

CHAPTER 3. SOCIAL, ECONOMIC AND CULTURAL RIGHTS AND FREEDOMS OF PEOPLE IN UKRAINE

Andrii Pravdiuk – Candidate of Law Sciences,
Associate Professor of the Department of Law,
Vinnytsia National Agrarian University

DOI: <https://doi.org/10.30525/978-9934-26-213-5-3>

3.1. The notion and types of social rights and freedoms of people and citizen

The priority tasks of the social state are to ensure a decent standard of living for its citizens, guarantee social stability, social security and social assistance, public peace and well-being¹³¹. In the process of building and functioning of Ukraine as a social state the activity of which is focused on the creation of conditions that ensure the life and free development of people, the analysis of those rights of people and citizens, the implementation of which is not possible without the active participation of the state in their provision – the social rights – is relevant. In this regard, the definition of the notion of this group of rights is particularly important, since it is practically impossible for the state to ensure the social rights of people, if there is no clear understanding of which rights belong to this group and what the relationship between them is¹³².

Relevant is the issue of the formation of social rights, associated with the recognition of the social nature of the state. The protection and guaranteeing of such rights is one of the most controversial aspects of the theory and practice of modern constitutionalism. Thus, in the process of historical development of social rights, we can trace their substantive formation.

¹³¹ Pylhun N.V. Sotsialno-pravova derzhava na etapi suchasnoho derzhavotvorennia v Ukraini. Istoryko-teoretychni zasady derzhavotvorennia i pravotvorennia v Ukraini : zbirnyk naukovykh prats. Kyiv, 2014. 146 s.

¹³² Babkova T. Poniattia ta vydy sotsialnykh prav i svobod liudyny i hromadianyna. *Naukovo-informatsiinyi visnyk Pravo*. 2013. № 8. S. 137–144.

CHAPTER 3

At the same time, it is necessary to emphasize that each successive cycle assimilates the values of the previous one, modifies them and adapts them to the requirements of the current state of society. Therefore, under some conditions, the constitution of social rights made it possible to consider them as a self-sufficient value¹³³.

P. Rosevallon stated that the social rights that existed in pre-modern societies had a completely different meaning than those that emerged on the eve of the 19th-20th centuries is a useful one. The entitlements to death granted to the lower classes of society in the Middle Ages originated not from the concept of citizenship (and, accordingly, equality), but from the notions of a natural, status hierarchy¹³⁴.

In the context of this issue it is worthwhile to refer to the opinion of T.P. Marshall, who managed to investigate the expansion of people's rights and ties in connection with capitalist modernization on the example of England. Marshall's subdivision of rights into "civil," "political," and "social" rights is in line with the well-known legal classification, according to which personal rights protect the subjects of private law from encroachments by the state on property and possessions, Political rights of participation enable the active citizen to participate in the democratic process of creation of his or her political opinion and collective will, social rights of participation provide the state's citizens with a minimum of unpaid income and social welfare. Marshall's thesis is that in modern societies the status of the citizen has been progressively expanded and affirmed. Democratic rights complemented the rights of the family, then the social rights, then the classical types of fundamental rights, in such a way that the wider population developed into full membership rights one step at a time¹³⁵.

Economic, social and cultural rights and freedoms of people and citizen are organically interconnected with civil and political rights studied above, which, in our view, In their totality are intended to ensure the freedom of people and the citizen in the economic, social and cultural spheres and by that to create such conditions for everyone, for which it

¹³³ Bapabash Yu.H. Sotsialni prava hromadian ta mozhlyvosti ih zahysty Konstytutsiinym Sydrom Ukrainy. *Pyblichne pravo*. 2011. № 4. S. 15–22.

¹³⁴ Kapystin B.G. *Grazhdanstvo i gpazhdanskoe obshchestvo*. Moskva, 2011. 224 s.

¹³⁵ Xabermas Yu. *Hrpomadianstvo i natsionalna identychnist*. Natsionalizm: Antolohiia. Kyiv : Smolockyp, 2006. S. 343–360.

is possible to enter into life «the ideal of a free human person, free from fear and want»¹³⁶.

Economic, social and cultural rights – the rights associated with the activity of people in the economic sphere, their social relations with society, state, collectives, other people, activities in the sphere of culture and spiritual life. They touch such important spheres of people as business and other economic activity, property, labor, leisure, health, education, and are intended to provide material, spiritual and other socially important individual needs¹³⁷. Social and economic rights have specific features that make them highly dependent on the state's current economic policy.

The level of protection of these rights depends not only and not so much on the presence of a thorough legal mechanism for their implementation, but primarily on the suitability of this category of rights to the economic potential of society¹³⁸.

Under conditions of the economic crisis it is not easy to guarantee the realization of social and economic rights, because the right cannot be higher than the economy. But if people are recognized as the highest social value, then in real life there must exist such economic and legal institutions, where each person first of all possesses not only political rights, but also the necessary minimum of social rights and opportunities. In this case, material guarantees must come primarily from the state in the framework of social and legal policy in the form of ensuring the right to a decent standard of living. Otherwise, the right to decent living will be declarative in nature¹³⁹.

It is now universally recognized that civil, political, social, economic, cultural, and other human rights are not a gift of the state (the government) or political party or a group of people, but an inherent power of every individual, which belongs to him or her from birth, regardless of race, skin

¹³⁶ Prava liudyny: mizhnarodni dohovory Orhanizatsii Obiednanykh Natsii ta Rady Yevropy / uporiad. V. Pavlyk, V. Teslenko. Kyiv : Fakt, 2001. 152 s.

¹³⁷ Todyka Yu.M. Konstytutsiini prava, svobody ta oboviazky liudyny i hromadianyna // Konstytutsiine pravo Ukrainy: Pidruchnyk / Za red. Yu.M. Todyky, V.S. Zhuravskoho. Kyiv : In Yure, 2002. 544 s.

¹³⁸ Konstytutsiia Ukrainy: Naukovo-praktychnyi komentar / Red. kol. V.Ia. Tatsii, Yu.P. Bytiak, Yu.M. Hroshevyi ta in. Kharkiv: Pravo; Kyiv: Kontsem « Vydavnychiy Dim «In Yure», 2003. 808 s.

¹³⁹ Rodionova O.V. Juridicheskaja sushhnost' «prava na dostojnoe chelovecheskoe sushhestvovanie». *Izvestija VUZov. Pravovedenie*. 2004. № 2. S. 182–188.

color, stature, religion, language, political and other beliefs. That is, human rights are natural rights that are equally enjoyed by all.

Rights of the individual, including fundamental rights, are equally enjoyed by all human beings since birth. Rights and freedoms of the individual form the basis of the society and the state itself, The basic principle of civilization¹⁴⁰, the basis of the civilizational system, is the most important component of the socio-cultural civilizational system which determines the style of social and economic rights are one of the constitutional identifiers of social power¹⁴¹.

The German professor M. Spiker believes: «The state must be not only legal, but also social, it must care not only about the right and safety, but also about the living and working conditions of people, it must protect people from the risks of loss of income due to illness, The idea of a Christian life, of unemployment, of age and unemployment, of guaranteeing social security, social justice and social integration – all this is a Christian life¹⁴².

We should agree with the position of M. Kopievichikov who notes: «The social state must be characterized by a fundamentally new approach to the system of social rights in comparison with political rights, as social rights are a qualitatively new type of rights and freedoms of people and citizens in terms of their content and conjugation. Thi type of rights and freedoms, in our opinion, characterizes, the new essence of the state, which has set itself much greater tasks in terms of ensuring the rights and freedoms of its citizens»¹⁴³.

The modern encyclopedic literature defines social rights as «an aggregate of constitutional rights of people (or only citizens of a particular state) that enable them to claim certain material benefits from the state»¹⁴⁴. The Great Encyclopedic Law Dictionary defines social rights as people's rights in the social sphere, which consist in the possibility to obtain social benefits, their

¹⁴⁰ Skrypniuk O. Konstytutsiinyi lad v Ukraini : metodolohichni problemy rozvytku y udoskonalennia v konteksti konstytutsiinoi modernizatsii. Shchorichnyk ukrainskoho prava: zb. nauk. pr. / vidp. za vyp. O.V. Petryshyn. Harkiv: Pravo, 2013. No 5. S. 202–212.

