

CHAPTER 9

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CONSOLIDATION OF NORMATIVE-LEGAL ACTS: CONCEPT, CORRELATION, EXPERIENCE OF APPLICATION IN EUROPEAN COUNTRIES

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INTRODUCTION

The development of law-making in Ukraine is quite rapid, which requires the theory of law to develop and improve modern forms of systematization of regulatory-legal acts, and this is possible in the event of intensification of innovative ideas of Ukrainian scientists. Scientists have repeatedly noted that the existing forms of systematization in the theory of law and their definitions do not always correspond to its practical realities. One of such forms of systematization of regulatory-legal acts is consolidation.

The analysis of doctrinal sources on the theory of law from the middle of the 19th century, conducted within the framework of this study, demonstrated that the recognition of consolidation as a form of systematization occurred in the 90s of the 20th centuries. Until then, the forms of systematization of regulatory legal acts were mainly recognized as incorporation and codification [1, p. 3–9]. In this regard, E. Getman notes that in the legal literature of the past, much attention was paid to systematization, in particular, accounting, incorporation and

codification, but consolidation was almost not the subject of scientific research [2, p. 24]. This is confirmed by other scientific sources in which scientists did not mention consolidation at all when highlighting different types of systematization of regulatory legal acts.

From a theoretical point of view, the study of consolidation as a form of systematization of regulatory legal acts is important for the development of the doctrinal concept of law-making and law enforcement. From an applied point of view, its significance is determined by the need to systematize regulatory legal acts and create practical foundations for the continuation of such activities.

Certain works on the consolidation of regulatory legal acts belong to Yu. Bezusiy, D. Bilinsky, S. Bobrovnyk, I. Bondarenko, R. Gavrylyuk, E. Getman, A. Gratsianov, S. Gusarev, P. Yevgrafof, T. Yefymenko, O. Zaychuk, A. Kolodiy, N. Koshil, T. Kurus, O. Lysenkova, L. Luts, O. Lutsenko, A. Mashkov, S. Melenko, N. Onishchenko, N. Parkhomenko, O. Petryshyn, E. Pogorelov, P. Rabinovych, O. Rogach, I. Shutak, O. Yushchuk, whose works and publications became the basis for this study and encourage further legal research on the problems of the specified topic.

The Law of Ukraine “On Law-Making Activity” dated August 24, 2023 № 3354-IX establishes new requirements for the law-making process and systematization of regulatory legal acts [3]. This emphasizes the relevance of further scientific research in this area and requires further development of the theoretical and practical principles of consolidation as a form of systematization of regulatory legal acts.

1. The concept and essence of consolidation

Starting the analysis of the concept of consolidation of regulatory legal acts, it is worth noting that there are many positions on its understanding in legal sources. The diversity of opinions indicates the intensification of scientific research in this area, however, many questions regarding its essence, the process of implementation, features, goals and results of such activities remain unresolved.

The term “consolidation” (from the Latin *consolidatio*) means “to unite, to join together” – this is a form of systematization of legislation through the consolidation into a single regulatory legal act of several acts that regulate a certain sphere of social relations without changing their content. This is the external processing of regulatory material – its arrangement by branches of law, in chronological order or by other formal features [4, p. 42].

The six-volume Legal Encyclopedia notes that “CONSOLIDATION” – (Late Latin *consolidatio*, from Latin *con...* – a prefix meaning unification, commonality, compatibility, and *solidatio* – strengthening, strengthening) – 1) One of the ways of systematizing legislation, in the process of which several acts are combined into one document. The new act completely replaces the combined ones, since it is newly adopted by the competent law-making body. The peculiarity of consolidation is that the content of the legal regulation of social relations does not change. All regulatory provisions of previously adopted acts are combined into a new one without changes. As a rule, their editorial correction is carried out: contradictions, repetitions, etc. are eliminated [5, pp. 268–269]. In legal science, it is aptly stated that “This is a form of systematization, in the process of which dozens, and sometimes hundreds of regulatory acts on the

same issue are combined into one consolidated act. Such an act is approved by the legislative body as a new, independent source of law, and the old separate acts are recognized as having lost force” [6, p. 410]. T. Kurus states that “... consolidation is the unification of several acts or their components into a single regulatory act” [7, p. 31].

Ye. Getman emphasizes that “... consolidation is one of the ways of systematizing legislation, in the process of which several acts are combined into one document. A new act adopted in the process of consolidation completely replaces the combined ones, since it is newly adopted by the legislative body” [2, p. 24].

L. Dobrobog understands consolidation as a form of systematization that involves combining several regulatory legal acts operating in one sphere of social relations into a single regulatory legal act, as a rule, without changing their content [8, p. 367]. It is further noted that consolidation is a type of law-making by state bodies, according to which the content of legal regulation does not change. Current regulatory provisions are combined without changes into a new regulatory legal act, only a certain editing is carried out [8, p. 367–368]. In turn, Kharkiv lawyers note that “Consolidation is the consolidation of several acts regulating a certain sphere of social relations into a single regulatory legal act without changing their content” [9, p. 320]. According to S. Melenko, consolidation is “...an independent logical-epistemological and hierarchical type of systematization of regulatory legal acts, which consists in organizing regulatory legal material by object, subject, subject and method of legal regulation, which, in turn, forms a certain system of legal norms that can be combined according to institutional and sectoral characteristics” [10, p. 6].

All of the above indicates that consolidation is gaining the status of one of the priority areas of systematization of regulatory legal acts. In this regard, S. Melenko rightly emphasizes consolidation as one of the important factors for the formation and development of legal norms (in particular, dispositions, hypotheses, sanctions), legal institutions (since the consolidation process involves the creation of a centre around which norms regulating a certain sphere of homogeneous social relations are united), as well as branches of law (since the creation of branches is possible only through the necessary consolidation work) [10, pp. 6–7].

So, during the preparation of a consolidated act, all norms of previous acts are arranged in a certain logical sequence, a general structure of the future act is created. The regulations are edited and externally processed to ensure a single style and unified terminology. Contradictions and repetitions are eliminated, outdated terminology is updated, and norms with similar content are combined into one paragraph or article.

In contrast to the above, V. Opryshko calls consolidation a type of incorporation [11, p. 5]. We believe this approach is quite controversial, since incorporation is limited to placing regulatory legal acts in a certain order without changing their content. Unlike incorporation, consolidation is official in nature, carried out by relevant state bodies, has features of law-making, and is a more complex type of systematization. For example, during consolidation, it is possible to process the content of regulatory legal acts in order to identify and eliminate contradictions, gaps, and discrepancies between existing legal provisions, but without creating new norms. At the same time, regulatory legal acts that are combined into one consolidated act do not lose their individual legal force, which is a feature of incorporation.

