

Verbenskyi Mykhailo,
Doctor of Juridical Sciences, Professor,
Member of the Central Election Commission,
Kyiv, Ukraine

**ENSURING THE FREEDOM OF EXPRESSION OF THE WILL OF
CITIZENS DURING THE PRESIDENTIAL ELECTIONS IN
UKRAINE 2019: THE LEGAL ASPECT**

Elections are one of the highest characteristic manifestations of power and the will of the people. Through the electoral process, a citizen can implement the right to manage public affairs, form a system of power, etc. The recognition of the people as a bearer of sovereignty and a source of power has become the basis for the formation of Ukraine as a democratic State based on the rule of law, with the manifestation of people's power, and makes it essential to study the issues of ensuring the electoral process as a form of functioning of direct democracy and a set of preventive measures to prevent possible violations of the will of citizens. Accordingly, the article highlights the regulatory framework for ensuring freedom of expression of the will of citizens during the organization and conduct of the election campaign for the Presidential elections in Ukraine in 2019. The procedure for ensuring the electoral process by the central executive authorities, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs and the National Guard of Ukraine, has been analyzed. The current state of prompt response, proper accounting and investigation of actions related to the violation of the electoral legislation and the conduct of the election campaign are disclosed.

Based on the results of consideration of these issues, conclusions were drawn regarding the promptness of the response and the competence of law enforcement agencies in identifying and recording violations of electoral

legislation. The holding of the 2019 presidential elections was generally recognized as democratic and without high-profile events, without gross violations and provocations during the electoral process. The election administration conducted its activities in a predominantly impartial manner and adhered to legal requirements. Cases of irregularities in their activities, even though they occurred, have not become systematic.

The electoral process during the presidential elections in 2019 was determined by the expressed manifestation of a high civic legal culture of Ukrainians, as well as an active law enforcement position of the policing in the context of ensuring equal rights for every citizen to elect and be elected.

The experience gained by the law enforcement bodies, in particular the National Police, during the election campaign, requires further research and application with regard to the creation of a sustainable system of protection of citizens' electoral rights from unlawful encroachments, as well as the improvement of the prevention of crimes and offences that encroach on election-related legal relations.

Keywords: elections, voters, the electoral process, the implementation of electoral rights and freedoms of participants of the electoral process, violation of electoral legislation.

REFERENCERS

1. Konstytutsiia Ukrainy 28.06.1996 № 254k/96-VR. “The Constitution of Ukraine 28.06.1996 No. 254k / 96-VR”. URL:<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80> (date of application: 01.05.2019) [in Ukrainian].

2. Pro vybory Prezydenta Ukrainy. “On the election of the President of Ukraine”: Law of Ukraine of 05.03.1999 No. 474-XIV, (Vidomosti Verkhovnoi Rady Ukrainy, 1999, No. 14, Art. 81) No. 474-XIV URL: <https://zakon.rada.gov.ua/laws/show/474-14> (date of application: 01.05.2019) [in Ukrainian].

3. *Pohorilko V.F., Fedorenko V.L.* (2006) *Konstytutsiine pravo Ukrainy: pidruchnyk. "Constitutional Law of Ukraine": a textbook.* K.: Naukova dumka; Precedent. 338 p. [in Ukrainian].

4. *Kravchenko V.V.* (2000) *Konstytutsiine pravo Ukrainy: navch. posib. "Constitutional Law of Ukraine": Tutorial.* K.: Attica. 320 p. [in Ukrainian].

5. *Serohin V.O.* (2010) *Konstytutsiine pravo Ukrainy: navch. posib. "Constitutional Law of Ukraine": Tutorial.* Kharkov National University of Internal Affairs MIA of Ukraine. Kharkiv: publ., KhNUVS. 368 p.

6. Natsionalna politsiia rozpochynaie rozrakhunok syl i zasobiv dlia roboty pid chas druhoho turu prezydentskykh vyboriv. "National police begin calculating forces and resources to work during the second round of presidential elections". URL: <https://www.ukrinform.ua/rubric-elections/2672723-policia-pocinae-gotuvatisa-do-drugogo-turu-vivoriv.html> (date of application: 01.05.2019) [in Ukrainian].

7. Cherez porushennia na vyborakh pochato 31 provadzhennia – politsiia: Ukrainska pravda 31 bereznia 2019 roku. "The police opened 31 cases for election violations": *Ukrainskaia Pravda* on 31 March 2019. URL: <https://www.pravda.com.ua/news/2019/03/31/7210887/> (date of application: 01.05.2019) [in Ukrainian].

8. Pidsumkovyi zvit za rezultatamy hromadskoho sposterezhennia OPORY pid chas pozacherhovykh vyboriv Prezydenta Ukrainy 2014 roku. "Final report on the results of public observation of the OPORA during the early presidential elections in Ukraine 2014". URL: <https://www.oporaua.org/report/vybory/vybory-prezidenta/vybory-prezidenta-2014/5802-pidsumkovyj-zvit-za-rezultatamy-gromadskogo-sposterezhennja-opory-pid-chas-pozachergovyh-vyboriv-prezydenta-ukrajiny-2014-rok> (date of application: 01.05.2019) [in Ukrainian].

9. Ponad 60 politseyskykh Kyivshchyny vzialy uchast u treninhu OPORY shchodo reahuvannia na porushennia vyborchoho zakonodavstva. "More than 60 police officers from Kyiv region took part in the training of OPORA to respond to violations of electoral legislation". URL:

<https://www.oporaua.org/news/vybory/vybory-prezidenta/vybory-prezidenta-2019/16631-ponad-60-politseiskikh-kiyvshchini-vziali-uchast-u-treningu-oporishchodo-reaguvannia-na-porushennia-viborchogo-zakonodavstva> (date of application: 01.05.2019) [in Ukrainian].

Received: 05.06.2019