

SECTION II

SYSTEM OF NORMATIVE-LEGAL ACTS OF UKRAINE IN THE MECHANISM OF LEGAL REGULATION OF PUBLIC RELATIONS

CHAPTER 3

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CONSTRUCTION OF A SYSTEM OF SOURCES OF LAW AND THEIR HIERARCHY

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INTRODUCTION

Building the system of sources of law and determining their hierarchy belong to the fundamental issues of contemporary legal theory and are of direct importance for law-making and law-enforcement practice. Normative-legal acts do not exist in isolation; rather, they are interrelated in a certain manner determined by their legal force, the competence of the law-making actor, the subject matter of regulation, the territorial scope of operation, and the procedure for their adoption. Therefore, the hierarchy of sources of law is not merely a means of organizing normative material, but

also an important guarantee of legislative coherence, stability of the legal order, and effectiveness of law enforcement.

For Ukraine, this issue is particularly relevant in the context of legislative renewal, European integration, and increasing requirements for the quality of law-making. The national system of sources of law includes the Constitution of Ukraine, laws, subordinate normative-legal acts, acts of local self-government bodies, and international treaties of Ukraine in force. At the same time, European Union law is acquiring increasing significance, as it influences the development of Ukrainian legislation.

An important stage in the normative ordering of this sphere was the adoption of the Law of Ukraine “On Law-Making Activity”, which enshrined the concept of the legal force of a normative-legal act, defined the hierarchy of normative-legal acts, established requirements for their coherence, and provided mechanisms for preventing legal contradictions. In this context, legal force appears as a key criterion for determining the position of an act within the system of sources of law, its binding nature, the limits of its operation, and its priority or subordination in relation to other acts.

The multi-level nature of the system of sources of law naturally gives rise to the problem of conflicts between normative provisions. Such conflicts may arise between acts of different legal force, between general and special norms, between earlier and later acts, as well as between the national, international, and European levels of legal regulation. Their resolution requires the application of classical conflict-of-law principles, as well as the development of preventive means, including the systematization of legislation, legal monitoring, and legal review.

1. Legal force of normative-legal acts: concept, content, theoretical-legal approaches

In the national legal system, a normative-legal act is an official written decision of an authorized law-making actor, adopted in the prescribed form, within the limits of competence and in accordance with the established procedure, by which legal norms are established, amended, or repealed. One of its key properties is legal force, which determines the position of the act within the system of sources of law, its relationship with other normative-legal acts, as well as the limits of its priority, subordination, and operation. Therefore, clarifying the legal force of a normative – legal act is of significant importance both for legal theory and for law-making and law-enforcement practice.

In Ukrainian legal scholarship, the issue of the legal force of normative-legal acts has traditionally been examined through the lens of the relationship between laws and subordinate acts, the hierarchy of sources of law, and conflict-of-law rules. This issue became especially relevant after the adoption of the Law of Ukraine “On Law-Making Activity” of 24 August 2023 № 3354-IX, which established legislative approaches to determining the legal force of normative-legal acts, their hierarchy, and the requirements for coherence in legal regulation.

In scholarly literature, legal force is most often defined as the principal property of legal acts that determines their legal effect, their capacity to produce legal consequences, and also defines the relationship between acts and their binding nature [39, p. 446]. In particular, P. Rabinovych links legal force to the capacity of a law or another legal document to operate at a certain time and within a certain territory, as well as to the formal binding nature

of a normative-legal act, which is determined by the position of the law-making body within the state apparatus [36, p. 107]. A similar approach may be observed in other works, where legal force is treated as a property reflecting the position of an act within the legal system, its priority or subordination in relation to other acts, and also as a criterion for classifying normative-legal acts [34, p. 98; 37, pp. 14–18].

Thus, at the theoretical level, legal force is generally understood as a specific property of a normative-legal act that characterizes its position within the system of legal acts, the degree of its binding nature, and its relationship with other acts. In this sense, it encompasses not only the capacity of an act to produce legal consequences, but also its priority or subordination in relation to other sources of law. Therefore, legal force is one of the main features by which the system of normative-legal acts is constructed.

The concept of legal force is closely connected with such categories as binding nature, validity, and operation of a normative-legal act; however, it is not reducible to any of them. Binding nature reflects the capacity of an act to constitute a generally binding rule of conduct for the relevant subjects; validity characterizes the belonging of an act to the system of law in force; and the operation of an act reflects its functioning in time, space, and with respect to persons. By contrast, legal force is a broader category, since it encompasses not only the validity and binding nature of an act, but also its position within the hierarchy of sources of law, and its priority or subordination in relation to other acts.

For this reason, legal force cannot be identified solely with the fact that an act has entered into force. A normative-legal act may be valid, that is, formally in force; however, the issue of its legal force arises when it is necessary to establish its position within

the system of normative legal acts, determine its relationship with other acts, and ascertain whether it has priority in the event of a contradiction with other sources of law. In this sense, legal force combines the formal, systemic, and functional aspects of the characterization of a normative legal act.

At the same time, the legal force of normative-legal acts cannot be determined solely through the categories of a “higher” and “lower” law-making actor. The complexity of organizational relationships within the system of public authority does not always allow acts to be clearly distinguished on this basis. Moreover, the issue of legal force also arises when comparing acts of the same authorized actor, since such acts may differ in form, subject matter of regulation, and position within the system of normative-legal acts [32, p. 13].

In our view, the legal force of a normative-legal act should be understood as its specific legal property that characterizes the position of the act within the system of sources of law, its binding nature, its relationship with other normative-legal acts, and its capacity to produce legal consequences. It is in this understanding that legal force serves as the basis for determining the hierarchical structure of the system of normative-legal acts and is of fundamental importance for ensuring the internal coherence of legal regulation.

Indicative in this context is the legislative definition enshrined in Article 19 of the Law of Ukraine “On Law-Making Activity”. It treats legal force as a property of normative-legal acts and the legal norms established by them that serves as the basis for determining their mutual hierarchical subordination within the system of normative-legal acts. Such subordination is determined by the foundations of the constitutional order, the competence and territorial jurisdiction

of the law-making actor, as well as other features defined by the Constitution of Ukraine and by law. Thus, legal force is not only a theoretical category but also a normatively established instrument for constructing the system of sources of law.

In contemporary foreign legal scholarship, the issue of the legal force of normative-legal acts is predominantly analyzed through the theory of the hierarchy of norms and the category of “legal validity”. These categories explain why certain acts occupy a higher level within the system of sources of law than others, how their position within the legal system is determined, and on what basis they acquire a generally binding character [2, pp. 5–10; 17, pp. 29–31].

In foreign doctrine, the hierarchy of norms is viewed not merely as the formal arrangement of acts according to the principle of “higher – lower”. Rather, it refers to a structure of the legal system in which some norms determine the grounds, limits, and procedure for the creation of others. Therefore, the hierarchy of norms is used to explain the internal organization of law, the limits of law-making, and the methods for resolving contradictions between legal provisions [17, pp. 29–31; 15, pp. 163–166].

The classical normativist approach to explaining the hierarchical structure of law in foreign legal scholarship is primarily associated with the works of H. Kelsen and A. Merkl. Its significance lies in the fact that law is regarded not as a random set of prescriptions, but as an internally ordered system in which each norm has a specific place and is connected with other norms by relations of legal dependence [17, pp. 29–32].