Elaborating on the above, K. Volynka emphasizes that over time, each legal system accumulates a significant number of regulatory acts with the same subject matter, which sometimes reaches dozens and hundreds. Such acts are often duplicated or even contain contradictions. This creates a need to eliminate the multiplicity of regulatory acts by consolidating them and creating peculiar “blocks” of legislation. One of the options for overcoming this multiplicity is consolidation, which involves the preparation and adoption of consolidated regulatory acts by combining norms from different acts on the same issue. During consolidation, several regulatory acts on the same topic merge into one complex act, which is approved by the law-making body as a new, independent source of law, as a result of which the previously separate acts lose their legal force. This new consolidated act does not change the content of legal regulation and does not make any changes to the current legislation. During the preparation of a consolidated act, only editorial correction is carried out, which includes the unification of the style of presentation and terminology [12, p. 151].

O. Babkina defines consolidation as a form of systematization of regulatory legal acts, which consists in the preparation and adoption of consolidated regulatory legal acts by combining norms from separate acts issued on one issue [13, p. 101]. V. Kyrychenko and O. Kurakin, interpreting the consolidation of regulatory legal acts, note that this is one of the types of systematization, which involves the creation of a new consolidated act on the basis of several regulatory legal acts on the same type of issue. In this act, regulatory provisions are placed in a logical order after editorial processing, but without changing the content. During the preparation of a consolidated act, a full editing is carried out, contradictions and repetitions are eliminated, but the new act

does not make changes to the content of legal regulation or to the current legislation. Consolidation is used where codification is not possible, and is often used to streamline regulations in the areas of taxation, administrative liability, and others [14, pp. 146–147].

In our opinion, due to the frankly insufficient understanding of consolidation, it is necessary to more clearly indicate its features. Therefore, we recognize that L. Luts has quite successfully characterized the features of consolidation, namely: regulatory and legal provisions are combined according to the subject of regulation; the combination occurs in one consolidated act; the provisions retain their original form, recorded in the current sources of law; the process of such a combination has both elements of incorporation and codification; regulatory and legal provisions from existing sources of law are placed in a certain order in the general structure of the new act; external editing and correction of the text is carried out to ensure a uniform style; unified terminology is used; duplications and contradictions are eliminated, and outdated terminology is updated [15, p. 235].

O. Zaychuk and N. Onishchenko pointed out the following features of consolidation:

- is a special direction (variety) of law-making activity, the content of which is to streamline the form of legislation (only the form of legislation changes, but the content of the legislation does not change). This is the main difference that distinguishes the consolidation of regulatory legal acts from codification, as a result of which both the form and content of the legislation change;
- combines into a single, generalized regulatory legal act numerous regulatory acts that regulate the same issues of legal regulation and have the same legal force;

- the result of consolidation is the adoption of a new, enlarged consolidated regulatory legal act. From the moment it enters into force, the old separate regulatory legal acts that were integrated into the new act are recognized as having lost their force;
- during consolidation, the content of the legal regulation of social relations does not change, that is, no new legal norms appear in the current legislation. The changes made are of a technical and legal nature. In the process of preparing a consolidated act, all the norms of previous acts are organized in a certain logical sequence and the general structure of the future document is developed. Normative acts are included in the structure of the consolidated act in the form of separate sections, chapters, articles and paragraphs. A certain editorial correction of regulatory and legal provisions is carried out with the aim of ensuring that they all acquire stylistic unity and unification of terminology. Contradictions, repetitions, unjustified verbiage are eliminated, outdated terminology is corrected, norms that are close in content are combined into one article, paragraph, etc. [6, pp. 409–411].

M. Zvik names almost similar features of consolidation:

- 1) consolidation is always an official form of systematization, carried out exclusively within the framework of normative activity;
- 2) as a result of consolidation, no new legal norms arise, and only editorial editing of the texts of regulatory legal acts is possible;
- 3) the result of consolidation is the publication of a new regulatory legal act; 4) with the entry into force of the consolidated act, the previous acts that were part of it lose their legal force [9, p. 320].

Taking into account the above-mentioned basic approaches to the definition of consolidation, its characteristic features can be distinguished:

1) systematicity. Consolidation of regulatory legal acts is part of the system of forms of systematization and is used when the use of other forms is inappropriate or when consolidation is the most effective method of systematization. In particular, the use of consolidation is due to the need to reduce the total number of regulatory legal acts and harmonize them with each other, but without changing the legal regulation;

2) independent nature. Despite numerous common features with other forms of systematization, consolidation has a number of features that allow it to be considered as an independent form of systematization. This not only makes it possible to distinguish consolidation as a type of systematization at the general theoretical level, but also to use it to systematize regulatory legal acts separately from other forms;

3) dualism. Consolidation is not only a form of systematization of regulatory legal acts, it is also characterized by features of law-making activity, since as a result of it a new regulatory legal act is created, and the acts combined in it lose their legal force;

4) conservatism. The new regulatory legal act that arises as a result of consolidation does not change the legal regulation of social relations. The content of the norms changes only at the level of editorial editing, that is, through their coordination with each other, the transfer of prescriptions, grouping by subject orientation and unification of terminology;

5) uniformity. A new regulatory act is formulated using a single terminology, style of presentation, eliminating duplication and conflicts that existed before consolidation. As a result, the new act becomes a separate, integral regulatory act, which has its own logical structure and establishes relationships between norms. Based on this, the consolidation of regulatory acts can be defined

as a kind of systematization. Such a form of systematization is not a mechanical compilation of current regulatory acts into a collection, but a certain type of law-making. The result of such law-making is a new consolidated act that preserves legal regulation in the same forms as the acts that it unites, that is, it does not provide for changes in current regulatory acts.

In essence, the consolidation of regulatory legal acts is not a type of law-making activity. It can be considered law-making only in form, because in terms of content it does not establish, change or abolish any norms. This emphasizes its dual nature. Yes, consolidation belongs to external forms of systematization that do not affect the content of the norms of legal regulation. However, unlike incorporation, it is a more complex form of systematization and occupies an intermediate place between incorporation and codification. At the same time, it is focused exclusively on the formal restructuring of legislation, the elimination of conflicts and duplication of legal norms. In legal doctrinal sources it is noted that during consolidation all consolidated regulatory legal acts are combined without changes or undergo only editorial processing. However, it is difficult to agree with this. During consolidation, along with the unification of regulatory legal acts, there is an exclusion of any regulatory provisions that have not only formally but also actually lost their meaning, as well as changes and adoption of new legal norms.

In doctrinal sources, examples of consolidation are the approval and official publication of a regulatory legal act in the current version with amendments and additions [16, pp. 9–10]. Agreeing with this, we believe that this idea should be developed further. It is proposed to give the consolidated text of the regulatory legal act with amendments and additions official status, legitimize

it as a “new edition” and publish it on the official Internet portal of legal information.

