

The main directions of modernisation of constitutional and legal responsibility in Ukraine

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Abstract: *The article is dedicated to the latest forms and types of constitutional liability in Ukraine. The main focus is pointed to such forms and types as lustration, decommunization and decentralization of authorities and local self-government.*

The research methods are based on the results of scientific studies of Ukrainian and foreign scientists on the problems of constitutional responsibility in Ukraine and the world. To justify the fullness and reliability of obtained results, the authors used the method of dialectics, regulatory-dogmatic, system-structural, system-functional methods, as well as method of generalization.

According to the authors, the mechanism of constitutional liability implies, on the one hand, an even distribution of positive responsibility between the central state authorities and local authorities and self-government, and on the other hand, it implies their negative liability in the event of going beyond their autonomous powers. Moreover, in order to ensure the mutual accountability of the Parliament and the Government, they have both established the possibility of mutual application of influential measures (the possibility of dissolution of Parliament and the resignation of the Government).

Keywords: *responsibility, social responsibility, legal responsibility, constitutional liability, lustration, decommunization, decentralization.*

I. Introduction

The change of the state-political policy in Ukraine towards the European integration and the course towards NATO also led to corresponding transformations in the institution of constitutional and legal responsibility of state bodies of Ukraine and local self-government authorities. This means a fundamental repositioning of the entire legal system of Ukraine to the human and legal values, that are upheld and implemented by the European Union. In this regard, the Concept of the Transformation Strategy of Ukraine states that EU membership is a strategic goal and

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priority of Ukraine's government policy. Intentions to gain membership are linked to the pursuit of major national security, economic, social, cultural, educational and other goals. The process of European integration of Ukraine is supported by the main political forces and economic circles. It also found that the European transformation of Ukraine will help expedite economic growth, modernize the economy and the legal system, reduce the technological and, broadly speaking,

Concerning, in the context of the recent Ukrainian state-making and law-making trends, as well as taking into account the emergence of new forms and types of constitutional-legal responsibility, there is a need for their further scientific research. That is why the entity of our scientific search will be:

- a) understanding of the essence of constitutional and legal responsibility in the context of its interrelation with the concepts of "responsibility", "social responsibility", and "legal responsibility";
- b) legal regulation of lustration as a new form of constitutional and legal responsibility in Ukraine;
- c) decommunization as a special preventive form of constitutional liability;
- d) constitutional mutual responsibility of local self-government bodies and state authorities in the field of decentralisation of local self-government in Ukraine.

II. Research materials and methods

A number of philosophical, general scientific and legal research methods were used to cover this problem. The dialectic method was used to study the contradictions in the current legislation of Ukraine on constitutional mutual responsibility of local governments and state authorities in the field of decentralisation of local self-government in Ukraine. The regulatory-dogmatic method was used in the research of the content of the latest legislation on lustration, decommunization and decentralisation of power. To study the system of measures applied towards lustration of state authority officials of Ukraine, the system-structural method was used. This is especially true of central government authorities that operated until 2014.

The system-functional research method made it possible to examine the reforms in the system of mutual responsibility of local self-government bodies and state authorities in carrying out the decentralisation of the Ukrainian authorities.

It had been summarised three main aspects of the problem of improving the legislative regulation of constitutional liability in Ukraine:

- a) structuring of constitutional liability in the field of lustration and post-illustrative monitoring;
- b) systematisation of legal regulations that determine the basic principles of responsibility in the sphere of decommunization;
- c) defining the ways of overcoming the contradictions in the legislation of Ukraine in the sphere of decentralisation and municipal reform.

III. Results and discussion

There are a number of approaches for understanding the nature and content of constitutional responsibility in the domestic legal and constitutional law. This can effectively contribute to the task and the proper performance of the responsibilities of the above-mentioned entities. Hence, the problem of correct understanding of the essence of

constitutional and legal responsibility, as well as the improvement of the practical mechanism of its application is not only of scientific and theoretical, but also an important practical and applied value.

At the same time, approaches of the legal science to the understanding of the genesis and nature of constitutional responsibility have not sufficiently covered the question of the organic and objectively existing relationship of the concept of “constitutional and legal responsibility”, as well as the concepts of “responsibility”, “social responsibility”, “legal responsibility”, which requires additional scientific research.

