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CORRELATION BETWEEN THE CONCEPTS OF CONSTITUTIONALISM AND CONSTITUTIONAL LAW

We know that every state has its own Constitution. For tens of years, they could be changed depending on certain situations, the progress of the state and society. This is the main and main law of any state, which provides for the declaration of the rights and freedoms of citizens and their guarantee. The Constitution contains all the laws that citizens must obey. Thus, it ensures legal order in each state. But let's consider such a concept as constitutionalism. Constitutionalism is a political and legal phenomenon, the legal (juridical) essence of which is determined, first of all, by the normative and legal basis of this system, represented by the Constitution.

This concept supports the rule of law as a basic principle of governance. It all started thanks to the ancient Greek constitutions, which are known thanks to Aristotle. And later in Ancient Rome, various types of imperial decrees appeared, which were called constitutions. Closer to the modern idea of constitutional acts are the constitutional ideas of the Declaration of Human and Citizen Rights [1].

In order to understand the benefits of constitutionalism, we need to know its content, functions, and the foundations of the theory of constitutionalism.

In terms of content, it is constitutional construction, implementation of the constitution and its protection, and in terms of form, constitutionalism mediates the state and social order, forms of direct people's power, the state, etc.

As for the normative and legal foundations of constitutionalism, here they are determined by the constitution as the highest legal force. The Basic Law of the state regulates the most important social relations and has its own structure, a special procedure for adopting and making changes. The system of constitutionalism functions as a regime of exact and unwavering observance of the constitution and other constitutional and legal acts by all subjects.

Constitutionalism can function only when the values and provisions of the Constitution are consistently and consistently implemented in the practical activities of public authorities and their officials, public associations - that is, when a strong constitutional legal order is established [2].

Let's talk about constitutional law. What is constitutional law?

This is a branch of law that constitutes a set of legal norms that establish the foundations of legal norms.

The main subject of legal regulation of the constitutional law of Ukraine is

social relations that arise and operate in the process of exercising power by the people of Ukraine.

The constitutional law of Ukraine is a fundamental and leading branch of law. This science studies the operation of constitutional law, the implementation of its norms and principles, finds patterns of its development, and usually formulates practical advice for the purpose of improving constitutional-legal relations.

Regarding the main approaches to understanding constitutional law. According to the classical approach, constitutional law is a constituent part of public law. Its main subject is the relationship of power, the participants of which are in the relationship "ruler - subordinate". This approach assumes that constitutional law provides legitimization of state intervention in private life for the purpose of protecting public interests. Due to this, the constitutional status is established. According to the post-classical approach, constitutional law has a broader scope than public law. In particular, constitutional law determines the degree of legitimacy of state intervention in private autonomy. The relationship between political institutions and public power is considered on the basis of autonomy. Constitutional law is non-partisan, state policy is subject to law, thus the state is separated from the party apparatus. In the sphere of private law, constitutional law determines the balance of public and individual interests. The basis for this can be freedom of contract, which provides for the good faith of a person entering into a legal relationship. A private person must prudently determine the patterns of his behavior in order to minimize the negative consequences of his activities [3].

So, let's summarize the above. We understood that constitutionalism is a philosophical concept that recognizes legal authority and the rule of law as the main principles of legal regulation in society. From this it is concluded that constitutional law is the leading branch of public law in the national legal system. Its main idea is to strengthen the sovereignty of the Ukrainian people, ensure the principle of the rule of law, the formation and development of civil society and key democratic values. We can also conclude that the Constitution of Ukraine is the main source of modern constitutional law. But we can also see Constitutional norms and principles in other sources, primarily in constitutional laws - those that make changes and additions to the Constitution. The main thing to remember is that the structure of a constitutional and legal norm is its internal composition, the relationship of its three elements: hypotheses, dispositions and sanctions. "This science connects political, ideological, prognostic and communicative functions [4].

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ПОРУШЕННЯ ПРАВ ЛЮДИНИ В ПЕРІОД ВОЄННОГО СТАНУ

Сучасний світ розвивається та прогресує щодня. Наразі суспільство має багато прав, можливостей та перспектив. Будь-яка країна має свої особливості, надзвичайно талановитих і працелюбних людей. Кожна суверенна держава найбільше цінує і дбає про своїх громадян, які роблять усе для того, аби держава процвітала й розвивалася. Українці – вільний, незламний та сильний духом народ. Останній рік українці згуртувалися, як ніколи, адже агресивна РФ здійснила жорстокий напад на суверенну територію нашої держави, маючи за пріоритет владу та вигоду, а не життя людей та мир, життя України та українців змінилося.

Серед масових порушень прав людини найнезахищенішим виявилось право на життя. Здавалося б, це дикість у демократичному сучасному світі ХХІ століття, проте для України – це сувора реальність буття. Наша держава бореться за право на життя, проте щодня країна-терорист знищує не тільки військові об'єкти, критичну інфраструктуру, а й мирне населення, сотні тисяч ні в чому не винних громадян, які загинули через чийсь наказ. Десятків тисяч загиблих дітей, немовлят, та тих, хто ще не народився – не стало, хтось просто захотів забрати їхнє життя.

Сьогодні актуальність і важливість права на життя людини, його реалізація і захист є очевидними, адже без такого фундаментального права всі інші права перестають мати будь-яке значення. Життя – це передумова реалізації всіх прав і свобод людини. Дане право знаходить своє закріплення у всіх договорах з прав людини, є частиною міжнародного права. Життя є фундаментальним правом людини, найважливішою цінністю.