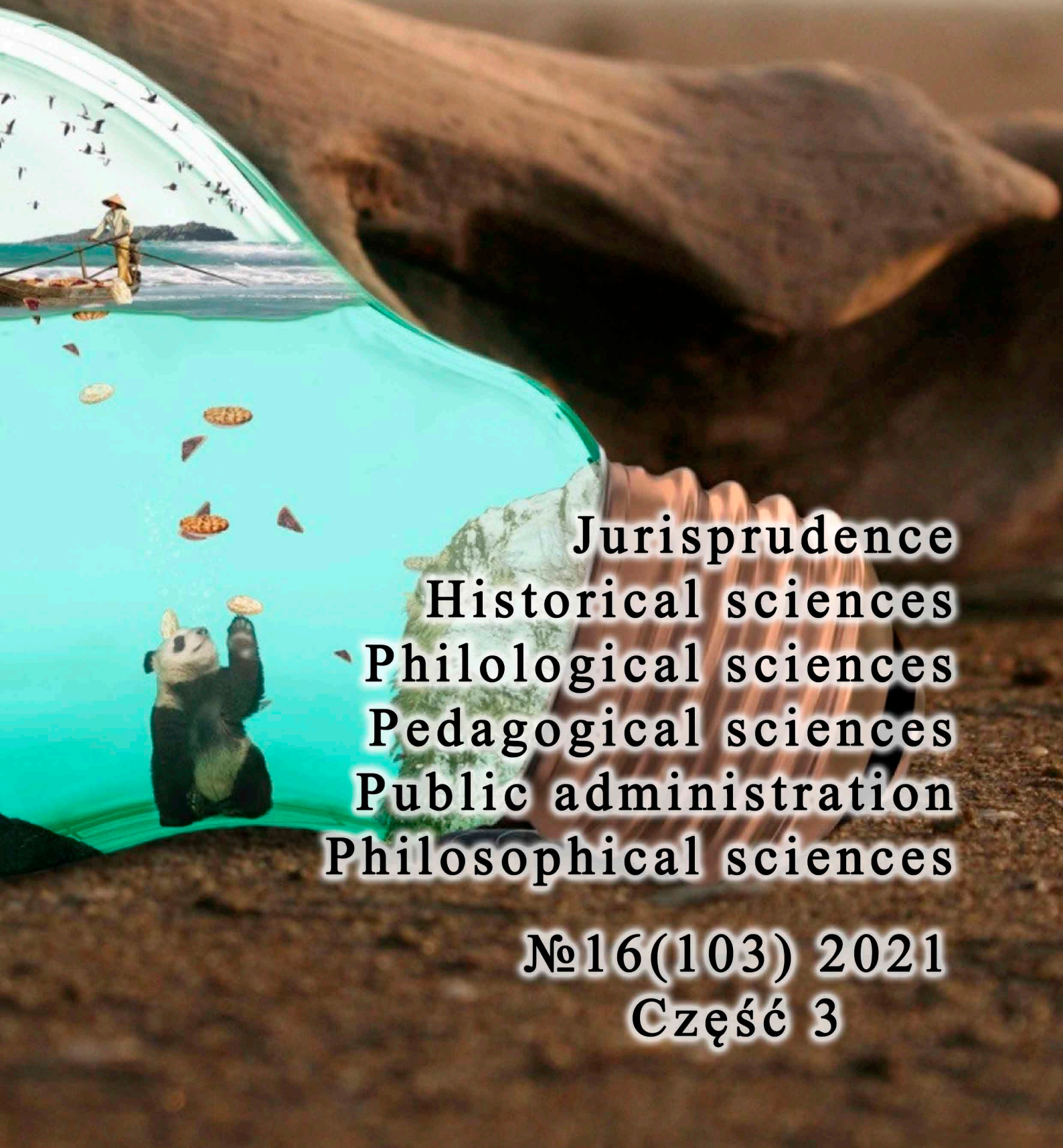




colloquium-journal

ISSN 2520-6990

Międzynarodowe czasopismo naukowe



**Jurisprudence
Historical sciences
Philological sciences
Pedagogical sciences
Public administration
Philosophical sciences**

**№16(103) 2021
Część 3**



colloquium-journal

ISSN 2520-6990

ISSN 2520-2480

Colloquium-journal №16 (103), 2021

Część 3

(Warszawa, Polska)

Redaktor naczelny - **Paweł Nowak**
Ewa Kowalczyk

Rada naukowa

- **Dorota Dobija** - profesor i rachunkowości i zarządzania na uniwersytecie Koźmińskiego
- **Jemielniak Dariusz** - profesor dyrektor centrum naukowo-badawczego w zakresie organizacji i miejsc pracy, kierownik katedry zarządzania Międzynarodowego w Ku.
- **Mateusz Jabłoński** - politechnika Krakowska im. Tadeusza Kościuszki.
- **Henryka Danuta Stryczewska** – profesor, dziekan wydziału elektrotechniki i informatyki Politechniki Lubelskiej.
- **Bulakh Iryna Valerievna** - profesor nadzwyczajny w katedrze projektowania środowiska architektonicznego, Kijowski narodowy Uniwersytet budownictwa i architektury.
- **Leontiev Rudolf Georgievich** - doktor nauk ekonomicznych, profesor wyższej komisji atestacyjnej, główny naukowiec federalnego centrum badawczego chabarowska, dalekowschodni oddział rosyjskiej akademii nauk
- **Serebrennikova Anna Valerievna** - doktor prawa, profesor wydziału prawa karnego i kryminologii uniwersytetu Moskiewskiego M.V. Lomonosova, Rosja
- **Skopa Vitaliy Aleksandrovich** - doktor nauk historycznych, kierownik katedry filozofii i kulturoznawstwa
- **Pogrebnaya Yana Vsevolodovna** - doktor filologii, profesor nadzwyczajny, stawropolski państwowy Instytut pedagogiczny
- **Fanil Timeryanowicz Kuzbekov** - kandydat nauk historycznych, doktor nauk filologicznych. profesor, wydział Dziennikarstwa, Bashgosuniversitet
- **Aliyev Zakir Hussein oglu** - doctor of agricultural sciences, associate professor, professor of RAE academician RAPVHN and MAEP
- **Kanivets Alexander Vasilievich** - kandydat nauk technicznych, docent wydziału dyscypliny inżynierii ogólnej wydziału inżynierii i technologii państwowej akademii rolniczej w Połtawie
- **Yavorska-Vitkovska Monika** - doktor edukacji, szkoła Kuyavsky-Pomorsk w bidgoszczu, dziekan nauk o filozofii i biologii; doktor edukacji, profesor
- **Chernyak Lev Pavlovich** - doktor nauk technicznych, profesor, katedra technologii chemicznej materiałów kompozytowych narodowy uniwersytet techniczny ukrainy „Politechnika w Kijowie”
- **Vorona-Slivinskaya Lyubov Grigoryevna** - doktor nauk ekonomicznych, profesor, St. Petersburg University of Management Technologia i ekonomia
- **Voskresenskaya Elena Vladimirovna** doktor prawa, kierownik Katedry Prawa Cywilnego i Ochrony Własności Intelektualnej w dziedzinie techniki, Politechnika im. Piotra Wielkiego w Sankt Petersburgu
- **Tengiz Magradze** - doktor filozofii w dziedzinie energetyki i elektrotechniki, Georgian Technical University, Tbilisi, Gruzja
- **Usta-Azizova Dilnoza Ahrarovna** - kandydat nauk pedagogicznych, profesor nadzwyczajny, Tashkent Pediatric Medical Institute, Uzbekistan