Based on the above, we can formulate a definition of consolidation as a form of systematization of regulatory legal acts. This is not just a combination of various regulatory legal acts into a single act, but also a combination of changes and additions made to the regulatory legal act and presented in the current version of this act. Such application of consolidation should become an everyday practice of systematization of regulatory legal acts.

In this regard, there is every reason to believe that consolidation is a systemic, independent, dualistic form of systematization of regulatory legal acts, which consists in combining regulatory legal acts that regulate similar legal relations into a single act that does not change the legal regulation of social relations, provides for changes only at the level of editorial editing, that is, through their coordination with each other, transfer of provisions, grouping by subject matter and unification of terminology, the result of which is the creation of a new regulatory legal act that has its own logical structure and establishes relationships between norms.

Exploring the essence of consolidation, I would like to emphasize that “ESSENTIAL, -a, -e. Which constitutes the very essence, the content of something; important, significant // in the meaning of the noun essential, substantial. That which constitutes the very essence, the content of something. // Which has great, special significance” [17, p. 1218].

Based on the above, it can be stated with complete confidence that the essence of consolidation is seen in the fact that it: does not change the essence of legal regulation and does not introduce changes or innovations to the current legislation; occurs without changing the regulatory content of the acts; the content of legal

relations does not change; regulatory provisions are placed in a logical order after editorial processing; some editing and external processing of regulatory and legal acts takes place in order to ensure a single style of presentation and the use of unified terminology; new legal norms are not introduced; changes in the texts of regulatory and legal acts are possible only at the level of editorial editing; it is assumed that there will be no modification of regulatory acts, the changes relate only to minor editorial processing of texts, removal of contradictions and repetitions from them, etc.

The technical and legal procedure for consolidating regulatory and legal material is as follows:

1) determining the volume of material. It is assumed to determine the volume of regulatory and legal documents that are subject to consolidation;

2) analysis of documents. Each document or part of it is carefully analysed as an object of consolidation;

3) content analysis. The content of parts of documents is studied to identify elements that can be attributed to other branches of law and included in other collections of regulatory legal acts;

4) classification. A decision is made about which branch of law a specific regulatory act or part of it should be attributed to;

5) inclusion in the collection. It is determined which part of the regulatory legal act will be included in the consolidated collection of regulatory legal acts;

6) hierarchical placement. The place of the document or its part in the hierarchical structure of the consolidated collection is determined;

7) elimination of duplication. A search is carried out for repetitions of hypotheses, dispositions and sanctions in the

articles of the regulatory legal act and other documents subject to consolidation processing;

8) exclusion of irrelevant materials. Regulatory material that has lost its validity is identified and excluded from the consolidated collection.

In addition, the following consolidation rules can be distinguished:

1) identity of the subject of legal regulation. The consolidated regulatory legal acts must have an identical subject of legal regulation;

2) consistency of legal norms in the new regulatory legal act;

3) use of uniform terminology. When combining different regulatory legal acts, it is necessary to achieve the use of a single conceptual apparatus;

4) building the systematicity of a new regulatory legal act, the coherence of legal norms.

2. The correlation of consolidation with other forms of systematization of normative-legal acts

First of all, I would like to note that the problem of systematization of regulatory legal acts occupies an important place in the theory of law, law-making and law-enforcement practice, since the effectiveness of legal regulation largely depends on the level of systematicity, coherence and structuring of the regulatory legal mass. In general, systematization is ordering, compilation, selection in a certain order (of any material); compilation [18].

It makes sense to emphasize that the systematization of normative-legal acts is a broader concept than the systematization of regulatory and legal acts. Systematization encompasses a set

of various organizational, technical, legal and law-making measures aimed at ensuring the proper structure of regulatory and legal acts, eliminating duplication and contradictions between regulatory and legal acts, as well as increasing their accessibility and ease of use. Within this process, systematization is one of the main tools, which is implemented through various forms of processing regulatory material. It is in this system that consolidation occupies an intermediate place between simple forms of systematization of legislation and more complex law-making processes.

At the same time, I would like to emphasize that in the modern conditions of development of the legal system of Ukraine, characterized by a significant volume of regulatory and legal acts, their multi-level and fragmented nature, various forms of systematization of normative-legal acts acquire particular importance. Such forms in scientific sources traditionally include accounting of regulatory legal acts, incorporation, consolidation and codification. In this context, it is important to clarify the relationship of consolidation with other forms of organizing regulatory legal acts, which allows us to more clearly determine its place in the system of law-making activity.

Investigating the relationship of consolidation with other forms of organizing regulatory legal acts, I would like to note, first of all, that in legal sources the thesis is expressed about the inexpediency of isolating consolidation as an independent type of systematization. As V. Ryndyuk notes, the problem is that when studying the concepts of consolidation and codification of legislation, scientists do not clearly define the differences between these areas of law-making activity. At the same time, such a difference becomes clearly understandable if we consider the legislation that is the object of consolidation and codification as a way of existence of legal norms in regulatory legal acts. At the

same time, regulatory legal acts have their own content and form. Legal norms constitute the content of legislation, and regulatory legal acts – its form [4].

That is why it can be argued that the content of the consolidation of regulatory legal acts consists in developing a single consolidated regulatory legal act by combining separate regulatory legal acts that have the same subject of legal regulation without making changes to their content. The content of the codification of regulatory legal acts consists in developing a single systematized codified regulatory legal act by combining separate regulatory legal acts that have the same subject of legal regulation with a change in their content.

The concept of codification of regulatory legal acts in legal sources is considered as a form of systematization carried out by authorized state authorities in the process of law-making activity. In general, it is worth stating that “CODIFICATION (late Latin *codificatio*, from Latin *codex*, originally – trunk, stump; waxed writing board, book and ...*ficatio*, from *fakio* – I do) is a way of organizing legislation, ensuring its systematicity and coherence; one of the forms of systematization of legislation, in the process of which the process of the created act includes current norms and new norms that introduce changes in the regulation of a certain sphere of social relations” [19, pp. 139–140].

So, codification is a method of systematization, in which the systemic normative regulation of a given type of social relations is ensured by issuing a single, legally and logically complete, internally coordinated normative act, reflecting the content and legal specifics of a structurally separate link in the legal system. That is, such processing of regulatory legal acts is carried out that to some extent changes their structure (harmonizes, eliminates contradictions,

unites, etc.). The result of codification is a new regulatory legal act (code, legal framework, statute, regulation, instruction, etc.).

At the same time, when determining the features of codification of regulatory legal acts, it is indicated that in the process of codification, the norms of regulatory legal acts are changed, cancelled or supplemented; gaps are eliminated, as well as discrepancies and contradictions between regulatory acts and their norms. Codification brings significant innovations to the regulation of social relations, acting as a certain form of reforming regulatory legal acts. Based on the above, there are grounds to argue that its comparison with codification is of particular importance for understanding the relationship between consolidation and other forms of regulation of legislation. Codification is the most complex form of regulation of legislation, which involves a deep processing of regulatory material, the creation of new legal norms and the formation of a systemic regulatory act that establishes a new model of legal regulation of a certain sphere of social relations. The result of codification is usually the adoption of a code or other comprehensive regulatory act, which replaces a significant number of previous acts and forms a holistic system of legal institutions.

