Privy Council.

The main responsibility for the examination of legislative proposals rests with the ministry that initiates the bill. The costs and benefits associated with the bills, their impact on social groups and individuals, their implications for the government, etc. are evaluated. The initiating ministry, through a proper minister, must submit to the Cabinet of Ministers evidence, supported by analysis, that the adoption of the bill is the best way to achieve the political goals. All this justifies the continuation of the drafting of the bill.

The Ministry of Justice of Canada, through the provision of appropriate legal services, provides the Ministry of Initiator with advice on the legal issues underlying the proposed bill. After the Cabinet of Ministers approves the initiative, the legal services of the Ministry of Justice formulate the bill in accordance with the instructions of the Ministry of Initiator. Thus, the Ministry of Justice has the possibility of expert control over the compliance of the draft law with the legal requirements and the mandate of the Cabinet of Ministers [4, p. 18].

To harmonize the main conceptual proposals of the NPA projects on homogeneous issues, it seems very useful to develop a unified basic concept for a group of interconnected NPA projects, which will undoubtedly contribute to the construction of a modern system of law and to the interaction between its elements.

Thus, political justice, and therefore the quality of a legislative act, usually depends on its concept. Along with legal, linguistic and other modern types of NPA expertise, monitoring of their concepts should be monitored. Therefore, a conclusion is reached on the agreement of the NPA concept with the rules of legal technique, as well as on the expediency of its adoption and the availability of alternatives.

In the mind of the people, the law is not always perceived as an act that adequately reflects their real needs and political interests. Legislative actions of the legislator are sometimes carried out without a sufficiently deep, comprehensive scientific development of mature social problems, their consistent conceptualization, and sociological validity. The practice of secret drafting of regulatory decisions has not been eradicated. There has not been an elementary survey of the population in solving legal problems on a state or individual scale. There is no well-established, legally qualified procedure on this issue. All this does not increase the regulatory prestige of the NPA, does not cultivate legal feelings in society, complicates the course of political processes [16, p. 71]

The results of legal monitoring answer the question of the low efficiency of the NPA. Any sociological and legal research implies the existence of methodology, methodology, techniques and procedures. Sociological and legal research can be presented as a set of some theoretical postulates, conceptual models, methods, procedures, methods of collecting, processing and analyzing information about social and legal facts - behavior of individuals and social groups, their evaluation, judgments and opinions.

An example of the inconsistency of a draft regulatory act with a state strategy was the draft Law of Ukraine «On the Features of State Policy for Ensuring State Sovereignty of Ukraine over Temporarily Occupied Territories» (Reg. No. 7163-1 of 04.10.2017). There is no state strategy for Ukraine's exit from the armed conflict, the return of Crimea and the reintegration of the occupied territories. It is necessary to develop a strategic plan for returning territories to the legal field of Ukraine. Ukraine's international commitments to coherent foreign policy activities must be fulfilled by coordinating the actions of the legislative and executive branches of the Ukrainian authorities.

It is generally recognized that the lawmaking of public authorities is nothing more than a study of the needs and opportunities of society in the spheres subject to state-government regulation [17, p. 151].

Based on the analysis of documents, the future development of legal reality is predicted. Documentary sources are extremely diverse: from international agreements and regulations, statistics, job descriptions and organizational reports, business papers to personal correspondence, memoirs and diary entries. The above indicates that the basic, central concept of the analyzed method of gathering information is the term «document». The common meaning of the term «document» includes mainly only official texts and materials [18, p. 65].

For example, the conclusions of the leading sociological centers of Ukraine (Razumkov Center; Center for Social and Marketing Research; Kyiv International Institute of Sociology; Rating) in March 2017 regarding the attitude of Ukrainians to the EU and NATO have become the basis for the adoption of the Law of Ukraine «On Amendments to

the Law certain legislative acts of Ukraine (concerning the foreign policy of Ukraine) »(Reg. No. 6470 of 18.05.2017). According to a poll, 66.4% of respondents support Ukraine's EU membership, and 55.9% - in NATO.

At the same time, experts say, «in the absence of mechanisms and institutions focused on consolidating national consensus, nationwide identity, it is virtually impossible to ensure political stability, effective functioning of the legal system, democratic progress, and economic prosperity in Ukraine» [19].

Compromise norms are implemented for such common reasons as: optimal solution; an alternative way of solving the problem; tactical reception; a means of avoiding contradictions, etc.

A viable alternative involves the immediate resolution of the most pressing conflicts in the interests of both parties, for example, criminal relations that have become more acute. Delay in the elimination of contradictions threatens the onset of unforeseen and sometimes catastrophic consequences for the state and its citizens.

That is why the issue of enhancing the «political culture of the consensus type» and the formation of «mechanisms and institutions focused on consolidating the national consensus» is one of the main and urgent tasks of the state, which should become a matter for the whole Ukrainian people.

In addition, the process of democratization is characterized by a partial redistribution of political power, the delegation of powers to other subjects of law - citizens, public institutions and organizations; consolidation in the laws of human rights and freedoms; the abolition of anti-democratic laws and institutions of government [20].