    SlideShare



INDEX COPERNICUS
INTERNATIONAL

НАУЧНАЯ ЭЛЕКТРОННАЯ
БИБЛИОТЕКА
LIBRARY.RU

«Colloquium-journal»

Wydawca «Interdruk» Poland, Warszawa
Annopol 4, 03-236

E-mail: info@colloquium-journal.org
<http://www.colloquium-journal.org/>

CONTENTS

PUBLIC ADMINISTRATION

Шпіньова Ю. МІЖНАРОДНИЙ ДОСВІД СПІВПРАЦІ МІЖ УРЯДАМИ ТА ОРГАНІЗАЦІЯМИ ГРОМАДЯНСЬКОГО СУСПІЛЬСТВА В ПЕРІОД НАДЗВИЧАЙНОЇ СИТУАЦІЇ	4
Shpinova Yu. INTERNATIONAL EXPERIENCE OF COOPERATION BETWEEN GOVERNMENTS AND CIVIL SOCIETY ORGANIZATIONS DURING A STATE OF EMERGENCY	4

HISTORICAL SCIENCES

Levchuk K.I. CHANGES IN THE LEGAL STATUS OF PUBLIC ORGANIZATIONS IN UKRAINE (30 - 90 years of the XX century).	7
---	---

PHILOLOGICAL SCIENCES

Kholod I. THE STRUCTURAL COMPONENTS AND GENRE DIFFERENTIATION OF UKRAINIAN NEWSPAPER TEXTS	15
--	----

PHILOSOPHICAL SCIENCES

Голощанов В.П. О ВРЕМЕНИ	21
Goloshchapov V.P. ABOUT TIME.....	21
Makarov Z. Yu. REVOLUTIONARY TRANSFORMATIONS IN MODERN SCIENCE: PHILOSOPHICAL ANALYSIS.....	24

JURISPRUDENCE

Барданова А. АКТУАЛЬНЕ ПИТАННЯ ПРИЗНАЧЕННЯ ПРАВА ТА ЙОГО СОЦІАЛЬНА ЦІННІСТЬ В УМОВАХ РОЗБУДОВИ ПРАВОВОЇ ДЕРЖАВИ	32
Bardanova A. THE CURRENT ISSUE OF THE FUNCTION OF LAW AND ITS SOCIAL VALUE IN THE CONDITIONS OF DEVELOPING THE LEGAL STATE	32
Батманова В.В. СИСТЕМА НАДАННЯ ПУБЛІЧНИХ ПОСЛУГ У СФЕРІ СОЦІАЛЬНОГО ЗАХИСТУ НАСЕЛЕННЯ.....	34
Batmanova V.V. SYSTEM OF PROVISION OF PUBLIC SERVICES IN THE FIELD OF SOCIAL PROTECTION OF THE POPULATION.....	34
Валиуллина Ч.Ф. ЗНАЧИМОСТЬ И ЭФФЕКТИВНОСТЬ ПРОЦЕДУРЫ МЕДИАЦИИ ДЛЯ РАЗРЕШЕНИЯ КОРПОРАТИВНЫХ КОНФЛИКТОВ	36
Valiullina Ch. F. IMPORTANCE AND EFFECTIVENESS OF MEDIATION PROCEDURE FOR RESOLUTION OF CORPORATE CONFLICTS	36
Манько Г.В. ГЕНЕЗИС НАУКОВОЇ РОЗРОБКИ ЗДІЙСНЕННЯ АДМІНІСТРАТИВНИХ ПРОЦЕДУР У СФЕРІ ЗАХИСТУ ДОВКІЛЛЯ ТА ПРИРОДНИХ РЕСУРСІВ	38
Manko G.V. GENESIS OF SCIENTIFIC DEVELOPMENT OF IMPLEMENTATION OF ADMINISTRATIVE PROCEDURES IN THE FIELD OF ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES	38
Тюмнева М.А. ПРАВА АВТОРОВ И ИХ ГРАЖДАНСКО-ПРАВОВАЯ ЗАЩИТА	42
Tyumneva M.A. AUTHORS' RIGHTS AND THEIR CIVIL PROTECTION.....	42

HISTORICAL SCIENCES

УДК 316.3:329"19"(477)

Levchuk K.I.

*Doctor of Historical Sciences, Professor,
Head of the Department of History of Ukraine and Philosophy,
Vinnytsia National Agrarian University*

[DOI: 10.24412/2520-6990-2021-16103-7-14](https://doi.org/10.24412/2520-6990-2021-16103-7-14)

CHANGES IN THE LEGAL STATUS OF PUBLIC ORGANIZATIONS IN UKRAINE (30 - 90 years of the XX century).

Abstract.