Compared to codification, consolidation is much more limited in nature. It does not provide for a significant reform of legal regulation and is not aimed at creating a new system of legal norms. Its main task is to combine disparate regulatory acts into a single structured document while preserving their substantive basis. That is why consolidation is often considered an intermediate form of regulatory legislation, which combines certain features of incorporation and codification.

When studying the relationship between consolidation and incorporation, it is important to emphasize that

“INCORPORATION (Late Latin incorporation – inclusion in the composition) – the unification of regulatory legal acts into collections or collections, their arrangement in a certain order without changing the content. The result of incorporation is the external processing of the current legislation. The most characteristic features of incorporation: 1) during processing, regulatory legal acts are combined in alphabetical, chronological, subject order, which makes their external order possible; 2) the content of regulatory legal acts included in the incorporation collections or collections of legislation does not change; 3) incorporation is carried out by a systematizing body (for example, the Ministry of Justice of Ukraine), which is not authorized to change, cancel or establish legal norms. It can only show in the collection the changes or additions made by the law-making body. Incorporation can be official and unofficial” [19, pp. 690–691].

So, unlike incorporation, when consolidating regulatory legal acts, some editing and external processing of regulatory legal acts still takes place in order to ensure a single style of presentation and the use of unified terminology, changes in the texts of regulatory legal acts are possible only at the level of editorial editing, the changes concern only minor editorial (not as significant as during codification) processing of texts, removal of contradictions and repetitions from them, etc.

That is, the content of incorporation consists in the systematic compilation of current regulatory legal acts into collections or other information resources without changing their legal content. Incorporation is aimed primarily at facilitating the use of regulatory legal acts and ensuring their accessibility for law enforcement agencies, individuals and legal entities. However, within the

framework of incorporation, the texts of regulatory legal acts are reproduced without significant editorial processing, and their unification is mainly of a reference and informational nature.

Against this background, consolidation is characterized by a more complex level of processing of regulatory material. It involves the unification of several interconnected regulatory legal acts or their individual provisions into a single regulatory act with editorial processing of the text. In the process of consolidation, repetitions are eliminated, the terminology is agreed upon, the structure of the regulatory act is clarified, and outdated or duplicate provisions are eliminated. At the same time, consolidation, unlike codification, does not involve a fundamental update of the content of legal regulation, but is aimed primarily at streamlining existing legal norms.

The most elementary form of regulation of regulatory legal acts is the accounting of regulatory legal acts. Part one of Article 55 of the Law of Ukraine “On Law-Making Activity” dated August 24, 2023 № 3354-IX provides that the accounting of regulatory legal acts is carried out: 1) by the subject of law-making activity; 2) by the ministry that ensures the formation of state legal policy. The subject of law-making activity keeps records of the regulatory legal acts adopted (issued) by it, ensures the storage of their originals, and the ministry that ensures the formation of state legal policy carries out state accounting of regulatory legal acts adopted by the subjects of law-making activity by including them in the Unified State Register of Regulatory Legal Acts. In the meantime, part one of Article 56 of the aforementioned Law of Ukraine regulates that “The Unified State Register of Regulatory and Legal Acts is a state information and communication system that ensures the collection, accumulation, registration, accounting and storage of regulatory and legal acts” [3].

Thus, the essence of accounting for regulatory and legal acts is to record, register and store information about adopted regulatory acts in order to ensure the possibility of their prompt search and use. Accounting for regulatory and legal acts does not involve changing the text of the acts or their substantive processing, but is exclusively of an information and organizational nature. In this aspect, consolidation differs significantly from accounting, since it involves a more in-depth processing of regulatory material, which includes combining several regulatory and legal acts into a single generalized act and editorial coordination of their provisions.

Thus, the relationship of consolidation with other forms of regulation of legislation can be characterized by the degree of processing of regulatory material. If the accounting of regulatory legal acts is exclusively informational in nature, incorporation involves a systematic compilation of acts without changing their content, and codification is aimed at a deep update of legal regulation, then consolidation occupies an intermediate place between these forms. It combines the editorial processing of regulatory acts with their unification into a single regulatory document, which allows eliminating excessive fragmentation of regulatory legal acts and increasing its systematicity.

In conclusion, it should be stated that consolidation is an important tool for systematization of normative-legal acts, which allows optimizing the structure of the regulatory and legal mass without radically reforming the content of legal regulation. Its use contributes to increasing the logical coherence of regulatory and legal acts, eliminating duplication of legal norms and ensuring greater convenience of law enforcement. That is why consolidation is considered in modern legal doctrine as an effective mechanism for systematization of normative-legal acts, which can act as both

an independent form of systematization of normative-legal acts and a preparatory stage for further codification processes.

3. Experience of applying consolidation in European countries and its use in Ukraine

Today, consolidation of regulatory and legal acts is practically not used in Ukraine, and accordingly, there are very few examples of consolidation of regulatory and legal acts in legal practice. At the same time, the practice of consolidating regulatory and legal acts is widespread in many countries. The experience of applying consolidation in Great Britain, Italy and France is interesting in this regard.

The British legal system is a classic example of “uncodified” legal systems. Over the centuries, the English legislature has adopted a multitude of statutes. For example, in British law, you can still find acts of parliament adopted in the 14th–15th centuries, which are still used in judicial practice. The systematization of British law is still carried out through consolidation, that is, the unification of legislative provisions on a certain issue into one act [10, pp. 11–12]. The process of consolidation itself in Great Britain began in the 16th century. The first consolidating act, according to British scholars, is the Labor Act of 1562.

At the beginning of the 19th century, in Great Britain, in order to streamline regulatory legal acts, consolidated acts began to be issued, which included legal norms from previously adopted parliamentary acts, systematized by institutional affiliation. For example, such acts included the Family Relations Act of 1857, the Partnership Act of 1890, the Sale of Goods Act of 1893, and others [10, pp. 11–12].

In 1965, the Law Commission was established, which, according to the law on it, is responsible for reforming and systematizing regulatory legal acts, including, in particular, codifying legislation, eliminating contradictions, and reducing the number of laws by consolidation [9, p. 565]. The chairman and members of the commission are appointed by the Lord Chancellor. Previously, these issues were dealt with by some non-governmental structures, and later by a council under Parliament. However, work on systematizing legislation was not carried out on a permanent basis. Today, consolidation is handled by the Joint Committee on Consolidation Bills in the Parliament of Great Britain [10, pp. 11–12].

