

Yuriy V. Kyrychenko, Hanna V. Davletova. Constitutional regulation of the right to appeal to state authorities and local government bodies. The article examines the constitutional practice of normative regulation of the right to appeal to public authorities and local governments, enshrined in Art. 40 of the Constitution of Ukraine and in similar norms of the constitutions of European states. The necessity of stating the specified norm in the new edition is substantiated.

The right to appeal to public authorities and local governments, their officials and officials occupies a special place in the human rights system and is one of the most important organizational and legal forms of public participation in the sociopolitical life of the country and providing citizens of Ukraine with opportunities to defend their rights, legitimate interests, restoring them in case of violation. The study of the essence of this right gives grounds to state that the appeal by its nature has a dual meaning: first, it is one of the means of protecting human rights and legitimate interests violated by the actions or inaction of public authorities and local governments; secondly, the appeal is a signal of shortcomings in the work of public authorities and local governments.

From the content of Art. 40 of the Constitution of Ukraine, it follows that both citizens of Ukraine and persons who are not citizens of Ukraine, but are legally on the territory of Ukraine, and who are marked in the text by the term "all" have constitutional legal personality. By the way, the term "all" is used only in Art. 40 of the Constitution of Ukraine, and therefore it is not clear whether it belongs to the category of subjects of "all people", as enshrined in Art. 21, or to the category of subjects of "all citizens". At the same time, in similar norms of the constitutions of European states, various impersonal terms are used to denote the subject of this right - "everyone", "citizens", "every citizen", "all citizens" and "every person".

In connection with the above and in order to unify legal terminology, we believe that in Art. 40 of the Constitution of Ukraine, it would be more appropriate to use, instead of the term «all», the term «everyone», which, in our opinion, covers all categories of subjects of the right to appeal regardless of their legal status and is more in line with European experience in constitutional regulation of the studied law.

It should be emphasized that the necessary guarantee of realization of the investigated right is the duty of obligated subjects, ie public authorities, local governments and their officials and officials, to timely and objectively consider the appeal and provide a reasoned response to the merits of the appeal. The term established by the law. A similar provision is enshrined in the constitutions of Azerbaijan, Albania, Belarus, Armenia, Greece, Liechtenstein, Macedonia, Poland, Serbia, Turkey, Croatia, and Montenegro.

In this regard, we propose a phrase that is enshrined in Art. 40 of the Constitution of Ukraine: "are obliged to consider the appeal and give a reasoned response within the period prescribed by law" to state in an updated version. In addition, we believe that this article should specify the obligation of these bodies and their officials and officials to take the necessary measures to exercise this right, which will give the subjects of appeal grounds to appeal, including in court, actions or inaction of officials and officials of state bodies and local governments.

Therefore, in view of the above and taking into account the European experience in regulating the constitutional right to appeal, we propose Art. 40 of the Constitution of Ukraine to state in new edition: "Everyone has the right to submit individual or collective appeals or to personally address state authorities, local governments and their officials and officials, who are obliged to take the necessary measures and provide a reasoned written response within the period prescribed by law."

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