The article considers changes in the legal status of public organizations from the time of the Stalinist totalitarian regime to the end of the twentieth century. The transformation of ideas in the legal and socio-political literature about the socio-political status of public organizations is analyzed.

Keywords: public organization, citizens' associations, party control, informal organizations, status.

Formulation of the problem. The growing role and importance of associations of citizens in the socio-political life of Ukraine contributed to the revival of scientific discourse in the late 90s of the twentieth century. on the legal status of public organizations. In our opinion, this was facilitated by the rapid growth of the number of NGOs in Ukraine, the need for qualified legal assistance to newly established NGOs, the activities of non-governmental research organizations, financial and organizational assistance of international and Ukrainian philanthropic organizations (Center for Innovation and Development, Philanthropy Orlyk and others)

Literature analysis. In Soviet times, the definition of "public organization" was not discussed and was defined by the following features: formally voluntary membership; the principle of democratic centralism as the basis of organizational structure; activities aimed at achieving the goals declared in the charter; participation in communist construction under the leadership of the CPSU. [1, p. 18]

With the proclamation of Ukraine's independence, the discussion on the legal regulation of the establishment and operation of public organizations intensified. O. Kopylenko critically assessed the Law "On Associations of Citizens" adopted in 1992. The researcher emphasized that the ill-consideredness of a number of provisions of the Law is determined by the lack of necessary experience, uncertainty of basic concepts, mechanical borrowing of foreign sources, declarative nature of many regulations. The factor that caused haste in adoption and excessive politicization was the focus of the deputies who passed the Law on the problems of political parties, while the activities of public organizations remained in the background. [2, p. 12] According to N. Gayova, the Constitution of Ukraine enshrines both the universal right (the right to freedom of association in public organizations) and the right that is inherent only in the citizens of Ukraine (the right to freedom of association in political parties). [3, p. . 60] A. Tkachuk analyzed the origins and legal nature of the terminology used in relation to associations of citizens during the 90s of the twentieth century. [4, p. 31]

The purpose of our article: to investigate the evolution of the regulatory framework for the creation and operation of public organizations in Ukraine.

Presenting main material. The Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948, defines the right of everyone to freedom of peaceful assembly and association. Such a right is reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms, which entered into force in September 1953.

Until October 1990, the procedure for the formation, registration, supervision and liquidation of associations of citizens in Ukraine was regulated by the instruction of July 16, 1932 "How to register the statutes of associations and unions not intended to profit and supervise their activities" and the resolution All-Ukrainian Central Executive Committee and the Council of People's Commissars of Soviet Ukraine of February 20, 1933 "On the bodies that register the statutes of companies and unions that do not operate for profit." In documents noted that "associations aimed at various socially useful purposes, rather than the acquisition of material values" [5, p. 499] must have a statute registered in the relevant people's commissariats and equivalent central institutions, whose activities are associated with the tasks of these societies and unions, as well as in the relevant departments of regional and district executive committees. [5, p. 521]

Supervision of the activities of newly established organizations was entrusted to the structures that registered the company or union. Each non-profit company should submit an annual report on its activities, which should explain the scientific-academic, administrative and economic activities of the company or union and have as an appendix a work plan for the next year and an estimated budget. [5, p. . 502]

Thus, state structures have the right to determine not only the legality but also the expediency of the existence of any association of citizens, based on their departmental interests. It should be noted that the definition of "non-profit societies and unions" extended to various associations of citizens: religious communities, mutual aid funds, collective farms, consumer unions, volunteer fire brigades, the All-Ukrainian association

of the Blind, etc. In our opinion, the wording was vague and required extensive comment. It was not specified how to understand the abstract expression "socially useful goals". Obtaining premises, providing financial and material assistance from state, party, and Komsomol bodies was a common practice for non-governmental organizations established under party instructions. The attribution of different types of cooperation (agricultural, fishing, consumer, housing, etc.) to public organizations should be explained by a certain political expediency (the most widespread at the time and politically correct) and attempts to empty the main economic content of cooperation (even in Lenin's sense). The legal documents in question referred to associations of citizens, which included not only ideologically correct organizations from the point of view of communist ideology, but also communities of believers. Thus, the "association of citizens" was seen by theorists of scientific communism as basic, in a broader sense than a "public organization" whose purpose, in addition to statutory goals, was to build communism under the leadership of the Communist Party. Thus, the activities of any public organization in the USSR were political in nature.

In the conditions of the apogee of Stalin's repressions, party-administrative control over amateur activity of citizens, the right to unite in public organizations, namely in trade unions, cooperatives, youth organizations, sports and defense organizations, cultural, technical and scientific societies was guaranteed by Article 126 of the USSR Constitution of 1936. It was noted that the CPSU is a public organization and the leading core of all organizations, both public and state. The corresponding article was included in the Constitution of the USSR in 1937. [5, p. 595] Thus, the system of public organizations as a block of the political system of socialism in the USSR was defined as follows: CPSU, Komsomol (with a managed pioneer organization), trade unions, creative unions, cooperatives, voluntary societies.

This is how the fundamental provisions were laid down during the Stalinist regime, which regulated and determined the interaction between citizens' associations and party-state bodies.

First, the organization must register the charter with the relevant executive bodies, which assess the purpose and methods of the company, and provided that the activities do not conflict with the interests of the state adopt a resolution on registration.

Secondly, an association can aim only at socially useful goals (which will be determined by the relevant party or state structure), and not to meet the needs of its co-founders or a limited number of citizens.

Third, the instructions did not prohibit state and even more so party bodies from taking the initiative in establishing public organizations if in the opinion of the department concerned, there is a need for this. A clear example of the nationalization of public initiative was the adoption of the Resolution of June 4, 1933 "On the All-Ukrainian association of the Blind and the All-Ukrainian association of the Deaf and Dumb", which noted that the All-Ukrainian association of the Blind and the All-Ukrainian association of the Deaf and

Dumb are, independently perform their tasks under the general guidance and care of the People's Commissariat of Social Security of Soviet Ukraine on the basis of this resolution and the statutes approved by the People's Commissariat of Social Security of the USSR "[5, p. 530] Similarly, the state structure not only transferred part of its powers to the shoulders of the public organizations created by it, but also prepared, approved and issued their statutes.