Here are some interesting facts: between 1856 and 1908, 34 repealing bills were passed (mostly Statute Law Revision Bills); between 1909 and 1952, only 3 such bills were passed. As for the work of the Law Commission, over the 58 years of its existence (from 1965 to 2023), 20 repealing bills were prepared and passed [20].

Thus, consolidation in British law refers to the unification of a number of existing acts of parliament on the same issue into a single act without amending the law, although sometimes they may contain minor corrections and improvements [21].

In British law, a consolidated legal act is recognized as a regulatory act that combines a number of laws previously issued by Parliament on a certain subject of legal regulation, and the norms within the consolidated acts are also systematized by subject (systematic arrangement). According to the general rule, consolidated acts combine only a part of the laws relating to a certain subject [10, pp. 11–12]. The main purpose of issuing consolidated acts is to reduce the number of current laws. When issuing a consolidated law, those laws that were fully or partially

absorbed by it are repealed. Therefore, the text of the consolidated law always includes a table of repealed acts in connection with the consolidation, which is part of the law itself.

Despite its long history, consolidation in the United Kingdom faces many problems. For a long time, the most controversial issue was the question of the limits of consolidation, that is, the admissibility of including new legislative provisions in the consolidated act. Since consolidating acts consist of provisions already approved by Parliament and undergo a simplified procedure for consideration, the addition of new provisions to such acts could violate the principle of parliamentary supremacy. This principle provides that no change to existing legislation can be adopted without careful examination in Parliament [10, pp. 11–12].

Therefore, British legislators were forced to make adjustments to outdated laws, which led to the emergence of three types of consolidated acts:

- 1) purely consolidated acts (pure consolidation), which directly combine legislative provisions;
- 2) consolidated acts adopted under the Consolidation Act 1949 (hereinafter referred to as the 1949 Act) [22].
- 3) consolidated acts adopted in accordance with the proposals of the Law Commission [10, pp. 11–12].

The main difference between the consolidated acts adopted on the basis of the 1949 Act and those created on the basis of the Law Commission's proposals lies in the degree of changes made to existing legislation. The 1949 Act allows for amendments and minor improvements aimed at removing ambiguities and contradictory provisions, bringing outdated provisions into line with modern practice and deleting unnecessary or incorrect provisions that are not of material importance.

The 1949 Act, by establishing a special procedure for the passage of consolidated acts, essentially divides them into “pure” consolidation provisions and provisions containing new legislative provisions, which are recorded in a memorandum from the Lord Chancellor explaining their purpose [22]. Such bills are considered by a Joint Committee, which decides which proposals to include in the bill and reports on this to the Speaker of the House of Commons and the Lord Chancellor. If they agree with the decision of the Joint Committee, the bill is recognized as a consolidated law with additions and amendments.

The 1949 Act states that the amendments made by consolidated statutes after their passage have the force of law. Although the 1949 Act allowed for the possibility of amendments being made by a consolidated law, it did so very cautiously, stipulating that these changes should not be so significant as to necessitate the adoption of a separate law.

The limits of consolidation were expanded by the British Parliament in 1967 in connection with the adoption of the Law Commission's proposals during the passage of the laws on sea shellfish fisheries. The new practice was fixed by standing orders of the Houses, and in this procedure of passage a consolidated act is called an act aimed at consolidating separate provisions on a particular subject with some amendments recommended by the Law Commission. The memorandum in this case is replaced by an order containing recommendations for amending existing laws [10, pp. 11–12].

If the proposals contained in the consolidated act introduce, in the opinion of parliamentarians, too significant changes to the existing legislation, then after the second reading, not a joint

committee, but an ad hoc expert committee is created. Such draft laws are closer to ordinary public acts.

Since in practice a consolidated bill combines the features of all types of consolidation, it, as a rule, belongs to the third type of consolidated acts and is passed as a consolidated act proposed by the Law Commission. At the same time, a consolidated bill developed by the Law Commission may be passed according to the procedure provided for by the 1949 Act. Thus, in fact, the only criterion for distinguishing types of consolidated acts is the expediency of a particular procedure for passing the bill.

So, in British law, the understanding of consolidation is similar to Ukrainian. However, the practice of applying consolidation differs in the variety of examples. Consolidation is differentiated into several types, which differ in the degree of changes made to the regulatory material when combining several acts. This factor is the main one when choosing the procedure for passing a consolidated bill.

Summarizing the above, there is every reason to assert that the most illustrative example of the application of consolidation among European countries is Great Britain. Its legal system is traditionally characterized as uncoded, which does not mean the absence of regulation of regulatory legal acts, but, on the contrary, determines the special role of consolidation as one of the main means of systematizing regulatory material. British legislation was formed over many centuries, as a result of which it preserved acts adopted in different historical eras, including very ancient parliamentary statutes. Such historical multi-layeredness of regulatory legal acts necessitated the unification of disparate regulatory provisions into more compact and coherent acts.

In the British law-making tradition, consolidation is understood as the unification of several existing parliamentary acts relating

to one issue into one regulatory act without significantly changing their content. This is its key feature: consolidation is not designed to create fundamentally new legal regulation, but is aimed at reducing the already existing regulatory material to a single, structurally coherent text. However, in the process of such work, certain editorial, terminological and technical clarifications are allowed, necessary to eliminate contradictions, repetitions, outdated formulations and to ensure the internal consistency of the act.

The historical development of consolidation in Great Britain shows that it is not a new phenomenon. Its origins can be traced back to the 16th century, and later it gradually established itself as an important tool of parliamentary practice. Consolidation gained particular development in the 19th century, when a significant number of consolidated acts appeared, dedicated to individual institutions and areas of legal regulation. This was due not only to the quantitative growth of legislation, but also to the need to make it more accessible to courts, authorities, practicing lawyers and citizens. An important stage in the institutionalization of consolidation in Great Britain was the creation of special bodies that were responsible for the systematization of legislation. The activities of the Law Commission were especially significant in this process. Its task was not only the general reform of legislation, but also the elimination of its excessive fragmentation by preparing consolidated bills. A specialized mechanism for considering such acts was also formed in the parliamentary structure, which ensured the stability and procedural certainty of consolidation activities.

The British experience is also particularly important because it demonstrates the internal differentiation of consolidation itself. In the law-making practice of this state, different types of consolidated acts have been formed depending on how permissible changes in

the content of the consolidated regulatory material are recognized. At one pole is the so-called “pure” consolidation, which is limited to the mechanical and logical consolidation of existing norms into a single text. At the other – consolidation, which allows for minor changes aimed at eliminating obvious flaws in legislative technique, archaic formulations or internal contradictions. This approach indicates that the British model of consolidation is sufficiently flexible and adapted to the practical needs of legal regulation.

