

ABSTRACT

The article is devoted to clarifying the content and features of state control over humanitarian aid and making proposals for its improvement. The article points out that today there are numerous problems associated with violations of the legislation regulating the procedure for providing and providing humanitarian aid, which in turn actualises the issue of efficiency and systematic state control in this area. An analysis of the state of legal regulation and the activities of public authorities, volunteers, and public associations indicates the need to implement a strict system of state control over humanitarian aid. Attention is drawn to the fact that power, as a management function, is associated with the need to constantly check the results of any activity to promptly eliminate violations of the law and increase the effectiveness of public administration and their officials and officials in one or another area. Types, forms and directions of state control over humanitarian aid are highlighted.

It is concluded that state control over humanitarian aid is characterised by certain shortcomings of organisational and legal regulation, which in general leads to non-targeted and inefficient use of funds, humanitarian aid itself, from the essence of the legislative basis for the implementation of control measures, normative definition of the content of state control over humanitarian aid, its subject and object, requirements for performance, as well as imperfection of the introduced forms and methods of power, which in general serve as grounds for abuses in this area. Therefore, an effective mechanism of state control over humanitarian aid should be created. It is justified that the tool of state control over humanitarian aid should be a continuous process of apparent functioning of all subjects of state control based on special legislation, which should determine the subject and object of state control, tasks, procedures for its implementation, types, forms and methods, system subjects who have to implement it with a clear division of powers between them. It is proposed to adopt the Law of Ukraine "On State Control of Humanitarian Aid".

Keywords: *humanitarian aid, state control, public administration bodies, activity, administrative and legal support, mechanism of state control.*

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UKRAINIAN LANGUAGE AS STATE LANGUAGE: GENERAL AND LAW DISCOURSE

Андрій Кучук, Катерина Ветошко. УКРАЇНЬКА МОВА ЯК ДЕРЖАВНА: ЗАГАЛЬНОПРАВОВИЙ ДИСКУРС. Актуальність дослідження обумовлюється необхідністю висвітлення значимості української мови як державної у творенні та подальшій розбудові української держави. Вказується, що до російської агресії питання правового статусу української мови не стало предметом комплексного дослідження правничої науки, а окремі аспекти функцій української мови в державі були предметом гносеології переважно філологів. Метою дослідження є акцентування уваги на необхідності сприйняття мови через її державотворчу роль, на значимості виконання вимог забезпечення функціонування української мови в усіх сферах діяльності суспільства. Наголошується на окремих положеннях рішень Конституційного Суду України у справах, пов'язаних з статусом української мови як державної та забезпеченням її функціонування в Україні. Наводяться приклади порушення мовного законодавства окремими суб'єктами політичної діяльності. Вказується на позитивний досвід європейських держав щодо забезпечення функціонування державної мови, формування дискурсу про важливу роль мови в державотворенні.

Резюмується, що виконання органами публічної влади завдання утвердження української мови як державної в українському суспільстві виявився недостатньо ефективним. Ми могли

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спостерігати, як відбувається процес звуження її використання, що стало одним з факторів соціальної напруги та вплинуло на забезпечення національної безпеки Української держави. На сьогодні, саме на органах державної влади лежить важливий обов'язок донести ту роль української мови, яка відзначена у рішенні Конституційного Суду України. Без української мови не може бути й української держави.

Ключові слова: державна мова, державотворення, Конституційний Суд України, публічна влада, українська мова.

Relevance of the study. The issue of the state language is one of the crucial issues of state formation. The themes gained special importance, mostly without causing social discussions, during the formation of national states. For Ukrainian society, the issue of language did not arise at the time of the declaration of independence of the Ukrainian state, but 23 years after its declaration, reaching its peak in 2022 with the beginning of Russia's full-scale armed aggression against Ukraine. The aggressor used the language factor as one of the justifications for military actions. Although this argument was groundless, it was the Russian president who emphasized it. Let us emphasize that according to the Russian doctrine, the sphere of interests of Russia ends with the territory of using the Russian language by population.

