

The mechanism of realization of constitutional and legal responsibility in modern conditions of legal regulation

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It should be noted that the legal consolidation of constitutional and legal responsibility will not be effective if you do not determine the mechanism for implementing this type of responsibility.

However, before starting to study the mechanism of constitutional and legal responsibility, it is necessary to pay attention to more general concepts – such as mechanism, sectoral mechanisms, legal mechanism and organizational mechanism.

It should be noted that the mechanism means:

1) a set of artificial movable-connected elements that perform a given movement [1, p. 380], a device (set of moving parts or components) that transmits or converts (reproduces) movement [2];

2) the internal structure, the system of functioning of something, the apparatus of any activity [3, p. 245; 4].

Thus, the general concept of "mechanism" can be reduced to two main meanings:

1) as a technical mechanism relating to the operation of technology, various technological processes;

2) as a social mechanism relating to social regulation and management of social processes or procedures.

We are interested in the generic concept of "social mechanism", which, in turn, is differentiated by scientists into the following species:

1) the mechanism of political governance [5; 6; 7; 8; 9];

2) the mechanism of economic management [10; 11; 12; 13; 14; 15; 16];

3) the mechanism of public administration [17; 18; 19; 20; 21; 22; 23; 24; 25];

4) the mechanism of legal regulation [26].

In the framework of the mechanism of legal regulation, in our opinion, we can distinguish two subgroups of mechanisms:

1) legal mechanisms;

2) organizational mechanisms.

O. G. Rogova defines legal mechanisms as complexes of interrelated legal means, which are objectified at the regulatory level, necessary and sufficient to achieve a certain goal [27, p. 423].

According to O. G. Rogova, in modern legal science "legal mechanism" as a general theoretical category is not defined. One of the classic methodological approaches to the study of this mechanism in legal science has developed within the so-called instrumental concept. The main postulate of this concept is the idea that one of the essential properties of positive law and its individual elements is their ability to be an instrument for achieving a certain goal [27, p. 423].

According to O. G. Rogova, the objective basis for the formation of the category of "legal mechanism" is the fact of the existence in the structure of positive law, both simple and complex elements. Simple structural elements of positive law include permits, prohibitions, subjective rights and responsibilities, measures of responsibility, and so on. Accordingly, as complex elements, the sets of legal instruments appointed by the legislator for the guaranteed realization of the subjects of law of their legitimate interests are considered [27, p. 423].

The combination of simple and complex elements in a certain sequence to achieve a specific legal goal forms a legal mechanism. Such a mechanism combines a certain range of legal remedies, including: rights, obligations, prohibitions, principles, presumptions, deadlines, procedures, measures of responsibility, measures of encouragement, etc. [27, p. 423].

According to O. G. Rogova, the essential property and system-forming factor of the legal mechanism is its connection with a specific

goal or set of goals. On this basis, this mechanism can be defined as a legal technology designed to realize the legitimate interests of legal entities [27, p. 423].

Another necessary feature of the legal mechanism is its systemic nature, which involves not an arbitrary combination of different legal phenomena, but an orderly, interconnected stable set of legal instruments, which together form a perfect instrumental structure. Analysis of positive law with the help of an instrumental approach makes it possible to identify numerous legal mechanisms aimed at achieving a particular goal (methods of democracy, checks and balances, lawsuits, appeals) [27, p. 423].

According to O. G. Rogova, it is through the use of such legal tools that subjects exercise most of their subjective rights and legitimate interests. The lack of necessary means in the legislation to transform the "proper" into the "existing" characterizes the legal mechanism of insufficient quality of legal regulation [27, p. 423].

O. G. Rogova also believes that the most studied among the legal mechanisms is the mechanism of legal regulation. Like any other management process, legal regulation seeks to achieve its goal - the quality of public relations. The mechanism of legal regulation plays the role of a kind of legal "bridge" that combines the interests of the subjects with the practice of their implementation, brings the process of public administration to a logical result [27, p. 423].

As for organizational mechanisms, V. V. Kalyuzhny notes in this regard that each complex system (complex) has an internal or external control subsystem that performs various management functions [28, p. 422].

According to V. V. Kalyuzhny, a separate management function can be implemented through an organizational mechanism, the action of which can be aimed at conjugation (connection of complexes), ingression (entry of one element of another complex into another) and disingression (disintegration of the complex) [28, p. 422].