¹⁴¹ Lukasheva E.A. Chelovek, pravo, civilizatsii: normativno-cennostnoe izmerenie. Moskva : Norma, 2009. 384 s.

¹⁴² Shpiker M. Hristianstvo i svobodnoe konstitucionnoe gosudarstvo. *Religija i pravo*. 2000. No 1. S. 5–8.

¹⁴³ Kopieichykov M. Sotsialna derzhava yak politychna realnist. *Visnyk Akademii pravovykh nauk Ukrainy*. 2001. No 2(205). S. 216–227

¹⁴⁴ Bol'shoj juridicheskij slovar' / pod red. prof. A. Ja. Suhareva. Moskva : Infra-M, 2007. 858 s.

possession, use and management or protection or the performance of certain actions in this sphere¹⁴⁵.

Ukrainian legal science has the following views on the notion of «social rights». Thus, O. Skrypnyuk believes that social rights and freedoms are the rules of purposeful behavior or activity of people set by the Constitution and laws of Ukraine aimed at satisfaction of their own social needs¹⁴⁶. As S. Verlaniv, social rights of people are the abilities to obtain the means of subsistence, receiving such means from social sources through social retention (alimentation)¹⁴⁷.

P. Rabinovich defines social rights as people's abilities to realize their abilities, acquire the means of subsistence, taking part in the production of material and other goods¹⁴⁸. Social rights of the individual is also understood as agreed and recognized by the international community as a whole, enshrined in the legislation of most modern states minimal legal norms – standards of people's rights in the social sphere, which provide for such living conditions, which allow everyone to maintain and develop their human essence in a proper way¹⁴⁹.

V. Lemak says that the essential characteristics of social rights and freedoms are that: 1) this block of human rights reflects the understanding of «human rights» not as «the capacity to behave within certain limits» as in other types of human rights), but as «the capacity to benefit»; 2) these rights, unlike other human rights, are not the rights that all subjects have; 3) these rights are related to the redistribution of national income generated in the society, and thus – to the amount of such national income and the level of its redistribution; 4) these rights cannot belong to the so-called fundamental (natural) rights of people, because in principle they do not possess the

¹⁴⁵ Velykyi entsyklopedychnyi yurydychnyi slovnyk / za red. akad. NAN Ukrainy Yu.S. Shemshuchenka. Kyiv : Yurydychna dumka, 2007. 992 s.

¹⁴⁶ Skrypniuk O. Prava ta svobody liudyny v konstytutsiinii systemi Ukrainy. *Publichne pravo*. 2012. No 1. S. 6–13.

¹⁴⁷ Verlanov S.O. Ekonomichni i sotsialni prava liudyny: yevropeiski standarty ta yikh vprovadzhennia v yurydychnu praktyku Ukrainy (zahalnoteoretychne doslidzhennia). Lviv : Krai, 2009. 196 s.

¹⁴⁸ Rabinovych P.M. Osnovy zahalnoi teorii prava ta derzhavy : navch. posibnyk. Kharkiv: Konsum, 2002. 160 s.

¹⁴⁹ Andriiv V.M. Mistse sotsialnykh prav u systemi sotsialnykh prav liudyny. Zakhyst sotsialno-ekonomichnykh ta sotsialnykh prav liudyny: mizhnarodne zakonodavstvo ta dosvid Ukrainy : Materialy naukovoprakt. konf. (Kyiv 12 bereznia 2004 r.) Kyiv, 2004. Ch. 2. S. 7–10.

CHAPTER 3

properties attributed to other blocks of human rights: In particular, they are not «non-violable» in the sense that they cannot be abrogated or abrogated by a lawmaker¹⁵⁰.

Thus, economic, social and cultural rights, in our view, can be interpreted in their real meaning as the principles of activity of the state, which acts as an institution of «general service». As for the citizens, they can be interpreted as general public rights – rights in a political perspective, that is, those on the basis of which people can demand from the state, through political and legal institutions, actions in the sphere of «common service» in accordance with the principles of social solidarity: Providing people with a decent standard of living (real subsistence minimum), health care, education or other components of the «right to exist».¹⁵¹ Analyzing which rights of people and citizen can be attributed to social rights, first of all we should turn to the norms of international law. Thus, examining the provisions of the International Covenant on Social, Economic and Cultural Rights we can distinguish such social rights of people and citizen as: the right to work (art. 6); the right to fair and favorable working conditions (art. 7); right to form and participate in professional associations and strikes (Article 8); right to social security; right to protection of motherhood and childhood (Part 2, 3, Article 10); right to an adequate standard of living (Article 11); right to protection of health (Article 12)¹⁵².

Reference to the European Social Charter (as viewed) allows us to distinguish the following social rights: right to work (article 1); right to fair working conditions (article 2); right to safe and healthy working conditions (article 3); right to fair wages (article 4); right to form organizations (article 5); right to enter into collective agreements (article 6); right to children and children's children (article 7). 4); right to organize (Article 5); right to collective bargaining (Article 6); right of children and adolescents to protection (Article 7); right of working women to maternity protection (Article 8); right to vocational placement (Article 9); right to vocational training (Article 10); right to protection of motherhood (Article 11); right to

¹⁵⁰ Lemak V. Sotsialno-ekonomichni prava liudyny v konteksti verkhovenstva prava: vitchyzniani dosvid zakriplennia ta zastosuvannia. *Visnyk Akademii pravovykh nauk Ukrainy*. 2010. No 1. 320 s.

¹⁵¹ Alekseev S.S. Pravo: azbuka–teorija–filosofija: opyt kompleksnogo issledovanija. Moskva : Statut, 1999. 712 s.

¹⁵² Mizhnarodnyi pakt pro ekonomichni, sotsialni i kulturni prava. URL: http://zakon4.rada.gov.ua/laws/show/995_042.

work (Article 12). 10); right to health care (art. 11); right to social security (art. 12); right to social and medical assistance (art. 13); right to social services (art. 14); right of invalids to self-sufficiency, social integration and participation in community life (art. 15); the right of the family to social, legal and economic protection (Article 16); the right of children and adolescents to social, legal and economic protection (Article 17); the right to protection from poverty and social exclusion (Article 30); and the right to housing (Article 31).

In addition, the European Social Charter (revised) provides a wide range of social rights, which are similar to the right to work, including: the right of migrant workers and members of their families for protection and assistance (Art. 19); right to equal opportunities and equal treatment in decisions on employment and profession without discrimination because of their status (art. 20); right of workers to information and consultation (art. 21); right to participate in the establishment and improvement of working conditions and production environment (art. 22); right to protection in case of dismissal (art. 24); right of employees to protection of their rights in case of bankruptcy of their employer (art. 25); right to equal treatment at work (art. 26); right of employees with family obligations to equal opportunities and equal treatment to them (art. 27); the right of employees' representatives to protection in the enterprise and conditions that can be created for them (Article 28); the right to information and consultation during collective dismissal (Article 29)¹⁵³.

We can note that the state not only guarantees all the rights it recognizes, but also bears responsibility before its citizens regardless of the fact of respecting and protecting these rights. Thus, resolution No. 32/130 of the UN General Assembly of 16 December 1966 states that all human rights and fundamental freedoms are non-independent and interdependent. Moreover, as stated in paragraph 1(c) of the above Resolution, the full exercise of civil and political rights is impossible without the exercise of economic, social and cultural rights. That is, declaring all rights constitutionally equal requires their equal legal protection, including by means of justice. At the same time, noting the complexity of protection of these rights, M.V. Baglay asserts that the direct effect of these rights is objectively very relative, since

¹⁵³ Yevropeiska sotsialna khartiia (perehliana) : vid 3 travnia 1996 r. URL: zakon.rada.gov.ua/laws/show/994_062.

no court recognizes a civil claim for the implementation of such a right only on the basis of its constitutional enshrinement. The reason is clear: the absence of a specific recipient, because the right does not create any direct obligations for any persons. It turns out that economic, social and cultural rights are not so much legal norms as standards, to which the state can be direct in its policy¹⁵⁴.