Let us add that the issue of the Ukrainian language status was permanently used by subjects of political activity mainly during the period of elections to state authorities and local self-government (in particular, to manipulate voters).

According to the provisions of the Constitution of Ukraine, the state language in Ukraine is Ukrainian [1]. Herewith, according to Part 2 of Art. 10 of the Constitution of Ukraine "The state ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the territory of Ukraine" [1]. It should be noted that, in our opinion, public authorities mostly did not fulfill (improperly fulfilled) the above constitutional brief. The confirmation of this is the state of functioning of the Ukrainian language in Ukraine. Thus, even today, when the provisions of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as a State Language" [2], in particular, regarding the use of the state language in the sphere of mass media and consumer service, it is necessary to demand that service providers switch to Ukrainian language everywhere. Even today (at the time of war), it is the journalists who use Russian language on the central TV channels. So, on this occasion, we will recall the recent address of P. Hrytsenko, doctor of philological sciences, professor, director of the Institute of the Ukrainian Language of the National Academy of Sciences of Ukraine, to the President of Ukraine. "It is unacceptable that media workers do not know how to say two sentences in Ukrainian language: a military man, a general is sitting for an interview. Previously, everyone said: the military does not know the Ukrainian language. And the correspondent is sitting, and asking questions. The general speaks a refined selected Ukrainian language, and he is consistently asked only in Russian" [3].

Recent publications review. As we noted, the issue of the Ukrainian language and its functioning in various social spheres became relevant with the beginning of Russia's armed aggression against Ukraine. Let us add that the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as a State Language" was adopted only in 2019, and in 2021 this law was recognized as constitutional (a number of people's deputies considered this Law to be inconsistent with the Constitution of Ukraine, establishing guarantees specifically for proper functioning of the Ukrainian language).

That is why the issue of the perception of the state language as the basis of the constitutional system in legal discourse, was mostly not the subject of systematic research. Until 2014, these themes had, in particular, a purely philological significance (within the scientific discourse). For example, let us mention the dissertation study on the topic "Ukrainian Language in Social and Linguistic Aspect" [4], the author of which rightly notes that at that time one of the two tasks of the Ukrainian linguistics (although this part should be disagreed with, since this is the task of the entire Ukrainian society and, in particular, of public authorities), there is a necessity to "develop the scientific foundations of the state language policy aimed at introducing the state language, and expanding the spheres of its use" [4, p. 29].

Certain aspects of the state-building function of language are covered by S. Yermolenko (however, precisely through the subject of philology) [5, p. 77-115].

G. Yankovska studied the functions of the state language (within the linguistic discourse) [6, p. 23-27]. In legal science, only individual scientific papers were published on this topic. Thus, let's mention the study by V. Shyshkin, dedicated to the very language state-building function. The jurist's thesis that "if according to the prescription of the part 2 of Article 3 of the

Basic Law of Ukraine, the state is responsible for its activities to people, then it must also be responsible for the full-fledged functioning of the Ukrainian language, the bearers of which are people – citizens of the titular nation" [7].

We cannot leave behind the dissertation by S. Kravchenko, in which, however, language is not considered through the prism of its significance for state-building and not as a component of the constitutional system, but only as a means of normative prescriptions' formal reflection. "The very idea of the law embodiment into linguistic form is the starting point of the materialization of the law and the basis for the law's entry into force" [8].

However, even today, as we indicated above, the problems of perception the language as a factor of state-building does not lose its relevance and this fact has determined our study.

The article's objective. Aim of study is to focus attention on the necessity to perceive the language through its state-building role as well as on the importance of fulfilling the requirements for ensuring functioning of the Ukrainian language in all spheres of society.

Discussion. Language is usually perceived as a means of transmitting information from one person to another. According to the well-known expression by E. Kant, "a person communicates with his own kind, because that way he feels more like a person" [9]. Language is used as a means of uniting individuals into certain communities, nations, and peoples. The population in the state is consolidated with the help of a language. Each state has an immanent language of state communication, that is, the state language. The state language is a language established by tradition or legislation, the use of which is mandatory in state administration and administrative agencies, public institutions and organizations, at enterprises, in state institutions of education, science, culture, and in the fields of communication and IT [10, p. 126].