Central to this concept is the idea that a lower-level norm arises on the basis of a higher-level norm and in accordance with the procedure established by it. A lower norm is therefore legally significant not in itself, but because its creation is authorized

by a norm occupying a higher level in the legal system. In this understanding, a law has force because its adoption is provided for by the constitution, while a subordinate act has force because its issuance is permitted by law [17, pp. 29–31]. Accordingly, the legal force of an act is determined not only by its position within the system of sources of law, but also by whether it was created in the proper procedure and within the limits of the competence granted.

From this perspective, legal force has not only a substantive but also a procedural dimension. An act is legally significant not merely because it contains a legal prescription, but because that prescription arose within a procedure established by law. This makes it possible to explain why acts of different levels do not merely coexist, but form a single ordered system. Within such a system, the legal force of each act depends on its connection with acts of a higher level, which is especially important for analyzing the relationship between the constitution, the law, and the subordinate act.

At the same time, the actual structure of the hierarchy of norms in different legal systems may be more complex than the classical model suggests. This is particularly evident in the relationship between the constitution, international law, laws, subordinate acts, and European Union law. For example, in Cyprus, after the constitutional amendments of 2006, European Union law acquired supremacy even over constitutional provisions, while the constitution itself retained higher force in relation to national legislation, and international treaties occupied an intermediate position between the constitution and laws [11]. This model demonstrates that the contemporary hierarchy of norms may include not only classical national levels of legal regulation, but also a supranational component that alters the traditional structure of the system of sources of law.

For this reason, contemporary foreign doctrine does not treat the hierarchy of norms as an absolutely complete and self-evident construction. In particular, É. Millard emphasizes that the hierarchy of norms is not only an object of scholarly inquiry, but also a theory that itself constructs this object [15, pp. 163–166]. This approach is important because it allows the hierarchy of norms to be understood not only as a description of the actual state of sources of law, but also as a normative-theoretical instrument through which an idea of the proper order of their interaction is constructed.

V. Iturralde Sesma draws attention to the criteria for establishing the hierarchical relationship of legal norms: the basis of the validity of the norm, the obligation of bodies creating lower norms to comply with higher norms, the form of the source, the complexity of the adoption procedure, and the capacity of a norm to amend or repeal other norms [13, pp. 261–263]. This means that the legal force of an act cannot be determined solely by its name or by the status of the body that issued it. Rather, it is the result of a combination of several factors that together make it possible to establish the position of the act within the legal system.

In this respect, the position of R. Paour is illustrative. He emphasizes that reference to higher-level norms in legal argumentation is not accidental. When a court, public authority, or another authorized actor substantiates its decision, it refers to higher norms because such reference gives the decision proper legal justification [16, pp. 201–218]. Thus, the hierarchy of norms has not only theoretical but also practical significance: it serves as the basis for legal argumentation, for substantiating the priority of some norms over others, and at the same time for restraining arbitrariness in law-making and law enforcement.

For this reason, contemporary foreign literature increasingly treats the hierarchy of norms as a category that combines structural and practical dimensions. On the one hand, it explains how a legal system is constructed, in which the constitution, law, subordinate act, and other sources of law are linked by relations of authorization and control. On the other hand, it operates as an instrument of law enforcement, since it is through the hierarchy of norms that conflicts between different prescriptions are resolved and the priority of some norms over others is justified [2, pp. 5–7].

Alongside the theory of the hierarchy of norms, the category of legal validity is of considerable importance for understanding legal force. In contemporary foreign legal scholarship, it is associated with the existence of a norm, its binding nature, applicability, conformity with higher norms, belonging to the legal system, and effectiveness [19, pp. 100–103]. Therefore, legal validity cannot be regarded merely as the formal fact of an act's adoption. It presupposes the inclusion of a norm within the relevant legal system and its capacity to produce legal consequences.

Within the positivist tradition, legal validity is most often explained through the belonging of a norm to the legal system and its origin in a proper legal source. In this sense, a norm is legally valid when its creation is authorized by a higher norm, while the entire body of norms is ultimately derived from the basic norm [23, pp. 146–148]. Accordingly, the legal force of a normative-legal act is manifested not only in its binding nature, but also in the position it occupies within the system of legally recognized sources of law.

At the same time, contemporary legal scholarship emphasizes that law is perceived as such not only because it originates from a proper source, but also because it complies with the basic

requirements of legal form: generality, clarity, accessibility, relative consistency, and foreseeability [23, pp. 157–159]. This is of considerable importance for the study of the legal force of a normative-legal act, since a formally adopted act may prove problematic in practice if it fails to ensure the proper determinacy and coherence of legal regulation.

Alongside the normativist explanation of the legal force and validity of law, an important place is occupied by the approach associated with the ideas of H. Hart. Within this tradition, the question of what should be regarded as law in a particular legal system is explained through the rule of recognition – a basic rule that determines the criteria of the legal validity of norms and makes it possible to establish which acts belong to the system of law in force [10]. Unlike a purely formal approach, the rule of recognition links the validity of a norm not only to its origin in a proper source, but also to the actual practice of officials, primarily courts and other public authorities.

The rule of recognition does not necessarily exist in the form of a single written formulation or a separate normative act. Its content is revealed through the criteria used by official actors when determining what is to be recognized as law within a particular jurisdiction. In this sense, the validity of a norm is explained not only by its formal position within the legal system, but also by whether it is perceived by official legal practice as belonging to that system.

Developing this idea, K. Ehrenberg emphasizes that every legal system rests upon a certain basic rule of validity, which contains the most general criteria of what is regarded as legally binding within the relevant jurisdiction. It is precisely through this rule that one can determine whether a particular normative-legal act belongs to

a given legal system, whether it has a proper source of origin, and whether it corresponds to the characteristics of a legally significant act [8, pp. 37–38].

It is important that, in the Hartian tradition, the rule of recognition not only explains the belonging of a norm to the legal system, but also allows for a deeper understanding of the very nature of the legal force of a normative-legal act. Whereas the normativist approach focuses on the hierarchical connection between a lower norm and a higher norm, Hart's approach shifts attention to the practice of official recognition of certain sources of law. In this sense, the legal force of an act depends not only on its formal origin, but also on whether it is perceived by courts, public authorities, and other official actors as an appropriate legal reference point.

This circumstance is of fundamental importance for the contemporary understanding of the system of sources of law. A normative-legal act may possess the external features of a legal act – written form, official origin, and the general character of its prescriptions – yet its actual legal force manifests itself only when it is included in the system of legal recognition and application. In other words, legal force is not a purely formal characteristic of the text of an act; it is connected with its position in the system of law-making, the procedure for its adoption, the competence of the actor, and the subsequent functioning of the act in law-enforcement practice.

In this respect, the distinction between the formal existence of an act, its validity, and its legal force becomes particularly significant. Formal existence means that an act has been adopted by a certain actor and has the relevant external form. Validity indicates that the act belongs to the system of law in force and may be applied. Legal force, by contrast, shows what position this act

occupies among other sources of law, whether it has priority over other acts or, conversely, is subordinate to them. Therefore, legal force is a more complex category than mere validity: it reflects not only the fact that an act operates, but also its systemic position.