The following research should begin with the most general category of “responsibility”. It should be noted the reference and encyclopedic literature interpreters the general concept of “responsibility” as being assigned to someone or assuming the responsibility of being responsible for a particular area of work, business, actions, words.

Analysis of this definition shows that the general concept of “responsibility” is characterised by the following features:

- a) expressing in the form of a certain duty to be responsible for a particular area of work, business, actions, words;
- b) the duty for expressing responsibility may be assigned to someone by the responsible entity (imperative aspect) or by that entity on its own (dispositive aspect);
- c) this concept applies to both the social sphere (human-human or human-society interaction) and the natural or technical sphere (human-nature interaction, human-engineering, human-means of production);
- d) means of ensuring the most general notion of “responsibility”, both social and technical, in all its varieties and forms.

The general concept of “responsibility” in the sphere of social relations is embodied through the generic concept of "social responsibility" as a specific form of social interaction between society and the individual, as well as between the individuals themselves who are subject to social regulations.

Zaichuk and Onishchenko believe that social responsibility is a generic concept in terms of its varieties. The most essential features and attributes that are peculiar for social responsibility inherent in its individual varieties.

Taking into account the relation with the general concept of “responsibility”, the following feature are characteristic of social responsibility in our opinion:

- a) genetic trait, which is manifested in the fact that social responsibility is determined by the general concept of responsibility and as a form of the general concept of responsibility in social relations (through the interaction of “human – human” or “human – society”);
- b) orientation trait: manifests itself in the fact that social responsibility is generated in the form of a social obligation of obliged social entities to perform certain actions or refrain from certain actions for the benefit of authorised social;
- c) evaluation trait: social responsibility is also expressed in the assessment of the fulfillment of the social obligation; it is a criterion for the quality of its fulfillment by obliged social entity;
- d) regulatory trait: social responsibility is regulated by social (including legal) regulations.

Further, social responsibility is embodied and transformed into the legal regulation of social relations by means of a category called legal responsibility. Their correlation requires further investigation.

On our opinion, the implementation of social responsibility in legal regulations, highlighting such a variety of social responsibility as legal (or legal) responsibility on this basis, makes it possible to argue that in relation to the general concept of “responsibility” and the generic concept of “social responsibility” such a category as “legal liability” is a specific concept.

With that being said, the following features of legal responsibility can be distinguished as a specific concept of:

- a) social responsibility, which aims at streamlining social relations through legal means and is embodied in legal rules;
- b) it can be ensured by persuasion, encouragement and coercion;
- c) the initiator of this type of social responsibility is the state and state authorities;
- d) it acted as a positive responsibility, which is expressed in the conscious attitude of the entities to their duties and stimulation or in the form of negative responsibility, expressed in the measures of the state coercion for the violation.

The direct concept is “constitutional and legal responsibility”, which includes both features common to the concepts of “responsibility”, “social responsibility” and “legal responsibility”, as well as their own specific features.

It can be assumed, that constitutional liability shouldn't be considered purely as a form of legal liability. At first, such an interpretation narrows the responsibility of the entities of constitutional relations only to the responsibility before the state and other entities of constitutional relations and does not take into account other social entities on behalf of which the entities of constitutional relations ensure the management of public affairs.

Secondly, constitutional liability is characterised by the features of social responsibility (responsibility not only to the state but also to society as an entity of social relations). Therefore, it is proposed to consider constitutional and legal responsibility as a kind of social-legal rather than purely legal responsibility.

The fourth area of legal science, in some cases, justifies the possibility of combining perspective and retrospective responsibility, and in other cases, the existence of only retrospective (negative) responsibility. The representative of such a scientific position is Chervyatsova, according to her, in some cases constitutional responsibility has a positive retrospective character, while in other cases it acts exclusively in retrospective aspect.

There are separate approaches based not only on the criteria of identifying positive or negative aspects of constitutional liability, but also on its criteria. In particular, Tkachenko defined constitutional liability as an independent type of legal liability, the legal bases of which are specified in the Constitution and the Ukrainian constitutional laws, which essence consists in the entity's suffering for the constitutional offence of adverse consequences stipulated by the constitutional legislation. The definition highlights constitutional liability as an independent form of legal responsibility in the first place; and then on its adherence solely to the regulations of the Constitution of Ukraine and constitutional laws.

