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PLACES OF BODIES OF JUSTICE IN THE STATE-LEGAL MECHANISM OF UKRAINE

Bodies of justice are one of the key subjects of state administration in the administrative and political sphere, especially in the context of the renewal of state legal policy, European integration processes, purification of power (lustration), etc. This requires a comprehensive administrative and legal regulation of the status of justice bodies, ensuring the coherence of their organization, rational execution of powers in accordance with the assigned tasks and productive interaction with other state bodies. That is why, within the framework of improving the status of justice bodies, the question of their place in the state-legal mechanism of Ukraine is considered urgent.

First of all, let's note that the purpose of the justice bodies and their place in the state-legal mechanism are not specifically fixed in the normative-legal regulation. At the same time, the tasks and powers of the justice bodies of Ukraine are similar in many respects, although somewhat broader than the duties of law enforcement agencies. In particular, the administrative (executive-administrative) activity of justice bodies is primarily aimed at the implementation of the tasks of the state to establish the rule of law and justice, ensuring the realization of citizens' rights. In turn, O. I. Bakirova defines the mission of the Ministry of Justice of Ukraine as ensuring the democratic development of society "with the aim of strengthening human rights and freedoms through the introduction of the principle of the rule of law in the justice system" [1]. However, the given understanding of the mission (appointment) of justice bodies appears insufficiently verified and meaningful. So, instead of referring to the "democratic development of society", it would be more appropriate to talk about the direction of the activities of justice bodies on the development of a European democratic, social, legal state, as well as on ensuring the rule of law and the rights of citizens not only "in the justice system" (justice), but and in other areas, for example, through the implementation of state legal policy.

The Ministry of Justice of Ukraine, having the status of a ministry, unlike other central bodies of executive power, ensures not only the implementation, but also the formation of the relevant state policy. First of all, we are talking about state legal policy, which, according to N. A. Zheleznyak, represents certain principles, strategic directions and methods of creating and implementing legal norms, a means of legal legitimation, consolidation and implementation of a political course state [2, p. 29, 34].

However, one cannot agree with I. I. Mykulets [3, pp. 26–27], that the purpose of the creation and operation of the justice bodies of Ukraine is reduced only to the implementation of state legal policy, since the Ministry of Justice of Ukraine directly and through territorial bodies subordinate to it, the Ministry of Justice ensures the formation and implementation of state policy in other important areas, namely state policy on bankruptcy issues, in the field of notary, organization of enforcement of decisions of courts and other bodies (officials), state registration of acts of civil status, state registration of property rights to immovable property and their encumbrances, state registration of encumbrances on movable property, state registration of legal entities, public formations that do not have the status of a legal entity and natural persons – entrepreneurs, registration of the statute of the territorial community of Kyiv, registration of the statutes of the National Academy of Sciences and national sectoral academies of sciences, state registration of printed mass media and information agencies as subjects of information activity, in the field of execution of criminal punishments and probation, in matters of keeping prisoners of war, in the field of legal education of the population, ensuring the formation of state policy in the field of archival affairs and record keeping, and the creation and functioning of systems documentation of the state insurance fund. [4; 5] etc.

It should be clarified here that the formation and implementation of the state legal policy by the justice bodies of Ukraine is aimed not only at the "protection of the rights and freedoms of a person and a citizen" (according to N. A. Zheleznyak [2, p. 29, 34]), and in general for their guarantee, approval, implementation, protection and protection, as well as for the provision of public and state interests.

The implementation of state policy is aimed at ensuring the rights and legitimate interests of both citizens and legal entities, while not only directly guaranteed by the Constitution of Ukraine (as noted by V. S. Hoshovskyi [6, p. 83]), and any others.

In a broader sense, legal and other state policy, in the well-founded opinion of P. M. Cherepiy [7, p. 112] also aims to contribute to the achievement of civil harmony in society, maintaining law and order, solving

social problems by legal means, the connection between the individual, society and the state.