This approach makes it possible to avoid a simplified understanding of legal force as the mechanical consequence of the issuance of an act by a competent body. In contemporary legal systems, especially multi-level ones, legal force is formed at the intersection of several criteria: the constitutional basis, the competence of the law-making actor, the procedure for adoption, the subject matter of regulation, territorial scope, official promulgation, and practice of application. It is precisely the combination of these criteria that makes it possible to determine whether a particular act is a full-fledged element of the system of sources of law and what position it occupies within that system.

The rule of recognition complements the classical theory of the hierarchy of norms by showing not only the formal structure of the legal system, but also the mechanism of its actual functioning. It explains why some acts are recognized as legally significant and applied as sources of law, whereas others, despite possessing certain external features of normativity, do not acquire full legal force. In this sense, the legal force of a normative-legal act is not only the result of its position within the hierarchy, but also a consequence of its official recognition, inclusion in the legal system, and capacity to perform a real regulatory function.

This approach makes it possible to explain more precisely why legal force cannot be reduced merely to the fact of the formal adoption of an act. In order for an act genuinely to acquire legal significance, it must not only be adopted by a competent actor in the proper form, but also be included in the system of official recognition and application. In other words, what is at issue is not

only an act of law-making, but also the acceptance of that act by the legal system as one that meets the criteria of legal validity.

In this respect, the rule of recognition has important methodological significance, since it makes it possible to distinguish between two closely related but non-identical questions: how a norm is created and why it is recognized as law. The first question concerns the competence, procedure, and form of the act; the second concerns the criteria by which the legal system accepts this act as one of its own elements. For this reason, the Hartian approach complements the normativist view: while normativism explains legal force through the hierarchical derivation of a lower norm from a higher one, the rule of recognition shows how the legal system actually identifies its sources of law and ensures their official validity.

For the characterization of the legal force of a normative-legal act, this means that it cannot be explained exclusively through the categories of a “higher” and “lower” act. Legal force also depends on whether the act corresponds to those criteria which, within a particular legal system, are recognized as characteristics of a legally significant source of law. Therefore, the rule of recognition serves as an important bridge between the formal hierarchy of sources of law and their actual operation in legal practice.

2. System of levels of legal regulation in national, international, and European law

The system of levels of legal regulation in the national law of Ukraine has a clearly expressed hierarchical character. Its normative basis today consists not only of the provisions of the Constitution of Ukraine, but also of the Law of Ukraine “On

Law-Making Activity”, which, for the first time at the legislative level, systematically enshrined the hierarchy of normative-legal acts, defined the principles governing their interrelationship, and established general criteria of legal force. Therefore, the analysis of the basic levels of legal regulation in Ukraine should be carried out through the prism of this Law, which has provided comprehensive legislative consolidation of the system of sources of law.

Pursuant to Article 19 of the Law of Ukraine “On Law-Making Activity”, the legal force of a normative-legal act is defined as a property of normative-legal acts and of the legal norms established by them, which serves as the basis for determining their mutual hierarchical subordination within the system of normative-legal acts. Such subordination is determined by the foundations of the constitutional order, the competence and territorial jurisdiction of the law-making actor, as well as other features defined by the Constitution of Ukraine and by law. Thus, the system of levels of legal regulation is linked not only to the form of the act, but also to the position of the law-making actor within the system of public authority, the scope of its powers, and the nature of the regulated relations.

Within this system, the basic levels of legal regulation are the Constitution of Ukraine, international treaties of Ukraine in force, laws, and subordinate normative – legal acts. The constitutional level establishes the primary foundations of legal regulation; the international legal level ensures the incorporation of Ukraine’s international obligations into the national legal system; the legislative level establishes the basic rules for regulating the most important social relations; and the subordinate level ensures the specification, development, and practical implementation of legislative provisions. In this sense, subordinate regulation is

not autonomous in relation to acts of higher legal force, but is derivative in nature.

The first and determining level of legal regulation is the constitutional level. Pursuant to paragraph 1 of part two of Article 19 of the Law of Ukraine “On Law-Making Activity”, the Constitution of Ukraine has the highest legal force within the system of normative-legal acts of Ukraine and is binding throughout the entire territory of Ukraine. This provision is consistent with Article 8 of the Constitution of Ukraine, according to which the Constitution of Ukraine has the highest legal force, while laws and other normative-legal acts are adopted on its basis and must conform to it.

The special position of the Constitution of Ukraine is determined by its constituent content. It defines the foundations of the constitutional order, the legal status of the individual and citizen, the system of public authorities, the territorial structure of the state, the principles of local self-government, and the principles governing the organization of the entire system of legislation. In this regard, the constitutional level has a foundational character: all other levels of legal regulation may function only within the limits defined by the Constitution of Ukraine. Any law-making activity that exceeds these limits or contradicts them loses its proper constitutional basis.

The second basic level of legal regulation is the legislative level. Pursuant to paragraph 3 of part two of Article 19 of the Law of Ukraine “On Law-Making Activity”, laws are adopted on the basis of the Constitution of Ukraine and international treaties of Ukraine in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine; they have higher legal force within the territory of Ukraine than normative-legal acts of lower levels and are binding throughout the entire territory of Ukraine.

Thus, the legislative level occupies a central place in the system of national legal regulation, since it is at this level that the primary normative regulation of the most significant and stable social relations is carried out.

Laws in the Ukrainian legal system include several types. These include the Constitution of Ukraine as the Fundamental Law, constitutional laws, ordinary laws, including codified acts, as well as laws by which consent is granted to the binding nature of international treaties of Ukraine. Regardless of these distinctions, a law is characterized by a special procedure for its adoption, general binding force, regulation of the most important social relations, and higher legal force in relation to subordinate normative-legal acts.

The importance of the legislative level is emphasized by Article 92 of the Constitution of Ukraine, which determines the range of matters that are regulated exclusively by the laws of Ukraine. These include, in particular, human and civil rights and freedoms, guarantees of these rights, the fundamental duties of citizens, the principles of the use of natural resources, the foundations of social protection, regulation of labour, marriage, healthcare, national security, and other matters of national importance. This means that the legislative level is not only higher in relation to the subordinate level, but is also substantively defined: it is the law that possesses primary regulatory competence in the most important spheres of public life.

The subordinate level of legal regulation is derivative in nature. Although subordinate normative-legal acts have lower legal force than the Constitution of Ukraine, international treaties of Ukraine in force, and laws, their significance within the system of legal regulation is considerable. They ensure the detailing, specification,

and organizational implementation of laws. The existence of the subordinate level is conditioned by the complexity of social relations, which cannot be exhaustively regulated by law alone.

The Law of Ukraine “On Law-Making Activity” not only generally recognizes the existence of subordinate acts, but also constructs their internal hierarchy. After laws, Article 19 of this Law identifies resolutions of the Verkhovna Rada of Ukraine and decrees of the President of Ukraine, resolutions of the Cabinet of Ministers of Ukraine and normative-legal acts of the National Bank of Ukraine, orders of ministries, normative-legal acts of other state bodies, acts of the authorities of the Autonomous Republic of Crimea, local state administrations, and local self-government bodies. This approach demonstrates that the subordinate level is not homogeneous, but has its own internal structure, built with regard to the constitutional status of the law-making actor, its competence, and territorial jurisdiction.