As V. V. Kalyuzhny notes, the organizational mechanism is a sequence of stages of designing structures, detailed analysis and definition of the system of goals, well-thought-out selection of organizational units and forms of their coordination to ensure the functioning of a complex (organizational system). The end result of the functioning of the organizational mechanism is the construction of the organizational system, when it turns out:

1) internal order, the coherence of the interaction of more or less differentiated and autonomous parts of the whole, due to its structure;

2) a set of processes or actions that lead to the formation and improvement of relationships between parts of the whole.

Regarding organizational systems, according to V. V. Kalyuzhny, apply two clarifying concepts: a) the mechanism of operation - a set of rules, laws and procedures governing the interaction of participants in the organizational system; b) management mechanism – a set of procedures for making management decisions [28, p. 422].

At the same time V. V. Kalyuzhny defines the organizational mechanism in public administration as a subsystem of management, designed to transform a certain organizational influence of public authority (subject) in the desired (target) behaviour, effectiveness and efficiency of the object of government [28, p. 422 - 423].

Derived concept from the legal and organizational mechanism is, respectively, the mechanism of realization of constitutional and legal responsibility. It should be noted that the problems of the mechanism of constitutional and legal responsibility were studied in the following aspects:

1) the relationship of mechanisms of social and constitutional responsibility (A. F. Plakhotny) [29];

2) basics of the mechanism of constitutional and legal responsibility (N. M. Kolosova, V. F. Melashchenko) [30; 31];

3) the specifics of the mechanism of constitutional and legal responsibility of individual state bodies (N. M. Kolosova, M. A. Krasnov,

L. T. Krivenko, O. V. Maidanyk, O. O. Maidanyk,) [32; 33; 34; 35; 36; 37];

4) features of the mechanism of constitutional and legal responsibility of political parties (V. I. Kafarsky) [38; 39; 40];

5) the mechanism of application of constitutional and legal responsibility and counteraction to constitutional torts (V. O. Luchin, V. F. Pogorilko, V. L. Fedorenko) [41; 42].

In the science of constitutional law, the issue of the mechanism of realization of constitutional responsibility was most fully studied at the dissertation level by V. I. Kafarsky (in the context of constitutional and legal responsibility of political parties). Under the mechanism of realization of constitutional responsibility V. I. Kafarsky understand a set of interconnected elements that allow to transform the "normative" substitution of constitutional responsibility in the orderliness of social relations that satisfy the interests of constitutional law, establish and ensure constitutional law and order [43, p. 66].

Analysing this definition, it is worth noting the following features:

1) the positive thing is that V. I. Kafarsky emphasize in this definition the connection of normative elements of constitutional and legal responsibility with its functional elements. But, in addition to normative and functional elements, there are also institutional and ideological elements;

2) on the other hand, it is not clear in what sense normativeness is considered – in the narrow sense (as defined only by constitutional and legal norms) or in the broad sense (defined not only by constitutional and legal norms, but also by other norms that also define certain rights and responsibilities of the subjects of state and political relations and establish a certain positive responsibility for their implementation). This question is important for determining the fact which set of norms can be the normative basis for the implementation of the mechanism of constitutional responsibility;

3) in addition, the definition refers to the satisfaction of the interests of the subjects of constitutional relations, while the concept of "interest"

is only a subjective category, which is expressed through the prism of the rights of these subjects, and neglected responsibilities and prohibitions. At the same time, constitutional rights, obligations and prohibitions established by legal norms are both objective (defined by objective law) and subjective (their implementation depends on the will of the subjects). In turn, the constitutional and legal responsibility aims to ensure the unity of the subjective and objective in constitutional relations - the compliance of the behaviour of the subjects of constitutional relations with constitutional and legal norms;

4) at the same time, the goal of the mechanism of realization of constitutional and legal responsibility should not be reduced only to ensuring constitutional law and order, as, in addition to law and order, there are such constitutional and legal phenomena as "legality" and "discipline" [43, p. 66 - 67].

Thus, the mechanism of realization of constitutional and legal responsibility is a set of interrelated normative, institutional, functional and ideological elements (autonomous subsystems), which ensure the conscious use of their rights, performance of duties, compliance with prohibitions, and in this case committing a constitutional-legal tort – application of constitutional-legal sanctions in order to ensure constitutional legality, discipline and law and order [43, p. 67].

