

SIGNIFICANCE OF NORMS OF PUBLIC AND PRIVATE LAW IN PROTECTION OF RIGHTS AND LEGAL INTERESTS OF PERSON

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The sense is disclosed and the concept is defined of public interest in the administrative law and the significance of norms of public and private law in the protection of rights and legal interests of person.

Public interest, rights and freedoms of man, differentiation, public and private law, protection of interests.

According to article 3 of the Constitution of Ukraine the rights and freedoms of man and their guarantees determine essence and orientation of the activity of the state. The state is responsible to the man for its activity. Affirming and providing of rights and freedoms of man are the main duty of the state. The current legislation distinguishes two types of subjects of legal relations: persons of private law and persons of public law, in these relations surely conscious and volitional subjects take part, which are not statute-restricted in legal capability. It says that a law cannot regulate actions which do not depend on conscious will of incompetents. The basis on which the legal regulation of rights and interests of person was formed, in accordance with which such rights and interests need legal regulation, it is constitutional framework of legal order.

The goal of research is realization of complex analysis of significance of norms of private and public law in the protection of rights and legal interests of person.

It is useful to begin research with the Constitution of Ukraine, where the most significant legal rights and freedoms of man are enshrined. The analysis of the Constitution affords grounds to divide conveniently basic rights and freedoms into: personal (articles 27-35, 51-52); political (articles 36-40); economic (articles 41-45); social (articles 46-49); ecological (article 50); cultural (articles 53-54) [1].

The mentioned list of basic rights and freedoms in the indicated articles of the Constitution is realized the most completely and efficiently. The majority of them has absolute character, so they are not only inalienable but also are not subject to limitation. This group of rights and freedoms of citizens provides impermissibility of encroachment of public organs, public organizations, official persons on life, health, freedom, honour and caliber of man and impermissibility of self-willed deprivation of his life.

The mentioned testifies that the protection of rights and interests of person is guaranteed and guarded by a national and international legislation. This protection is guaranteed and guarded by the norms of private and public law. In spite of the fact that the system of private and public law consists of the different branches of law, between a public and private law there are not the borders conducted once for all, as there are public moments in a private law, and in a public law – private law, including at the protection of rights and interests of person.