Subordinate normative-legal acts are formed on the basis of the principle of derivation from acts of higher legal force. This means that each such act must be adopted on the basis and in implementation of the Constitution of Ukraine, the laws of Ukraine, and international treaties of Ukraine in force, and, at the relevant levels, also on the basis of acts of higher actors of subordinate rule-making. From this follow the main features of a subordinate normative-legal act: conformity with acts of higher legal force, adoption by an authorized actor within the limits of competence, a specific subject matter of regulation, official character, the need for promulgation, and, in certain cases, state registration.

A special place within the subordinate level is occupied by acts of local self-government bodies. Pursuant to paragraph 13

of part two of Article 19 of the Law of Ukraine “On Law-Making Activity”, they are adopted on the basis and in implementation of the Constitution of Ukraine and/or laws, as well as international treaties of Ukraine in force, and are binding within the territory of the relevant administrative-territorial unit or territorial community. Their specific feature lies in the fact that they are subordinate in nature, but do not form part of the system of executive power; rather, they constitute a separate subsystem of local legal regulation based on the constitutionally guaranteed autonomy of local self-government.

The above characterization of the internal hierarchy of normative-legal acts would be incomplete without taking into account the international legal component, since under contemporary conditions the system of sources of law of Ukraine is formed not only by acts of national origin, but also by international treaties of Ukraine in force.

The constitutional basis for the position of international treaties within the legal system of Ukraine is enshrined in Article 9 of the Constitution of Ukraine. It provides that international treaties in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine. At the same time, the conclusion of international treaties that contradict the Constitution of Ukraine is possible only after the relevant amendments have been introduced to the Constitution of Ukraine. In conjunction with Article 8 of the Constitution of Ukraine, which grants it the highest legal force, this means that an international treaty enters the system of national legislation, but cannot prevail over the Constitution and cannot be introduced into the legal order contrary to its provisions.

The special legislative consolidation of this level is contained in the Law of Ukraine “On Law-Making Activity”. Part one

of Article 9 of this Law defines the legislation of Ukraine as an interconnected and ordered system of normative-legal acts of Ukraine and international treaties in force. Paragraph 2 of part two of Article 19 establishes that international treaties of Ukraine in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine, are concluded in accordance with the Constitution of Ukraine and have higher legal force within the territory of Ukraine than the normative-legal acts specified in paragraphs 3–13 of that part. Thus, the legislator not only recognizes international treaties as part of legislation, but also assigns them a separate position within the system of sources of law – between the Constitution of Ukraine and other types of normative-legal acts.

Article 19 of the Law of Ukraine “On International Treaties of Ukraine” is of key importance for the domestic operation of international treaties. It provides that international treaties of Ukraine in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine, are part of national legislation and are applied in the manner prescribed for the norms of national legislation. The same article establishes a conflict-of-law rule: if an international treaty of Ukraine that has entered into force in the prescribed manner establishes rules other than those provided for in the relevant act of Ukrainian legislation, the rules of the international treaty shall apply. In this way, an international treaty in the legal system of Ukraine has not only an incorporative but also a priority character in the event of a conflict with a legislative act of a lower level.

At the same time, the significance of an international treaty is not limited to its formal inclusion in national legislation. The Law of Ukraine “On International Treaties of Ukraine”

defines the mechanisms for granting consent to the binding nature of an international treaty, as well as its ratification, promulgation, registration, and implementation. This indicates that an international treaty within the system of sources of law of Ukraine is not merely a normative element, but also a genuinely operative regulator whose implementation is ensured by domestic organizational and law-enforcement mechanisms.

The above characterization of the national hierarchy of sources of law shows that it is not formed solely as the vertical structure “Constitution – law – subordinate act”. The contemporary system of legal regulation is more complex, since it includes international treaties of Ukraine in force and is also subject to the increasing influence of European Union law. Therefore, the study of the levels of legal regulation requires going beyond a purely domestic model and taking into account international and supranational dimensions.

In foreign legal doctrine, the question of the position of international treaties within the system of sources of law is examined as part of the broader problem of the relationship between the national and international levels of legal regulation. At the same time, the emergence of *jus cogens* norms and the growing role of obligations from which states may not derogate indicate the formation of elements of hierarchy within international law itself [20]. This is important for understanding the legal nature of an international treaty, since it does not function in isolation, but within a broader international legal system, where issues of priority, imperativeness, and the limits of states’ treaty freedom also arise.

Comparative legal material shows that international treaties may occupy different positions in national systems of sources of law. Thus, in Croatia, international treaties concluded, confirmed

in accordance with the Constitution, promulgated, and in force form part of domestic legislation and have higher legal force than laws [5]. In the Republic of Cyprus, international treaties, conventions, and agreements concluded in the prescribed manner and promulgated also have higher legal force than national law, although the constitutional level retains special significance in view of the obligations of the state as a member of the EU [6]. In Latvia, the priority of international law is combined with the requirement to preserve the fundamental principles of the Constitution, while in Austria the position of an international treaty depends on its content and the method of its implementation [1; 7; 14].

Thus, the European experience demonstrates the absence of a single universal model for placing international treaties within the system of sources of law. In some states, they have priority over laws; in others, their status depends on the method of incorporation into domestic law or on the subject matter of regulation. For Ukrainian legal scholarship, this experience is important because it confirms that the position of an international treaty within the system of sources of law is determined not abstractly, but through the constitutional model of a particular state, the procedure for granting consent to the binding nature of the treaty, and the mechanism of its domestic application.

Even more profound changes in the classical model of legal regulation are associated with the formation and development of European Union law. Whereas, in the traditional national model, the hierarchy was constructed primarily as an internal state vertical of “constitution – law – subordinate act”, the development of European integration added a supranational level to this structure. As a result, EU law has become not merely an external point of reference for the national legislator, but also an independent factor

transforming the internal structure of the legal systems of the Member States.

In general theoretical terms, EU law confirms that the hierarchy of norms cannot be reduced to a simple “vertical of acts”. It functions as a complex system of interaction between different normative levels, within which supranational norms may affect the operation of constitutional, legislative, and subordinate acts of the Member States. Therefore, the contemporary hierarchy of normative acts in the European legal space is formed not only within an individual state, but also through that state’s inclusion in a broader supranational legal order.

The experience of the EU Member States demonstrates different models of interaction between the national and supranational levels. In Cyprus, after the constitutional amendments of 2006, EU law was placed directly above the Constitution, which constitutes one of the most radical variants of restructuring the classical hierarchy of normative acts [6]. The Italian model, by contrast, combines recognition of the primacy of EU law with the doctrine of the so-called counter-limits, according to which the supreme principles of the Constitution and inalienable human rights cannot be displaced even under the influence of EU law [4]. A similar logic is also evident in Latvia, where the priority of EU law is recognized only insofar as it does not affect the immutable core of the Constitution [7].