The legal parameters of efficiency are determined by a number of factors: the historical aspect; temporary space; development of social relations in relation to the measurement of legal reality, economic development; conditions of the mechanism of legal regulation. The above list is certainly not exhaustive. You can also specify additional criteria that will be determined depending on the type of performance.

For example, in order to increase the effectiveness of legislation on family support and ensure, respect and protection of the rights of the child, the President of Ukraine submitted to the Parliament a draft Law of Ukraine «On Amendments to Some Laws of Ukraine on Strengthening Safeguards for Child Safety» (Reg. No. 3579 of 03.12 .2015). The bill proposed to amend the Law of Ukraine «On the basics of national security of Ukraine» and the Law of Ukraine «On the principles of domestic and foreign policy», recognize the protection of childhood as one of the important areas of national interests of Ukraine and expand the content of the basic principles of domestic policy in the social and humanitarian spheres.

The general theoretical criterion for evaluating the effectiveness of the NPA is broadly in the sense of ensuring, at the stage of enforcement, of those rights and freedoms that they were ultimately guided by. The most effective may be recognized as those regulatory provisions that will ensure the realization of social interests in their field of activity.

General indicators for evaluating the effectiveness of the implementation of the rule of law should be determined at the stage of planning of legal monitoring (preparatory stage). Indicators can be refined as a result of legal monitoring of the nature of specific public relations that are subject to regulation. In addition, the evaluation of the effectiveness of the rule of law should be carried out on a number of sectoral indicators that illustrate the specifics of rulemaking and enforcement activities in the evaluated area.

In conjunction with state policy, legal monitoring is a characteristic kind of applied, scientific and cognitive legal activity. In this way, legal information and the degree of adequacy of public policy are obtained and analyzed. Monitoring technique is a set of methods, techniques, tools, including methods of gathering information: peer review; legal expertise; interpretation of law; observation; questionnaire; poll; grouping; social and psychological techniques.

In order to get the highest possible indicator of effective implementation, it is necessary to harmonize the relations between the entities of implementation and political factors. Otherwise, the implantation of the law of social relations will only lead to its adaptation, rather than having a real impact on social relations. Adapted law does not have the capacity to modernize society effectively.

In order to present the position of the Cabinet of Ministers of Ukraine during the consideration of bills submitted to the Verkhovna Rada by the People's Deputies of Ukraine, the central executive bodies monitor the draft laws on issues

within their competence and analyze such projects for coordination with the principles of state policy.

The authority of the Cabinet of Ministers of Ukraine Secretariat also includes the ongoing monitoring and analysis of the results of the court cases being handled by the party or third party in which the Cabinet of Ministers of Ukraine is. The Cabinet of Ministers of Ukraine Secretariat is examining the grounds for bringing a lawsuit and systematically informs the Prime Minister about the results of control and monitoring.

In the American Guide From Rights to Remedies structures and Strategies for Implementing International Human Rights Decisions («From Rights to Remedies. Structures and Strategies for the Implementation of International Human Rights Decisions», New York, 2001) outlines ways to improve legal monitoring. Both the executive and the legislative branches, national courts are state bodies that can ensure that national laws are in line with international human rights obligations. States can maximize legal monitoring and other oversight mechanisms, that is, administrative units that monitor the enforcement of judgments. More directly, States should use additional litigation as a strategic tool to strengthen and enforce international judicial decisions [21, p. 19].

It is certainly appropriate for the Cabinet of Ministers of Ukraine to create appropriate conditions for public monitoring of the activity of executive bodies. In this regard, reports on the results of monitoring in the mass media, on the official web-site of the Cabinet of Ministers of Ukraine (Unified web portal of executive bodies) should be published, and publicity should be provided on the goals, content and mechanism of public policy implementation.

Annex No. 10 to paragraph 3 of §56 of the Cabinet of Ministers of Ukraine Regulation sets out the performance and monitoring criteria. The procedure for monitoring the implementation of the decision, the dynamics of the main indicators, the achievement of the projected results, the periodicity of the analysis of the effectiveness of the results of the implementation of the decision and the ways of their application for state policy adjustment are determined, as well as the central executive authorities that will participate in the monitoring.

According to the Cabinet of Ministers of Ukraine Regulation, the draft of the Cabinet of Ministers of Ukraine decree, as well as the draft of the Cabinet of Ministers of Ukraine decree approving the concept of implementation of state policy in the proper sphere, the concept of the state target program and the concept of law, which is subject to legal regulation in the sphere, the legal relations in which are regulated by EU law, are subject to elaboration subject to the acquis communautaire.

The draft of the Cabinet of Ministers of Ukraine ordinances, as well as the draft of the Cabinet of Ministers of Ukraine regulations approving the concept of public policy implementation in the proper field, the concept of the state target program and the concept of law affecting rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, are subject to elaboration in accordance with the provisions of the said Convention. and the practices of the European Court of Human Rights. In such a condition, the developer must first determine: violations of the rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms; provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, to which the draft act relates. Secondly, the developer must ensure that the draft of the Cabinet of Ministers of Ukraine act incorporates the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms. Third, the results of the drafting of the Cabinet of Ministers of Ukraine act are recorded by the developer in the certificate.