In our opinion, the signs of the mechanism of realization of constitutional and legal responsibility are:

1) it is a set of interrelated normative, institutional, functional and ideological elements (autonomous subsystems);

2) aimed at ensuring the conscious use by the subjects of constitutional legal relations (including state-power and state-political relations) of their rights, performance of duties, observance of prohibitions, which ensures the implementation, first of all, of their positive perspective) constitutional responsibility;

3) in case of commission of constitutional and legal torts by the above-mentioned subjects, it is aimed at the implementation of their

negative (retrospective) constitutional responsibility in the form of constitutional and legal sanctions;

4) the ultimate goal of the mechanism of realization of the constitutional and legal responsibility of the subjects of constitutional legal relations (including state-power and state-political relations) is to ensure constitutional legality in their activity and in the constitutional relations of which they are subjects. , discipline and law and order [43, p. 67 - 68].

The mechanism of constitutional responsibility, according to V. I. Kafarsky, should include the following elements:

1) a set of legal norms that determine the constitutional and legal status of subjects (among these norms a special place is occupied by norms that establish the functional responsibilities of subjects, non-compliance with which is the basis for the application of sanctions);

2) legal norms that determine the forms of their illegal activities;

3) state bodies that exercise control over the activities of these entities in order to respond in a timely manner to the illegal actions of the latter;

4) normatively defined procedural form of consideration of cases on liability of subjects of constitutional legal relations (including subjects of state-power and state-political relations);

5) bodies of justice, whose competence includes the administration of constitutional justice in its broadest sense (not only control over the compliance of laws and other legal acts with the Constitution of Ukraine) [43, p. 68].

In general, agreeing with this design, we consider it appropriate to present these elements in a more systematic form. In particular, it is proposed to combine legal norms that determine the constitutional and legal status of the subjects of constitutional legal relations (including state-government and state-political relations), legal norms that determine the forms of their illegal activities, as well as to include here are other rules that are set out in the status laws of these entities. It is proposed to define such a set of norms as a normative (regulatory) subsystem of the

mechanism of realization of constitutional and legal responsibility of the subjects of constitutional legal relations (including state-power and state-political relations).

It is also proposed to define, as a single element, state bodies that exercise control over the activities of subjects of constitutional legal relations (including state-government and state-political relations), judicial bodies whose competence includes the administration of constitutional justice and which together provide state control, as well as civil society and its institutions, which provide civil control and thus contribute to the implementation of both positive (prospective) and negative (retrospective) constitutional responsibility of such entities. It is proposed to define the set of subjects that provide state and public control in the field of constitutional responsibility as an institutional subsystem of the mechanism of realization of constitutional and legal responsibility [43, p. 68 - 69].

It is proposed to consider the normatively defined procedural form of consideration of cases on liability of subjects of constitutional legal relations (including state-power and state-political relations) more broadly – as a set of procedures and procedures related to the implementation of their constitutional responsibility. positive (prospective) and negative (retrospective) responsibility). It is proposed to consider them as a functional subsystem of the mechanism of realization of constitutional and legal responsibility.

However, in our opinion, it is also worth highlighting the ideological subsystem of the mechanism of constitutional responsibility, which includes a conscious attitude of the subjects of constitutional relations (including state-power and state-political relations) to the exercise of their rights, performance of duties, observance of prohibitions, and also to performance of the tasks and functions before other subjects of constitutional relations (positive (perspective) constitutional responsibility which provides first of all intellectual aspect), and also readiness to bear responsibility for commission of constitutional and legal torts (negative (retrospective) constitutional responsibility, which is

expressed primarily through the volitional (behavioural) aspect) [43, p. 69].

A special role in the mechanism of realization of constitutional and legal responsibility belongs to constitutional torts and sanctions as an integral element of this mechanism in terms of application of negative responsibility.

An important issue in the field of legal consolidation and application of constitutional liability is the composition of the constitutional offense.

Like all other types of offenses, constitutional offenses (constitutional torts) include the object, the objective side, the subject and the subjective side.

It should be noted that the object of constitutional offenses is public relations governed by the rules of constitutional law. However, the object of a constitutional offense can be differentiated into the following types:

1) common object – all constitutional legal relations, which are regulated by the norms of the Constitution of Ukraine and constitutional laws;

2) tribal object – a group of constitutional legal relations to which the constitutional tort is directed (for example, principles of the constitutional order of Ukraine, constitutional principles of legal status of a person, constitutional form of government in Ukraine, constitutional form of territorial organization of Ukraine, constitutional principles of local self-government, constitutional principles functioning of civil society institutions);

3) direct object – a specific constitutional legal relationship encroached upon by a constitutional tort (for example, encroachment on the state sovereignty and independence of Ukraine, violation of the integrity and inviolability of the state territory of Ukraine, violation of people's sovereignty, seizure of power or appropriation of power, violation principles of political, economic and ideological pluralism, attempt to introduce universal ideology or censorship, abolition, illegal restriction of human rights and freedoms or obstruction of their exercise,

violation of the established order of formation of public authorities and their officials, illegal suspension or termination of powers local self-government, creation of illegal armed groups by associations of citizens).

