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LEGAL RELATIONS IN THE CONTEXT OF HUMAN RIGHTS PROTECTION

Legal relations in the context of human rights protection form the cornerstone of a just and democratic society. These relations establish the framework within which individuals, as holders of rights, interact with each other and with the state, ensuring the safeguarding and promotion of fundamental freedoms and dignity for all.

At its core, the concept of legal relations embodies the dynamic interplay between rights and duties, both of which are integral components of human rights discourse. Human rights are not merely abstract principles but are imbued with legal significance, creating enforceable obligations on states and individuals alike. Legal relations thus encompass the reciprocal rights and responsibilities that govern interactions within a legal framework designed to uphold human dignity, equality, and justice [2, p. 76].

When defining human rights as the object of constitutional protection, we must first remember that it is an organic component of constitutional development. In other words, this object is essential, and its emergence is conditioned already at the level of theoretical definition of the phenomenon of constitution and constitutionalism. Thus, we simply cannot imagine a constitution or a constitutional order in which human rights are ignored, or at the level of which they are not recognized and interpreted as objects of constitutional protection. Interestingly, the authors of the «Federalist Papers», describing the constitution, noted that one of its goals is precisely the protection of citizens' rights [3, p. 24]. Therefore, the adoption of the constitution is an urgent need not only from the standpoint of building a new system of state power but also based on the interests of individual citizens, who will gain reliable guarantees of protection of their personal rights.

However, for the sake of fairness, it should be acknowledged that such an interpretation of human rights is overly abstract. Therefore, seeking to give some practical content to our research, we should turn to the questions of direct constitutional fixation of human rights.

The significance of the institution of human rights for the Constitution of Ukraine and for Ukrainian constitutionalism in general is evidenced by the fact that an entire section is dedicated to it. We mean Section II, which is titled «Rights, Freedoms, and Duties of Man and Citizen». At the moment, we will not delve into the formal-legal definition of the concepts of «rights», «freedoms», and «duties». Many modern experts believe that they are closely interconnected since, on the one hand, there can be no rights without freedom [1, p. 14].

And on the other hand, any human rights (especially those ensured by the positive activity of the state) entail corresponding duties concerning other citizens as well as regarding the state as a whole. In this sense, we fully agree with the thesis that the exercise of rights and freedoms is possible only in the presence of the fulfillment of obligations by the subject of these rights or freedoms, as well as by other subjects. Moreover, this thesis is entirely confirmed by the norms of Article 29 of the Universal Declaration of Human Rights. Let us remind you that its first part states: «Everyone has duties to the community in which alone the free and full development of his personality is possible.» Whereas in part 2 of the said article, it is mentioned that the exercise of freedom and rights must be in harmony with the rights and freedoms of other members of socjety [2, p. 47]. This, in turn, establishes a connection between the realization by each individual of their own rights and the observance by them of certain obligations (which, by the way, also have their limits).

But besides the fact of the existence of a special section of the Constitution of Ukraine, in

which human rights are enshrined, it is advisable to pay attention to the content of part 1 of Article 157 (structurally, this is Chapter XIII «Amendments to the Constitution of Ukraine»), which states: «The Constitution of Ukraine cannot be amended if the amendments envisage the abolition or restriction of human and citizen rights and freedoms». Thus, based on the logic-legal analysis of this constitutional norm, we can characterize the institution of human rights as one of the most stable (or as «maximally stable») in the Constitution of Ukraine. At first glance, such a conclusion may seem erroneous since, in fact, the domestic legislator has not provided for any special «complex» or «multi-stage» procedure for amending Section II. However, in reality, the Constitution of Ukraine clearly sets the limit for these changes [4, p. 15].

Part 2 of Article 21 states: «Human rights and freedoms are inalienable and inviolable», and in parts 2 and 3 of Article 22, it is stated: «Constitutional rights and freedoms are guaranteed and cannot be abolished. When adopting new laws or amending existing laws, no narrowing of the content and scope of existing rights and freedoms is allowed». In other words, the effective Constitution of Ukraine establishes a very important provision, the essence of which lies in the fact that constitutionally defined human rights are recognized as that peculiar minimum (regardless of the objective number of rights enshrined in the constitution) which is prohibited to decrease or restrict. This allows us to understand the internal logic, based on which Section II of the Constitution of Ukraine was not included in the list of those constitutional sections that provide for a complicated procedure for making amendments and additions. Thus, this section can actually be changed through the usual procedure. However, if we try to assess these potential changes, we must conclude that they will occur only in one direction. Namely, in the direction of expanding the scope or range of human and citizen rights and freedoms. Moreover, this constitutional provision explicitly prohibits the introduction of any additional grounds for restricting human rights other than those already contained in the current Constitution of Ukraine (for example, part 3 of Article 34, part 2 of Article 35, part 1 of Article 36).

Central to the notion of legal relations in the context of human rights protection is the role of law as a mechanism for accountability and redress. Laws serve as instruments for the recognition, protection, and enforcement of human rights, providing individuals with the means to seek recourse in cases of violations. Through legal channels, individuals can challenge discriminatory practices, arbitrary actions by authorities, and other infringements on their rights, thereby fostering accountability and upholding the rule of law [3, p. 60].

Moreover, legal relations in the realm of human rights extend beyond the individual-state dynamic to encompass broader societal interactions and structures. They involve not only the enforcement of rights by state institutions but also the cultivation of a culture of respect for human dignity and diversity within communities and institutions. This includes measures to combat discrimination, promote inclusivity, and ensure equal access to justice for all members of society.

In addition, legal relations in the context of human rights protection entail international dimensions, reflecting the interconnectedness of human rights across borders. International human rights law provides a framework of norms, treaties, and mechanisms for the protection and promotion of rights at the global level. It establishes standards of conduct for states and facilitates cooperation and solidarity in addressing transnational human rights challenges.

Overall, legal relations play a pivotal role in advancing human rights protection by establishing clear norms, obligations, and avenues for redress within legal systems. By upholding the rule of law, promoting accountability, and fostering a culture of respect for human rights, legal relations contribute to the realization of a just and inclusive society where the dignity and freedoms of all individuals are upheld and protected.

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