Therefore, it can be asserted that the social rights of citizens are linked to the presence of citizenship and are ensured through costly social services and state aid, which are paid by the state on a permanent basis. The general use of social services is inevitably related to the possession of citizenship. Systems of social protection, which are based on this concept, best guarantee the observance of social rights of citizens and their independence from the market, encouraging full employment¹⁵⁵.

At the same time, it is possible to find such a set of rights according to the important principle classification according to the theory of T. Slinek: negative rights (status negativus), political rights of participation (status activus) and social rights (status positivus)¹⁵⁶.

The expansion of political will determines the development of democracy in other spheres of social life and the increase in the social functions of the state.

H. Boope illustrates this interdependence by means of a step-by-step pyxis to the general law: «When only owners had the right to vote, they naturally demanded only one function from the power – the protection of property. When illiterates won the right to vote, they demanded that the state create free schools. When the right to vote was given to those who had nothing but physical strength, they asked the state to protect them from intimidation and to provide them with social protection in the event of a revolt, to guarantee maternity protection as well as the possibility of affordable housing, etc.». The establishment of a wide range of legal subjects in the political sphere also gave rise to the development of social rights¹⁵⁷.

¹⁵⁴ Baglaj M.V. *Konstitucionnoe pravo Rossijskoj Federacii*: uchebnik. Izd. 6-e, izm. i dopol. Moskva : NORMA-INFRA-M, 2007. 784 s.

¹⁵⁵ Kovtun V. *Sotsialni prava v aspekti systemy prav liudyny. Pravo i suspilstvo*. 2016. No 3. S. 17–24.

¹⁵⁶ Maksymov C.I. *Sotsialni prava liudyny: do problemy obgpyntyvannia. Problemy zakonnosti*. 2009. № 100. S. 398–406.

¹⁵⁷ Bol'e N. *Pazmyshlenie o nepavenctve. Anti-Pycco*. Moskva : Izd. dom Byshej shkoly jekonomiki, 2014. 272 s.

Thus, we can continue the theme of the legal status of people. At first, a citizen is replaced by a person, then by a person and finally by a person. The citizen is the subject of legalism: no one is obliged to punish. This is the way in which the possibility of liberty becomes possible. The Poitnik is the ascetic hero of socialism: nobody has the right to own anything. This makes equality possible. The human being is the middle meaning of humanism: no one is allowed to have an opinion¹⁵⁸.

Studying the issue of human rights, one cannot but notice that the legal doctrine of the West as a whole tends to oppose «classical» socio-economic rights. The thesis that for the time of the emergence of the civil society the idea of the general welfare as a state meta byl has been abandoned was used to explain this position. It was believed that the social and economic rights that could contribute to achieving this goal (the right to work, fair wages and equal wages for work are of equal value, The right to social security, etc.) are capable of destroying interrelations between the world and the state, which threatens people's rights¹⁵⁹.

«An important rise of social rights in comparison with classical rights – thinks N. Mosol. Mosol, – is that for their realization it is necessary for the state to carry out redistribution of public goods, this means that the property income is freely withdrawn from some members of society for the benefit of others, the socially unprotected, who require social, material and other types of assistance»¹⁶⁰.

In foreign doctrinal journals we can find the following points of view regarding the attribution of certain rights to the category of social rights. For example, the Russian researcher of human and civil rights and freedoms L.D. Voevodin noted that the group of social rights consists of such rights as: the right of everyone to freely dispose of their abilities to work, choose the type of activity and profession, the right to protection from unemployment, the right to vacation, the right to social security, the right

¹⁵⁸ Yakoviuk I.B. Rozvytok kontseptsii sotsialno-ekonomichnyh prav yak peredymova formyannia sotsialnoi derzhavy. *Problemy zakonnosti*. 1998. № 35. S. 22–26.

¹⁵⁹ Mozol N. Zabezpechennia sotsialnykh prav liudyny – stratehichne zavdannia ukraïnskoi derzhavy. *Naukovyi visnyk Kyivsk. nats. un-tu vnutr: sprav*. 2007. No 4. S. 55–63.

¹⁶⁰ Voevodin L. D. Juridicheskij status lichnosti v Rossii : uchebnoe posobie. Moskva : INFRA–M–NORMA, 1997. 304 s.

CHAPTER 3

to health care and medical assistance, the right to favorable environmental conditions¹⁶¹.

According to A. Shayo, «the list of social rights is extensive and has an unspecified nature. Some of these rights relate to the satisfaction of basic needs (the right to drinking water and sanitation, food and shelter), others relate to a certain level of insurance in case of difficulties and disadvantages (old age pension, paid leave to take care of the child). Some of the social rights include insurance against emergencies. Social rights also include elements related to a special status, such as protection of motherhood and childhood. Finally, social rights are related to access to general services. One of these rights is the right to education¹⁶².

The system of social rights enshrined in the Constitution of Ukraine is presented in the Basic Law after economic rights and consists of the following rights:

– Right to work (art. 43): «Everyone shall have the right to work, which includes the possibility to earn his living by work which he freely chooses or to which he freely agrees... Everyone shall have the right to appropriate, safe and healthy working conditions, to wages not lower than those specified by law. The use of women's work and the work of those who are not able to participate in work that is not dangerous for their health is prohibited. Citizens are guaranteed protection from unlawful dismissal. The right to immediate payment of wages is protected by law;

– Right to strike (Art. 44): «Those who work have the right to strike to protect their economic and social interests... No one can be forced to participate or not to participate in the strike. The defense of the strike is possible only on the basis of the law;

– The right to rest (art. 45): «Everyone who works has the right to rest. This right is ensured by the provision of days of daily rest, as well as paid annual leave...»;

– Right to social protection (art. 46): «Citizens have the right to social protection which includes the right to assistance in case of full, partial or temporary loss of employment, loss of breadwinner or unemployment due

¹⁶¹ Voevodin L.D. *Juridicheskij status lichnosti v Rossii* : uchebnoe posobie. Moskva : INFRA-M-NORMA, 1997. 304 s.

¹⁶² Shajo A. *Vozможности konstitucionnogo kontrolja v sfere social'nyh prav. Sravnitel'noe konstitucionnoe obozrenie*. 2007. № 4 (61). S. 39–40.

to circumstances independent of them, as well as in old age or in other cases prescribed by law...» (Art. 46);

– the right to housing (Art. 47): «Everyone has the right to housing. The state creates the conditions under which every citizen will be able to purchase, own or lease a home... No one may be temporarily deprived of housing except by virtue of the law and pursuant to a court decision;

– the right to an adequate standard of living (art. 48): «Everyone has the right to an adequate standard of living for himself and his family, which includes adequate food, clothing, and housing;

– The right to health care (art. 49): «Everyone has the right to health care, medical aid, and medical insurance. Health care is ensured by state funding of appropriate social and economic, medical and sanitary, and health and prevention programs. The state is creating the conditions for effective and accessible to all citizens medical care ...»;

– Protection of the family, children, maternity and parenthood (part 3 of article 51, part 3 of article 52): «The family, children, maternity and parenthood are protected by the state», «The care and education of orphans and children deprived of parental care is the responsibility of the state»¹⁶³.

Therefore, social rights enshrined in Articles 43, 44, 45, 46, 47, 48, 49 of the Constitution of Ukraine are not «second-rate» compared to civil and political rights. 43, 44, 45, 46, 47, 48, 49 of the Constitution of Ukraine are not «secondary» compared to civil and political rights, together with economic rights they form a unique string of all the system of people's rights. Social rights are the rights that allow people to exist in society, and in this sense they are primary in relation to other human rights.

3.2. The Notion and Types of Economic Rights and Freedoms of Individuals and Citizens

The establishment of a law-based and independent state is realistic only if human rights and freedoms and the citizen's rights are respected in the public consciousness. Problems of human rights and freedoms have long been investigated by scientists, but they are still relevant at this time due

¹⁶³ Konstyutsiia Ukrainy : vid 28 chervnia 1996 r. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. St. 141.