However, in Great Britain the question of the limits of consolidation has long remained debatable. This is explained by the fact that consolidated acts undergo a simplified parliamentary procedure, and therefore the introduction of significant novelties into them could create a risk of actually bypassing the ordinary legislative procedure. This leads to one of the fundamental features of the British approach: the greater the degree of interference with the content of the legal material, the less the relevant act can be considered as purely consolidated and the more complete the parliamentary procedure should be applied to its adoption. Thus, the British experience clearly demonstrates the close connection between the nature of consolidation and the procedural guarantees of the legislative process.

Interesting in this regard is the experience of applying consolidation in the process of systematizing regulatory and legal material in Italy. In Italian legislation, in addition to codified regulatory sources, there are consolidated texts of legislative acts (unified laws). In the process of consolidation, regulatory provisions that have already been officially published and entered into legal force are subject to consolidation. Consolidation of legislation is carried out in the following two forms.

In the first case, the consolidation of regulatory acts is carried out without any changes to the essence of the norms themselves,

but with corrections of a technical nature (introduction of a single numbering, change in the numbering of laws, etc.). This type of consolidation of a large amount of regulatory material into a single act is carried out at the initiative of the government or interested ministries without prior or subsequent sanction of the parliament. This method of systematization is more reminiscent of incorporation, but in the process of its implementation, techniques inherent in consolidation are used, in particular, the provisions form a new act, but at the same time the text of the new source is not sanctioned by the legislative body.

In the second case, when combining regulatory acts into a single act, only some, partial changes are made to them. Consolidated laws of this type are also prepared on the initiative of the government or interested ministries, but require mandatory parliamentary approval. In this case, the use of consolidation is evident, although codification techniques are already partially being used. In particular, the introduction of some partial changes attracts attention.

By adopting consolidated texts, official systematization is carried out in those areas of legislation that are difficult or not amenable to codification. Such acts are issued rarely and relate mainly to the sphere of administrative legislation in Italy [10, p. 11].

In this country, in accordance with Article 99 of the Constitution, the National Council for the Economy and Labor was established, which includes, in the manner established by law, experts and representatives of various categories of production, taking into account their quantitative and qualitative characteristics. It is an advisory body to the Chambers and the Government on issues and powers defined by law. The National Council for the Economy and Labor has the right of legislative initiative and may participate in the development of legislation on

economic and social issues in accordance with the principles and within the limits defined by law [23]. With its help, a thorough analysis of regulatory legal acts, including consolidated ones, is carried out, which makes it possible to avoid legal defects and improve the quality of regulatory legal material as a whole.

Summarizing the above, it can be stated that the Italian legal system, along with codified acts, has developed a special tool – the so-called unified texts of laws, or consolidated texts. They are an important form of official regulation of legislation, especially in those areas where full-scale codification is difficult, excessively burdensome or simply impractical. That is why the Italian experience is of particular importance for understanding flexible models of consolidation.

In Italian practice, consolidation is carried out in two main forms. The first of them involves the unification of regulatory provisions without changing their essence, but with the necessary technical adjustments – unification of numbering, ordering of the structure, elimination of formal discrepancies. By its nature, this form is close to incorporation, but does not amount to it, since the result is the creation of a new integral text that functions as an independent source of orientation in legislation.

The second form of Italian consolidation allows for certain partial changes to the regulatory material. This is not a deep reform of the content of legal regulation, but limited clarifications that contribute to better coherence and suitability of the act for practical application. That is why this form is already to a certain extent approaching codification techniques. However, even in this case, consolidation does not lose its specificity, since its main task remains not to create a new model of legal regulation, but to streamline the already existing regulatory material.

An essential feature of the Italian experience is also that consolidation is often used in areas of administrative legislation. This is natural, because administrative legislation itself is usually characterized by significant fragmentation, a large number of special acts and a high rate of change. Under such conditions, consolidation turns out to be a more practical means than full-fledged codification. It allows you to quickly combine disparate provisions into a single text and thus ensure a more adequate level of accessibility and orderliness of legislation.

Consolidation is clearly manifested in French law. In France, systematisers, developing methods for codification, singled out such a principle of codification as “constancy of law”, which is understood as nothing more than a transitional stage from the consolidation of regulatory material to its codification. That is, the principle of “constancy of law” can to a certain extent be understood as consolidation, which, first of all, is the primary stage of codification of legislation.

French systematisers point out that it is precisely the observance of this principle that allows the creation and adoption of codes during their consideration, providing the initiators of the reform of the regulatory and legal material with a clear, orderly and effective textual basis. This is nothing more than consolidated collections of legislation, which include regulatory and legal acts that regulate social relations and are placed in a certain orderly sequence. Consolidation, thus, contributes to the process of improving the content of the texts of codified acts.

When carrying out codification according to the specified principle, the systematiser initially makes a number of changes so that the text becomes clearer and, at the same time, corresponds to the previous logical and legal content. Obsolete, unused words,

expressions and concepts that do not meet the requirements of modern legislative techniques are replaced with analogues that correspond to current legislation and modern language. In fact, these collections of legal norms are not codified legal acts, but consolidated collections of regulatory legal provisions.

So, in France, codification is carried out on the basis of consolidation. A feature of consolidation on the example of France is that it contains some features of codification and incorporation. A consolidated collection is a regulatory legal act that brings it closer to codification. If there is no possibility or need for codification, consolidation is used. In this case, it acts as an effective means of combining similar regulatory material, reducing the number of acts and improving legal regulation.

Interpreting the above, it makes sense to argue that, unlike the British system, the French legal tradition is more characterized by an orientation towards codification. However, it is in this context that the significance of consolidation is particularly evident, since it often serves as a preparatory or intermediate stage in the codification process. French experience shows that the effective creation of codified acts largely depends on the prior ordering of the existing regulatory framework, and consolidation is such systematization.

In French legal doctrine, the principle of the so-called “constancy of law” is of great importance. Its content is that during the systematization of legislation, the orderliness and clarity of the current regulatory material must first be ensured without radically changing its content, and only after that is it possible to move on to deeper reformation and codification renewal. In this sense, consolidation appears not as an auxiliary technical operation, but as an important stage in the formation of an orderly regulatory environment, on the basis of which further codification can be

carried out. The French model demonstrates that consolidation can have a dual meaning. On the one hand, it performs the function of combining scattered regulatory material into single thematically ordered texts. On the other hand, it creates a qualitatively new textual basis for further legislative work. In the process of consolidation, not only the unification of norms is carried out, but also the editorial cleaning of the text: archaisms, duplications, structural defects, terminological inconsistencies are eliminated. As a result, a state of regulatory material is formed in which it becomes suitable for the next stage – codification.

So, the peculiarity of the French approach is that consolidation here closely approaches codification, without merging with it completely. It contains certain features of incorporation, since it reduces existing acts into an orderly set, but at the same time has certain signs of codification, because it involves an editorial rethinking of the text and the preparation of a structurally new regulatory body. This is where its intermediate legal nature is manifested.