The objective aspect of a constitutional offense is the illegal behaviour of the subject that does not comply with the norms of constitutional law. Some constitutions of constitutional offenses provide for the need to prove the fact of damage and the existence of a causal link between it and the violation of the norm. A feature of the objective side of the constitutional offense is enshrined in a specific regulatory norm that determines the legal status of the guilty subject. Moreover, the issue of assessing the objective side of a constitutional offense (unlike other types of legal liability) is decided by the entity endowed with the right to apply a constitutional sanction.

The subjects of constitutional offense and constitutional liability in retrospect are those subjects of constitutional law of Ukraine who are endowed with constitutional tort.

In constitutional law, two types of subjects have constitutional tort:

- 1) individual (citizens of Ukraine, deputies of all representative bodies of state power and local self-government; officials, etc.);
- 2) collective (public authorities, local governments, associations of citizens and other social entities, (committees and commissions of representative bodies, election commissions).

The following subjects of constitutional offenses can be distinguished:

- 1) the state, which should bear constitutional and legal responsibility in all cases when it does not fulfil its official obligations, if as a result it has caused harm to anyone. This is confirmed in Art. 56 of the Constitution of Ukraine, according to which everyone has the right to compensation at the expense of the state or local governments material and moral damage caused by illegal decisions, actions or inaction of public authorities, local governments, their officials and officials in exercising their powers;

2) the people of Ukraine, who in accordance with Art. 5 of the Constitution of Ukraine is the only source of power, and therefore - responsible for the formation of public authorities through elections and for making important government decisions through referendums;

3) natural persons who are subjects of constitutional and legal responsibility, if they: have the citizenship of Ukraine; reached 18 years of age; are capable. In some cases, citizens of Ukraine can bear constitutional and legal responsibility only if they have a special legal capacity of a deputy, official;

4) elected state bodies and the system of local self-government – the Supreme Council of Ukraine, the President of Ukraine and local self-government bodies, which are responsible, first of all, to the citizens who elect them, but not only. This may be liability for violation of the Constitution of Ukraine;

5) bodies of state executive power shall be liable in case of violation of constitutional and legal norms. However, in some cases (for example, the Government of Ukraine) they may also be subject to political responsibility;

6) judicial bodies and judges – in the form of their election by parliament and the first appointment by the President of Ukraine. In addition, such liability is closely related to disciplinary liability [44];

7) the top management of law enforcement agencies – the Prosecutor General, the Minister of Internal Affairs, the Head of the Security Service of Ukraine, the formation and recall of which is also influenced by the Parliament and the President of Ukraine. There is also a place for a combination of constitutional, legal and disciplinary responsibility.

The subjective aspect of a constitutional offense is guilt, the content of which depends on the nature of the subject liable. Thus, if it is an individual subject, then the psychological attitude of the person to his illegal actions and their possible consequences is important in the content of guilt. As for the guilt of a collective subject, it is recognized only when this subject, having the opportunity to choose, has chosen the wrong

option. When admitting the guilt of a collective subject, the constitutional responsibility rests with the collective subject, and not with individual members of the collective or leaders, who, at the same time, may simultaneously bear personal responsibility for their own illegal and guilty actions related to the guilt of the collective subject. The current legislation provides for cases when collective entities are responsible for illegal and guilty actions of their employees within the scope of their official duties, being responsible for them as for their own actions (Article 56 of the Constitution of Ukraine). In such cases, both subjects of constitutional law are responsible: both the member of the team and the team itself [45; 46].

Sometimes the subjective side of a constitutional offense is characterized by such additional features as motive and purpose. For example, in accordance with Art. 37 of the Constitution of Ukraine, the formation and operation of political parties and public organizations is a constitutional offense only if they pursue illegal goals under this article [47, p. 512-513].

Thus, the composition of constitutional offenses is characterized by its own features, in particular:

- 1) the presence of its own specifics of the object, the objective side, the subject and the subjective side of the constitutional tort;
- 2) legal consolidation at the level of the Constitution of Ukraine and certain status laws that determine the legal status of certain subjects of constitutional relations;
- 3) placement of elements of the composition of constitutional offenses, as a rule, in various articles of constitutional legal acts [48, p. 55-56].

