

***Shcherbaniuk O.V.,***  
*Candidate of Law Sciences,*  
*Associate Professor, Senior Lecturer,*  
*Department of constitutional, administrative and financial law,*  
*Chernivtsi National University named after Yurii Fedkovych*

## PROBLEMS OF CONSTITUTIONAL RECOGNITION OF THE PUBLIC HEARINGS INSTITUTE AS A FORM OF DIRECT EXERCISE OF SOVEREIGN POWER OF THE PEOPLE OF UKRAINE

In modern conditions in Ukraine is constitutional and legal reform. Constitutional Assembly June 21, 2013 in plenary session adopted the concept of amending the Constitution of Ukraine. In this regard, an important scientific objective is to nominate and support appropriate proposals taking into account the achievements of modern constitutionalism forms of exercise to improve their people's sovereign power, which should be included in the constitutional text.

Challenges forms of exercise of power by the people studied by such scientists as Yu.H. Barabash, P.F. Martynenko, V.Y. Tatsiy, O.Y. Todyka, Y.M. Todyka, V.L. Fedorenko etc. However, the proposal for the allocation of public hearings as a particular form of exercise of power by the people is not justified through. Consequently, the proposal is justified by the author for the first time in domestic science of constitutional law.

The article aims reasoning necessary constitutional recognition of the Institute of public hearings in the constitutional law of Ukraine and formulate relevant proposals.

To build a constitutional state in Ukraine, whose main task is the broad participation of the people in the exercise of power and control. The current state can be effective only if national policies

reflect the views and beliefs of people, citizens. Therefore, at present Ukraine needs not only the constitutional procedure of democratic elections, but the real responsibility of government to the people and responsible citizens in their own state.

The development of social relations that occur on people's participation in public affairs lead to the emergence of the Institute of Public Hearings.

At the present stage of state in Ukraine a form of direct exercise of power by the people can become public hearings that will enable the public to participate in the management of state and social affairs.

In modern constitutional law are the two groups of scientific approaches to the definition of public hearings: the first group of scientists (O.E. Kutafin, V.I. Fadyeyev, V.I. Vasilyev, V.V. Komarova, M.P. Beshpalova, M.V. Hvoshtunov) considers public hearing within a local government institution, the second group (S.A. Avakyan, S.S. Zenin, E.S. Shuhrina, M.O. Ocheretyinna) define public hearings independent institutions of direct democracy as a form of dialogue between the authorities of the population».

Ukrainian legislation does not formulated a definition of «public hearings», although the legislator uses this term in

sectoral legislation. In particular, the Law of Ukraine «On Environmental Protection» in Art. 6 states that «the central and local executive bodies and local authorities in the development of environmental programs involve the public in their training by publishing draft environmental study programs for their citizens, preparing public comments and suggestions on proposed projects, public hearings on environmental programs».

Public consultations are held in the form of public discussions (direct form), and Public Opinion Research (indirect form).

In addition, public hearings in the form of public hearings held at the local government level.

We believe that direct expression of the will of the people, under present conditions must be clearly construct a system of legal institute of public hearings. First

of all, you need by using legal mechanisms to ensure the rule of constitutional norms of industry standards legislation. Sectoral legislation that specifies the provisions contained in the constitutional and legal provisions, should proceed from the principles of their construction and expansion of constitutional law. An important aspect is the quality of functioning of public hearings within the constitutional and legal framework. In this regard, Article 69 of the Constitution of Ukraine shall be provided between forms of direct democracy the public hearing. In addition, it is necessary to fix by law the citizens as subjects initiating public hearings to give them the right to participate in the preparation and the right to participate in decision outcome of the hearing. We believe that the adoption is permissible legal act - the Law of Ukraine «On public hearings in Ukraine».