

Volodymyr M. Tertyshnyk. The right to land and will in historical and philosophical reflection and integral state's doctrine. The article on the basis of systemic analysis of modern legislation and legislative initiatives taking into account international legal standards and case practice of the European Court of Human Rights, disclosed the problems of ensuring legal certainty and Development of integrative principles of the legal State in matters land use. Submitted proposals for the right to land, showing the risks of introduction of free land, proposed conceptual models of legal norms.

Will and the land are the main components of the Ukrainian national idea, integral principles of a legal State, the most fundamental principles of State-building.

The article revealed the problems of ensuring legal certainty and the development of principles of a legal State with regard to international legal standards and precedent practice of the European Court of human rights, submitted proposals to ensure the right to freedom and the land, the proposed conceptual model of constitutional norms.

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In doctrine will highlight the following its structural or purely industry ideas-principles: the freedom to freely and with dignity to live and not be enslaved; personal integrity; freedom to do whatever is not prohibited by law; prohibition of coercion; privacy, right to free thinking; the right to the free creative activity Earth is given to people on the basis of natural law and can not be a commodity, because it is not established commodity producer and can not have a cost. It is like freedom and can not be lost or sold.

The Earth is in unity with nature, natural in minerals, and its possible privatization by international corporations does not guarantee the possibility of crushing exploitation of its subsoil and other resources.

Land-a unique treasure of the entire society, which can be not only a means of organizing land economy, but also a certain guarantor of sovereignty of the State and the will of the people.

The land and the will of these people on the basis of natural law. The Earth may not be the commodity because it is not created by the commodity producer and may not have a cost. Its like the freedom you can not to lose or sell. The Earth is a unique treasure of the whole society, which may not be the only means of organization of the land, but also a certain guarantor of sovereignty and the will of the people.

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In the context of this article. 28 of the Constitution of Ukraine offer to lay out the following statement: "every person enjoys the right to freedom, honor and dignity, and is considered to be a decent unless otherwise defined in the legal force of a judicial decision." "The Government should not expel, return or issue any person to another State if there are reasons beyond reasonable doubt to believe that there could threaten the torture or false imprisonment".

In article 4 of the Constitution it is advisable to put the following thesis: "every man is free and has the right to personal freedom and dignity, to do anything not prohibited by law, do not be enslaved or forced to do what is not provided by law. Everyone has the right to protection of their privacy, to freedom of communication and freedom of opinion, free creative activity. The will, rights and freedoms of every person are under the special protection of the State and its judicial and law enforcement authorities.

Keywords: *earth, will, precedent, legal certainty, the rule of law.*