As a rule, the silhouettes of party manipulators were clearly seen in the decisions of the executive bodies. Thus, the CPSU was the real initiator in the creation of the organization necessary for propaganda activities (the Society for the Dissemination of Political and Scientific Knowledge (later the Knowledge Society).) Total control was manifested in the case when the formalities necessary for the establishment of a public organization were fully implemented. According to the resolution of the Council of Ministers of the USSR of April 29, 1947, "a group of scientists and public figures appealed to all figures of Soviet science and culture to establish an All-Union association for the Dissemination of Political and Scientific Knowledge and was allowed (published by the author) to publish appeals in central newspapers." [6, p. 26] The State Staff Commission under the Council of Ministers of the USSR was instructed to quantify the staff of the company, and to provide available property, equipment and funds of the All-Union Lecture Bureau at the Ministry of Higher Education of the USSR. [6, p. 27] "Initiatives" of scientists and public figures were carried out in the union republics *ikah*. In particular, the resolution of the Council of Ministers of the USSR of June 4, 1947 supported the initiative of a group of scientists and public figures of Ukraine to establish a Ukrainian society as a branch of the All-Union Organization. [6, p. 1] The role of the Knowledge association in the propaganda of Marxism-Leninism, the formation of the communist worldview among the population of the USSR was so important that the leading role of the party was not limited to traditional forms of influence (through party directives, leadership through a party group, etc.). Relevant party bodies had close current contact with the company's branches and organized strategic management of its activities. That is why the company's charter did not require further approval or registration with the relevant state bodies. [7, p. 87]

It should be noted that a number of public organizations in the Soviet Union had a special legal status. The statutes of the largest members of the Komsomol and trade unions were also not subject to registration or approval by state bodies, and leading positions were held by representatives of the party nomenklatura. Such a privileged status was distinguished by the exceptional importance of these unions as a single and non-alternative to party influence on youth and workers, mass and centralization across the country.

Another group of associations of citizens that were not subject to the generally accepted registration were various voluntary associations, clubs, sections. Such associations could be established either within or under the leadership of mass public organizations such as the Komsomol or trade unions, which provided the

necessary ideological orientation and control over possible unauthorized manifestations of independence. In particular, voluntary trade union associations arose on the initiative of trade union members on the basis of a relevant resolution of the trade union bodies. The statutes of trade unions were adopted by the societies themselves on the basis of the relevant Model Statute approved by the trade union bodies.

A special form of citizens' associations, from the point of view of Soviet social scientists, were various groups, collectives, which were usually formed at the place of residence, not on the basis of formal membership, but in connection with certain life circumstances. These are various public committees, women's councils, inspections, commissions, etc., which in their activities cooperated with local government agencies. They were referred to as "amateur organizations" or "local community activities". The inability to exercise their rights and freedoms in the Procrustean lodge of formalized and politicized NGOs, whose goals and programs were detached from the realities of ordinary life, prompted citizens to exercise their right to form associations outside the official initiative. Proper supervision and control over amateur organizations was carried out by the executive committees of local councils, which developed and adopted model Regulations on their activities. In our opinion, the authorities were not interested in the official recognition of the status of amateur organizations as public, as the officially recognized mass organizations lost their privileged status. In addition, the non-necessity of a fixed membership, the possibility of the appearance at the head of the organization of persons unauthorized by party and state bodies, caused concern, which was not unfounded. It was from the environment of amateur associations, clubs, circles under the Komsomol and trade union "roof" that various informal organizations and movements emerged, which during the perestroika were leaders of democratic ideas and fought for Ukraine's independence. In the conditions of independent Ukraine, most public organizations have local status. The example of Vinnytsia region is illustrative. As of January 1, 2000, 526 public organizations with local status and 255 branches of all-Ukrainian and international organizations were legalized in the region. [8, p. 5]

An important criterion for the successful work of a public organization was mass. For example - the number of trade union members as of January 1, 1989 reached more than 25 million 700 thousand people., YKL of Ukraine - 5 million 879 thousand [9, p.186-195] In the Ukrainian association for the Protection of Monuments history and culture as of the beginning of July 1986 included 25 regional, Kyiv and Sevastopol city, 713 district and city organizations, more than 75 thousand primary organizations, which covered 17 million 900 thousand individual, 23 thousand collective members. [10, with. 28] The increase in the number led to increased passivity of ordinary members, who mostly participated in the activities of the organization by paying membership fees.

Significant changes in the status of public organizations took place with the adoption of the Constitution

of the USSR in April 1978. In order to officially consolidate the ruling role of the CPSU, Article 6 was introduced, according to which the party was proclaimed the leading force of Soviet society. Thus, the CPSU not only ceased to appear in the list of public organizations recorded in Stalin's 1936 Constitution, but acquired a fundamentally new status - the supranational ruling party. Article 49 of the Constitution gave the right to citizens of the Ukrainian SSR to unite in public organizations for the development of political activity and initiative, the satisfaction of their interests in accordance with the goals of communist construction. [11, p. 19] Thus, the possibility of the legal formation of a public organization whose statutory goals did not have a communist perspective and did not recognize the ruling role of the CPSU was ruled out.

Article 7 of the Constitution gave the right to trade unions, Komsomol, cooperatives and other public organizations to participate in the management of public affairs, in solving political, economic and socio-cultural problems [11, p. 6], which strengthened the special status of these public associations, made them part of the political system of "developed socialism"

At the April (1985) plenum of the CPSU Central Committee, the new General Secretary of the CPSU Central Committee, Mikhail Gorbachev, declared the need for significant changes in the country's economy, social and spiritual life. The new course was called "perestroika" and aimed to accelerate the socio-economic development of the country, while maintaining the ruling nomenklatura and the party's omnipotence. The statute of the CPSU adopted at the XXVII Congress of the party in the spring of 1986 stated that "the CPSU, acting within the Constitution of the USSR, carries out political leadership of state and public organizations, directs and coordinates their activities." [12, p. 243] At the same time there was a gradual liberalization of the regime, the emergence of associations citizens outside party influence. The new party leadership sought to retain the levers of government by transferring power from the party apparatus to state bodies. That is why the adoption of the law on elections of people's deputies of the USSR was initiated, which for the first time in Soviet times laid down the principle of alternative (election of a deputy from several candidates), but Article 18 of the law violated the principle of universal equal and direct suffrage: one third (750 people) elected from the CPSU and party-dependent All-Union public organizations (trade unions, Komsomol, cooperatives, women's councils, organizations of war and labor veterans, creative unions, etc.). [13, p. 61] A similar form and content of the draft Law of the Ukrainian SSR on Elections was rejected under pressure from the democratic forces in October 1989.

