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SCOPE OF FREEDOM AND THE PROHIBITION OF THE RIGHTS' AND FREEDOMS' RESTRICTIONS: NATIONAL AND INTERNATIONAL LEGAL ASPECTS

The article is devoted to the analysis of the theoretical foundations of the concept of freedom in modern society and the restriction of rights and freedoms. The author emphasized on the problem of rights and freedoms realization in the conditions of equality of citizens. The examples of discrimination of human rights upon condition of equality of opportunities are given by the author. It is also considered how the principles of inalienability and firmness of rights and freedoms influence the protection of rights and freedoms. So the author proposes to implement to Ukrainian legislation the practice of the countries of European Union at this question. In par-

ticular, the legislation of the countries of the European Union has the amount of warrants about the formation of the equal conditions for the human rights and freedoms realization. That's why people with worse peculiarities have the same opportunities in the realization of their rights and freedoms as their «greater» fellow nationals. Within the given context it is estimated the effectiveness of the acting of principle of inalienability and firmness of rights and freedoms at the national and international level. The recommendations on improving of the effectiveness of the acting of this principle in the aspect of protection of rights and freedoms are proposed too.

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THE NOTION OF SOURCES OF CONSTITUTIONAL LAW: PROBLEMS OF DETERMINING

This article is dedicated to the research of main issues concerning the problems of determining the sources of constitutional law. There are different approaches to the understanding of term «source of law» in general legal theory, as well as it's correlation with the term «form of law». Nowadays these terms are generally used as synonyms,

though they have some difference in the substance. The notion of source of law as external objectification of the norm of law is proposed. So, the question of the source of law is strictly connected with a legal norm (which is often considered as formal approach to the understanding of source of law; for the purposes of this research we will not review the material approach, which includes those reasons that are out of legal field).

This means, that if we want to identify some source of law as the source of constitutional law, we need to find norms

(which are recognized as compulsory rules of conduct) that regulate constitutional relationships. These relationships are generally recognized as the subject of constitutional law, which includes two main groups: 1) Connected with organization of state power; 2) Connected with legal status of human and citizen and his relationship with the state. So, if any legal norm regulates at least one of these groups, it can be considered as the source of constitutional law, and the only criteria that can help us to identify these sources are the presence of constitutional norms.