

of methods and means of solving urgent issues in different sectors of the Ukrainian economy should be made with the use of programs and prognostications, taking into account a strategic direction of country development. Hence, it is worth supporting a view of V. K. Mamutov on the necessity of enhancement and application of the General State Plan of Development of the Ukrainian Economy, which was presented more than once in scientific literature and mass media.

Thus, the author may conclude that a balanced state economic policy is an essential condition for development of Ukraine. The government should exercise the policy with the use of different legal means, effectiveness of which has been affirmed in legal systems of the leading world countries.

At the same time, the government might use all advantages of economic incentives and substantiated preferences in order to encourage business entities (large, medium-sized, and small business) to invest funds in the Ukrainian economy.

Full-fledged usage of the potential of the special economic regime determined by the valid legislation of Ukraine will form preconditions for accelerated restructuring the innovation economy.

The choice of methods and means of solving urgent issues in different sectors of the Ukrainian economy should be made with the use of programs and prognostications, taking into account a strategic direction of country development.

UDC 349.6:342.4

*D. D. Zadykhalo, PhD (Legal Sciences), assistant lecturer,  
the Department of Civil, Economic and Ecology Law, Poltava Law Institute,  
Yaroslav Mudryi National Law University*

## **CONSTITUTIONAL AND LEGAL FRAMEWORKS OF THE SPHERE OF ECOLOGICAL RELATIONS**

Excessive activeness of transformations is inherent to the current stage of constitutional lawmaking. Such process is concerned with a system of political relations in general and specification of constitutional division of powers between bearers of the highest bodies of state authorities, the balance of which in the one or another configuration determines a national model of a public administration form. Such relations encompass «rebooting» a judiciary and implementation of a decentralization model, including strengthening the authority of local communities, particularly in the public sector.

Simultaneously, the author thinks that the legislator does not take considerable notice of a number of extremely important spheres of the social life in the current existing version of constitutional and legal regulation. Such spheres largely encompass an economic sphere, a system of information relations, and an ecological dimension of the social life. The society and the government cannot confine itself to several norms of constitutional and legal regulation, even maximally generalizing ones, in each of the mentioned spheres.

Really, Articles 13, 14, 16, 50, and 116 of the Constitution of Ukraine may be directly attributed to norms related to protection of environment in the broad sense (including natural resources and ecological safe relations). Thus, the author means institutionalization of property rights to natural resources and a procedure of the exercise of the property right, institutionalization of a government obligation to provide ecological safety, to maintain the ecological balance, to protect the gene pool of the people of Ukraine, and institutionalization of human rights to safe environment. Institutionalization of the mandate of the Cabinet of Ministers of Ukraine for the exercise of a policy in the sphere of nature protection, ecological safety, and environmental management in norms of the Constitution of Ukraine is important.

Having considered a triad of the main components of an ecological law subject, namely natural resources law, law of environmental protection, and law of ecological safety, the author concludes that there are legal relations, which are institutionalized in the Constitution of Ukraine. Among them are natural resources relations (fixed in Articles 13 and 14 of the Constitution of Ukraine), ecological safety (Articles 16 and 50), and all the mentioned components in the form of state powers for providing an ecological policy (Article 116).

May we consider such form of constitutional and legal institutionalization of ecological relations as sufficient and effective ones under conditions of development of the global ecological crisis? Are actualization and instrumental and legal frameworks of a mechanism for solving ecological problems on the part of the state and the society sufficient? Obviously, they are not sufficient. Effectiveness of constitutional and legal regulation should consist in:

- comprehensiveness and systemacy of legal institutionalization of the main elements of a regulated sphere of social relations;
- determination of goals and orientation of the legal influence;
- providing instrumental expediency of the content of a mechanism for realization of corresponding relations;
- providing stability of constitutional and legal norms at the expense of unification of basic concepts and means and, at the same time, a necessary level of detail-

ing, which enables to involve opportunities of jurisdiction of the Constitutional Court of Ukraine in the area of estimation of conformity of current legislation development with statements of the Constitution of Ukraine;

– determination of topography of the main sources of the current legislation, etc.

It is important to take into account that the Constitution of Ukraine should institutionalize interrelated ecological objects, which integrate into a concept «environment» as well as an «ecological system» as a system of ecological relations, which contains a human, a society, a state, forms of economic activity, institutions of environmental protection and ecological safety, etc. Such system should also take into consideration the global spread of the ecological crisis, ecology as such, and existence of the close cause and effect relation between ecological relations and an economic system.

The Constitution of Ukraine also aims at institutionalization of a system of ecological relations as a complex of social institutions, the main of which is a system of legal regulation of ecological relations, including accentuation on instrumental opportunities of law and legislation.

Thus, the constitutional and legal regulation of ecological relations should contain the mentioned components of own regulatory phenomena. The author thinks that some elements of social relations in the ecological sphere and legal mechanisms of implementation of these elements should become the main objects of constitutional and legal institutionalization. They are as follows:

1. The global ecological crisis and its territorial peculiarities.
2. An ecological function of the state.
3. An ecological policy of the state.
4. An ecological doctrine of the state.
5. Legal frameworks of usage of natural resources.
6. Legal frameworks of environmental protection.
7. Legal frameworks of providing ecological safety.
8. Organizational and legal, economic mechanisms of the state influence on environmental protection.
9. Legal regime of ecological economy.
10. International collaboration of countries in the sphere of environmental protection.
11. A system of sources of ecological legislation.

It is worth mentioning that social mechanisms of solving economic, ecological, informational, ethnocultural, and many other vitally important issues are directly related to effective functioning of political relations, because the state has been and

remains the main instrument of solving social issues. At the same time, ecological, economic, and informational issues and relations increasingly assume independent and fateful importance for social development. Therefore, it is time for revision of the role and place of ecological problematics in the structure of the Constitution of Ukraine and, respectively, the role and place of the Constitution of Ukraine in the process of development of the ecological legislation and activity of public bodies in the ecological sphere.

UDC 346.13.(094)

*Yu. I. Ostapenko, PhD. (Legal Sciences), assistant lecturer  
of the Economic Law Department,  
Yaroslav Mudryi National Law University, Kharkiv*

## **AN ECONOMIC SYSTEM AND ECONOMIC LAW: WAYS OF IMPROVEMENT OF THE NATIONAL LEGISLATION**

Globalization as an objective process determines cardinal changes of basic frameworks in the society life, which is manifested in changes of the content of the main legal concepts and categories as well as in reconsideration of their functional purpose that finally results in transformation of normative, subjective, intellectual and psychological, active, and resultative components of legal systems. Taking into account dynamism of processes, the increase of amounts of informatization, and complication of the structure of law, we may state that formation and structuring transformational segments, modernization of state and legal institutions, norms, and relations at the world, macro-regional, and internal state levels stimulate and accelerate processes of universalization of different sectors of law.

Obviously, these processes lead to reduction of relevance and falling into obsolescence of a traditional approach to structuring law and corresponding legislation in meaning and systematization aspects, especially in comparison with consolidation and consistency of actions, formation of a single mechanism of common functioning of integral segments with common goals. Thus, there is a vital need for inherently complex legal sectors. This process should be a «typical» direction of a legislative policy and lawmaking activity in Ukraine under contemporary globalization conditions. This will enable to accelerate integrational processes and to