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REGARDING THE EFFECTIVENESS OF CONSTITUTIONAL MECHANISMS FOR THE IMPLEMENTATION OF HUMAN RIGHTS IN UKRAINE

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Abstract. This paper examines the constitutional framework for ensuring human rights in Ukraine, focusing on the relationship between legal norms and institutional frameworks. Particular attention is paid to the role of legal awareness, individual responsibility and state mechanisms in ensuring the full realization and protection of constitutional rights and freedoms.

Keywords: human rights, human rights protection mechanisms, constitution, realization of rights, legal awareness, legal culture.

Анотація. У роботі досліджуються конституційні засади забезпечення прав людини в Україні з акцентом на взаємозв'язок між правовими нормами та інституційними рамками. Особлива увага приділяється ролі правосвідомості, індивідуальної відповідальності та державних механізмів у забезпеченні повної реалізації та захисту конституційних прав і свобод.

Ключові слова: права людини, механізми захисту прав людини, конституція, реалізація прав, правосвідомість, правова культура

Introduction.

The modern legal system of Ukraine is based on the fundamental principles of democracy, the rule of law and respect for human dignity, which are enshrined in the Constitution of Ukraine. One of the most important components of constitutional law is the mechanism for protecting and realizing human and civil rights and freedoms. Given the unstable legal and political situation in Ukraine, which is complicated by the international armed conflict and the peculiarities of the martial law regime, the creation of effective institutions and legal guarantees for the protection of human rights is of particular importance.

The main text of the study.

The Constitution of Ukraine [1] establishes mechanisms for the national protection, implementation, and safeguarding of human rights and freedoms. The accessibility and extent of human rights implementation directly depend on the level of democracy within the state and the efficiency of its governmental mechanisms. O. Skrypniuk defines the protection of human rights as a system of guarantees provided by state institutions operating under a legal regime. This system comprises elements such as competencies, protection, safeguarding, and the creation of necessary conditions for the effective realization of individuals' rights [2, p. 3].

Thus, ensuring human rights is entrusted to authorized state bodies, which, within the scope of their competencies, must establish institutional and normative regulation of social relations in a manner that maximally respects human rights, freedoms, and lawful interests. Safeguarding and protecting rights and freedoms involve not only applying mechanisms for restoring violated rights and addressing violations but also preventive mechanisms aimed at avoiding new violations and fostering the positive responsibility of all legal relationship participants.

Key Elements of Constitutional Human Rights Protection

1. The mechanism for the constitutional determination of rights and guarantees for their protection — a legal framework establishing a list of human rights, defining their constitutional status, and outlining guarantees for their realization.

2. The mechanism for the organizational support of human rights — a system of state authorities directly responsible for ensuring the implementation of human rights and freedoms.

The practical realization of human rights significantly depends on the effective interaction of these two elements. Only through the harmonious combination of legal norms and organizational structures can an adequate level of protection and realization of human rights be achieved.

At the same time, the realization of human rights is a complex and multifaceted phenomenon that involves not only the activities of law enforcement bodies but also the active participation of the individual. Legislators, when determining the model for

implementing legal norms that enshrine human rights, often focus on the direct usability of these rights by legal relationship participants [3, p. 81]. Another aspect of legal realization and positive responsibility involves individuals' conscious attitudes toward their constitutional obligations, which serve as a foundation for the civilized development of society.

The development of effective organizational mechanisms aimed at comprehensive realization of individual rights and freedoms, combined with individuals' conscious attitudes toward their rights and duties, ensures the successful implementation of the rule of law and legality principles by the state. Legal consciousness acts as a measure of social processes, significantly influencing the regulation of the entire spectrum of societal and governmental interests. The problem of individuals' interest and active participation in implementing or protecting their rights and freedoms largely depends on the level of legal awareness, legal culture, and public and individual awareness.

For the successful implementation of the rights and freedoms enshrined in the Constitution of Ukraine, favorable circumstances are essential. These circumstances consist of numerous subjective and objective factors capable of creating optimal conditions for realizing rights and freedoms. A comprehensive and interrelated system of guarantees for human and civil rights and freedoms can form an overarching constitutional mechanism for their effective realization, comprehensive protection, and safeguarding.

Thus, ensuring constitutional rights and freedoms can justifiably be equated with their realization system and constitutional guarantees. Guaranteeing these rights primarily occurs through state institutions, which fulfill their roles in ensuring, protecting, implementing, and guaranteeing individual rights and freedoms within their competencies and in strict adherence to the legal framework. However, the leading role in the state's human rights protection activities lies in guaranteeing, as the absence or insufficiency of guarantees renders their realization impossible.

Conclusions.

The protection and realization of human rights in Ukraine are fundamentally

rooted in the constitutional order, which establishes not only the scope and nature of rights and freedoms but also the mechanisms for their effective implementation and safeguarding. The effective functioning of these mechanisms requires the coordinated operation of legal norms and institutional structures, along with the active engagement of individuals in exercising their rights and fulfilling their constitutional duties. Legal awareness, culture, and responsibility form the societal foundation upon which human rights protection rests. Without comprehensive and enforceable guarantees, constitutional rights risk remaining declarative in nature. Therefore, the establishment and enhancement of legal and organizational frameworks for human rights protection are essential for the democratic development of the Ukrainian state and the realization of the rule of law in practice.

Literature:

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