

Podorozhna T., Biloskurska O. Constitutional complaint as a form judicial protection of human rights in Ukraine

The introduction of the constitutional complaint institute in the context of modern constitutionalism in Ukraine are analyzed in the article. Prospects for further improvement of this institute are considered. Particular attention is paid to detailing the main advantages and disadvantages of the constitutional complaint model adopted in Ukraine.

The constitutional complaint is a new effective procedural remedy for the protection of human rights and freedoms in Ukraine. The constitutional complaint is a significant step towards improving Ukrainian legislation on compliance with its European standards in the field of human rights and citizen protection. Without the implementation of a really effective constitutional complaint, it is impossible to systematically ensure the rule of the Constitution of Ukraine and guarantee the emergence of constitutionalism. The functioning of the constitutional complaint institute complements the content of the principle of direct effect of the norms of the Constitution of Ukraine.

The Constitutional Court of Ukraine, while protecting human rights and freedoms, is guided by the experience and practice of European constitutional justice, since approaches to addressing the main tasks of constitutional courts are similar, despite some peculiarities of national regulation. Therefore, we consider it appropriate to study the process of reforming the constitutional complaint institute, for example, in the Republic of Armenia. This is explained by the fact that in Ukraine and in the Republic of Armenia the model of complaints is similar. At the same time, both states discuss the prospects for implementing a model constitutional complaint with the possibility of challenging legal acts and acts of law enforcement. Problems of the functioning of the constitutional complaint institute, the existence of individual features of the model of complaint in each state are due to the desire to adapt this institution to the realities of social life, indicating the importance of the institute constitutional complaint.

The constitutional complaint serves as a guarantee of the rights and freedoms of man and citizen, a guarantee of the development of democracy on a constitutional basis. The constitutional complaint is a component of the rule of law in the form of ensuring the implementation of the principles of law in the law. A constitutional complaint should be considered not just as another mechanism of judicial protection, but as a means of influencing the quality of the current legislation.

Key words: constitutional complaint, constitutionalism, state duty, constitutional justice, Constitutional Court of Ukraine, human rights mechanism, judicial protection of rights.