The growth of civic activity of the population has led to the emergence of so-called "informal organizations". In our opinion, the determining factors in the status of such public formations are voluntariness, spontaneity, lack of influence of state and party structures, common interests of the founders, refusal of fixed membership. Amateur associations in trade unions and the Komsomol grew in number and numbers, and it became increasingly difficult to control and direct their

activities. Particularly concerned among party functionaries were politicized organizations: the Ukrainian Helsinki Union, the Memorial, the Lion Society, the Committee for the Defense of the Ukrainian Catholic Church, and others. In September 1989, the founding of the People's Movement of Ukraine - a mass socio-political organization. Elections to the Verkhovna Rada of Ukraine, increasingly loud calls to repeal Article 6 of the USSR Constitution, and the further politicization of civic groups led to the proclamation of some of them as political parties. Similar processes took place in other union republics. The need to integrate informal social movements into the political system, the absence of a legal act that would regulate the rapid development of civic activity contributed to changes in the legislative provision of the right of citizens to form associations. It was at this stage that informal associations as representatives of the opposition political orientation and public organizations as representatives of the official Soviet political system were opposed.

On September 29, 1990, the Presidium of the Verkhovna Rada of the Ukrainian SSR adopted a resolution "On the Procedure for Registration of Public Associations." It established that in the period before the adoption of the Law of the Ukrainian SSR on Public Associations, the statutes of newly formed political parties, voluntary associations, public movements, foundations and other associations with republican governing bodies are subject to registration by the Ministry of Justice of the USSR. of the executive committees of the respective Soviets of People's Deputies. To register the statute, an application, statute, extract from the minutes of the constituent congress, which adopted the statute, the decision of the congress (conference) on the establishment of a party or public organization, its name and governing bodies are submitted to the relevant state body. [14, p. 640]

The decision was supplemented on November 14, 1990. It was determined that the statutes of inter-republican and international associations are also submitted for registration by the Ministry of Justice of Ukraine. Republican political parties were considered to be parties with at least 3,000 members, and other republican associations were considered to have at least 300 citizens. [14, p. 641]

On October 9, 1990, the USSR Law "On Public Associations" was adopted, according to which public associations are recognized as voluntary formations that arose as a result of the free will of citizens who united on the basis of common interests. Political associations, mass movements, trade unions, women's, veterans' organizations, organizations of the disabled, youth and children's organizations, voluntary associations, foundations, creative unions and other associations of citizens were recognized as public associations. The law did not apply to commercial and other organizations aimed at commercial purposes, religious organizations, territorial self-government bodies, and public amateur bodies. [15, p. 19] An important step on the way to democratic legal society was a ban on state bodies to interfere in the activities of public associations that can participate in the formation and operation of public authorities and administration, have the right of

legislative initiative, protect the interests of their members in state and public bodies. The law emphasized that servicemen and law enforcement officers in their official activities are guided by the requirements of the law, and not by the decisions of political parties and mass social movements. [15, p. 21-26] The adoption of the law was an important step towards further democratization of society, created conditions for the activities of newly formed associations in the legal field.

It should be noted that the People's Deputies of the USSR, supporters of democratic reforms S. Stankevich, S. Soldatov, M. Fedotov prepared an alternative draft law "On Public Associations of Citizens (on Freedom of Union) in the USSR" which did not receive the support of Communist deputies. The draft proposed to ban the establishment and operation of political party organizations in the army, the KGB, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Prosecutor's Office and the judiciary, [16, p. 8] while Article 5 of the law allowed the activities of organizations of political parties and other public associations in state structures during non-working hours.

In our opinion, the USSR Law "On Public Associations" reflected the socio-political situation in the country at that time, the lack of democratic experience and impartial analysis of various associations of citizens. The special status of political parties as associations of citizens, which were created in order to seize state power and implement a common concept of social development, was not taken into account. Participation in the political struggle in the late 80's of the twentieth century of various public organizations was common not only in Ukraine but also in other republics of the USSR. The lack of understanding of the role and importance of political parties for the development of a stable democratic society took place even after the proclamation of Ukraine's independence. Thus, in October 1996, at the seminar "Development of non-governmental organizations through legal reforms", Oleksandr Lavrynovych mentioned repeated discussions with the leader of "Prosvita" P. Movchan, who claimed that "Prosvita" is such a large and so many people ... Why a small party with 15,000 members can run in the election and a huge Enlightenment cannot. This is probably due to a lack of understanding of the purpose of these organizations. If people come together to do education, they have to do it. If they want to engage in political activity, no one will forbid the adoption of a statute that provides for political activity, change the name to a political party ... and there will be no problems. "[17, p. 75] We should also take into account the factor of underdevelopment of political institutions in Ukrainian society during the "perestroika", when Ukrainian citizens could fully exercise their political rights and fight for Ukraine's independence through the activities of newly established human rights, environmental and educational organizations.

The non-extension of the Law to religious organizations, territorial self-government bodies, and public amateur bodies narrowed the scope of citizens' activity, while the peculiarities of the formation and activity of trade unions, youth organizations, creative unions, and foundations required separate legal acts.