The Austrian approach also combines recognition of the priority of EU law with a reservation concerning the preservation of the foundations of the state’s constitutional identity. Official Austrian materials emphasize that, after accession to the EU, the foundations of the Austrian legal order are determined not only by national constitutional law, but also by European Union law. At the same

time, the priority of EU law does not extend to the leading principles of the Constitution, including the democratic, republican, federal, and liberal principles, the principle of separation of powers, and the rule-of-law principle [1]. This indicates that EU law does not automatically abolish national constitutional systems, but enters into complex interaction with them.

The Croatian experience shows that, under contemporary conditions, EU law is perceived not merely as an external body of supranational obligations, but as an independent element of national legislation. Article 145 of the Constitution of the Republic of Croatia provides that acts and decisions adopted by EU institutions are applied in the Republic of Croatia in accordance with the *acquis communautaire*, while Croatian courts ensure the protection of subjective rights based on EU law [5]. This demonstrates the gradual incorporation of EU law into the internal system of legal regulation of a Member State.

The influence of EU law on the contemporary system of normative acts is manifested not only in the relationship between supranational and national norms, but also in the internal structure of EU law itself. After the entry into force of the Lisbon Treaty, EU law drew a clearer distinction between legislative and non-legislative acts. Article 289 TFEU defines the category of legislative acts, while Articles 290 and 291 TFEU distinguish delegated acts from implementing acts. In this way, EU law acquired a more ordered internal structure, within which a distinction is made between acts that establish basic rules and acts that supplement, amend, or ensure uniform conditions for the implementation of those rules [3].

Delegated and implementing acts are of particular importance. Delegated acts are adopted by the Commission in order to supplement or amend certain non-essential elements of a legislative

act, whereas implementing acts ensure uniform conditions for the implementation of legally binding EU acts. The distinction between them is not only technical-legal but also functional in nature, since it is connected with different regimes of delegation, control, and participation of EU institutions and Member States [22]. This confirms that, even within a supranational legal order, the hierarchy of normative acts has not only a formal but also a functional dimension.

For the Ukrainian legal system, EU law is of particular significance, since it is gradually becoming a normative point of reference for the reform of national legislation. Even in the absence of full integration of EU law into the internal hierarchy of normative acts in the form characteristic of the Member States, EU law already performs the function of an external standard for law-making, legal interpretation, and legislative approximation. For this reason, EU law affects the contemporary hierarchy of normative acts not only in the Member States, but also in countries that orient themselves toward the *acquis communautaire* as a model of a proper normative order.

Thus, the system of levels of legal regulation in contemporary law has a multi-level character. In the national law of Ukraine, its foundation consists of the Constitution of Ukraine, international treaties of Ukraine in force, laws, and subordinate normative-legal acts. At the same time, under contemporary conditions, this system cannot be considered in isolation from the international and European legal space. International treaties of Ukraine constitute an independent element of legislation, while EU law serves as an important supranational point of reference that influences the development of the national system of sources of law, its hierarchy, and the mechanisms for ensuring the coherence of normative material.

3. Conflicts between levels of legal regulation and mechanisms for overcoming them

The specific features of contemporary legal regulation naturally give rise to contradictions between normative provisions of different levels, content, and origin. The more complex a legal system becomes, and the more it encompasses diverse law-making actors, forms of normative expression, and regulatory regimes, the higher the likelihood of clashes between provisions that claim to regulate one and the same issue.

For the contemporary Ukrainian legal system, this problem is of particular importance. First, the system of Ukrainian legislation remains overloaded with a significant number of acts adopted at different times and based on different regulatory logics. Second, the Constitution of Ukraine, international treaties in force, laws, subordinate and local regulation, as well as European Union law as an external normative point of reference for European integration, form a multi-level normative space whose elements constantly interact. Third, the Law of Ukraine “On Law-Making Activity” directly enshrines systemic coherence as one of the principles of law-making activity, defines the legislation of Ukraine as an interconnected and ordered system of normative-legal acts of Ukraine and international treaties in force, establishes the concept of legal force and the hierarchy of normative-legal acts, and requires the coherence of norms with acts of higher and equal legal force. At the same time, even such normative systematization does not eliminate the need for a doctrinal analysis of the nature of conflicts and the mechanisms for their resolution.

In this sense, conflicts are not an accidental deviation in the functioning of law, but an objective consequence of

the development of legislation, the increasing complexity of social relations, the specialization of the normative body, and the interaction of national, international, and supranational law [35, pp. 3–4]. Therefore, the analysis of conflicts between levels of legal regulation cannot be reduced merely to identifying the formal incompatibility of individual norms. It concerns the broader problem of the internal coherence of the legal system, the limits of the competence of law-making actors, the relationship between different sources of law, and the development of legal techniques capable of ensuring the stability, foreseeability, and integrity of legal regulation.

In general theoretical terms, a legal conflict should be understood as a contradiction between legal phenomena, primarily between legal norms or normative provisions, which determine different legal outcomes with respect to one and the same or a related subject matter of regulation. The category of legal conflict is broader than the concept of a conflict in legislation, since it may encompass contradictions between legal norms, acts, approaches to legal interpretation, acts of law application, and legal positions of different bodies. Conflicts in legislation constitute part of this broader phenomenon and are expressed in the inconsistency between normative provisions enshrined in sources of law [33, pp. 86–87].

A legal conflict should be distinguished from related legal phenomena – gaps, duplication, competition of norms, and legal disputes. A gap means the absence of necessary normative regulation, whereas a conflict arises where several normative reference points exist. Duplication involves the repeated reproduction of a provision without a necessary contradiction. Competition between a general and a special norm is not always

a defect of the legal system, since it often reflects the normal differentiation of legal regulation and requires only the proper rule of priority [33, pp. 87–88]. A legal dispute, in turn, usually describes a clash of interests, positions, or actors, whereas a conflict has primarily a normative-structural character and reflects a contradiction between legal provisions or acts [29, pp. 50–53].

The emergence of legal conflicts is caused by a combination of objective and subjective factors. Objective factors include the dynamism of social relations, the increasing complexity of the subject matter of legal regulation, the emergence of new spheres of social life, the multi-level organization of the legal system, and the uneven renewal of legislation. Subjective causes include errors in law-making activity, non-compliance with the rules of legal drafting technique, insufficient consideration of existing acts when preparing new ones, duplication of regulatory provisions, law-making actors acting beyond the limits of their competence, as well as the insufficient effectiveness of legal review [35, pp. 43–46; 29, pp. 50–53]. It is precisely the combination of these factors that explains why conflicts in contemporary law are not accidental but systemic in nature.

The most established classification in legal theory is the classification of conflicts according to the nature of the relationship between the norms or acts that come into contradiction. Temporal, hierarchical, spatial, substantive, competence-based, mixed, and intersystemic conflicts are usually distinguished. Temporal conflicts arise between earlier and later adopted provisions; hierarchical conflicts arise between acts of different legal force; spatial conflicts arise due to differences in the territorial limits of the operation of acts or legal regimes; substantive conflicts arise between norms of equal legal force that

regulate the same issue differently; competence-based conflicts arise in connection with the unclear delimitation of powers between law-making actors; mixed conflicts occur where several types of contradictions are combined between the same norms; and intersystemic conflicts arise between norms of different legal origin, in particular national, international, and supranational norms [25, pp. 134–136; 35, pp. 115–117; 29, pp. 113–117].

