

суспільства. *Держава та регіони*. Серія: Економіка та підприємництво, 2007. Вип. 1. С. 72–75.

5. Анпілогова Ж.Д. Типи соціально-трудових відносин. *Держава та регіони*. Серія: Економіка та підприємництво. 2007. Вип. 1. С. 23–26.

6. Афендікова Н.О. Особливості трудових ресурсів та розвитку ринку праці в Україні. *Держава та регіони*. Серія: Економіка та підприємництво, 2006. Вип. 4. С. 16–19.

7. Голубева Т.В. Оцінка рівня соціалізації економічних відносин на підприємстві. *Економіка розвитку*. 2005. № 1(33). С. 86–88.

8. Онікієнко В.В. Удосконалення соціально-трудових відносин як важлива умова забезпечення людського розвитку. *Демографія та соціальна економіка: науково-економічний та суспільно-політичний журнал*. Київ : ІДСД НАН України, 2004. № 1–2. С. 102–109.

9. Ястремська О.М. Інвестиційна діяльність промислових підприємств: методологічні та методичні засади. Харків : Вид-во ХНЕУ. 2004. 472 с.

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THE INFLUENCE OF THE RULE OF LAW ON THE EXERCISE OF HUMAN RIGHTS

According to the Secretary-General, the rule of law necessitates that procedural actions, the activities of institutions and basic norms be consistent with the concept of human rights, including the basic principles of equality before the law, accountability and justice in the protection and protection of rights (S / 2004 / 616, para. 6). It is impossible to ensure the rule of law in societies without the protection of human rights, and conversely, the protection of human rights cannot be ensured in societies without effective rule of law. The rule of law is a mechanism for the realization of human rights, which contributes to the implementation of the principle of human rights.

Ensuring the rule of law is an integral part of enshrining economic, social and cultural rights in national constitutions, laws and regulations. When rights are protected by law or other legal protection of such rights is provided, the rule of law, in case of non-observance of such rights or misuse of state resources, obliges to provide funds for legal aid.

The principle of the rule of law, together with the concepts of democracy and human rights (Council of Europe Statute (ETS No. 001), in particular its Preamble and Article 3), has been proclaimed as the three basic principles on which it was based. Council of Europe. Later, this concept was reflected in the

preamble of the European Convention on Human Rights and Art. 3 of the CoE Statute, which states that «All members of the Council ... recognize the rule of law» [16].

S.P. Golovaty considers that the statement in paragraph 41 of the CDL-AD Report (2011) 003 rev that the consensus on the six «unconditional components» was possible at the time of writing is a significant success in achieving the goal set by the Venice Commission. the concept of «the rule of law»: legality, legal certainty, prohibition of arbitrariness, access to justice, respect for human rights, prohibition of discrimination and equality before the law.

In order to further clarify this issue, the Venice Commission in its document «The Rule of Law» (CDL-AD (2016) 007), which is an inseparable continuation of the first – clearly stated that the applied English «law» covers not only international law, national constitutions, statutory law and bylaws, including judge made law, as norms of common law, which are binding in nature. The Convention for the Protection of Human Rights and Fundamental Freedoms, signed on behalf of Ukraine on November 9, 1995, was ratified in accordance with the Law of Ukraine of July 17, 1997 on Ratification of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, First Protocol and Protocols No. 2, 4, 7 and 11 to the Convention «, which entered into force on August 3, 1997. Thus, our state joined this defining fundamental document aimed at protecting human rights and freedoms only 50 years after its adoption. The ECHR is the only body whose purpose is to ensure the observance of the rights and freedoms enshrined in the Convention and its additional protocols. Enforcement of ECtHR decisions in Ukraine is carried out on the basis of the Law of Ukraine “On Enforcement of Decisions and Application of European

Thus, Ukrainian legislation has implemented a mechanism for implementing ECtHR decisions that contain important principles for understanding the rule of law and its further effective application. However, as practice shows, the effectiveness of the judiciary and the executive branch, reducing the level of corruption in them, as well as the level of legal awareness and political culture in the country has a significant impact on the application of such decisions in Ukraine.

To accelerate the implementation of the rule of law in the context of ECtHR decisions in domestic law enforcement practice and increase the effectiveness of these decisions in Ukraine AA Pukhtetska proposes to systematize the decisions of the European Court of Human Rights, which contain an interpretation of the rule of law. Given that in one case or decision, which refers to the concept or principle of the rule of law, there may be several signs or significant components of the rule of law according to their interpretation, formed by the case law of the ECtHR, the scientist proposes to classify them into:

1) decisions of the European Court of Human Rights, which have references to the content, legal understanding of the concept of the rule of law in the generalized sense;

2) the decision of the European Court of Human Rights, where there are requirements for the quality of the law, namely the legal restriction of the exercise of human rights and freedoms;

3) the decision of the European Court of Human Rights on various aspects of unimpeded access to court and a fair trial in the future;

4) decisions of the European Court of Human Rights, which define the limits of discretionary powers and requirements for limiting the arbitrariness of public authorities;

5) the decision of the European Court of Human Rights, which requires effective control over the exercise of human rights and fundamental freedoms guaranteed by the Convention. It should be noted that such a classification into groups is not complete and final, but allows estimates.

1. Different approaches to the definition of the Rule of Law. URL: <http://www.revision-notes.co.uk>.

2. Report on the Rule of Law: Adopted by the Venice Commission at its 86th plenary session, Venice, 25–26 March 2011. Study №512/2009. 212 p.

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ОСОБЛИВОСТІ УКЛАДАННЯ ШЛЮБУ В УКРАЇНІ ТА ОБ'ЄДНАНИХ АРАБСЬКИХ ЕМІРАТАХ

Керуючись ст. 3 Сімейного Кодексу України, можна зазначити, що сім'я створюється на підставі шлюбу, кровного споріднення, усиновлення, а також на інших підставах, не заборонених законом і таких, що не суперечать моральним засадам суспільства [10]. Не є підставою виникнення шлюбу – вінчання та інші релігійні таїнства. Зауважимо, що релігійний обряд може стати підставою виникнення шлюбних відносин за умови відсутності органів державної реєстрації актів цивільного стану. Зовсім інша ситуація склалася в країнах ЄС, а саме в Словаччині, де вінчання прирівнюється до офіційної реєстрації шлюбу у державному органі, уповноваженому на те законом. У наукових колах ширяться пропозиції, на законодавчому рівні закріпити