On October 24, 1990, the Verkhovna Rada of the Ukrainian SSR adopted amendments to the Constitution of the Ukrainian SSR. Article 6 was excluded, in which the CPSU was proclaimed the leading and guiding force, the core of the political system. Citizens of the USSR were guaranteed the right to unite in political parties, public organizations and movements, which through their representatives elected to the Soviets and other forms can participate in the development and implementation of policy, in the management of state and public affairs. [18, p. 606]

The changes that took place in the socio-political life of Ukraine during the second half of the 1980s and the beginning of the 1990s led to the proclamation of the independence of our state on August 24, 1991 and required appropriate legal regulation. The emergence of informal organizations and their active participation in the struggle for independence of Ukraine, participation in the political struggle of mass socio-political associations, the creation of various political parties, the ban on the CPU on August 30, 1991, demanded intensification of work on the legal framework for newly established public associations. Critical perception of the term "public organization" by representatives of informal associations, mechanical borrowing of foreign terminology, gave rise to a number of definitions, which became widespread in the 90s of the twentieth century. These are "non-governmental organizations", "non-governmental organizations", "non-profit organizations", "third sector".

The concept of "non-governmental organizations" emphasizes the lack of subordination of the organization to government agencies. That is, the state does not interfere in the order of formation and does not take decisions that are binding on members of these organizations, if the latter act without violating the law. The concept of "non-governmental organizations" is synonymous, although in this case the situation is somewhat more complicated. The UN Charter clearly identifies international non-governmental organizations as opposed to various intergovernmental organizations. The term "international non-governmental organizations" was used in the Law of Ukraine "On Associations of Citizens".

The concept of "non-profit organization" implies that the activities of the organization do not involve making a profit in accordance with the relevant laws. It should be understood that non-profit institutions and organizations established by the state authorities of Ukraine and local governments, research institutions, colleges, universities, religious organizations. Therefore, this term should be used in conjunction with the term "non-governmental" or "non-governmental organizations".

The concept of "third sector" is based on the concept of conditional division of society into three structures (sectors) - I sector - the state; Sector II - commercial; Sector III - non-governmental, non-profit organizations, including public organizations.

Fundamentals of legal regulation of public organizations in the 90s of the twentieth century. were enshrined in the Law of Ukraine "On Associations of Citizens", which was adopted by the Verkhovna Rada of

Ukraine on June 16, 1992. The law reflected the then understanding of the role and importance of citizens' associations in the socio-political life of Ukraine. Thus, in accordance with Article 1 of the Law, the definition of "association of citizens" was defined as a constitutive concept of legal regulation of the activity of public formations. Regardless of its name (movement, association, foundation, union, etc.), an association of citizens could be a political party or public organization. The association of citizens was recognized as a public organization on the condition of creating to satisfy their legitimate social, economic, creative, age, national-cultural, sports and other common interests. [19, p. 58]

The Law did not apply to religious, cooperative organizations, associations of citizens with the main purpose of making a profit, commercial foundations, local and regional governments, public organizations, trade unions. The Law highlighted the principles of creation and operation of associations of citizens and their status, defined the procedure for the creation and termination of their activities, outlined the rights of legalized associations, including the exercise of property rights.

The analysis of the Law makes it possible to point out certain shortcomings that are characteristic of the initial period of Ukrainian lawmaking. Thus, it was taken out of the scope of the Law and regulated by separate legal acts of creation and activity of religious communities and trade unions. Undoubtedly, these associations of citizens have their own specifics and features that require a clear definition of their status and the adoption of individual laws, but it is the search for common in all associations of citizens would create a legal basis for the normalization of Ukraine's "third sector" O. Kopylenko believes that the ill-consideredness of a number of provisions of the Law is determined by the lack of necessary experience, uncertainty of basic concepts, mechanical borrowing of foreign sources, declarativeness of many normative provisions. The factor that caused haste in adoption and excessive politicization was the focus of the deputies who passed the Law on the problems of the functioning of political parties, while the activities of public organizations remained in the background. [20, p. 12]

In our opinion, the active participation of a number of public organizations in Ukraine in the struggle for independence of Ukraine in 1989-1991, the creation of political parties on the basis of some of them (Republican Party - on the basis of the Ukrainian Helsinki Union, Green Party of Ukraine - on the basis of Green World») Pushed to the background the understanding that the main purpose of public organizations is to perform statutory tasks. Participation of public organizations in political activity is possible in "revolutionary" periods of history, but in conditions of political pluralism to perform certain political functions while maintaining the status of public organization means violation of the spirit and letter of the Law, as there are certain prohibitions in political parties. , having "their" public organization. For example - political parties, their institutions and organizations are prohibited from directly or indirectly receiving funds and other property

from foreign states and organizations, international organizations, foreign citizens [19, p. 63], while public organizations are not prohibited from such practices.

A significant shortcoming of the Law was the recognition of only one organizational and legal form of public organizations - associations (societies) and complete disregard for the peculiarities of creation, operation and ownership of funds.

Article 14 of the Law "On Associations of Citizens" stipulates that the legalization of associations of citizens is mandatory and is implemented through registration or notification of establishment. When registering an association of citizens acquires the status of a legal entity, while when legalized by notification, the status of a legal entity is not acquired. [19, p. 59] Legalization of associations of citizens is carried out depending on the status determined by Article 9 of the Law and the Resolution of the Cabinet of Ministers of Ukraine of 26.02.1993 №140 "Regulations on the procedure for legalization of associations of citizens."

An important step towards further democratization and development of Ukrainian statehood was the adoption of the Constitution of Ukraine on June 28, 1996. Article 36 of the Constitution of Ukraine guarantees the citizens of Ukraine the right to freedom of association in political parties and public organizations to exercise and protect their rights and freedoms and to satisfy political, economic, social, cultural and other interests. [21, p. 21] Thus, the Ukrainian state reaffirmed its loyalty to the fundamental rights of man and citizen enshrined in international legal acts - Article 20 of the Universal Declaration of Human Rights and Article 22 of the International Covenant on Civil and Political Rights.

Simultaneously, Article 36 recognizes the right to establish associations of citizens only for citizens of Ukraine. According to Ukrainian lawyers, the Constitution of Ukraine enshrines both the universal right (the right to freedom of association in public organizations) and the right that is inherent only in the citizens of Ukraine (the right to freedom of association in political parties). [22, p. 35] Article 35 of the Constitution of Ukraine guaranteed the right of citizens of Ukraine to participate in trade unions to protect their labor and socio-economic rights and interests. Trade unions have been identified as public organizations that unite citizens with common interests in the nature of their professional activities. Whereas the Law of Ukraine "On Associations of Citizens" does not apply to trade unions.