The practice of applying consolidation in European countries is of considerable scientific and applied interest in the context of studying forms of systematization regulatory legal acts. This is due to the fact that in most European countries the development of regulatory legal acts was accompanied by a constant complication of the regulatory mass, an increase in the number of acts, their stratification over time, multiple changes and additions, which objectively created the need for special means of bringing regulatory legal acts to a more orderly, logically consistent and convenient for application state. One of such means was consolidation.

In the general theoretical aspect, the experience of European countries convinces that consolidation is most often used not as

a self-sufficient and isolated form of law-making activity, but as a tool that occupies an intermediate place between incorporation and codification. That is why in European practice consolidation often combines the features of different forms of systematization of regulatory legal acts: on the one hand, it provides a technical and legal unification of regulatory material, and on the other – it can perform a preparatory function for further deeper updating of regulatory legal acts. This approach allows us to consider consolidation not only as a technical method of systematization, but also as an important element of legal policy aimed at maintaining the integrity of legal regulation.

The practice of consolidation has acquired particular importance in those legal systems where, over a long historical period, a large number of regulatory acts on the same subject of legal regulation have accumulated. Under such conditions, without proper regulation of regulatory legal acts, numerous problems arise: duplication of regulatory provisions, conflicts between norms, excessive bulkiness of legal material, difficulty in establishing the current wording of the act and a decrease in the overall level of legal certainty. That is why European legal systems have developed various models of consolidation, which, despite national characteristics, have a common goal-reducing regulatory plurality without radically reforming the content of legal regulation.

In the broader European context, it should be emphasized that the practice of consolidation is not limited to the experience of individual states. The pan-European trend is that consolidation is increasingly used as a way to maintain legislation in a state suitable for practical application in conditions of constant change. This is especially true in those areas where the regulatory body develops through numerous amendments to basic acts, rather than through

the adoption of new codes or primary laws. Under such conditions, consolidation performs a stabilizing function: it avoids excessive textual dispersion of legislation and ensures its more holistic perception.

Summarizing the experience of Great Britain, France and Italy, we can conclude that in European countries consolidation is used in several interrelated dimensions. First of all, it acts as a form of reducing regulatory plurality by combining acts on one subject of legal regulation. At the same time, it performs the function of textual updating of legislation by eliminating repetitions, inaccuracies and outdated formulations. In addition, in a number of legal systems it is a preparatory stage of codification, creating a logically ordered basis for it. It is this multifunctionality that determines the sustained interest in consolidation in European legislative practice.

For Ukraine, the significance of this experience is obvious. Despite the fact that consolidation in its pure form has not yet gained due distribution in national law-making practice, European approaches demonstrate its significant potential as a tool for ordering legislation. First of all, it is about the possibility of using consolidation in those areas where the legislation is characterized by high dynamics of changes, a plurality of special acts and the absence of a single structured regulatory body. In such cases, consolidation could become an important means not only of technical regulation, but also of increasing the efficiency of legal regulation as a whole.

Thus, the practice of applying consolidation in European countries indicates that this tool has a stable place in the system of forms of regulation of legislation. European experience demonstrates that consolidation is especially effective where it is necessary to

combine the preservation of the substantive continuity of legal regulation with the simultaneous elimination of fragmentation and cumbersomeness of regulatory material. That is why it acts as an important mechanism for rationalizing regulatory acts, ensuring their structural integrity, accessibility, internal consistency and readiness for further development. In view of this, consolidation should be considered not as a peripheral type of systematization, but as a promising direction for improving modern legal policy.

Analysis of the practice of applying consolidation in European countries indicates its important role in ensuring the consistency, coherence and accessibility of regulatory legal acts. In the current conditions of development of the legal system of Ukraine, the issue of ordering the regulatory legal body is becoming particularly relevant, which is due to the significant volume of legislation, the high dynamics of its changes, as well as the fragmentation of legal regulation in many areas of public relations. In this context, the experience of European states in the field of applying consolidation can be useful for improving the mechanisms of systematization of Ukrainian legislation.

First of all, it should be noted that the modern system of regulatory legal acts of Ukraine is characterized by a significant number of laws and subordinate regulatory legal acts adopted in different periods of the state's development, as well as a large number of amendments and additions to basic regulatory legal acts. As a result, individual regulatory legal acts often have a complex structure, a significant number of amendments and reference norms, which complicates the establishment of their current wording and negatively affects the effectiveness of law enforcement. Under such conditions, consolidation can be an effective tool for systematization of normative-legal acts, which allows combining

disparate regulatory provisions into single structured acts without radically reforming the content of legal regulation.

The use of consolidation in the law-making activity of Ukraine could contribute to solving several important tasks. First, it allows reducing the excessive number of regulatory legal acts regulating homogeneous social relations. Second, consolidation helps eliminate duplication and contradictions between individual regulatory provisions, which often arise as a result of multiple changes in legislation. Third, it provides a more convenient structure of regulatory material, which facilitates its application by state authorities, courts and other subjects of legal relations.

European experience shows that consolidation can be used in various forms depending on the objectives of legal policy. In particular, in the legal systems of Great Britain and Italy, consolidation is used to combine a large number of acts regulating homogeneous issues into one generalized regulatory act. In France, it often acts as a preparatory stage before the codification of legislation. This approach shows that consolidation can perform not only a technical, but also a strategic function in the process of legislative development.

For Ukraine, the use of consolidation is especially relevant in those areas where legislation is characterized by significant fragmentation. This primarily concerns administrative, financial, social, information, environmental tax and other areas of law and legislation, where a significant number of regulatory and legal acts have been adopted over a long period of time, which often duplicate or partially repeat each other. In such cases, consolidation could ensure the creation of more compact and logically structured regulatory acts.

An important area of application of European experience is also the institutional support of the process of consolidation of regulatory legal acts. In many European countries, this activity is carried out by specialized bodies or commissions that analyse the current legislation and prepare proposals for its systematization. For Ukraine, it could be advisable to create or designate a special body or unit responsible for systematic work on the consolidation of regulatory legal acts. Such functions can be assigned to the relevant structures in the field of law-making activity or to specialized scientific and expert institutions.

In addition, an important condition for the effective application of consolidation is the proper regulatory consolidation of its procedures. In modern Ukrainian law and legislation, the mechanisms for systematizing regulatory and legal acts are not yet fully regulated, which complicates the implementation of such forms of systematizing regulatory and legal acts as consolidation. Therefore, an important step could be to establish at the legislative level the general principles, procedures and criteria for consolidating regulatory and legal acts.

At the same time, it should be taken into account that consolidation cannot completely replace other forms of systematizing legislation, in particular codification. Its main purpose is to streamline the current regulatory material without significantly changing the content of legal regulation. That is why it can act as an effective intermediate stage in the process of further reforming legislation. In this aspect, the use of consolidation can contribute to the preparation of regulatory material for larger-scale codification reforms.

