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THE THEORETICAL BASIS OF THE PRINCIPLE OF LEGAL CERTAINTY

Principle of legal certainty is a general principle of law. It takes origin from the Ancient Greece and Rome. Legal certainty in the theoretical aspect is a set of requirements for the organization and functioning of the legal system in order to ensure a stable personal legal status by improving the process of law-making and enforcement. It is a generally recognized democratic value that is part of European common heritage. European Court of Human Right is having great influence on the legal certainty formation. Ukraine is on the process of reforming its legislation according European standards. Legal certainty principle has formal and structural requirements. Formal requirements sub-

stance is that specific restrictions on rights must be provided for a specific legal act, it must be public and officially recognized. Structural requirements are: clear formulation of norms, generality of the law, predictable policy and legitimate public interest, clear division of powers and responsibilities and the uniqueness and predictability of enforcement that implies restrictions. Therefore, Ukraine had done a great step for legal certainty implementation. Ukrainian legislator and judiciary have a number of positive effects of legal certainty practical usage. The main role in this sphere plays Constitutional Court of Ukraine that permanently practically uses principle of legal certainty.