The definition in the draft law dated February 11, 2003 is considered quite complete. No. 2152 [8] on the orientation of the Ministry of Justice of Ukraine's activities to "the implementation of state legal policy, approval of the democratic foundations of the development of society, the rule of law, the principles of justice and humanism, the protection of human rights and freedoms, the formation of a civil society". At the same time, the given wording is also not perfect, in particular, it does not cover the orientation of the Ministry of Justice of Ukraine and its bodies to the aforementioned formation of legal and other state policies, guaranteeing and ensuring the realization of the rights of citizens and legal entities, the establishment of the rule of law, etc.

In addition to the purpose of activity, the special importance of justice bodies in the state-legal mechanism is determined primarily by their legal status and characteristics as state bodies (bodies of state power) and executive power bodies that carry out state management (executive-administrative powers) in the sphere of justice and in other related spheres. The system of justice bodies in Ukraine and other countries, along with the systems of internal affairs bodies and foreign affairs bodies, constitutes the indispensable basis of the executive power and the state mechanism as a whole.

The main (leading) body of the system of justice bodies of Ukraine is the Ministry of Justice of Ukraine, which according to Part 1 of the Regulation dated July 2, 2014 [4] has the status of the main (leading) body in the system of central bodies of executive power on issues such as implementation, as well as ensuring the formation of appropriate state legal policy. Also, according to the Resolution of the Cabinet of Ministers of Ukraine dated 10.09.2014 No. 442 [9], the Minister of Justice of Ukraine directs and coordinates the activities of such central bodies of executive power as the State Archives Service of Ukraine, the State Criminal Enforcement Service of Ukraine and Interregional Departments of the Ministry of Justice of Ukraine, being functional – an organizational continuation of the Ministry of Justice of Ukraine, being organized and directed by it, are the leading bodies of executive power at the local level in matters of implementation of the relevant state legal policy.

The specific position of the justice bodies of Ukraine in the state mechanism of N. A. Zheleznyak also sees in their functional and supra-sectoral (and not sectoral as in other ministries) competence [2, p. 66, 89]. Part of the powers of justice bodies, in particular in terms of organizing the work of the notary and expert provision of justice, primarily reflect the branch nature of their competence. However, the authority to implement

state legal policy, state registration of normative legal acts of state bodies, etc. really allow us to consider the bodies of justice precisely as bodies of functional competence. In other words, the bodies of justice carry out not only highly specialized powers, but also a complex of measures different in nature, content and form in various spheres, which in aggregate is aimed at the fulfillment of complex and responsible tasks of the bodies of justice.

Thus, the direct goal of the activity of the justice bodies of Ukraine is the formation and implementation of state legal policy, state policy on bankruptcy, in the field of notary, organization of enforcement of decisions of courts and other bodies (officials), state registration of acts of civil status, state registration of property rights on immovable property and their encumbrances, state registration of movable property encumbrances, state registration of legal entities, public formations that do not have the status of a legal entity and individual entrepreneurs, registration of the charter of the territorial community of Kyiv, registration of the charters of the National Academy of Sciences and national branch academies of sciences, state registration of print media and information agencies as subjects of information activity, in the field of execution of criminal sentences and probation, in the field of detention of prisoners of war, in the field of legal education of the population, in the field of archives and records management. The place of justice bodies in the state legal mechanism is determined by the fact that they are subjects of state administration in the administrative and political sphere, constitute an integral and separate subsystem of executive bodies responsible for the implementation and ensuring the formation of legal and other state policies.

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ПЕРШИЙ ПРЕЗИДЕНТ УКРАЇНСЬКОЇ АКАДЕМІЇ НАУК

13 листопада 1918 р., тобто за день до затвердження закону про заснування Української академії наук, Рада Міністрів прийняла постанову, згідно з якою в розпорядження Міністерства народної освіти та мистецтва для УАН та її установ на період з 1 листопада 1918 р. до 1 січня 1919 р. було виділено 869 216 крб. 69 коп. Таким чином, створено умови для реалізації детально опрацьованої концепції заснування Академії наук у Києві. 27 листопада 1918 р. о 18 годині в приміщенні Українського наукового товариства по вул. Велика Підвальна, 36 (нині Ярославів Вал, 36) відбулося перше Спільне зібрання УАН. Тепер цю дату відзначають в Україні як день