CHAPTER 3

to the large number of works that have sometimes opposing points of view. This is explained by both the consequences of ideological influence of the Radyansky period, when the concept of “economic rights” as an independent category in order with other constitutional rights did not exist, and the lack of respect of legal scholars for the protection of economic rights and freedoms of people. Economic rights occupy a leading place in the structure of the constitutional and legal status of the person. It is economic rights and freedoms of people that ensure not conventional but real freedom of the person and act as economic guarantees of other rights of people and citizen in Ukraine¹⁶⁴.

Economy (from the Greek *oikonomia* – state management), in particular, means the totality of relations between people, which are formed in the process of production, distribution, exchange and consumption of material goods and services¹⁶⁵.

Economic rights are the basis for the development of any country, society, because the way these institutions are developed determines the well-being of citizens and the state as a whole¹⁶⁶. And the main role in this is played by the law, which regulates the relations of ownership and freedom of business activities. According to John Locke, private property is a peaceful human right that first appeared as an economic category and only then was reflected and consolidated in law¹⁶⁷. So the right of ownership is a legal category, and therefore it cannot be defined by philosophical, psychological or economic notions¹⁶⁸.

Most researchers do not give specific definitions of economic rights and freedoms of people, limiting themselves only to stating the functional recognition of rights and freedoms. In the opinion of the famous Russian scientist-theorist V. Nersesyants, economic rights are the rights of the individual (people and citizen) as an independent subject of economic

¹⁶⁴ Sulzhenko Yu. Poniattia ta systema ekonomichnykh prav ta svobod liudyny i hromadianyna v Ukraini. *Yurydychna nauka*. 2011. No 3. S. 14–21.

¹⁶⁵ Slovar' inostrannykh slov : 11-e izd., stereotip. / Pod red. V.V. Pchjolkina, L.N. Komarova, E.N. Zazarenko i dr. Moskva, 1984. 608 s.

¹⁶⁶ Lokk Dzh. *Izbrannyye filosofskie proizvedeniya*: u 2 t. Moskva : Gospolitizdat, 1960. T. 2. 512 s.

¹⁶⁷ Kharchenko H.H. Doktrynalni vidminnosti instytutu prava vlasnosti: porivnialno-pravovyi analiz. *Chasopys Kyivskoho universytetu prava*. 2009. № 1. S. 158–164.

¹⁶⁸ Andreev V.K. *Pravo chastnoj sobstvennosti v Rossii*. Moskva : Jurist, 1993. 120 s.

(commodity, money, production, market) relations¹⁶⁹. O. Lukasheva believes that economic rights provide people with free disposition of the main factors of economic activity.¹⁷⁰ The authors of the Encyclopedic Dictionary of Law believe that economic rights and freedoms of people are a set of constitutional rights that determine the legal possibilities of people in the economic sphere, the nature and scope of which determine the economic, social and political order in a particular society in the end¹⁷¹.

It is worth agreeing with the opinion of the Russian scientist M. Baglay. Baglay, who believes that economic rights are intended to guarantee the possibility for people to satisfy their living needs, to receive from the state protection of their economic freedom and social benefits.

In O. Goncharenko thinks that economic rights of people and citizen in Ukraine are abilities of people as an independent subject of economic relations to possess, use, dispose of possessions and main factors of economic activity and take part in the production of material and other goods¹⁷².

The authors of the textbook «The Rights, Duties and Duties of People and Citizens in Ukraine» define economic rights and duties as abilities of people and citizens in the sphere of production, distribution, exchange and use of material goods. They are of paramount importance in people's life. Because they are to guarantee the economic value of people, their development as a free person, and their livelihood. At the same time, the exercise of these rights allows us to characterize the state as social, the one that provides a sufficiently high standard of living for its citizens¹⁷³.

The Constitution of Ukraine includes in the system of economic rights: a) the right of everyone to own, use and dispose of their property, the results of their intellectual, business activity (Article 41); 6) the right to enjoy the rights of others, to have access to their property (Article 41); 7) the right of

¹⁶⁹ Nersesjanc V.S. *Obshhaja teorija prava i gosudarstva*. Moskva : NORMA-INFRA, 2000. 552 s.

¹⁷⁰ *Prava cheloveka / Otv. red. E. A. Lukasheva*. Moskva : NORMA-INFRA.M, 1999. 573 s.

¹⁷¹ *Juridicheskij jenciklopedicheskij slovar' / Pod obshh. red. V. E. Krutskih; 3 e izd. i dop.* Moskva: INFRA.M, 2003. VI, 450 s. (Biblioteka slovarej «INFRA.M»).

¹⁷² *Konstitucionnoe pravo zarubezhnyh stran / Pod obshh. red. M.V. Baglaja, Ju.I. Lejbo i L.M. Jentina*. Moskva : NORMA-INFRA.M, 2000. 832 s.

¹⁷³ Honcharenko O.M. *Poniattia i zmist ekonomichnykh prav. Derzhava i pravo: Zbirnyk naukovykh prats. Yurydychni i politychni nauky*. Kyiv : In-t derzhavy i prava im. V.M. Koretskoho NAN Ukrainy, 2005. Vyp. 25. S. 181–186.

CHAPTER 3

citizens to have access to their own property (Article 41). 41); 6) the right to entrepreneurial activity (Article 42); c) the right to work (Article 43); d) the right to strike for the protection of economic and social interests (Article 44); r) the right to leisure time (Article 45)¹⁷⁴.

O.V. Nehodchenko stresses that the central type of rights and rights of people and citizens, which the Constitution of Ukraine promulgates and guarantees, are economic rights, that is, the actual rights in the sphere of economic (property) relations. These rights include: a) the right to own, use and dispose of both his property of a property nature and the results of his business activity; 6) the right to entrepreneurial activity not prohibited by law; c) the right to work; d) the right to strike for the protection of their economic and social interests; r) the right to rest for those who work¹⁷⁵.

P.M. Rabinovich and M.I. Khavronyuk define economic rights as people's abilities to realize their livelihood, to use their labor for subsistence, to participate in production, distribution and provision of material or other goods. Among economic rights, they include the right to: a) entrepreneurial activity; 6) work; c) leisure time; d) participation in professional associations; r) strike. The right to private property is considered by the authorities to be a group of physical (living) rights and rights¹⁷⁶.

Let's analyze some types of constitutional economic rights and rights to property.

The Constitution of Ukraine considers the rights of ownership and the right to business activity through the prism of human rights, i.e. it ensures state protection of all subjects of the right of ownership and management, their equality before the law, guarantees the inviolability of the right of private property, the possibility for citizens to use the property of the Ukrainian people, state and communal property, determines the mechanism of implementation of the protection of property rights and other property rights.

In the opinion of Y.M. Frolov, the right of private property is a recognized and guaranteed by the Constitution and laws of Ukraine the possibility of people and citizens to independently own, use, to dispose of their

¹⁷⁴ Kolodii A.M., Oliinyk A.Iu. Prava, svobody ta oboviazky liudyny i hromadianyna v Ukraini. Kyiv : Vseukrainska acotsiatsiia vydavstv «Pravova yednist», 2008. 350 s.

¹⁷⁵ Nehodchenko O.B. Orhanizatsiino-pravovi zasady diialnosti orhaniv vnytrishnih sprav shchodo zabezpechennia prav i svobod liudyny. Dnipro : Byd-vo Dnipropetr. yn-ty, 2003. 448 s.

¹⁷⁶ Rabinovych P.M. Prava liudyny i hromadianyna. Kyiv : Atika, 2004. 464 s.

property and the results of their intellectual and creative activity for any purpose, as well as to obtain and protect them in the order, scope, forms and manner prescribed by the Constitution and laws of Ukraine¹⁷⁷.

The right of private property is a novelty in the Constitution of Ukraine and a fundamental, priority economic right of every person, which is an inalienable natural right of a person, as well as a non-transferable right. In some way designated by society and recognized by the state on the basis of international standards, property and targeted amount of money, which ensures normal existence of people in certain historical and socio-economic conditions¹⁷⁸.