Article 37 of the Constitution of Ukraine defines the list of grounds on the basis of which the formation and activity of associations of citizens is prohibited. The basis for the ban on public organizations and political parties are their program goals or actions aimed at eliminating Ukraine's independence, forcibly changing the constitutional order, violating the sovereignty and territorial integrity of the state, promoting war, violence, inciting ethnic, racial, religious hatred, on human rights and freedoms, public health. [21, p. 22] Thus, the activities of public organizations must be carried out within the legal space of Ukraine states. It should contribute to the development of Ukrainian statehood, the

realization of fundamental rights and freedoms of Ukrainian citizens. An important factor that testifies to the establishment of the rule of law in Ukraine is the constitutional provision that recognizes the prohibition of the activities of associations of citizens only in court.

The need for further legal support for the activities of various public organizations was caused by the adoption by the Verkhovna Rada of Ukraine of the Law "On Charity and Charitable Organizations", signed by the President of Ukraine on September 16, 1997. This Law defines the general principles of charity, provides legal regulation of charitable activities, determines the conditions of charitable organizations and forms of state support.

It is widely believed that charity is about helping the needy, the disabled, orphans, and so on. According to the Law, charity is a voluntary selfless donation of individuals and legal entities in providing material, financial, organizational and other assistance to purchasers. Charitable activity is considered as a selfless activity of charitable organizations, which does not involve making a profit. The definition of "charitable organization" is interpreted in a peculiar way, which is defined as a non-governmental organization, the main purpose of which is to carry out charitable activities in the interests of society or certain categories of persons. [23, p. 292]

Thus, at the legislative level, a special group of non-governmental organizations was identified, the main task of which should be financial and other support of individuals and organizations in need of assistance in the interests of society or a particular social group (veterans, youth). In fact, the special role of foundations, charitable institutions, missions, foundations in building a socially oriented and solidary Ukrainian state was recognized. At the same time, legislators have not been able to avoid certain inconsistencies with other laws governing the activities of the "third sector" in Ukraine. Thus, the Law "On Charity ..." does not mention that a charitable organization is an association of citizens and a form of public organization, while Article 1 of the Law "On Associations of Citizens" defines any association of citizens regardless of the name (foundation, union, association, etc.) of a political party or public organization. Thus, in fact, it was recognized that the Law "On Associations of Citizens" cannot perform the functions of the basic law necessary for the legal regulation of the creation and operation of various associations of citizens.

In October 1997, the Law of Ukraine "On Professional Creative Workers and Creative Unions" came into force, which defined the legal status of professional creative workers, approved the legal, social, economic and organizational principles of creative unions in the field of culture and art. The law defined the creative union as a voluntary association of professional creative workers of the relevant professional field in the field of culture and art. which has a fixed membership and operates on the basis of the statute. [24, p. 312] The main activities of creative unions were to promote the revival, development and popularization of folk art, creative use of folk traditions in the development of culture and art, preservation and enrichment of historical

and cultural heritage and environment, mass cultural and educational events, as well as the establishment of democratic universal values. The law guaranteed annual state support for creative unions and the preservation of ownership of real estate used by creative unions during the Soviet era. Critics of the law, calling creative unions a "legacy of the Soviet system," consider creative unions to exist without state support, and the law itself to be initiated by the bureaucratic leadership of the unions, which seeks to preserve its special status and privileges.

An important step towards further legal regulation of the activities of public organizations was the adoption of the Law of Ukraine "On Youth and Children's Public Organizations", signed by the President of Ukraine on December 1, 1998. The Law defined the terms "youth public organizations" and "children's public organizations", features of membership and status. Youth and children's public organizations not only retained the rights granted to them by the Law of Ukraine "On Associations of Citizens" and other legislative acts, but also received significant preferences from the state. First, membership fees and voluntary donations received from legal entities and individuals for statutory activities are not subject to taxation. Secondly, a separate line of the State Budget of Ukraine provides for expenditures to support the union, whose members are the majority of all-Ukrainian youth and children's NGOs, as well as regional youth unions. Financial support for the activities of youth and children's NGOs is provided through the relevant executive bodies working with youth, local governments and the Ukrainian National Committee of Youth Organizations (UNCMO). Third, the law guaranteed state support for youth and children's NGOs, which consisted of providing information on state policy on children and youth; promotion of organizational and methodological assistance on social formation and development of youth and children; support in the establishment of enterprises, institutions and organizations that provide services to youth and children or promote youth employment. [25, p. 130-131]

In our opinion, the adoption of the Law a year before the election of the President of Ukraine in 1999, significant state guarantees and benefits for the coordinator of the youth movement - UNCMO aimed not only declared in the Law goals and objectives but also an attempt to use youth in political struggle. Youth organizations were given the right to join electoral coalitions. Thus, if 25 percent of young voters came to the presidential elections in 1994, during the parliamentary elections in 1998 - more than 50 percent, then in the presidential elections of 1999 almost 70 percent. [26, p. 18] It was the votes of young people during the second round of the presidential election in Ukraine in 1999 that contributed to Kuchma's victory over V. Symonenko, who traditionally relies on the elderly.

In September 1999, the Law of Ukraine "On Trade Unions, Their Rights and Guarantees of Activity" was adopted, which defined the peculiarities of legal regulation, principles of establishment, rights and guarantees of trade unions. According to a number of re-

searchers, the theory and practice of jurisprudence suggest that organizations of this type should be considered separately. [27]

Conclusions. Thus, the changes in the socio-political life of Ukraine caused by the policy of "perestroika" led to the manifestation of diverse civic activity of citizens. The emergence of informal organizations, which were formed and operated outside the influence of state and party structures, destroyed at first glance a stable and tightly controlled sphere of public activity. Legal acts that have regulated the right of citizens to form associations since the time of Stalinism have been rejected. Normalization of the activities of newly created organizations was delayed, so the new legislation at both the All-Union and All-Ukrainian levels needed significant adjustments.