For the study of the hierarchy of sources of law, hierarchical and intersystemic conflicts are of the greatest importance. Hierarchical conflicts are directly connected with the issue of the legal force of a normative-legal act and its position within the system of sources of law. In national law, they manifest themselves in contradictions between the Constitution of Ukraine and laws, between laws and subordinate normative-legal acts, between acts of central executive authorities and acts of lower levels, as well as between acts of state authorities and local acts. Intersystemic conflicts are more complex, since they arise between norms of different origin – national, international, and European – and cannot always be resolved solely according to the classical scheme of a “higher” and a “lower” norm.

In legal theory, the resolution of conflicts is traditionally associated with three classical principles: *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori*. Their significance lies in the fact that they reflect three basic dimensions of the normative order: the hierarchy of sources of law, the differentiation of the subject matter of legal regulation, and the change of law over time. At the same time, in contemporary multi-level law, these principles cannot be perceived as mechanical and absolutely self-sufficient rules. Their application depends on the nature of the conflict, the structure of the legal system,

the relationship between sources of law, and the purposes of the particular regulatory regime [31, pp. 75–76; 25, pp. 134–136].

The principle *lex superior derogat legi inferiori* occupies a decisive place among these principles, since it is directly connected with the legal force of normative-legal acts and the hierarchical structure of the system of legislation. Its essence lies in the fact that a norm enshrined in an act of higher legal force prevails over a norm enshrined in an act of lower legal force [31, pp. 75–76]. S. Pohrebniak justifiably calls it the principal means of resolving hierarchical conflicts, since this principle follows from the constitutional enshrinement of the highest legal force of the Constitution of Ukraine and the subordination of all other normative-legal acts to it [35, p. 84].

In national law, the principle *lex superior* has not only technical-legal but also systemic significance. It ensures the internal coherence of the legal system, determines the limits of the rule-making competence of public authorities, and performs an interpretative function: in case of doubt, the law-applying authority should seek such an interpretation of the lower norm that preserves its conformity with an act of higher legal force. In this sense, the principle is not merely a rule for choosing a norm, but a structural requirement of the supremacy of the Constitution, the law, and the legality of public authority.

The normative significance of this principle was substantially strengthened by the Law of Ukraine “On Law-Making Activity”, which systematically defined the concept of legal force, enshrined the hierarchy of normative-legal acts, and directly linked the systemic coherence of legislation with the consistency of norms of different levels. Article 3 of this Law identifies systemic coherence as one of the fundamental principles of law-making activity; Article 19 defines

legal force as the basis of the hierarchical subordination of normative-legal acts; and Article 34 requires that the legal norms contained in a normative-legal act comply with acts of higher legal force and be coherent with acts of equal legal force. Thus, the Law of Ukraine “On Law-Making Activity” establishes not only mechanisms for resolving conflicts in the process of law application, but also preventive requirements for legal drafting activity [30, pp. 38–39].

It is particularly important that this Law legislatively distinguishes between two forms of conflict of legal norms: “contradiction” as a conflict between norms contained in normative-legal acts of equal legal force, and “non-conformity” as a conflict between norms of acts of different legal force. This approach makes it possible to define more precisely the nature of horizontal and vertical conflicts and to determine the appropriate mechanism for their resolution. In addition, Article 66 of the Law establishes a special rule governing the relationship between a code and a primary law: where a conflict is identified between a norm of a code and a norm of a primary law, the norm of the code has priority, unless otherwise provided by the code itself.

The principle *lex specialis derogat legi generali* is based on the relationship between general and special regulation. Its content lies in the fact that a special norm prevails over a general norm within the scope of social relations that constitutes its subject matter. At the same time, a special norm does not always repeal a general one; it often merely supplements, specifies, or limits the sphere of its operation [35, pp. 120–124]. In contemporary Ukrainian doctrine and judicial practice, the principle *lex specialis* is interpreted as an instrument for the rational delimitation of general and special legal regimes. Ya. Bernaziuk rightly emphasizes that a later general law does not automatically prevail over an earlier special one where the

special law regulates the relevant social relations in greater detail and was specifically aimed at regulating them [24, pp. 69–78].

The principle *lex posterior derogat legi priori* is connected with the temporal dimension of conflicts. Its underlying idea is that a newer norm expresses the later will of the competent legislator and therefore prevails over an earlier norm of the same level, unless otherwise follows from the relationship between their legal force or special nature [35, pp. 79–81]. At the same time, this principle is also not absolute: a later norm cannot displace an act of higher legal force, and a later general law does not always prevail over an earlier special norm. Thus, in real law application, the classical conflict-of-law principles interact with one another and require the establishment of priority between the hierarchical, substantive, and temporal criteria [24, pp. 69–78].

In this respect, the relationship between conflict-of-law principles and conflict-of-law norms is important. Conflict-of-law principles constitute a generalization of historically developed law-application practice, whereas conflict-of-law norms directly enshrined in legislation are binding on the law-applying authority. For this reason, in contemporary Ukrainian legislation, the normatively formulated rules of the Law of Ukraine “On Law-Making Activity”, in particular Articles 19, 34, and 66, are of special significance for resolving conflicts between levels of legal regulation.

One of the most complex types of multi-level legal conflicts is conflicts between national and international law. Here, not only norms of different origin come into collision, but also different mechanisms of their legitimation and operation. In Ukraine, the basic reference points for resolving such conflicts are established by Articles 8 and 9 of the Constitution of Ukraine. The Constitution of Ukraine has the highest legal force, while international treaties

in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine, form part of the national legislation of Ukraine. This approach is detailed in Article 19 of the Law of Ukraine “On International Treaties of Ukraine”, which provides that, where an international treaty establishes rules other than those contained in the relevant act of Ukrainian legislation, the rules of the international treaty shall apply.

At the same time, Article 19 of the Law of Ukraine “On Law-Making Activity” establishes the position of international treaties in force within the system of sources of law – below the Constitution of Ukraine, but above the acts specified in paragraphs 3–13 of part two of that Article. Thus, within the legal system of Ukraine, an international treaty is a component of national legislation with a defined position within the system of sources of law. This means that a subordinate normative-legal act cannot prevail over an international treaty, while a law must be interpreted and applied with due regard to the state’s international obligation, provided that such obligation has been properly incorporated into national legislation.

Conflicts between national law and European Union law constitute a special group of legal conflicts. Their specificity is determined by the fact that EU law functions as an autonomous supranational legal system that claims primacy within the limits of the competences transferred to the Union, while at the same time operating through national constitutional mechanisms of openness to integration. Therefore, in such conflicts, not only different norms collide, but also different models of legitimation: on the one hand, the logic of unity and effectiveness of EU law, and, on the other, the logic of the constitutional identity of the Member State [9, pp. 1255–1257].

The normative starting points of this problem are marked by Articles 2 and 4(2) of the Treaty on European Union. Article 2 TEU enshrines the foundational values of the Union – human dignity, freedom, democracy, equality, the rule of law, and respect for human rights – whereas Article 4(2) TEU obliges the Union to respect the national identities of the Member States, inherent in their fundamental political and constitutional structures. It is between these poles – the unity of the Union legal order and the constitutional distinctiveness of the states – that the contemporary conflictology of EU law unfolds.