The fact that Ukrainian language is now recognized as the state language in Ukraine is a great achievement of the Ukrainian people. Throughout the entire historical development, the Ukrainian people and their language were oppressed. However, despite all the obstacles, the Ukrainian language is currently legislated as the state language. According to Art. 10 of the Constitution of Ukraine, adopted by the Verkhovna Rada on June 28, 1996, Ukrainian language is the state language. Accordingly, the state must ensure the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout the territory of Ukraine [1].

Let us note that the legal (as a kind of official) interpretation of the status of the state language was given by the Constitutional Court of Ukraine in the corresponding decision: "Ukrainian language as the state language is a mandatory means of communication throughout the territory of Ukraine in the exercise of powers by state authorities and local self-government (the language of acts, work, record keeping, and documentation, etc.), as well as in other public spheres of public life determined by law" [11]. In the cited decision of the constitutional control agency, it was also explained why such a special status was given to the Ukrainian language: "The Constitution of Ukraine granted state status to the Ukrainian language. This fully corresponds to the state-building role of the Ukrainian nation, which is stated in the Preamble of the Constitution of Ukraine, the nation that historically lives on the territory of Ukraine, constitutes the absolute majority of its population and gave the official name to the state" [11]. However, in Ukraine, there are cases when judges, ministers, and people's deputies use the Russian language in official discourse. Demonstrative in this context is the case when during a court session the suspect makes remarks to the judge, making him to use the state language [12].

An example of a complex language situation is the case of one of the ex-ministers. It concerned the violation of Art. 10 of the Constitution of Ukraine by a civil servant: the minister's speech (at that time) was published on the YouTube platform in Russian language. It was on this occasion that in August 2015, public activist S. Litynsky appealed to the court. The plaintiff pointed to the minister's violation of language legislation and demanded to provide an authentic translation of this video recording of the minister. The court found it illegal to refuse to issue a translation of the minister's speech [13]. It is appropriate to emphasize that instead of implementing the court's decision, the central executive body filed an appeal against this decision, trying to cancel the obligation for the minister to use the state language in his activities. This appeal was subsequently withdrawn.

There are a number of similar situations: from violations of language legislation by public service workers to non-implementation by public authorities. Therefore, the language situation is quite complicated, as language legislation is violated even by civil servants, who should be an example for citizens. Thus, in accordance with the current legislation, the duties of civil servants include, in particular, the following: "it is mandatory to use the state language during the performance of official duties, to prevent discrimination against the state language and to oppose

possible attempts to discriminate against it" [14].

Despite the difficult path of establishing the Ukrainian language as the state language, even after its status was established in the Constitution of Ukraine and the relevant law, the Ukrainian language is still subject to restrictions. We emphasize that we do not consider the reasons for such a state of ensuring the functioning of the Ukrainian language within the Ukrainian society, since this goes beyond the scope of our knowledge and should be the subject of a separate study.

Let us emphasize that Ukraine has declared the European integration course, and in connection with which the corresponding changes were made to the Constitution of Ukraine. For European states the statement on the importance of the state language, which is considered as the basis of statehood and as the foundation of statehood, is quite obvious, and European states really ensure the comprehensive development of their own state language. In each of the European states, citizens develop the principle of respect for the state language, and the use of the state language is not considered as something that humiliates a person and a factor of a person's belonging to a lower class, etc. Especially if we are talking about civil servants, for whom the issue of language does not even arise.

In this context, the example of Latvia regarding the recognition of occupation as part of the Soviet state and the separation of two legal statuses, namely: citizens and non-citizens, is indicative. The latter do not have the same rights as the former, in particular, regarding participation in a political life and some other rights; which they can get only by becoming a citizen of Latvia. Herewith, one of the requirements for acquiring citizenship is knowledge of the Latvian language.