On December 25, 2013, Resolution No. 968C of the Cabinet of Ministers of Ukraine approved the procedure for planning and monitoring of the implementation of the Strategy of State Policy for Promoting Civil Society Development in Ukraine by the executive authorities. According to this decree, public institutions and organizations can control the implementation of the Strategy. The executive is obliged not only to publish the Action Plan for the implementation of the Strategy for a year, which is the basis for establishing a democratic community in the country, but also to provide a report on the results of monitoring its implementation [22].

This Order promotes better control by the public on the measures taken and initiated by the executive power and demonstrates the pro-European vector of development of civil society institutions in Ukraine, including in the field of

self-organization and local self-government.

Important is the motivation for self-organization and action of civil society institutions, without which the interests of public actors in political governance cannot be expressed. In addition, there is an update on the needs of civil society in improving the quality of influence on public policy, management of public affairs or the election of political leaders at any level of political power, whether local or national. The boundaries within which decisions are made are shifted.

Ukraine out of 25 recommendations made following the results of the third round of monitoring by the Council of Europe Group of States against Corruption (GRECO) and the Organization for Economic Co-operation and Development's (OECD) Istanbul Action Plan, only 14 have been partially or satisfactorily implemented. power since 27.

The success in adopting legislative changes to the anti-corruption trend was achieved not because of the noble consciousness of Ukraine's political elite, but because of pressure from international structures in the context of signing the Association Agreement with the EU. As an example, drafted by the Ministry of Justice of Ukraine and released in June 2013, the draft law on amendments to the Law on Political Parties in Ukraine (regarding financing of political parties' activities) only slightly takes into account the recommendations of the Venice Commission and the OSCE. There is no consensus within the country on the content of party finance reforms.

The annual monitoring of the implementation of the Strategy by local authorities with the involvement of public institutions and organizations is the best way to facilitate the rapid establishment of a basis for civil society development [23].

The subject of monitoring is the activity of local authorities to implement the Strategy. In particular, the document provides a comparison of the de facto compliance of the measures with regard to the planned ones. In addition, the extent to which the results of the implementation and alignment of the target programs with those initially set will be determined.

An analysis of the activities of the executive branch and proposals and comments from the public on the implementation of the Strategy is perhaps the most important aspect of monitoring. According to the Cabinet of Ministers of Ukraine Procedure, the executive authorities are obliged, on the basis of the monitoring results, to create a draft annual report and make it publicly available for discussion. After discussing and summarizing.

RESULTS AND DISCUSSION

Thus, the quality of the law is its ability to respond to social realities (economic, political and other), that is, the focus is on the content of the law. The quality of the law is manifested above all by the fact that it defines the needs and requirements of social reality. The legal form of the law is also important. Even if the law accurately translates the requirements of life, but is incomplete in form, its validity will be doubtful. That is why the quality of the law is the totality of its properties that relate to both content and form (agreement with the will of the state; economy; stability; timely updating; completeness; concreteness; democracy, etc.).

Legal monitoring is a mechanism of continuous evaluation, analysis, forecasting of the state, dynamics of legislation and practice of its application for revealing their compliance with the planned results of legal regulation. Legal monitoring is aimed at determining the degree of effectiveness of national legislation.

Involvement of civil society institutions in the main bodies for the implementation and monitoring of government policy and lawmaking in almost all EU Member States demonstrates the importance of their involvement. Such involvement should at the same time ensure the real involvement of civil society institutions in order to achieve common political goals. In order to properly assess the impact of government policy, monitoring should be carried out as a separate process. The European experience shows that it is most appropriate to entrust an independent public or private institution with the necessary qualifications (such as an audit chamber or an independent think tank) for such a complex matter.

CONCLUSION

Equity is an important criterion for the quality and effectiveness of legislation. Law is a normative justice that forms the basis of law, showing the property of its rules. The very right acts as the bearer of justice, ensures its implementation. Only the rule of law has fair laws. Legislation is an image of justice.

The idea of political justice directly affects all areas of law, being enshrined in norms or principles. An essential indicator of the validity of laws from the standpoint of justice is, in many respects, their strict compliance with generally recognized standards of human rights and freedoms, with the principle of their priority and the task of reliable protection of these values.

A legislative act is a source of law, where law must be the cause, and law is the consequence, therefore, law is the result of justice. Thus, the law must be legal and the law just. The social value of the right lies in the fair enforcement of the act. Due to the injustice of the law, justice itself becomes law.

In countries where parliamentary monitoring of the use of expert opinion and analysis of legislation is carried out, researchers are very calm about the possibility of making immediate political decisions, pointing to difficulties in cases where its results go against the flow of political interests. In particular, it is noted that its results «are often distorted, rejected or simply ignored by policy makers.» Which, apparently, does not prevent them from continuing to carry out such analysis. Such an analysis should exist locally, however, and it is accompanied by difficulties related to resource constraints.

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