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LEGAL TECHNOLOGIES OF CONSOLIDATION OF THE JUVENILE LEGISLATION OF UKRAINE

The article is devoted to the study of the concept and characteristics of legal technologies of consolidation of juvenile legislation. Particular attention is paid to the analysis of the subject composition and intellectual components that determine the procedure of processing normative material during consolidation.

It is established that legal technologies of consolidation of juvenile legislation are a set of knowledge, receptions, rules, ways and methods which reveal essence of the order of implementation of procedures of external processing of the normative material regulating questions concerning the legal status of the child and public or state guarantees of its maintenance. material into a single legal act without changing the content of acts to be regulated.

It is necessary to allocate the following signs of legal technologies of the juvenile legislation: it is a specific intellectual and normative arsenal; it is an intellectual- normative arsenal which determines the order of implementation of procedures of external processing of normative material; it is the streamlining of normative material that regulates juvenile law and legislation; special subject composition; the result of the application of legal technologies of consolidation of juvenile legislation is the creation of a single legal act without changing the content of acts to be regulated.

Legal technologies of consolidation of juvenile legislation consist of separate technological methods of their implementation. The whole set of such techniques can be divided into the following groups (which, in fact, correspond to the stages of work on the preparation and adoption of the act of consolidation): 1) Establishing the demand for consolidation; 2) Definition and classification of the legal array of consolidation; 3) Adjustment of the existing legal array; 4) Creating a formal composition of the consolidated act; 5) Issuance of a consolidated legal act.

Key words: consolidation, systematization, technological methods, juvenile legislation, legal technologies.

Introduction: Creating appropriate conditions for the implementation and protection of children's rights, childhood protection at the level of world humanitarian standards is one of the priority tasks of the modern Ukrainian state. Strengthening the social orientation and protective potential of law is a manifestation of its humanization and an indicator of a high level of civilization of society. The above provisions are achieved through the creation and implementation of many components, the basis of which is a coordinated and consistent system of juvenile legislation. Moreover, what is important is not the number of adopted acts.



but their effectiveness, the absence of conflicts, appropriate mechanisms for implementation, material and technical support, etc. In this aspect, issues related to the systematization of juvenile legislation, primarily the legal and technological mechanisms for its implementation, are of particular relevance.

Issues of general theoretical research of juvenile law and legislation were dealt with by O.V. Zubrytska, S.P. Kotaleichuk, N.M. Krestovska, V.I. Miroshnychenko.

The systematization of law and legislation became the subject of research by such specialists as A.I. Gratsianov, L.A. Luts, S.G. Melenenko, V.S. Nesesyants, N.M. Onishchenko, O.F. Skakun, Y.S. Shemshuchenko.

The features of legal techniques and technologies were studied by T.V. Kashanina, D.G. Manko, I.D. Shutak.

Statement of problem. The purpose of the article is to define the concept and characteristic features of legal technologies for the consolidation of juvenile legislation of Ukraine.

Research results. The rapid development of modern social relations leads to the emergence of new areas of legal regulation and, accordingly, an increase in the components of the legal system and the volume of legislation. One of the newest branches of Ukrainian law is juvenile law, which is focused on protecting the rights and interests of children and youth, creating appropriate conditions for the socialization of the younger generation.

In this aspect, the issues of systematizing juvenile legislation in Ukraine are among the most relevant. This is due to many factors, one of the key among which is the legal and technological imperfection of the juvenile legislation system of Ukraine.

On this occasion, V.I. Myroshnychenko quite rightly notes that "the main problems of the current state of the legislative framework for the implementation of state juvenile policy in Ukraine include the lack of an ideological approach in the administrative and legal support of the state's juvenile policy; the presence and at the same time the disunity of a large number of regulatory and legal acts of different legal force; a high level of dynamism of the norm-setting process, frequent adoption of new norms that complicate the content and structure of the legal mechanism; contradictions and gaps in legislation in this area" [8, p. 30].

The characteristic "current-package" dynamics of the work of the legislative body in recent years, of course, increases the regulatory and legal base with the latest acts, but, unfortunately, not always such a rapid accumulation of legal material allows for better regulation of social relations.