Therefore, based on the relationship of constitutional liability with the categories of “legal responsibility”, “social responsibility” and “responsibility”, as well as taking into account the available scientific approaches to understanding constitutional liability, it is possible to distinguish the following features:

- a) it is a type of social-legal, not solely legal responsibility;
- b) defined in the constitutional-legal regulations (regulations of the Constitution and constitutional laws of Ukraine;
- c) belongs to the institutions of public law;
- d) has a systemic character (defines the general principles of legal responsibility for violation of the legislation of Ukraine for other types of legal liability at the constitutional level);
- e) carries political nature (applies to those entities of constitutional relations who are both political entities and exercise political power);
- f) acts both in the form of positive (prospective) and in the form of negative (retrospective) responsibility;
- g) has special grounds of application (for positive (prospective) liability: the legal fact of acquisition of a special constitutional status, whereas for negative (retrospective) liability it carries the legal fact of a constitutional tort).

Thus, constitutional liability is a form of social and legal responsibility defined by constitutional regulations, which ensures proper fulfillment by the entities of state and political relations of their duties in connection with their acquisition of special constitutional status and the exercise of political power, and also establishes negative consequences in the form of constitutional and legal sanctions in case of their constitutional tort.

Despite the stability of the constitutional-legal responsibility structure itself, at the present stage of reforming state-political institutions there is a special need to revise and further reorganise its mechanism in Ukraine.

It should be mentioned that the basics for revising this mechanism have already been established through the so-called institute of lustration (Government cleansing). In particular, the Law of Ukraine “On Government Cleansing (Lustration Law)” was adopted on September 16, 2014.

This regulation act identifies two main categories of entities that may not be allowed to occupy public office for a specified period, as well as a list of positions whose candidates for employment are subject to a lustration check as a special preventive form of constitutional liability.

According to the Law of Ukraine “On Government Cleansing”, measures for the purification of power (lustration) imply for the following positions:

- a) Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, Vice Prime Minister of Ukraine, as well as the Minister, heads of the central executive bodies, who are not members of the Cabinet of Ministers of Ukraine, the Head of the National Bank of Ukraine, the Chairmen of the Antimonopoly Committee of Ukraine, the Chairman of the State Property Fund of Ukraine, the Chairman of the State Committee for Television and Radio Broadcasting of Ukraine, their first deputies, deputies;

b) the Prosecutor General, the Head of the Security Service of Ukraine, the Head of the Foreign Intelligence Service of Ukraine, the Head of the State Security Service of Ukraine, the Head of the central executive body responsible for the formation and implementation of the state tax and/or customs policy, the Head of the tax police, the Head of the central executive body, who ensures the formation and implementation of state policy in the field of civil protection, their first deputies, deputies;

c) the military officials of the Armed Forces of Ukraine and others in accordance with the laws of military formations, except servicemen doing compulsory military service and servicemen doing military service upon mobilisation;

d) the members of the High Council of Justice, members of the High Qualification Commission of Judges of Ukraine, judges, the Head of the State Judicial Administration of Ukraine, its first deputies, deputies;

e) the heads of Administration of the President of Ukraine, Head of the State Administration of Affairs, Head of the Secretariat of the Cabinet of Ministers of Ukraine, Government Commissioner for Anti-Corruption Policy, their first deputies, deputies;

f) the heads of the internal affairs, the central executive body implementing the state policy in the sphere of criminal penalties, the State Service for Special Communications and Information Protection of Ukraine, the central executive body providing the formation and implementation of the state tax and/or customs policy, the tax police, the central body of executive power that ensures the formation and implementation of state policy in the field of civil protection;

g) the officials and officers of the Prosecutor's Office of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Security Service of Ukraine, the National Bank of Ukraine;

h) the members of the Central Election Commission, the National Council for Television and Radio Broadcasting, chairmen and members of national commissions exercising state regulation of natural monopolies, state regulation in the fields of communications and information, securities markets and financial services;

i) the heads of state, including state-owned, enterprises of the defence-industrial complex, as well as state-owned enterprises belonging to the sphere of administration of the entity providing administrative services;

j) other officials and officers (except elected positions) of state authorities, bodies of local self-government;

k) persons applying for all the above positions (Judicial Practice, 2015).

