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PROBLEMATIC ISSUES OF THE DEFINITION OF THE CONCEPT AND ESSENCE OF THE CONSTITUTIONAL ORDER

At the present time, when Ukraine is experiencing political and economic instability, and aggression on the part of the neighboring country aimed at infringing the sovereignty and territorial integrity of our state, the problem of ensuring the stability and permanence of the constitutional order of Ukraine and its principles gains actual value to scholars-constitutionalists. To achieve this goal, a priority task is definition of the concept and essence of the constitutional order. However, due to the transformation processes that our state currently faces, today there is still no common understanding of the nature and essence of the category of “constitutional order” in the scientific literature.

In addition, in the countries with the nascent democracy distorted understanding of the concept of the constitutional order is associated with complexities that arise in the implementation of the con-

stitution. After all, between a legally enforceable constitutional order and the one actually existing there are not only some differences, but sometimes outright contradictions. Although provisions of the Constitution of Ukraine are recognized as directly applicable, they are of a general nature and can be distorted in the interpretation and specification in the laws and regulations. Thus, we should distinguish between a legally enforceable constitutional order and the one actually existing, which can be derived not only from the analysis of the Constitution, but also taking into account the actual political, social and economic relations.

Thus, the constitutional order is based on a combination of fundamental rules that facilitate consolidation in the public practice and in the justice of stable, equitable, humane and legal relations between the individual, civil society and the state.