One of the tools for solving these problems is the systematization of legislation. From the point of view of general theoretical jurisprudence, systematization is characterized as a special type of legal activity, the achievement of the results of which ensures the creation of an incontrovertible system of legal acts or a separate act that combines individual provisions of others. Systematization is a special form of ordering legal material. There are many criteria by which it can occur: chronology, subject matter, and others. The result of systematization can be a single consolidated act, which, based on general principles, will regulate a certain branch of social relations for the first time or in a new way. During the implementation of other systematization tasks, the content of the legislation may not change, only a mechanical combination of existing and effective acts will occur. In some cases, it may be a question of eliminating shortcomings, conflicts, repetitions and outdated provisions that create difficulties for the application of legislation in practice.

Among the existing types of systematization, consolidation occupies a special place. Currently, there are several approaches to understanding the legal nature of consolidation, its content and significance for the processes of regulating social relations.

The term "consolidation" comes from the Latin word *consolidation*, which means unification, commonality, compatibility, etc. and is one of the ways of systematizing legislation, in the process of which several acts are combined in one document. A new act adopted in the process of consolidation completely replaces the combined ones, since it is newly adopted by the competent law-making body [12, p. 268].

S.G. Melenenko notes that "consolidation is a specific type of systematization of legislation, the ultimate goal of which is to eliminate the multiplicity of regulatory acts by reducing them to one consolidated



act. A new consolidated act completely replaces the regulatory acts that were part of it, since it is newly adopted by the competent law-making body and contains its own official details: name, date of adoption, number and signature of the official. Therefore, it can be noted that consolidation is a type of law-making activity of state bodies" [7, p. 10].

According to O.F. Skakun, "consolidation is a type of systematization of regulatory legal acts, which consists in combining a certain number of separate regulatory acts issued at different times on the same subject of legal regulation into a single consolidated regulatory legal act with the elimination of repetitions and contradictions, as a rule, without changing the content. In the process of consolidation, the form of legal acts changes, but not their content. This form of systematization is something between codification, current lawmaking and incorporation" [10, p. 385].

V.S. Nersesyants, revealing the nature of consolidation, indicates that "the peculiarity of consolidation is that a new, consolidated act does not change the content of legal regulation, does not make changes and novelties to the current legislation. In the process of preparing a consolidated act, all the norms of previous acts are arranged in a certain logical sequence, the general structure of the future act is developed, contradictions, repetitions are eliminated, outdated terminology is corrected, norms that are close in content are combined into one article, paragraph, etc." [9, p. 358].

N. M. Krestovska, indicates that consolidation should be understood as "the adoption of an enlarged unified act based on the unification of norms of separate acts. Types of consolidation are compilation and revision used in the USA" [3, p. 386, 389].

Analyzing the legal and technological features of consolidation in comparison with other types of systematization, T.V. Kashanina notes the following: "1) consolidation, unlike codification, does not establish new regulations; 2) the consolidated act acquires its own requisites, accordingly, previous acts lose not only their requisites, but also legal force; 3) consolidation is official in nature; 4) consolidation acts are mandatory for the addressees" [11, p. 326].

Investigating the above approaches, we can conditionally divide them into two groups. The first is focused on understanding consolidation as a certain process, the second - as a set of process and result. We believe that it is the second approach that reflects the nature of consolidation and makes it possible to take into account all possible aspects of its manifestation. Because consolidation is also the moment of searching for appropriate acts, their refinement (removal of repetitions, outdated provisions, conflicts, etc.), and the adoption of a new consolidated act as a result of activities to streamline legal norms.

These processes must occur in accordance with certain rules, principles and mechanisms. Currently, a new scientific direction has been formed in legal science - legal creativity, which, according to D.G. Manko, "is a system of knowledge about the general patterns of modern legal thinking and the procedure for using certain rules, methods, and methods of the art of creating, implementing and servicing legal acts during the performance of legal activities by competent subjects of law" [5, p. 18].

The legal technologies as a component of the processes of creating legal acts, are suggested to be understood by D.G. Manko as "scientifically substantiated information on the effective use of legal tools to achieve a result that has legal significance. This is a set of techniques, ways and methods that not only receive expression in legal acts and comprehensive justification in legal science, but they also determine the form, procedure and features of the implementation of legal activities in relation to the creation of legal acts" [6, p. 171].

Generally agreeing with the above provisions, I would like to note that legal technologies reflect the intellectual component of the implementation of legal activities in adopting legal acts, that is, they explain how and what should be done. But activity is not only knowledge, but also professional competencies, skills, abilities and a certain level of professional mastery.