The said Law allocates a number of entities of negative constitutional and legal responsibility in the form of prohibition of their access to power and administrative activity for a term of not less than ten years to the number of persons who occupied the position(s) for at least 1 year in the period from 25 February 2010 to February 22, 2014 (when Viktor Yanukovich was the President of Ukraine – ed.), in particular:

a) the President of Ukraine, the Prime Minister of Ukraine, the First Vice Prime Minister of Ukraine, the Vice Prime Minister of Ukraine;

b) the Minister, the Head of the Central Executive Body, which is not part of the Cabinet of Ministers of Ukraine, the Chairman of the National Bank of Ukraine, the Chairman of the Antimonopoly Committee of Ukraine,

the Chairman of the State Property Fund of Ukraine, the Chairman of the State Committee for Television and Radio Broadcasting of Ukraine, securities markets and financial services;

c) The Prosecutor General of Ukraine, the Head of the Security Service of Ukraine, the Head of the Foreign Intelligence Service of Ukraine, the Head of the State Security Service of Ukraine, the Deputy Minister of Internal Affairs of Ukraine;

d) the Secretary of the National Security and Defence Council of Ukraine, their first deputies;

e) the Heads of Administration of the President of Ukraine, the Head of the State Administration of Affairs, the Head of the Secretariat of the Cabinet of Ministers of Ukraine, the Government Commissioner for Anti-Corruption Policy, their first deputies, deputies;

f) the Member of the High Council of Justice (except the Chairman of the Supreme Court of Ukraine), the Member of the High Qualifications Commission of Judges of Ukraine, the Chairman of the State Judicial Administration of Ukraine, their first deputies, deputies;

g) the Head and the Deputy Head of the Independent Structural Division of the Central Body (Apparatus) of the Prosecutor General's Office of Ukraine;

h) the Head and the Deputy Head of the territorial (regional) body of the Prosecutor's Office of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine;

i) the Heads of the Council of Ministers of the Autonomous Republic of Crimea, the Chairman of the regional, Kyiv or Sevastopol city State Administration;

j) the Chief of General Staff – Commander-in-Chief of the Armed Forces of Ukraine, the Commander of the Land Forces of the Armed Forces of Ukraine, the Commander of the Air Force of the Armed Forces of Ukraine, the Commander of the Naval Forces of the Armed Forces of Ukraine.

Moreover, according to Part 4 of Art. 3 of the Law of Ukraine "On Government Cleansing", the constitutional liability in the form of a prohibition on access to public office for a term of at least ten years also implies to persons who previously held executive positions in the party and state bodies of the USSR and the Ukrainian Soviet Socialist Republic, in particular, those:

a) who were elected and held positions of leadership of the Communist Party of the Soviet Union, the Communist Party of Ukraine, the Communist Party of the other Soviet Union of the former USSR, from the position of secretary of the district committee and above;

b) who were elected and held senior management positions from the secretary of the Central Committee of Leninist Young Communist League of Ukraine and above;

c) who were full-time employees or unofficial agents in the KGB of the USSR, the KGB of the Ukrainian Soviet Socialist Republic, the KGB of other Soviet republics of the former USSR, the Chief Intelligence Directorate of the USSR Defence Ministry, graduated from higher educational establishments of the KGB of the USSR (except for technical specialties).

The Law “On Government Cleansing” also involves a negative constitutional liability in the form of a prohibition or restriction of access to government and public office up to five years, which may be applied to the following entities:

a) to officials and officers of state and local self-government bodies (who held the relevant position from February 25, 2010 to February 22, 2014, by their decision, act or omission established by the court decision, which came into force, undertook measures aimed at usurpation of power by the President of Ukraine Viktor Yanukovich, undermining the foundations of national security, defence or territorial integrity of Ukraine, which resulted in violation of human rights and freedoms;

b) to officials and officers of state and local self-government bodies, including judges, law-enforcement officials, prosecutors' offices of Ukraine and other law enforcement agencies, which by their decisions, actions or omissions established by a court decision, which has entered into force, undertook measures aimed at preventing the implementation of the constitutional right of Ukrainian citizens to assemble peacefully and hold meetings, marches and demonstrations or aimed at harming life, health, and property of individuals in the period from 21 November 2013 to 22 February 2014;

c) to officials and officers of state and local self-government bodies, including judges, law-enforcement officers, prosecutors and other law enforcement agencies, in respect of which a court decision has entered into force reporting that they: cooperated with the secret services of other states as secret informants in prompt receipt of information; called for a public violation of the territorial integrity and sovereignty of Ukraine; stirred up ethnic hatred; their unlawful decisions, acts or omissions led to violations of human rights and fundamental freedoms recognised by the decision of the European Court of Human Rights.