Thus, the European experience of applying the consolidation of regulatory legal acts indicates the significant potential of this tool

for improving law-making and law enforcement. For Ukraine, the introduction of elements of such a practice can be an important step towards increasing the consistency of regulatory legal acts, eliminating its excessive fragmentation and ensuring greater legal certainty. In the future, this will contribute to the formation of a more coherent and effective system of legislation that meets the modern requirements of the development of the state and the legal system.

CONCLUSIONS

The provisions of this section are the basis for formulating the following conclusions:

1. Consolidation is a systemic, independent, dualistic form of systematization of regulatory legal acts, which consists in combining regulatory legal acts that regulate the same type of legal relations into a single act that does not change the legal regulation of social relations, provides for changes only at the level of editorial editing, that is, through their coordination with each other, transfer of regulations, grouping by subject orientation and unification of terminology, the result of which is the creation of a new regulatory legal act that has its own logical structure and establishes relationships between norms.

2. The essence of consolidation is seen in the fact that it: does not change the essence of legal regulation and does not introduce changes or innovations to the current legislation; occurs without changing the regulatory content of the acts; the content of legal relations does not change; regulatory provisions are placed in a logical order after editorial processing; there is a certain editing and external processing of regulatory legal acts in order to ensure a single style of presentation and the use of unified terminology; new legal norms are not introduced; changes

in the texts of regulatory legal acts are possible only at the level of editorial editing; it is assumed that there will be no modification of regulatory acts, the changes concern only minor editorial processing of texts, removal of contradictions and repetitions from them, etc.

3. The relationship of consolidation with other forms of regulation of legislation can be characterized by the degree of processing of regulatory material. If the accounting of regulatory legal acts is exclusively informational in nature, incorporation involves a systematic compilation of acts without changing their content, and codification is aimed at a deep update of legal regulation, then consolidation occupies an intermediate place between these forms. It combines the editorial processing of regulatory acts with their unification into a single regulatory document, which allows eliminating excessive fragmentation of regulatory legal acts and increasing its systematicity.

4. In British law, the understanding of consolidation is similar to that in Ukrainian law. However, the practice of applying consolidation differs in the variety of examples. Consolidation is differentiated into several types, which differ in the degree of changes made to the regulatory material when combining several acts. In the British law-making tradition, consolidation is understood as the unification of several existing parliamentary acts relating to one issue into one regulatory act without a significant change in their content.

5. In Italian legislation, in the process of consolidation, regulatory provisions that have already been officially published and entered into legal force are subject to consolidation. In Italian practice, consolidation is carried out in two main forms. The first of these involves the unification of regulatory provisions

without changing their essence, but with the necessary technical adjustments – unification of numbering, ordering of the structure, elimination of formal discrepancies. By its nature, this form is close to incorporation, but does not amount to it, since the result is the creation of a new integral text that functions as an independent source of orientation in the legislation. The second form of Italian consolidation allows for certain partial changes to the regulatory material. This is not about a deep reform of the content of legal regulation, but about limited clarifications that contribute to better coherence and suitability of the act for practical application.

6. In France, systematisers, developing methods for codification, singled out such a principle of codification as “constancy of law”, which is understood as nothing more than a transitional stage from the consolidation of regulatory material to its codification. That is, the principle of “constancy of law” can to a certain extent be understood as consolidation, which, first of all, is the primary stage of codification of legislation.

7. The practice of applying consolidation in European countries is of considerable scientific and applied interest in the context of studying forms of regulation of regulatory legal acts. The experience of European countries convinces that consolidation is most often used not as a self-sufficient and isolated form of law-making activity, but as a tool that occupies an intermediate place between incorporation and codification.

8. For Ukraine, the importance of European experience is obvious. Despite the fact that consolidation in its pure form has not yet gained due distribution in national law-making practice, European approaches demonstrate its significant potential as a tool for systematization of legislation. First of all, we are talking about the possibility of using consolidation in those areas where

legislation is characterized by high dynamics of changes, a plurality of special acts and the absence of a single structured regulatory body. In such cases, consolidation could become an important means not only of technical ordering, but also of increasing the efficiency of legal regulation in general.

9. The use of consolidation in the law-making activity of Ukraine could contribute to solving several important tasks. First, it allows you to reduce the excessive number of regulatory acts regulating homogeneous social relations. Second, consolidation helps eliminate duplication and contradictions between individual regulatory provisions, which often arise as a result of multiple changes in legislation. Thirdly, it provides a more convenient structure of regulatory material, which facilitates its application by state authorities, courts and other subjects of legal relations.

SUMMARY. The section argues that consolidation should not be considered as a secondary or purely technical type of systematization. Its meaning is much broader. First, it ensures the updating of legislation without radical intervention in its content. Second, it increases the level of legal certainty, as it allows establishing the current state of regulatory regulation in a single text. Third, it creates the prerequisites for further reform of legislation, including through codification. Fourth, it contributes to the improvement of legislative technique and the overall quality of regulatory material. The purpose of the study is to identify the concept and essence of consolidation, to study the relationship of consolidation with other forms of regulation of regulatory legal acts, the experience of applying consolidation in European countries and the possibility of its use in Ukraine. The solution of the specified research goal determined the logic of presenting

the material and formulating research tasks. According to which the following were studied: concept, features, essence, technical and legal procedure, rules of consolidation; understanding of the regulation and systematization of regulatory legal acts, clarification of the relationship of consolidation with other forms of regulation of regulatory legal acts (codification, incorporation, accounting); experience of applying consolidation in Great Britain, Italy and France and the possibility of its use in the legal system of Ukraine. The research methodology is based on a complex combination of methodological principles, philosophical and worldview approaches and methods. In particular, methodological principles: pluralism; comprehensiveness; systematicity; historicism; objectivity; determinism. Philosophical and worldview approaches; systemic; anthropological; comparative; functional. Methods (general scientific: dialectical, hermeneutic, synergistic, generalization, grouping, analysis, system-structural); (special: statistical, modelling, prognostic); (properly legal: comparative legal, historical and legal). It is thanks to the use of a comprehensive methodology that it was possible not only to consider the concept, its correlation with other formats of systematization, the experience of applying consolidation in European countries, but also the possibilities of its use in Ukraine, in connection with which the conclusions, proposals and recommendations aimed at its improvement were formulated. It is concluded that consolidation is a systemic, independent, dualistic form of systematization of regulatory legal acts, which consists in combining regulatory legal acts that regulate similar legal relations into a single act that does not change the legal regulation of social relations, provides for changes only at the level of editorial editing, that is, through their coordination with each other,

transfer of provisions, grouping by subject focus and unification of terminology, the result of which is the creation of a new regulatory legal act that has its own logical structure and establishes relationships between norms.

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