During the 90s of the twentieth century in Ukraine a number of laws were adopted, which defined the conditions of legal regulation of various associations of citizens. An important step towards the further development of the Ukrainian democratic state was the enshrinement in the 1996 Constitution of the right of Ukrainian citizens to freedom of association in political parties and public organizations. At the same time, Ukraine still does not have a framework law that would establish general rules for the formation, legalization, and activities of various types of public associations, whose activities are not aimed at making a profit, and are focused on solving socially significant problems. Despite the adoption of a number of laws mentioned above, this did not lead to streamlining the legal field of activity of various organizations.

The adoption of each new law led to another re-registration, creating significant inconvenience for real organizations. Despite the existence of the Law "On Charity and Charitable Organizations", not in Ukraine it is possible to create a fund in the classical sense of the word, as all associations of citizens can be an organization of only one organizational and legal form - an association. While the nature of the fund and the company is fundamentally different, which requires different requirements for registration, management structure and supervision. Such inconsistencies in the current legislation should be removed with the help of a fundamentally new law, which should take into account the practical experience of using the laws governing the activities of associations of citizens in the 90s of the twentieth century.

In our opinion, there is a need at the legislative level to define a fundamentally new status of public organizations, which should divide organizations into socially useful and organizations of mutual intangible benefits. The scope of activities of public benefit organizations can be defined by ecology, education, art, human rights, assistance to the needy, orphans, the disabled, veterans, protection of cultural and artistic monuments, work with children and youth, assistance to Chernobyl victims, etc. These organizations need to provide tax benefits, state support, finance socially significant projects from the budget. While mutually beneficial organizations created to meet private, corporate interests, associations and unions for leisure, "party" youth and women's organizations should be deprived of

tax benefits and state support. It is necessary to develop an effective mechanism of public and state control, which will allow a clear definition of the status of the organization. Support by a public organization, or the foundation of a particular political party, electoral bloc, or individual candidate during an election may also be grounds for prohibiting tax benefits, which, incidentally, is a common procedure for Western countries.

References

1. Public organizations in the political system / [Zh. Kolev, Ts. Yampolskaya, K. Schultze, P. Slavov, R. Mond]; Under. ed. Ts. A. Yampolskaya. Moscow: "Science", 1984. 272 p.
2. Kopylenko O. Legislation on public organizations. The current state and ways to improve. Legal framework of public organizations in Ukraine: Materials for discussion and practical use. Kyiv, 1997. P. 12-15.
3. Gayova N. Scientific commentary on Articles 36 and 37 of the Constitution. Program of assistance to public organizations: materials of seminars. Kyiv, 1997. P. 34-38.
4. Tkachuk A. Ukrainian "Third Sector": some thoughts on the legal nature and terminology. Crossing. 2000. №4. P.31-32.
5. Chronological collection of laws, decrees of the Presidium of the Verkhovna Rada, resolutions and orders of the Government of the Ukrainian SSR. Kyiv, 1963. Vol.1. 650 p.
6. Central State Archive of the highest authorities and administration of Ukraine. F. 4618. Op.1. Ref.1. 155 p.
7. Yampolskaya Ts. A. Public organizations in the USSR. Moscow: "Thought", 1972. 216 p.
8. Current archive of Vinnytsia Regional Department of Statistics. About political parties and public organizations operating in Vinnytsia region. Vinnytsia, 2001. 5 p.
9. Central State Archive of Public Associations of Ukraine. F.1. Op.32. Ref. 2650. 203 p.
10. Central State Archive of the highest authorities and administration of Ukraine. F. 4760. Op.1. Ref. 409. 41 p.
11. Constitution (Basic Law) of the USSR: as amended by the Law of the USSR of October 27, 1989 at the tenth session of the Verkhovna Rada of the Ukrainian SSR of the eleventh convocation. Kiev : Polityvdav Ukrainy, 1989. 61 p.
12. Proceedings of the XXVII Congress of the Communist Party of the Soviet Union. - Kyiv: Polityvdav Ukrainy, 1986. 422 p.
13. Code of Laws of the USSR. Moscow. 1980. Vol.1. Updated material of the Code of Laws of the USSR for replacement to Vol. 1, first half of 1990, p.61.
14. Information of the Verkhovna Rada of the USSR. №49. P.640.
15. Law of the USSR "On Public Associations" New laws of the USSR. Moscow: Legal Literature, 1991. Issue 3. P. 18-30.
16. S.A. Soldatov, S.B. Stankevich, M.A. Fedotov. Law of the USSR "On public associations of citizens (on freedom of association) in the USSR" Initiative author's project. Moscow. 1990. 35 p.
17. Seminar "Development of non-governmental organizations through legal reforms". Kiev. 1996. 147p.
18. Information of the Verkhovna Rada of the UkSSR. №45. P. 606.
19. Law of Ukraine "On Associations of Citizens". Regulatory framework of public organizations. Kyiv: The Fourth Wave. 2001. P. 55-67.
20. Kopylenko O. Legislation on public organizations. The current state and ways to improve. Legal framework of public organizations in Ukraine: Materials for discussion and practical use. Kyiv: Institute of Democracy Philip Orlik, 1997. pp. 12-15.
21. The Constitution of Ukraine. Official publication of the Verkhovna Rada of Ukraine. Kyiv: IVA. 1996. 117 p.
22. Gayova N. Scientific commentary on Articles 36 and 37 of the Constitution. Program of assistance to public organizations: materials of seminars. Kiev. 1997. P.35-37.
23. Law of Ukraine "On Charity and Charitable Organizations". Information of the Verkhovna Rada. 1997. №46. P.290-296.
24. Law of Ukraine "On professional creative workers and creative unions". Information of the Verkhovna Rada. 1997. №52. P.310-314.
25. Law of Ukraine "On Youth and Children's Public Organizations" Regulatory framework for the activities of public youth organizations. Kyiv: The Fourth Wave, 2001. P. 128-132.
26. Address of the President of Ukraine to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine in 2000. Kyiv: Information and Publishing Center of the State Statistics Committee of Ukraine, 2001. 404 p.
27. See: Dimitrov Yu. Legal regulation of legalization (official recognition) of non-profit organizations in Ukraine. Kyiv: public organizations, charitable foundations. Kiev. 2000. S.5; Tkachuk A. Ukrainian "Third Sector": some thoughts on the legal nature and terminology // Crossroads. №4. 2000. P.31.