We cannot but mention the example of France, where the French language is directly fixed in Art. 2 of the Constitution as the language of France. At the same time, the breve is the first in the section dealing with sovereignty. Let us point out that the Constitutional Court of Ukraine in one of its decisions indicated the following: "The Ukrainian language is an inseparable attribute of the Ukrainian statehood... As a determining factor and the fundamental sign of the identity of the Ukrainian nation... the Ukrainian language, by virtue of the nation-making principle embedded in it, is a basic systemic component of the Ukrainian statehood and its basis. ...The threat to the Ukrainian language is equivalent to the threat to the national security of Ukraine, the existence of the Ukrainian nation and its state, since the language is a type of nation code, and not just a means of communication" [15].

Thus, both a significant part of Ukrainians and the majority of public authorities should realize the importance of the Ukrainian language for the preservation and further development of the Ukrainian state. The fundamental task of the state at the current stage of society's functioning, along with countering Russia's armed aggression, is "ensuring the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout the territory of Ukraine" [1].

We should also note the fact that the public authorities did not carry out appropriate work to convey the important role of the Ukrainian language in the formation of the Ukrainian state to the population, and this fact strengthened the influence of Russian narratives about the Ukrainian language's unimportance, etc., and was later used by Russian politicians to justify their criminal actions against Ukraine and Ukrainians.

That is why Ukrainians must understand that language is important; we can and must protect it. In this context, it is worth pointing out the necessity to improve the activities of the Commissioner for the Protection of the State Language, including by increasing the number of employees who will monitor compliance with the requirements of language legislation (however, this issue requires a separate study).

Conclusions. It is quite logical to conclude that the public authorities' performance of the task of establishing the Ukrainian language as the state language within Ukrainian society was not effective enough. We could observe the process of narrowing its use, which became one of the factors of social tension and affected the provision of national security of the Ukrainian state. Today, it is the state authorities that have an important duty to convey the role of the Ukrainian language, which was noted in the decision of the Constitutional Court of Ukraine. There can be no Ukrainian state without the Ukrainian language.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

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ABSTRACT

The topicality of the study is determined by the necessity to cover the importance of the Ukrainian language as the state language in building and further development of the Ukrainian state. It is indicated that before the Russian aggression, the issue of the legal status of the Ukrainian language did not become the subject of a comprehensive study of jurisprudence, and certain aspects of the Ukrainian language's functions within the state were the subject of epistemology mainly of philologists.

The purpose of the study is to focus attention on the necessity to perceive the language through its state-building role, on the importance of fulfilling the requirements for ensuring the functioning of the Ukrainian language in all spheres of society.

Emphasis is placed on certain provisions of the Constitutional Court of Ukraine decisions in cases related to the status of the Ukrainian language as the state language and ensuring its functioning in Ukraine. Examples of language legislation violations by individual subjects of political activity are given.

It is pointed out the positive experience of European states in ensuring the functioning of the state language, forming a discourse on the important role of language in state building. For European states, the position on the importance of the state language, which is considered as the basis of state building, as the foundation of statehood, is quite obvious.

It is argued that the recognition of the Ukrainian language as the state language in Ukraine is a great achievement of the Ukrainian people (based on the nation-building and state-building function of the language). Throughout the entire historical development, the Ukrainian people and their language were oppressed. However, despite all the obstacles, the Ukrainian language is currently legislated as the state language. Accordingly, the state must ensure the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout the territory of Ukraine.

It is summarized that the implementation of the task of establishing the Ukrainian language as the state language by public authorities in Ukrainian society turned out to be insufficiently effective. We could observe the process of narrowing its use, which became one of the factors of social tension and affected the provision of national security of the Ukrainian state. Today, it is the state authorities that have an important duty to convey the role of the Ukrainian language, which was noted in the decision of the Constitutional Court of Ukraine. There can be no Ukrainian state without the Ukrainian language.

Keywords: *state language, state-building, Constitutional Court of Ukraine, public authorities, Ukrainian language.*