That is why the consolidation of the right of private property in the Constitution of Ukraine is important not only for establishing a new concept of human rights, but also as a legal basis for the transition to the market economy and civil society. P.V. Yengibaryan noted that the constitutional consolidation of the right of private property ownership is aimed for increasing the number of owners among the population of the country, which is a guarantee of stability of the society and the state in democratically developed countries¹⁷⁹.

In part. Article 41 part 1 of the Constitution of Ukraine enshrines the provision that defines the meaning of the right of private property, the structure of which is disclosed through its economic elements, as the right of everyone to own, use and dispose of their property. At the same time, L.A. Perfectionko asserts that in contrast to the possibilities of possession and use, which may belong not only to the owner, but also to other persons, the right to dispose of property in full extent belongs only to the owner, except for the cases prescribed by law (confiscation, requisition, *prima facie* sale)¹⁸⁰.

The use of property by each person cannot harm the rights, rights and interests of other people, the interests of society, and the ecological situation.

¹⁷⁷ Frolov Yu.M. Pravo pryvatnoi vlasnosti v systemi ekonomichnykh prav liudyny i hromadynyna v Ukraini: konstytutsiino-pravovyi aspekt. *Chasopys Kyivskoho universytetu prava*. 2003. № 2. S. 24–30.

¹⁷⁸ Halunko V.V. Pryvatna vlasnist yak nevidiemne pravo liudyny. *Derzhava i pravo. Yurydychni i politychni nauky*. 2008. Vyp. 42. S. 42–48.

¹⁷⁹ Engibarjan R.V. *Sravnitel'noe konstitucionnoe pravo: ucheb. posob.* Moskva: Jurist, 2005. 429 s.

¹⁸⁰ Ivershenko L. Zmist konstytutsiinoho prava liudyny ta hromadynyna na pryvatnu vlasnist. *Pidpriemnytstvo, hospodarstvo i pravo*. 2007. № 7. S. 88–91.

CHAPTER 3

Therefore, the right of ownership in the conditions of the introduction of new technologies is the constitutional norms and the economic capacity of people and citizens to own, which is not alienated or violated by the law, to possess and dispose of property and the results of their work, other material and spiritual assets, which belong to them on legal grounds and demand that the other subjects act within the limits of the Constitution and laws of Ukraine and do not violate the will of the private owner.

The Constitution of Ukraine of 1996. The Constitution of Ukraine of 1996 enshrines the right of anyone to business activities that are not prohibited by law (Article 42 of the Constitution of Ukraine). A citizen is recognized as a business entity when he or she performs entrepreneurial activities on the condition that he or she is legally recognized as a the status of a sole proprietorship and can only carry out business activities as a business and not as a private enterprise, The company is created by them with the help of hired labor, independently or in cooperation with others (Art. 128 of the State Code of Ukraine).

S.I. Ishchuk considers freedom of entrepreneurial activity as one of the constitutional and legal prerequisites for the functioning of the civil society in Ukraine. In his opinion, the limits of personal freedom of an individual in the business sphere are much wider than the extent of subjective rights, which are granted to her by the state, because in this case the legislator considers it unreasonable or impossible to regulate the rights of the individual in the private sphere or impossible to fully regulate the sphere of economic freedom¹⁸¹.

The freedom of entrepreneurial activity is defined by law as the right of the entrepreneur without restrictions to independently carry out any business activities that are not prohibited by law. Specific features of the implementation of certain types of businesses are established by legislative acts. The list of types of business activities subject to licensing as well as the list of activities in which entrepreneurship is prohibited are established exclusively by law (article 43 of the Civil Code of Ukraine).

In accordance with the Law of Ukraine of June 15, 2003. “About state registration of legal entities, physical persons – businessmen and

¹⁸¹ Ishchuk S.I. Okremi konstytutsiino-pravovi zasady funktsionuvannia hromadianskoho susilstva v Ukraini: svoboda pidpriemnytskoi diialnosti. *Journal «ScienceRise: Juridical Science»*. 2018. No 1 (3). S. 11–17.

public formations” the person becomes an entrepreneur only after the state registration¹⁸². Constitutional freedom of an individual for entrepreneurial activity within the limits specified by law is the precondition for the realization by an individual of his/her constitutional right to entrepreneurial activity¹⁸³.

The constitutional freedom for entrepreneurial activity is of great importance due to the free access of a person to appropriate material and spiritual goods in the sphere of production of products, performance of works, rendering of services and trade. The entrepreneur is free in the process of realization of the obtained material goods, their exchange, distribution, possession, correlation and disorder. The freedom of the entrepreneur is also in the implementation of the obtained profits. Profit is one of the main sources of financial resources of enterprises, the formation of centralized and decentralized funds of cash assets. Profits generate a significant amount of budgetary resources of the state, finance expansion of enterprises, material incentives for employees, the implementation of social and cultural activities, etc. Therefore, successful, profitable activities of state enterprises is the basis of economic development of the state¹⁸⁴.

The enterprise is the actions aimed at obtaining the result negatively, and economic development is the result of the actions. Therefore, the development of the society is seen as a strategic issue in solving the economic crisis and the inequalities of the transition of the country’s economy. Moreover, without a significant expansion of various forms of enterprise activities can not develop the economy. At the same time it should be noted that, firstly, the business sector, especially under conditions of economic restraint, is one of the main ways of alleviating the alienation of Ukrainian citizens from the means of production and private property¹⁸⁵.

¹⁸² Pro derzhavnu reiestratsiiu yurydychnykh osib, fizychnykh osib – pidpriemstiv ta hromadskykh formuvan : Zakon Ukrainy vid 15 travnia 2003 r. *Vidomosti Verkhovnoi Rady Ukrainy*. 2003. No 31–32. St. 263.

¹⁸³ Oliinyk A.Iu. Konstytutsiini svobody liudyny i hromadianyna ta yikh zabezpechennia v Ukraini : monohrafiia. Kyiv : KNUTD; Dnipro : DDUVS, 2018. 371 s.

¹⁸⁴ Ekonomichniy zmist i rol prybutku v umovakh rozvytku pidprijemnytstva. URL: <https://pidruchniki.com/1420112664471/finansy>.

¹⁸⁵ Shulzhenko F.P. Sotsialno-pravova derzhava: sutnist, problemy politychnoi modernizatsii: dys. ... d-ra yuryd. nauk. Kyiv, 2009. 412 s.

However, private initiative must not interfere with public interests and morality, infringe on the rights of other people and violate the norms of economic security; In addition, the constitutional right to entrepreneurial activity can never be implemented, and even more so, protected, without the full participation of the state¹⁸⁶.

Under the conditions of implementation of the constitutional right to business activity we should understand the totality of requirements enshrined at the legislative level and imposed by the state to the persons (regardless of their nationality), The state shall give importance to the rights and freedoms of individuals (irrespective of their citizenship), who have the intention to engage in entrepreneurial activities, and the right granted by the Constitution shall be transformed into reality by their observance. The state devotes considerable attention to the regulation of entrepreneurial activity and the conditions for its implementation. It is entirely logical, because the enterprise is a destructive force of the economy, without the development of which the development of the state as a whole is not possible. Today, unfortunately, a lot of issues in this area need to be regulated and improved.

The positive thing is that the state does not stand still and continues its fruitful work in this sphere, because the development of business in Ukraine depends on the creation of real, fully competitive market conditions, which will enable individuals to fully exercise their constitutional right to entrepreneurial activity and create an atmosphere of support for entrepreneurship as a basis for social progress¹⁸⁷.

Thus, the constitutional right to business activity of each person is a type and measure of economic activity of physical persons, which is not specified or not required by the Constitution and laws of Ukraine and is carried out independently, In the process of the Company's activity, it is carried out on its own initiative, systematically, at its own risk in order to achieve economic and social results and to gain profit.

¹⁸⁶ Kyrychenko Yu. Konstytutsiino-pravove rehuliuвання prav liudyny v Ukraini v konteksti harmonizatsii z zakonodavstvom yevropeiskykh derzhav. dys d.i.u.n. Uzhhorod, 2018. 523 s.

¹⁸⁷ Kovach A. Pravo liudyny na pidpriemnytstvo. *Chasopys Kyivskoho universytetu prava*. 2012. No 2. S. 212–214.