In contemporary theory of primacy, there is an increasingly noticeable departure from its purely “structural” understanding. P. Eleftheriadis argues that the primacy of EU law is primarily an interpretative rather than a structural principle: what is at issue is not the ontological “destruction” of a national norm, but the constitutional recognition that, within the scope of obligations accepted by the state, EU law has priority in application [9, pp. 1283–1285]. At the same time, such a model does not eliminate conflict, since the highest courts of the Member States often recognize the primacy of EU law with reservations concerning constitutional identity or *ultra vires* review.

The comparative experience of EU Member States demonstrates different models for resolving such conflicts. The Italian model combines recognition of the primacy of EU law with the doctrine of *controlimiti*, according to which the primacy of Union law is limited by the fundamental principles of the constitutional order and inalienable human rights. The Austrian experience is more integration-friendly, but it also preserves the idea of the special status of basic constitutional principles. In Latvia, the priority of international and European law does not extend to the so-called

“core” of the Constitution, whereas in Cyprus, after the constitutional amendments of 2006, EU law was placed directly above the Constitution [11; 12]. By contrast, the Polish example, in particular the judgment of the Constitutional Tribunal in case K 3/21, demonstrates a confrontational scenario in which the very principle of the primacy of EU law is called into question [18].

Contemporary doctrine increasingly connects such conflicts not only with national constitutional identity, but also with the formation of the Union’s own constitutional identity. L. Spieker argues that EU primary law should no longer be understood as a set of formally equal norms: a substantive hierarchy is gradually emerging within it, at the apex of which stand the values of Article 2 TEU as the “constitutional core” of the Union [21, pp. 106–110]. Thus, conflicts between the national identity of a Member State and EU law are increasingly resolved through the relationship between Article 4(2) TEU and the values of Article 2 TEU, rather than merely through a mechanical reference to primacy or its denial.

For Ukraine, this has important theoretical and practical significance. Conflicts between national law and EU law should not be modelled either as ordinary internal hierarchical contradictions or as a simple variety of conflicts between national and international law. Their proper understanding requires the simultaneous consideration of the functional compulsory effect of EU law within the scope of obligations accepted for implementation, the constitutional framework of the national legal system, and the value-based core of the Union itself. For Ukraine, the practical significance of this lies in the need to develop a coordinated approach: at the level of law-making – through preliminary review of draft laws for compatibility with EU law; at the level of

judicial interpretation – through a conforming reading of national norms in the light of Union law; and at the level of constitutional theory – through a clear distinction between the protection of constitutional identity and its political instrumentalization to block integration obligations.

The practical dimension of resolving conflicts between levels of legal regulation is manifested primarily in the activities of the Constitutional Court of Ukraine and the Supreme Court. The Constitutional Court of Ukraine exercises constitutional review of normative-legal acts, decides on their conformity with the Constitution of Ukraine, and, through official interpretation, formulates guidelines for eliminating hierarchical contradictions within the legal system. The Supreme Court, in turn, implements mechanisms for resolving conflicts at the level of concrete law application, in particular where subordinate normative-legal acts narrow the content or scope of rights established by law, or where there is a need to harmonize national legislation with international human rights standards.

At the level of constitutional adjudication, the Decision of the Constitutional Court of Ukraine of 9 July 2002 № 15-rp/2002 in the case concerning pre-trial dispute resolution is illustrative. In that decision, the Court protected the constitutional guarantee of judicial protection from a restrictive interpretation. At the same time, today this decision should be applied with due regard to the current wording of Article 124 of the Constitution of Ukraine, which provides that a mandatory pre-trial procedure for dispute resolution may be established by law. The significance of this decision lies not in denying any mandatory pre-trial procedure as such, but in confirming that such procedures may not nullify a person's very right of access to a court.

Another example is the Decision of the Constitutional Court of Ukraine of 30 May 2001 № 7-rp/2001 in the case concerning the liability of legal entities, in which the Court, through official interpretation, eliminated normative inconsistency regarding the limits of administrative liability. In a similar logic, one should also consider the Decision of the Constitutional Court of Ukraine of 11 November 2008 № 25-rp/2008 in the case concerning land auctions, where the subject of review was the conformity of a resolution of the Cabinet of Ministers of Ukraine with the Constitution of Ukraine, that is, a classic vertical conflict between the constitutionally defined limits of subordinate regulation and an act of the Government.

The Supreme Court plays an important role in resolving conflicts between national and international law. At the official level, it proceeds from the position that national courts apply the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the ECtHR as a source of law, and that final judgments of the ECtHR may constitute grounds for the review of national court decisions. The practical implementation of this approach is demonstrated by the activity of the Grand Chamber of the Supreme Court in reviewing cases following ECtHR judgments, in particular in cases where the ECtHR found that Ukraine had violated the Convention. This means that an ECtHR judgment is not an abstract external reference point, but a real procedural mechanism for eliminating the consequences of a conflict between national law application and the international standard of human rights protection.

A new stage in the development of this mechanism has been judicial dialogue with the ECtHR under Protocol № 16 to the Convention. The request of the Grand Chamber of the

Supreme Court to the ECtHR for an advisory opinion indicates a transition from the elimination of conflicts after a judgment of an international court to preventive judicial dialogue aimed at avoiding divergence between national law and the Convention standard even before the final resolution of a dispute.

Alongside conflict-of-law rules proper, the contemporary legal system requires preventive mechanisms aimed at avoiding contradictions already at the stage of preparation, adoption, and subsequent application of normative-legal acts. In this respect, the systematization of legislation, legal monitoring, and legal review acquire particular importance. They are united by a common function: ensuring the internal coherence of the normative body, identifying duplications, gaps, contradictions, and technical-legal defects before they turn into real difficulties in law application [30, pp. 38–39; 38, pp. 164–166].

The systematization of legislation occupies a central place among preventive means, since it ensures the systematization of normative-legal acts of different hierarchical levels, their coordination, and their integration into an internally coherent system. In contemporary doctrine, it is defined as law-making and/or technical-legal activity aimed at ordering legal provisions for the formation of an effective system of legislation [30, pp. 38–39]. At the same time, systematization is directed not only at the technical ordering of acts, but also at overcoming the multiplicity of legislation, eliminating duplications, contradictions, conflicts, and legal errors [38, pp. 166–168; 28, pp. 167–170].

Codification as a form of systematization plays a special role in this regard. Unlike incorporation, which primarily orders existing normative material, codification makes it possible not only to identify conflicts, but also to eliminate them by reworking

normative content, updating legal constructions, and removing outdated or duplicative provisions [28, pp. 167–170]. For contemporary Ukraine, this is of particular importance, since, in conditions of constant partial amendments to numerous laws and subordinate acts, it is precisely systematized law-making activity that makes it possible to combine legislative renewal with the minimization of new legal conflicts.

The second key preventive mechanism is legal monitoring. In contemporary Ukrainian publications, it is regarded as an independent technical-legal instrument for ensuring the quality and effectiveness of normative-legal acts. Legal monitoring encompasses observation, analysis, generalization, and assessment of legislation and the practice of its implementation, which makes it possible to identify duplications, conflicts, gaps, ambiguities, declarative and outdated norms, and to formulate proposals for improving legislation [27, pp. 95–104; 38, pp. 167–168]. In this sense, it ensures constant feedback between law-making, law application, and the actual state of regulation of social relations.

