

6. Ярмол Л.В. Право на мирні зібрання: до уточнення загальнотеоретичної характеристики. URL: http://ena.lp.edu.ua/bitstream/ntb/37407/1/50_331-337.pdf (дата звернення: 22.11.2018).
7. Лемішко М.С. Конституційно-правові основи участі громадян України у масових публічних заходах: автореф. дис. ... канд. юрид. наук. Харків, 2009. 20 с.
8. Тронько О.В. Адміністративно-правові засади реалізації права громадян на мирні зібрання: дис. ... канд. юрид. наук: 12.00.07. Київ, 2016. 218 с.
9. Проект закону про гарантії свободи мирних зібрань URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57310; Проект Закону про гарантії свободи мирних зібрань в Україні URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57396 (дата звернення: 22.11.2018).

REFERENCES

1. Yelnikova, M.O. (2015) Udoskonalennia mekhanizmu realizatsii ta zakhystu prav liudyny v Ukraini. Problemy zakonnosti. "Improvement of the Mechanism for the Implementation and Protection of Human Rights in Ukraine. Issues of Legality". Issue 129, 76–83 [in Ukrainian].
2. Zhylnikova, N.D. Realizatsiia prav liudyny i hromadianyna v konteksti pryntsyphu verkhovenstva prava. "Realization of Human Rights and Citizen in the Context of the Rule of Law Principle". URL: http://legalactivity.com.ua/index.php?option=com_content&view=article&id=95%3A2011-10-05-04-30-24&catid=14%3A-2&Itemid=10&lang=en (Date of Application: 22.11.2018) [in Ukrainian].
3. Melnyk, R.S. (2015) Pravo na svobodu myrnykh zibraniy teoriia i praktyka. "The Right to Freedom of Peaceful Assembly: Theory and Practice". K. 168 p. [in Ukrainian].
4. Shkarneha, O.S. (2016) Provadzhennia u spravakh shchodo realizatsii prava na myrni zibrannia. "Proceedings in the Cases for the Implementation of the Right to Peaceful Assemblies": thesis ... Candidate of Legal Sciences : 12.00.07. Odesa. 239 p. [in Ukrainian].
5. Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950: Ratified by the Law of Ukraine dated 17.07.97 No 475/97. Date of Update: 02.09.2006. URL: <https://zakon.rada.gov.ua/laws/show/475/97-av> (Date of Application: 22.11.2018) [In Ukrainian].
6. Yarmol, L.V. Pravo na myrni zibrannia: do utochnennia zahalnoteoretychnoi kharakterystyky. "The Right to Peaceful Assembly: for the Clarification of the General Theoretical Characteristics". URL: http://ena.lp.edu.ua/bitstream/ntb/37407/1/50_331-337.pdf (Date of Application: 22.11.2018) [in Ukrainian].
7. Lemishko, M.S. (2009) Konstytutsiino-pravovi osnovy uchasti hromadian Ukrainy u masovykh publichnykh zakhodakh: avtoref. dys. ... kand. yuryd. nauk. "Constitutional and Legal Bases of Participation of Citizens of Ukraine in Mass Public Events": author's abstract... Candidate of Legal Sciences. Kharkiv. 20 p. [in Ukrainian].
8. Tronko, O.V. (2016) Administratyvno-pravovi zasady realizatsii prava hromadian na myrni zibrannia: dys. ... kand. yuryd. nauk: 12.00.07. "Administrative and Legal Principles of an Implementation of Citizens' Right to Peaceful Assembly": thesis ... Candidate of Legal Sciences: 12.00.07. Kyiv. 218 p. [in Ukrainian].
9. Draft Law on Guarantees of Freedom of Peaceful Assembly in Ukraine. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57396 (Date of Application: 22.11.2018) [in Ukrainian].

UDC 342.729(477)

H.V. Fedotova,

Doctor of Juridical Sciences, Senior Research Associate,
Head of the Department, State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0002-7798-3143

S.M. Onyshchenko,

Postgraduate,
Leading Researcher, State Research Institute MIA Ukraine, Kyiv, Ukraine,
ORCID ID 0000-0002-9944-5995

SUBJECTS OF IMPLEMENTATION OF THE RIGHT TO PEACEFUL ASSEMBLY: PROBLEMS OF LEGAL DEFINITION

Problematic issues of the realization of human rights always remain among the urgent challenges for the state, citizens and institutions of civil society and become

global in the aspect that concerns not only their regulation, but above all the solution in practical terms.

Problems of implementation, ensuring the rights of citizens have already been investigated in the works of specialists in various branches of law, primarily constitutional and administrative.

Nevertheless, many aspects of this topic, in particular the subjective cast of legal relationships, that arise in the realization of the right to peaceful assembly, remain poorly researched and require careful further development, since the rights of citizens to peaceful gatherings are an indicator of the assessments of the state of government and society as a whole.

Despite the fastening of human rights as normative provisions in international acts and legislation of individual states, they do not receive appropriate implementation. Obviously, one transfer of human rights to the status of legal norms is not enough for them to “work” in a certain society, therefore, so there must be a mechanism for their implementation.

One of the immediate links of such a mechanism is to identify the features of the subject structure of legal relationships that arise during the realization of the right to peaceful assembly.

In order to establish the circle of subjects for the implementation of the right to peaceful assembly, considered the provisions of the Constitution of Ukraine, the laws of Ukraine, and international normative acts, in particular the provisions of Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the interpretation of the rules of law by scholars, are considered.

In addition to a wide group of entities, that use their right to peaceful assembly, the main actors that provide the opportunity to possibility of its realization are considered. During the conduct of peaceful gatherings, the issue of guaranteeing security and order becomes of special urgency. This task is entrusted to a number of actors, among which a significant role belongs to the executive authorities, local self-government bodies, as well as the National Police of Ukraine and the National Guard of Ukraine.

It is concluded that today, at the legislative level rules for all participants in peaceful gatherings are not regulated, since their subject specifically structure is not yet determined and not generalized in a special normative act on the guarantee of the rights to peaceful assemblies.

Keywords: peaceful assembly, the right of citizens to peaceful assembly, realization of the right, subjects of law.

Отримано: 28.11.2019