3.3. Understanding and Types of Cultural Rights and Freedoms of People and Citizen

The Ukrainian Constitution guarantees freedom of literary, artistic, scientific and technological creativity, protection of intellectual property rights, their authorship rights, moral and material interests, and preservation of historical monuments and other objects, The cultural value, taking steps to return to Ukraine the cultural values of the people that are outside its borders, is the fundamental basis for the implementation of people's cultural rights, which contributes to the spiritual development of the individual and the formation of a national ideology as a public phenomenon. On the extent to which the possibilities of access of an individual to the spiritual values of his people and the entire society are realistically ensured, the state guarantees the ability of everyone to take part in the cultural life of the society through the use of cultural goods, protection of their cultural heritage, access to the objects of material and spiritual culture, depends on the full development of territorial communities, society and the state as a whole¹⁸⁸.

Today's realities – together with the historical peculiarities of the cultural development of society, are a clear indication of the success of those very countries, which have achieved significant success in economic, political and social reforms and have rapidly risen to the level of highly developed countries through the implementation of a progressive policy in the sphere of culture. On the other hand, a lack of respect for the cultural and artistic development of the own society puts any state on the border between the lamentable existence and distancing from the civilized world¹⁸⁹.

Culture plays a central role in maintaining and stimulating the quality of life and well-being of individuals and communities. Cultural norms, practices and norms are the key forces for the creation, transmission and reinterpretation of values, attitudes and beliefs through which individuals and communities express the value they attach to their lives

¹⁸⁸ Aksjutina A.V. Administratyvno-pravove zabezpechennia naselennia kulturnymy posluhamy : dys. kand. yuryd. nauk. (doktora filosofii). Kyiv, 2020. 221 s.

¹⁸⁹ Domanska O. Rol derzhavy v realizatsii kulturnoi polityky: kontseptualnyi vymir. *Relihiia ta Sotsium*. 2014. No 3-4 (15-16). S. 163–169.

CHAPTER 3

and their own development. These values, attitudes and opinions shape the nature and quality of social interrelations, influencing the nature of integration, tolerance for diversity, trust and cooperation of individuals and communities¹⁹⁰.

In general, cultural rights in their essence are the measure of spirituality, which is guaranteed by the state taking into account the living conditions and activities of citizens, society and state, and in content – spiritual benefits, which are given to the person by the state. That is, they are the interrelations and way of behavior or activity of a person in the cultural sphere. At the same time, it is necessary to pay attention to the fact that liberal civilization actively intrudes into the modern Ukrainian cultural space, widely using global media and general cultural processes. And so «it is important to preserve their identity, without interfering with the processes taking place in the world¹⁹¹. The guarantee of this, is the full protection of a full and universal development of people, which is the basis of cultural rights and freedoms and is guaranteed by the Constitution of Ukraine.

In the legal literature, it is stated, that in the XXI century cultural rights gained significant importance for all countries of the world and became an integral part of the constitutional and legal status of people. Thus, Russian legal scholars rightly assert that cultural rights and freedoms of people – the possibility of preservation and development of national identity of the person, access to the spiritual achievements of its people, The right to education, learning of the native language, freedom of scientific, technical and artistic creativity, etc.)¹⁹².

For his part, J. Pustovit notes that in the general sense cultural rights and freedoms of people and citizens in Ukraine are a measure of spirituality, which is guaranteed by the state taking into account the conditions of life and activity of people, society and the state itself. Therefore, in their essence, cultural rights and freedoms are spiritual benefits, which are provided by

¹⁹⁰ Indykatory vplyvu kultury na rozvytok YuNESKO Korotkyi analitychnyi ohliad shchodo Ukrainy Image source Prohrama finansuietsia Yevropeiskym Soiuzom. URL: <https://docplayer.net/amp/68985292-Indikator-i-vplyvu-kulturi-na-rozvitok.html>.

¹⁹¹ Sokolenko Yu.M. Poniattia kulturnykh prav i svobod liudyny ta hromadianyna. *Pravo Ukrainy*. 2005. № 2. S. 27–32.

¹⁹² Skrypniuk O.V. Kurs suchasnoho konstytutsiinoho prava Ukrainy. Akademichne vydannia. Kharkiv : Pravo, 2009. 468 s.

the state. The latter are the intervals and methods of behavior or activity of a person in the cultural sphere¹⁹³.

P.M. Rabinovich believes that cultural (humanitarian) rights are opportunities to preserve and develop their ethnic identity, access to the achievements of spiritual and material culture of the nation, the people, humanity, their assimilation, use and participation in their further enrichment¹⁹⁴.

For their part, S.D. Gusariev and O.L. Sliusarenko argue that cultural rights and freedoms – a type and measure of possible behavior of the subjects of law for the receipt and enjoyment of spiritual benefits, enshrined in the Constitution and laws of Ukraine¹⁹⁵.

S.L. Lisenkov considers cultural rights and freedoms of people as the measures of possible behavior of subjects established by the norms of the constitution, who have to achieve certain social benefits in the sphere of cultural relations and have the possibility to behave in a certain way, to demand a certain behavior from other subjects and to apply for protection of these powers to the competent authorities and their officials¹⁹⁶.

The notion of cultural right emerged as a continuation and deepening of the general concept of human rights and is widely debated and discussed today not only by the global cultural and artistic community, but also by such authoritative international organizations as UNESCO. Thus, cultural rights in a universal sense means the rights enshrined in the «Universal Declaration of the Rights of Man» in Article 27 of the Universal Declaration of Human Rights. 27, namely: everyone has the right to fully participate in the cultural life of their community, to enjoy the benefits of art and scientific achievements; everyone has the right to the protection of their moral and material interests, which derive from their authorship of scientific, literary or artistic works¹⁹⁷.

At the current stage of civilizational development of the Ukrainian society the cultural rights have not the last role, a number of legal acts,

¹⁹³ Pustovit Zh.M. Aktualni problemy prav i svobod liudyny ta hromadianyna v Ukraini : Navch. posib. Kyiv : KNT, 2009. 232 s.

¹⁹⁴ Rabinovych P.M. Osnovy zahalnoi teorii prava ta derzhavy : navch. posib. 10-te vyd., pererob. i dopov. Lviv : Krai, 2008. 224 s

¹⁹⁵ Husariev S.D., Oliinyk A.Yu., Sliusarenko O.L. Teoriia derzhavy i prava : navch. posib. Kyiv : Nauk. dumka, 2008. 270 s.

¹⁹⁶ Lysenkov S.L. Teoretychni pytannia konstytutsiinykh kulturnykh prav i svobod v Ukraini. *Visnyk Akademii advokatury Ukrainy*. 2004. Vyp. 1. S. 5–19.

¹⁹⁷ Hrytsenko A.O. Kultura i vlada. Teoriia i praktyka kulturnoi polityky v suchasnomu sviti. Kyiv : UTsKD, 2000. S. 32.

CHAPTER 3

which define the cultural rights and freedoms of people, testify about it. The Constitution of Ukraine adopted in 1996 is the document of the highest legal force in the sphere of culture and art, First, in its article 11 it states that the Constitution of Ukraine, adopted in 1996, is the supreme judicial power in the field of culture and art. Firstly, Article 11 states that the state contributes to the consolidation and development of the Ukrainian nation, its historical identity, traditions and culture, as well as the development of ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine; Secondly, Article 12 states that Ukraine supports the national, cultural, and language needs of Ukrainians living outside of its borders, and that its citizens are guaranteed freedom of literary and artistic expression, artistic, scientific and technological creativity, protection of intellectual property, their copyright, moral and material interests arising in connection with different types of intellectual activity; thirdly, Article 54 stresses the importance of legal protection of cultural property; fourthly, it emphasizes the exclusive role of the State in preserving historic monuments and other objects of cultural value; In the same way, it obliged everyone not to cause damage to nature and cultural heritage and to repay the damage they had caused (art. 66)¹⁹⁸.

It should not be forgotten that cultural rights are not only a legal form of dissemination and deepening of knowledge, but also a way of affirming the integrity, education, enlightenment, formation of a highly cultural personhood.