The next block of questions that we need to define in the context of achieving the research goal of the article is the concept of juvenile law and legislation.

The most thorough and comprehensive study of juvenile studies in Ukraine was carried out by N.M. Krestovska. According to her, "juvenile law of Ukraine is a complex branch of Ukrainian law, which is a



value-oriented system of substantive, procedural and organizational legal norms aimed at ensuring the survival, development and socialization of the child by consolidating the special status of the child as a subject of law, establishing the competences of other subjects of law obliged to take care of children's affairs, and regulating relations, one of the participants (directly or through a representative) of which is the child. In turn, "juvenile legislation" is a narrower concept and includes only regulatory legal acts of different legal force (laws, by-laws, international treaties ratified by the Verkhovna Rada of Ukraine), the main content of which is devoted to the legal status of the child and social or state guarantees of its provision" [2, p. 165, 241].

By fully separating the above provisions and taking into account the specifics of consolidation, the peculiarities of the legal and technological arsenal of law, we can formulate a definition of legal technologies for the consolidation of juvenile legislation.

Analyzing the above definition, we can highlight the characteristic features that allow us to better understand the nature of legal technologies for the consolidation of juvenile legislation.

Firstly, it is a specific intellectual and normative arsenal - a set of knowledge, techniques, rules, ways and methods. The intellectual and scientific component is a set of techniques, ways and methods that do not have regulatory regulation, but their application is inseparable from the intellectual processes of the consolidation of legislation, in particular, the use of the rules of logic and the rules of language is necessary. The normative component is placed in current legal acts and formulates mandatory requirements for the procedure for preparing and implementing consolidation.

Secondly, it is an intellectual and normative arsenal that determines the procedure for implementing procedures for external processing of regulatory material.

L.A. Luts, characterizing the process of consolidation of legislation, identifies the following features: regulatory and legal provisions are combined by subject of regulation; the unification of provisions occurs in a single consolidated act; the unification of provisions is carried out without changing the regulatory and legal provisions recorded in the current sources of law; the unification of provisions partially contains signs of both incorporation and codification; regulatory and legal provisions used from the current system of sources of law are arranged in a certain sequence within the general structure of the future act; external processing and editorial amending (correction) of regulatory and legal provisions is carried out to achieve a single style; unified terminology is used; duplications, contradictions in regulatory and legal provisions are eliminated, outdated terminology is replaced [4, p. 235].

The purpose of consolidation is always to obtain a new or updated text of a regulatory legal act, taking into account the amendments made to it for further publication.

Thirdly, this is the ordering of regulatory material that regulates the issue of juvenile law and legislation. This is the moment of highlighting a set of legal acts that coincide with the consolidation criterion. In fact, the subject of consolidation is always a set of legal acts adopted on the same issue.

Fourthly, this is a special subjective component: it is necessary to distinguish the direct subject of the adoption of the consolidation act from the participants in the implementation of the consolidation procedures, who should be persons with a high level of legal culture and bearers of a scientific, professional or competent level of legal awareness. The status of the subject and official and unofficial consolidation should also be taken into account.

Fifth, the result of the application of legal technologies for the consolidation of juvenile legislation is the creation of a single legal act without changing the content of the acts to be regulated.

In particular, general theoretical sources state that "consolidation is the consolidation into a single regulatory legal act of several acts regulating a certain sphere of social relations, without changing their content" [1, p. 320].

The result of consolidation is the receipt of a new or updated text of a legal act, which is not the case, for example, during the incorporation or accounting of legal acts. In the process of consolidation, new legal provisions are not created or abolished.



Conclusions. Taking into account the highlighted and substantiated concepts and features, we can conclude that the consolidation of juvenile legislation is a complex and multi-level activity that requires a high level of knowledge, skills and experience. Each stage of the consolidation work must take place in accordance with scientifically substantiated provisions and not contradict legal regulations.

Legal technologies for the consolidation of juvenile legislation consist of separate technological methods for their implementation. The entire set of such methods can be divided into the following groups (which, in essence, correspond to the stages of work on the preparation and adoption of the consolidation act): 1) establishing the need for consolidation; 2) defining and classifying the legal mass of consolidation; 3) adjustment of the existing legal framework; 4) creation of a formal composition of a consolidated act; 5) Publication of a consolidated legal act.

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