Legal monitoring should be carried out both at the stage of drafting laws and subordinate normative-legal acts and at the stage of law application. This approach is particularly important in the context of European integration, where the quality of national legislation is assessed not only by its formal validity, but also by its foreseeability, coherence, and suitability for the implementation of European standards. For this reason, legal monitoring is regarded as an instrument of European integration legal policy and as a component of law-making and law-application activity [26; 27].

The third preventive mechanism is the legal review of draft normative-legal acts. Its significance lies in the fact that it makes it possible to identify potential contradictions before an act enters

into force. Theoretical-legal studies emphasize that the purpose of review is to verify draft acts for conformity with the provisions of acts of higher legal force, coherence with other normative acts, and to identify contradictions, ambiguities, and technical-legal defects in the text [28, pp. 135–137].

Under contemporary conditions, the activity of the Ministry of Justice of Ukraine acquires particular importance, since its participation in the procedures of legal review and state registration of subordinate normative-legal acts has a system-forming character for the entire model of preventing legal conflicts. The preventive significance of this activity has been substantially strengthened by the Law of Ukraine “On Law-Making Activity”. Pursuant to Article 53 of this Law, state registration of a subordinate normative-legal act consists in conducting its legal review for conformity with the Constitution and laws of Ukraine, the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, international treaties of Ukraine, Ukraine’s obligations in the field of European integration and European Union law, as well as the rules of legal drafting technique. In the event of non-compliance with these requirements, Article 54 provides for refusal of state registration and the return of the act to the law-making actor for revision.

CONCLUSIONS

The system of sources of law is the basis for the orderly functioning of the legal system, since it is through this system that the position, legal force, and limits of operation of normative-legal acts are determined. The hierarchy of sources of law ensures not only the formal arrangement of acts by levels, but also their substantive coherence, subordination to acts of higher legal

force, and the possibility of resolving contradictions between legal provisions.

The legal force of a normative-legal act is a key category that makes it possible to determine its position within the system of sources of law, its relationship with other acts, and the limits of its priority or subordination. It is not reducible merely to the validity of an act or to the fact of its adoption, but also encompasses the competence of the law-making actor, the procedure for adoption, the territorial limits of operation, and conformity with acts of a higher level. Therefore, legal force is not only a technical-legal characteristic of a normative-legal act, but also an important means of ensuring the integrity of legal regulation.

In the national law of Ukraine, the hierarchy of sources of law has a constitutionally determined basis. The Constitution of Ukraine occupies the highest position within the system of normative-legal acts and defines the limits for all other levels of legal regulation. The laws of Ukraine provide primary regulation of the most important social relations, whereas subordinate normative-legal acts are derivative in nature and are adopted on the basis and in implementation of acts of higher legal force. The adoption of the Law of Ukraine "On Law-Making Activity" was an important step towards the legislative ordering of this system, since it enshrined the concept of legal force, defined the hierarchy of normative-legal acts, and established requirements for their coherence.

International treaties in force, consent to the binding nature of which has been granted by the Verkhovna Rada of Ukraine, occupy a separate place within the system of sources of law of Ukraine. They form part of national legislation and have priority over acts of a lower level; however, they may not contradict the Constitution of Ukraine. This demonstrates the combination of the national and international

legal levels of regulation while preserving the supremacy of the Constitution as the foundation of the legal system.

European Union law substantially changes the traditional understanding of the hierarchy of sources of law, since it forms a supranational level of legal regulation. For Ukraine, EU law is significant not only as an external standard for legislative approximation, but also as a model of the multi-level structure of a normative order. In this context, European integration requires the systemic alignment of national legislation with the *acquis communautaire*, taking into account the constitutional foundations of the Ukrainian legal order.

The specific features of the contemporary system of sources of law give rise to legal conflicts. Such conflicts may arise between acts of different legal force, between general and special norms, between earlier and later adopted acts, as well as between the national, international, and European levels of legal regulation. Their resolution requires the correct determination of the nature of the contradiction and the application of appropriate conflict-of-law rules.

The classical principles for resolving conflicts remain important; however, in the contemporary legal system they cannot be applied in isolation or mechanically. Their use must take into account the legal force of the act, the subject matter of regulation, the limits of the competence of the law-making actor, the relationship between national and international law, and the influence of European legal standards.

At the same time, the effectiveness of the system of sources of law depends not only on means for resolving existing conflicts, but also on preventive mechanisms for avoiding them. The systematization of legislation, legal monitoring, and legal review of draft normative-legal acts should be regarded as necessary instruments for maintaining the internal coherence of legislation.

It is precisely these mechanisms that make it possible to identify in a timely manner duplications, gaps, contradictions, excesses of competence, and other deficiencies in normative regulation.

SUMMARY. Construction the system of sources of law and determining their hierarchy is one of the fundamental issues of contemporary legal theory, law-making, and law-enforcement practice. The purpose of this study is to clarify the theoretical and legal foundations of the hierarchy of sources of law, to define the legal force of normative-legal acts as the key criterion of their interrelationship, and to outline the main mechanisms for resolving conflicts between different levels of legal regulation. Addressing these research tasks determines the logic of the presentation: the systematization of doctrinal approaches to understanding the legal force of normative-legal acts; the analysis of levels of legal regulation in national, international, and European law; and the clarification of the nature of legal conflicts and the mechanisms for their prevention and resolution. The methodology of the study is based on general scientific and special legal methods of analysis and synthesis, induction and deduction, as well as the formal-legal, comparative-legal, systemic-structural, and hermeneutic methods, which are used to reveal the internal structure of the system of sources of law and to determine the relationship between acts of different legal force. The results of the study show that the system of sources of law is not a mechanical set of normative-legal acts, but an internally ordered multi-level structure in which each act occupies a defined position depending on its legal force, the competence of the law-making actor, the subject matter of regulation, territorial scope, and adoption procedure. Legal force is understood not only as the formal binding nature of an act, but also as its position within the hierarchy

of sources of law, its priority or subordination in relation to other acts, and its capacity to produce legal consequences. It is shown that, in Ukrainian law, the hierarchy of sources of law has both constitutional and legislative foundations. The Constitution of Ukraine has the highest legal force; laws provide primary regulation of the most important social relations; subordinate normative-legal acts are derivative in nature; and international treaties of Ukraine form a separate element of national legislation. Particular attention is paid to the Law of Ukraine “On Law-Making Activity”, which enshrined the concept of legal force, defined the hierarchy of normative-legal acts, and established requirements for their coherence. Practical implications. The results of the study may be used in law-making activity, legal monitoring, legal review of draft normative-legal acts, systematization of legislation, as well as in judicial practice when resolving conflicts between legal norms. Value / originality. The study substantiates an understanding of the hierarchy of sources of law not merely as the formal arrangement of normative-legal acts, but also as a functional mechanism for ensuring the coherence of legislation, legal certainty, stability of the legal order, and the rule of law in the context of Ukraine’s European integration.

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