The modern democratic state must not limit itself only to guaranteeing the freedom of creativity, not interfering in artistic processes, or the traditional protection of monuments and other cultural heritage of the people – it must discuss all the diversity of creative manifestations in society, About preservation and enrichment of all cultural, spiritual potential, about broad access to it not only to separate social groups of the population, but to all social and cultural categories of consumers of cultural services.

Examination of the legal nature of constitutional cultural rights and freedoms of people and citizen gives grounds to assert that this is an independent group of rights and freedoms of individuals, which claims to be enshrined in the group of social and economic rights and freedoms. A clear definition of constitutional cultural rights and freedoms of people

¹⁹⁸ Konstitutsiia Ukrainy : vid 28 chervnia 1996 r. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. St. 141.

and citizen will significantly contribute to the improvement of the constitutional and legal status of the person, strengthening the mechanism of guarantees and implementation of rights and freedoms. This is especially important because it is about the necessity of solving a deep systemic spiritual crisis in all spheres of life and the formation of humanistically oriented society. It must be based not only on freedom and social justice, but also on spiritual development and the priority of cultural development, language, science and education.

Therefore, an analysis of the meaning, essence and characteristics of economic, social and cultural rights and freedoms makes it possible to conclude that they are not some accidental, amorphous combination, they are an interrelated and special group of rights and freedoms of people and citizens, the contents of which are stated in the relevant articles of the Constitution of Ukraine and are detailed in the current legislation of Ukraine. These rights are related to the concept of social state (that is, one that ensures a high standard of living for its citizens) and relate to the activities of people in the economic sphere, which forms the basis for the existence and development of society, with its social relations with society, the state, other people, contribute to the spiritual development of people and ensure their participation in the economic, social and cultural progress of society.

References:

1. Andreev V.K. *Pravo chastnoj sobstvennosti v Rossii*. Moskva : Jurist, 1993. 120 s.
2. Aksjutina A.V. *Administratyvno-pravove zabezpechennia naselennia kulturnymy posluhamy : dys. kand. yuryd. nauk. (doktora filosofii)*. Kyiv, 2020. 221 s.
3. Alekseev S.S. *Pravo: azbuka–teorija–filosofija: opyt kompleksnogo issledovaniya*. Moskva: Statut, 1999. 712 s.
4. Andriiv V.M. *Mistse sotsialnykh prav u systemi sotsialnykh prav liudyny. Zakhyst sotsialno-ekonomichnykh ta sotsialnykh prav liudyny: mizhnarodne zakonodavstvo ta dosvid Ukrainy : Materialy naukovo-prakt. Konf. (Kyiv 12 bereznia 2004 r.)* Kyiv, 2004. Ch. 2. S. 7–10.
5. Babkova T. *Poniattia ta vydy sotsialnykh prav i svobod liudyny i hromadiannya. Naukovo-informatsiyni visnyk Pravo*. 2013. № 8. S. 137–144.
6. Baglaj M.V. *Konstitucionnoe pravo Rossijskoj Federacii: uchebnik*. Izd. 6-e, izm. i dopol. Moskva : NORMA-INFRA-M, 2007. 784 s.
7. Barabash Yu.H. *Sotsialni prava hromadian ta mozhyvocti ih zahysty Konstytutsiinym Sydom Ukrainy. Pyblichne pravo*. 2011. № 4. S. 15–22.
8. Bol'c N. *Pazmyshlenie o nepavenctve. Anti-Pycco*. Moskva : Izd. dom Bycshej shkoly jekonomiki, 2014. 272 s.

9. Bol'shoj juridicheskij slovar' / pod red. prof. A. Ja. Suhareva. Moskva : Infra-M, 2007. 858 s.
10. Domanska O. Rol derzhavy v realizatsii kulturnoi polityky: kontseptualnyi vymir. *Relihiia ta Sotsium*. 2014. № 3–4 (15–16). S. 163–169.
11. Ekonomichnyi zmist i rol prybutku v umovakh rozvytku pidpriemnytstva. URL: https://pidruchniki.com/1420112664471/finansy/ekoNemichnyy_zmist_rol_pributku_umovah_rozvytku_pidpriemnytstva.
12. Engibarjan R.V. Sravnitel'noe konstitucionnoe pravo: ucheb. posob. Moskva : Jurist, 2005. 429 s.
13. Frolov Yu.M. Pravo pryvatnoi vlasnosti v systemi ekonomichnykh prav liudyny i hromadianyna v Ukraini: konstytutsiino-pravovyi aspekt. *Chasopys Kyivskoho universytetu prava*. 2003. № 2. S. 24–30.
14. Halunko V.V. Pryvatna vlasnist yak nevidiemne pravo liudyny. *Derzhava i pravo. Yurydychni i politychni nauky*. 2008. Vyp. 42. S. 42–48.
15. Honcharenko O.M. Poniattia i zmist ekonomichnykh prav. *Derzhava i pravo: Zbirnyk naukovykh prats*. Yurydychni i politychni nauky. Kyiv : In-t derzhavy i prava im. V.M. Koretskoho NAN Ukrainy, 2005. Vyp. 25. S. 181–186.
16. Hrytsenko A.O. Kultura i vlada. Teoriia i praktyka kulturnoi polityky v suchasnomu sviti. Kyiv : UTsKD, 2000. S. 32.
17. Husariiev S.D., Oliinyk A.Yu., Sliusarenko O.L. Teoriia derzhavy i prava: navch. posib. Kyiv : Nauk. dumka, 2008. 270 s.
18. Indykatory vplyvu kultury na rozvytok YuNESKO Korotkyi analitychnyi ohliad shchodo Ukrainy Image source Prohrama finansuietsia Yevropeiskym Soiuzom. URL: <https://docplayer.net/amp/68985292-Indikator-i-vplyvu-kulturi-na-rozvytok.html>.
19. Ishchuk S.I. Okremi konstytutsiino-pravovi zasady funktsionuvannia hromadianskoho suspilstva v Ukraini: svoboda pidpriemnyt'skoi diialnosti. *Journal «ScienceRise: Juridical Science*. 2018. № 1 (3). S. 11–17.
20. Ivershenko L. Zmist konstytutsiinoho prava liudyny ta hromadianyna na pryvatnu vlasnist. *Pidpriemnytstvo, gospodarstvo i pravo*. 2007. № 7. S. 88–91.
21. Juridicheskij jenciklopedicheskij slovar' / Pod obshh. red. V.E. Krutskih; 3 e izd. i dop. Moskva : INFRA-M, 2003. VI, 450 s. (Biblioteka slovarej «INFRA.M»).
22. Kapystin B.G. Grazhdanstvo i gpazhdanskoe obshhestvo. Moskva, 2011. 224 s.
23. Kharchenko H.H. Doktrynalni vidminnosti instytutu prava vlasnosti: porivniialno-pravovyi analiz. *Chasopys Kyivskoho universytetu prava*. 2009. № 1. S. 158–164.
24. Kolodii A.M., Oliinyk A.Iu. Prava, svobody ta oboviazky liudyny i hromadianyna v Ukraini. Kyiv : Vseukrainska acotsiatsiia vydavtsiv «Prava yednist», 2008. 350 s.
25. Konstitucionnoe pravo zarubezhnyh stran / Pod obshh. red. M.V. Baglaja, Ju.I. Lejbo i L.M. Jentina. Moskva : NORMA-INFRA-M, 2000. 832 s.
26. Konstytutsiia Ukrainy : vid 28 chervnia 1996 r. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. St. 141.
27. Konstytutsiia Ukrainy : vid 28 chervnia 1996 r. *Vidomosti Verkhovnoi Rady Ukrainy*. 1996. № 30. St. 141.
28. Konstytutsiia Ukrainy: Naukovo-praktychnyi komentar / Red. kol. V.Ia. Tatsii, Yu.P. Bytiak, Yu.M. Hroshevyi ta in. Kharkiv: Pravo; Kyiv : Kontsern «Vydavnychi Dim «In Yure», 2003. 808 s.

