

*Razmetaeva Yu.S.,  
Candidate of Law Sciences,  
Assistant Lecturer of theory and history of state and law,  
National Law University named after Yaroslav the Wise*

## THE RIGHT TO RESIST: BASIC THEORETICAL ASPECTS

Revitalization of the socio-political processes and global changes in some countries for a short period of time requires appeal to such controversial issues as the resistance of the public authorities, civil protests, disobedience and rebellion. Complexity study these issues are enhanced by the fact that they are located at the intersection of legal, moral and political themes, and have special social exigencies.

The modern interpretation of the right to resist reflects the tendencies to appeal the right of peoples, in particular, the right to self-determination, distinguishing national and international understanding and underscores the special nature of such right. Should also done distinguish between two levels of research of right to resist: (1) the first is a debate about the natural law and legislative consolidation, partly focused on preventive and limiting properties of this right; (2) the second is updated at the time of social upheaval and legal concerns, including not only the evaluation of the events, but sometimes attempts to give retrospective justify and has risk of abuse, post-legitimacy of public authorities.

The right to resist is an individual (human) right. But it can be collectively implemented subject to the availability

of legitimate targets in response to the illegal, unfair and violate human rights actions, decisions or acts of public authorities. Implementation of such right may has an active or passive form, expressed in direct or indirect actions. An important condition of the right to resist is the act of recognition and support at the national and international levels, the support from their own people may have different forms, both open and non-explicit.

If the abuse by government acquire a massive, systematic or extraordinary nature, and non-violent means of resistance exhausted or proved ineffective, such an extreme form of the right to resist, as the right to revolt may arise. The issue of the limits of the right to revolt and violent acceptable modalities of its implementation, as well as the possible development of a mechanism for its implementation is ambiguous.

It seemed that the theme of resistance and especially rebellion as a subject of research left in the past, however, the modern legal theory should be given more attention of these issues, given the increased relevance of the problems. In addition, it is advisable to fix the right to resist in the legislation of Ukraine, at the level of constitutional law as an additional constraint for the government.