The issue of constitutional and legal responsibility (especially in the context of further constitutional reform and the introduction of the institution of lustration) is relevant and practical. At the same time, sanctions are an important component of the mechanism of its implementation as a form of retrospective (negative) constitutional and legal responsibility of the subjects of constitutional (state-political)

relations. It is the legal consolidation and further practical implementation of effective constitutional and legal sanctions that can ensure proper cooperation between various state bodies and local governments in Ukraine.

It should be noted that the problems of legal responsibility in general and constitutional liability in particular are reflected in research conducted by K. Basin, V. Kafarsky, I. Kresina, O. Maidanyk, N. Onishchenko, V. Pogorilko, V. Polevyi, T. Tarakhonych, V. Fedorenko, V. Shapoval and other scientists.

However, in our opinion, the concept and types of sanctions of constitutional and legal responsibility as a form of legal consolidation and practical implementation of retrospective (negative) constitutional and legal responsibility of the subjects of constitutional (state and political) relations need additional research.

In the reference and encyclopaedic literature, the concept of "sanction" is considered in several senses:

1) in the general social sense – as approval, recognition of something;

2) in the legal sense – as measures of influence, punishment for violating the law (at the level of the national legal system) or as measures of influence against a state that has violated an international agreement (at the international legal level);

3) in the economic sense – as measures of influence applied by the bank to violators of financial, cash, settlement and credit discipline [49, p. 83].

Given the legal understanding of the nature of sanctions and the main approaches to their understanding in the science of constitutional law, constitutional sanctions can be defined as provided by constitutional law negative consequences imposed forcibly on a subject for committing a constitutional tort; certain oppressions of a political and legal nature, which he must suffer as a result of bringing to constitutional and legal responsibility.

Constitutional and legal sanctions are imposed only by those entities that are authorized to do so by the Constitution and laws of Ukraine. The purpose of applying constitutional and legal sanctions is:

1) punitive (repressive) – punishment of the one who committed a constitutional tort;

2) compensatory – restoration of constitutional law and order;

3) moral and political – ensuring social justice in the political and legal sphere;

4) precautionary (preventive, prejudicial) – prevention of similar torts in the future;

5) educational – the implementation of educational influence on the offender and a wide range of participants in political and legal communication, convincing them of the need for strict compliance with constitutional and legal norms;

6) restorative – restoration of the violated law and order [49, p. 83-84].

Constitutional and legal sanctions are quite diverse and differ in a number of ways, including:

1) by the range of subjects to which they apply;

2) in their content (the nature of the negative consequences they have for the offender);

3) by the procedure of imposition;

4) by time of application [50].

If we consider the constitutional and legal sanctions at the level of their constitutional and legislative consolidation, then the President of Ukraine can be applied only one type of constitutional and legal responsibility – removal from office by impeachment; to political parties two – warnings and bans on activities, and to public organizations five – warnings, fines, temporary bans on certain activities, temporary bans on activities in general, forced dissolution.

Constitutional and legal sanctions can be divided into basic and additional. The basic sanction is primary and self-sufficient, and the additional one is applied only in connection with the main one and

follows it. For example, Article 111 of the Constitution of Ukraine provides for the main sanction against the President of Ukraine in the form of removal from office by the Supreme Council of Ukraine, and Article 105 of the Constitution – deprivation of the title of President of Ukraine in case of removal from office by impeachment.

A similar example is provided by the Law of Ukraine "On Refugees and Persons in Need of Additional or Temporary Protection". It provides for the possibility of depriving a person of refugee status (basic sanction) if he engages in activities that threaten national security, public order, health of the population of Ukraine, and also establishes that a person who has not exercised the right to appeal the decision to deprive him of his status refugee, must leave the territory of Ukraine in due time (additional sanction), if she has no other legal grounds to stay in Ukraine [51].

Constitutional liability is characterized by a wide variety of sanctions, the vast majority of which are not found in other areas of law, such as the reorganization of one body of another body (change of government by parliament or head of state, recall of local council deputies, etc.), early termination powers (dissolution, resignation, impeachment), temporary suspension of the subject's activity, compulsory liquidation (compulsory dissolution, prohibition of activity) of the subject, invalidation of the election, deprivation of the person of state awards and titles, etc. In fact, for each type of subjects of constitutional law there are special measures of constitutional and legal responsibility.