Materynko believes that the Law of Ukraine “On Government Cleansing” implies two types of responsibility: political, which is carried out under a specific lustration procedure, and legal (constitutional-legal): for persons who have agreed to conduct inspections to establish the fact of constitutional and legal tort.

There is another opinion reported by Martselyak, Pohorets'kyi, Pryluts'kyi regarding the legal nature of lustration as a form of constitutional, legal and political responsibility. They explained how, in the current legal sense, the term lustration means of political and legal measures aimed for eliminating the consequences of a regime that is hostile to individuals and people. It occurs when the political system of society is completely changed.

Moreover, as Martselyak, Pohorets'kyi, Pryluts'kyi report, the Law of Ukraine “On Government Cleansing” implies complex (mixed) constitutional and political responsibility that can be applied simultaneously with other types of legal liability, for example, criminal.

We don't support Materynko's point of view that lustration is a form of political responsibility rather than a constitutional legal. Based on the position of Martselyak, Pohorets'kyi, Pryluts'kyi, we believe that lustration is a form of constitutional and legal liability that may be of preliminary importance for the application of other types of legal liability (including administrative or criminal).

Another legal act aimed at establishing the principles of constitutional responsibility is the Law of Ukraine “On Condemning Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibiting the Propaganda of Their Symbolism” of April 09, 2015.

Unlike other legislative acts that define the responsibility of public authorities, this Law aims at establishing the constitutional-legal and other legal responsibility of political parties, other citizen groups for the propaganda of communist and national socialist (Nazi) totalitarian regimes and their symbolism.

In this case, these restrictions are set forth under Art. 3 of the Law of Ukraine “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbolism”. These restrictions can be organised into the following elements:

a) the general principles of constitutional liability in the field of decommunization and the prohibition of Nazism. According to Part 1 of Art. 3 of the mentioned Law, the propaganda of the communist and/or national-socialist (Nazi) totalitarian regimes and their symbolism is recognised as an insult to the memory of millions of victims of the communist totalitarian regime, the national-socialist (Nazi) totalitarian regime, and restriction by the Law;

b) the establishment of constitutional legal responsibility in this field in the form of refusal to legalise the newly created or termination of the activity of existing entities of social-political and other social activity. According to Part 2 of Art. 3 of the Law of Ukraine “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbolism.” propaganda of communist and/or national-socialist (Nazi) totalitarian regimes and their symbolism by legal entity, political party, other citizens groups, print media and /or use of communist and/or national-socialist totalitarian regimes in the name of symbolism are grounds for refusal of registration and/or termination of activity of a legal entity, political party, other citizen groups, as well as grounds for refusal of registration and/or termination of printed media;

c) the procedure of judicial inquiry of the activity termination of entities that violate the requirements of the Law of Ukraine “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbolism.” According to Part 3 of Art. 3 of the mentioned Law, in case of breaking the requirements of this law by legal entities, political parties, other associations of citizens, and printed media, their activity/issue shall be terminated by a court upon the claim of the central executive body implementing the state policy on state registration, legal entities, registration (legalisation) of citizen groups, public unions, other public formations, or other authorised body of state power;

d) the procedure for the activity termination of these entities in the administrative proceedings. In particular, under Part 4 of Art. 3 of the investigated Law, the decision on the non-compliance of activity, name and/or symbolism of a legal entity, political party, other citizen groups is made by the requirements of this Law by the central executive body implementing the state policy on state registration of legal entities, registration (legalisation) of citizen groups, public unions, other public formations, in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

e) the constitutional and legal responsibility of entities that violate the requirements of the Law of Ukraine “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbolism” in the form of a prohibition on participating in the electoral process. According to Part 5 of Art. 3 of this Law, political parties, regional, city, district organisations or other structural entities stipulated by the statute of a political party, upon which the central body of executive power, which implements the state policy on state registration of legal entities, registration (legalisation) of citizen groups, public unions, other public formations, made in accordance with the procedure determined by the Cabinet of Ministers of Ukraine on the

non-compliance of their activity, name and/or symbolism to the requirements of this Law, may not be involved in the electoral process.