29. Kopieichykov M. Sotsialna derzhava yak politychna realnist. *Visnyk Akademii pravovykh nauk Ukrainy*. 2001. № 2(205). S. 216–227.
30. Kovach A. Pravo liudyny na pidpriumnytstvo. *Chasopys Kyivskoho universytetu prava*. 2012. № 2. S. 212–214.
31. Kovtun V. Sotsialni prava v aspekti systemy prav liudyny. *Pravo i suspilstvo*. 2016. № 3. S. 17–24.
32. Kyrychenko Yu. Konstytutsiino-pravove rehuliuвання prav liudyny v Ukraini v konteksti harmonizatsii z zakonodavstvom yevropeyskykh derzhav. dys d.i.u.n. Uzhhorod, 2018. 523 s.
33. Lemak V. Sotsialno-ekonomichni prava liudyny v konteksti verkhovenstva prava: vitchyzniani dosvid zakriplennia ta zastosuvannia. *Visnyk Akademii pravovykh nauk Ukrainy*. 2010. № 1. 320 s.
34. Lokk Dzh. Izbrannye filosofskie proizvedeniya: u 2 t. Moskva : Gospolitizdat, 1960. T. 2. 512 s.
35. Lukasheva E.A. Chelovek, pravo, civilizatsii: normativno-cennostnoe izmerenie. Moskva : Norma, 2009. 384 s.
36. Lysenkov S.L. Teoretychni pytannia konstytutsiinykh kulturnykh prav i svobod v Ukraini. *Visnyk Akademii advokatury Ukrainy*. 2004. Vyp. 1. S. 5–19.
37. Maksymov C.I. Sotsialni prava liudyny: do problemy obgpyntyvannia. *Problemy zakonnosti*. 2009. № 100. S. 398–406.
38. Mizhnarodnyi pakt pro ekonomichni, sotsialni i kulturni prava. URL: http://zakon4.rada.gov.ua/laws/show/995_042.
39. Mozol N. Zabezpechennia sotsialnykh prav liudyny – stratehichne zavdannia ukrainskoi derzhavy. *Naukovyi visnyk Kyivsk. nats. un-tu vnutr. sprav*. 2007. № 4. S. 55–63.
40. Nehodchenko O.B. Orhanizatsiino-pravovi zasady diialnosti orhaniv vnytrishnih sprav shchodo zabezpechennia prav i svobod liudyny. Dnipro : Byd-vo Dnipropetr. yn-ty, 2003. 448 s.
41. Nersesjanc V.S. Obshhaja teoriya prava i gosudarstva. Moskva : NORMA-INFRA, 2000. 552 s.
42. Oliinyk A.Iu. Konstytutsiini svobody liudyny i hromadianyna ta yikh zabezpechennia v Ukraini: monohrafiia. Kyiv : KNUTD; Dnipro : DDUVS, 2018. 371 s.
43. Pabinovych P.M. Ppava liudyny i hpomadianyna. Kyiv : Atika, 2004. 464 s.
44. Prava cheloveka / Otv. red. E.A. Lukasheva. Moskva : NORMA-INFRA.M, 1999. 573 s.
45. Prava liudyny: mizhnarodni dohovory Orhanizatsii Obiednanykh Natsii ta Rady Yevropy / uporiad. V. Pavlyk, V. Teslenko. Kyiv: Fakt, 2001. 152 s.
46. Pro derzhavnu reiestratsiiu yurydychnykh osib, fizychnykh osib – pidpriumtsiv ta hromadskykh formuvan : Zakon Ukrainy vid 15 travnia 2003 r. Vidomosti Verkhovnoi Rady Ukrainy. 2003. № 31–32. St. 263.
47. Pustovit Zh.M. Aktualni problemy prav i svobod liudyny ta hromadianyna v Ukraini: Navch. posib. Kyiv : KNT, 2009. 232 s.
48. Pylhun N.V. Sotsialno-pravova derzhava na etapi suchasnoho derzhavotvorennia v Ukraini. *Istoryko-teoretychni zasady derzhavotvorennia i pravotvorennia v Ukraini : zbirnyk naukovykh prats*. Kyiv, 2014. 146 s.

49. Rabinovych P.M. Osnovy zahalnoi teorii prava ta derzhavy: navch. Posibnyk Kharkiv: Konsum, 2002. 160 s.
50. Rabinovych P. M. Osnovy zahalnoi teorii prava ta derzhavy: navch. posib. 10-te vyd., pererob. i dopov. Lviv: Krai, 2008. 224 s.
51. Rodionova O.V. Juridicheskaja sushhnost' «prava na dostojnoe chelovecheskoe sushhestvovanie». *Izvestija VUZov. Pravovedenie*. 2004. № 2. S. 182–188.
52. Shajo A. Vozmozhnosti konstitucionnogo kontrolja v sfere social'nyh prav. *Sravnitel'noe konstitucionnoe obozrenie*. 2007. № 4 (61). S. 39–40.
53. Shpiker M. Hristianstvo i svobodnoe konstitucionnoe gosudarstvo. *Religija i pravo*. 2000. № 1. S. 5–8.
54. Shulzhenko F.P. Sotsialno-pravova derzhava: sutnist, problemy politychnoi modernizatsii: dys... d-ra yuryd. nauk. Kyiv, 2009. 412 s.
55. Skrypniuk O. Konstytutsiinyi lad v Ukraini : metodolohichni problemy rozvytku y udoskonalennia v konteksti konstytutsiinoi modernizatsii. Shchorichnyk ukrainskoho prava: zb. nauk. pr. / vidp. za vyp. O.V. Petryshyn. Kharkiv: Pravo, 2013. № 5. S. 202–212.
56. Skrypniuk O. Prava ta svobody liudyny v konstytutsiini systemi Ukrainy. *Publichne pravo*. 2012. № 1. S. 6–13.
57. Skrypniuk O.V. Kurs suchasnoho konstytutsiinoho prava Ukrainy: Akademichne vydannia. Kharkiv: Pravo, 2009. 468 s.
58. Slovar' inostrannyh slov : 11-e izd., stereotip. / Pod red. V.V. Pchjolkina, L.N. Komarova, E.N. Zazarenko i dr. Moskva: 1984. 608 s.
59. Sokolenko Yu.M. Poniattia kulturnykh prav i svobod liudyny ta hromadianyna. *Pravo Ukrainy*. 2005. № 2. S. 27–32.
60. Sulzhenko Yu. Poniattia ta sistema ekonomichnykh prav ta svobod liudyny i hromadianyna v Ukraini. *Yurydychna nauka*. 2011. № 3. S. 14–21.
61. Tanchev E.B. Social'noe gosudarstvo (vseobshhego blagosostojanija) v sovremennom konstitytsionalizme. Konstitytsionnyj princip social'nogo gosudarstva i ego primenenie konstitytsionnymi sydami : sb. doklad. Moskva, 2008. S. 59–75.
62. Todyka Yu.M. Konstytutsiinyi prava, svobody ta oboviazky liudyny i hromadianyna // Konstytutsiinye pravo Ukrainy: Pidruchnyk / Za red. Yu.M. Todyky, V.S. Zhuravskoho. Kyiv : In Yure, 2002. 544 s.
63. Velykyi entsyklopedychnyi yurydychnyi slovnyk / za red. akad. NAN Ukrainy Yu. S. Shemshuchenka. Kyi : Yurydychna dumka, 2007. 992 s.
64. Verlanov S.O. Ekonomichni i sotsialni prava liudyny: yevropeiski standarty ta yikh vprovadzhennia v yurydychnu praktyku Ukrainy (zahalnoteoretychne doslidzhennia). Lviv : Krai, 2009. 196 s.
65. Voevodin L.D. Juridicheskij status lichnosti v Rossii : uchebnoe posobie Moskva: INFRA–M–NORMA, 1997. 304 s.
66. Xabermas Yu. Hrpomadianstvo i natsionalna identychnist. Natsionalizm: Antolohiia. Kyiv : Smolockyp, 2006. S. 343–360.
67. Yakoviuk I.B. Rozvytok kontseptsii sotsialno-ekonomichnyh prav yak peredy-mova formyvanntia sotsialnoi derzhavy. *Problemy zakonnosti*. 1998. № 35. S. 22–26.