Appropriate sanctions must be provided for each type of constitutional tort. The application of constitutional sanctions by analogy is unacceptable.

Every constitutional and legal tort is subject to the sanction that was provided by law at the time of its commission. Legal norms that establish or change the constitutional and legal responsibility have no retroactive force. Conversely, legal norms that abolish or mitigate constitutional liability have retroactive effect.

Constitutional sanctions as measures of constitutional liability should be distinguished from other coercive measures provided by constitutional law, such as preventive measures, suspension measures or remedial measures. Unlike measures of prevention or cessation (such as the imposition of a state of emergency, federal intervention, etc.), constitutional sanctions are imposed not before or during illegal activities, but after its completion or cessation. In turn, remedial measures (for example, declaring an act unconstitutional and its subsequent repeal) do not have direct negative consequences for the offender, but are aimed at restoring the violated constitutional legality, while constitutional sanctions force the offender to directly suffer certain oppressions and troubles, regardless of whether it is possible to restore the state of political and legal relations violated by the tort.

The main forms of sanctions for constitutional liability are:

1) cancellation or suspension of acts of state bodies and local self-government bodies or their individual provisions (for example, in accordance with Part 8 of Article 118 of the Constitution of Ukraine, decisions of heads of local state administrations contrary to the Constitution and laws of Ukraine in accordance with the law, abolished by the President of Ukraine or the head of the local state administration of the highest level). A variant of this sanction is the recognition of unconstitutional acts determined by the Constitution of Ukraine of state bodies or their individual provisions, which is carried out by the Constitutional Court of Ukraine;

2) termination of the activity of state bodies, local self-government bodies, their officials and officials (for example, according to Part 1 of Article 87 of the Constitution of Ukraine, the Supreme Council of Ukraine may consider responsibility of the Cabinet of Ministers of Ukraine and to adopt a resolution of no confidence in the Cabinet of Ministers of Ukraine by a majority of the constitutional composition of the Supreme Council of Ukraine);

3) annulment of legal results of certain constitutional and legal actions (for example, in accordance with the Law of Ukraine "On

Elections of People's Deputies of Ukraine" the polling station election commission may declare voting at a polling station invalid if it finds violations expression of will of voters);

4) restriction or suspension of some basic rights of citizens. Thus, on the basis of Part C of Art. 76 of the Constitution of Ukraine, a citizen who has a criminal record for an intentional crime may not be elected to the Supreme Council of Ukraine if this criminal record has not been expunged and revoked in accordance with the procedure established by law;

5) cancellation of the decision on admission to the citizenship of Ukraine. For example, according to the Law of Ukraine "On Citizenship of Ukraine" of 18.01.2001, as amended by the acquisition of Ukrainian citizenship through citizenship of Ukraine due to fraud, deliberate submission of false information or false documents is grounds for loss of Ukrainian citizenship.

The problematic aspect of the application of constitutional and legal responsibility is fragmentation and fragmentation, a significant number of gaps in the procedural order of bringing to constitutional and legal responsibility. For example, there is no statute of limitations for bringing to constitutional and legal responsibility, etc.

To streamline all components of constitutional and legal responsibility, it is advisable to adopt the law "On constitutional and legal responsibility" or to consolidate these components within specific laws governing the legal status of various state institutions and officials.

Thus, based on the results of the study of the essence of the types of sanctions of constitutional liability, the following conclusions and proposals can be made:

1) constitutional and legal sanctions are negative consequences provided by constitutional and legal norms, which are imposed compulsorily on a certain subject for committing a constitutional tort; certain oppressions of a political and legal nature, which he must suffer as a result of bringing to constitutional and legal responsibility;

2) distinguish punitive (repressive), compensatory, moral and political, preventive (preventive, prejudicial), educational and restorative purpose of applying constitutional and legal sanctions;

3) sanctions of constitutional and legal responsibility are classified according to various criteria: according to the range of subjects to which they are applied; in their content (the nature of the negative consequences they have for the offender); by the procedure of imposition; by time of application;

4) the main forms of sanctions of constitutional and legal responsibility are: cancellation or suspension of acts of state bodies and local self-government bodies or their separate provisions; termination of activity of state bodies, local self-government bodies, their officials and officials; annulment of legal results of certain constitutional and legal actions; restriction or suspension of some basic rights of citizens; cancellation of the decision on admission to the citizenship of Ukraine.

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