It should be mentioned that the prohibition for these entities to be involved in the electoral process is also legally bound in Part 2 of Art. 12 of the Law of Ukraine “On local elections” of July 14, 2015, under which the local organisation of a party, under which the central body of the executive power, which implements state policy on state registration of legal entities, registration of citizen groups, public unions, other public formations, in accordance with the procedure determined by the Cabinet of Ministers of Ukraine, the decision on the non-compliance of its or its entire party activity, the name and/or symbolism of the requirements of the Law of Ukraine “On Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Propaganda of Their Symbolism”.

Another area of constitutional and legal responsibility that is under development is the positive responsibility in the field of cooperation of communities, which is conditioned by the modern municipal reform. It should be mentioned that the positive responsibility of local governments is reflected in the municipal offer for cooperation and in the municipal acceptance for cooperation. According to Art. 6 of the Law of Ukraine “On Cooperation of Communities”, the village, settlement, and city mayor who represents the community, sends a proposal to start negotiations on the cooperation to village, settlement, city mayors representing the respective communities, i.e. potential cooperation entities and provides for the formation of a committee consisting of representatives of the respective communities (municipal offer – ed.).

On the other hand, the village, settlement, city mayor, upon the decision of the village, settlement, city council, provides assessment of the executive bodies of the village, settlement, city council on compliance with the needs of the community within 60 days from the date of receipt of the proposal for the beginning of negotiations on the cooperation.

The state also undertakes a positive constitutional and legal responsibility in the field of stimulating such cooperation. According to Art. 15 of the mentioned Law, the state promotion of cooperation is carried out by:

- a) granting subsidies to local budgets of the cooperation entities in priority areas of state policy;
- b) transfer of state-owned objects into communal property of the cooperation entities;
- c) methodological, organisational and other support to the cooperation activities.

The state encourages cooperation if:

- a) it increases the capacity of the cooperation entities to ensure the exercise of the powers defined by law;
- b) additional resources, including financial resources, are involved in the cooperation;
- c) cooperation is carried out by more than three cooperation entities;
- d) wide public participation is ensured in the implementation of cooperation.

A similar legal mechanism of positive responsibility for the development of a territorial community is also established in the area of voluntary association of territorial communities. According to Art. 5 of the Law of Ukraine

“On Voluntary Association of Communities”, the initiators (municipal offerors – ed.) of voluntary association of territorial communities in villages, settlements, cities may be:

- a) village, settlement, city mayor;
- b) not less than one third of deputies from the overall staffing of village, settlement, city council;
- c) members of the territorial community in the local initiative;
- d) bodies of public self-organisation of the respective territory (provided that at least one third of the members of the respective territorial community represent their interests).

At the same time, the offer to initiate the voluntary association of territorial communities must have the following:

- a) a list of joint territorial communities, indicating the respective settlements;
- b) determination of the administrative centre of the joint territorial community and its name.

Following the conciliation procedures, a municipal acceptance comes in the form of a decision on the voluntary association of territorial communities, which must contain:

- a) a list of joint territorial communities, indicating the respective settlements;
- b) identification of the administrative centre of the joint territorial community and its name;
- c) a plan of organisational measures for voluntary association of territorial communities.

IV. Conclusion

Therefore, according to the results of the research, we came up with the following conclusions:

1. The mechanism of constitutional legal responsibility implies, on the one hand, an even distribution of positive responsibility between central state authorities and local authorities and self-government, and on the other hand, implies their negative responsibility in the event of going beyond their independent responsibilities if this threatens the fundamental statehood principles. Moreover, in order to ensure the mutual accountability of the Parliament and the Government, they have both established the possibility of mutual application of influential measures (the possibility of dissolution of Parliament and the resignation of the Government).

2. As for the dynamics of constitutional liability in Ukraine, it currently has the following trends:

a) the reinforcement of negative responsibility mechanism (in terms of introduction and further implementation of the mechanism of lustration (purification of power) at the state level, as well as in the context of decommunization at the state level, and non-governmental organisations: political parties, other citizen groups, which may be manifested in limiting their participation in the electoral process);

b) the scope of positive constitutional and legal responsibility is expanding due to the formation of new entities of state-power and state-political relations, which will be united by the joint territorial communities. In addition, the positive constitutional and legal responsibility of the state in promoting voluntary association and cooperation of territorial communities is also expanding in this area.

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