

SECONDARY LEGISLATION OF THE VERKHOVNARADA OF UKRAINE AS A SOURCE OF AGRICULTURAL LAW

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Investigated the nature of the source resolutions of the Verkhovna Rada of Ukraine in the regulation of agrarian relations.

Sources agrarian law, the decision of the Verkhovna Rada of Ukraine, the decision of the Supreme Rada of Ukraine.

Modern scientific and academic general-theoretical literature both domestic and other countries' of post-Soviet legal family, hardly considers the resolution of Parliament as a source of law, as a result of which their legal nature and place in the system of legal acts is not defined. For comparison, a similar situation existed in the middle of the last century, when scientific studies, covering state and legal status of the Supreme Soviet of the USSR, the question of its Acts took subordinate position and was considered only indirectly. Other works studied, as a rule, normative acts of the Supreme Soviet of the USSR – laws, while other acts either were not considered at all or regarded to be a variation of law. Since then the political and legal system of our country and functions of central government changed, but "white spot" concerning the features and place of other than the laws Acts of Parliament remained not covered on the map of the hierarchical system of normative-legal acts.

Law of Ukraine "On the Verkhovna Rada of Ukraine" (ch. 2, Art. 46) refers laws, decrees, resolutions, declarations, petitions and statements to the acts of the Parliament. Not touching laws, we should first point out the non-

normative character of resolutions, as well as applications' and appeals', which content is associated with not legislative but other powers of Parliament,.

Somewhat more complicated is the case with the declaration that is seen in the domestic legal encyclopedias as a political statement on behalf of the state, government, political party or other organization. From this we can make the conclusion about political rather than legal nature of the declaration. However, the recent monographs researches in the general theory of law arranged somewhat different emphasis in determining the legal nature of declarations. Thus, stressing that in the era of bourgeois-democratic revolutions the acts that laid foundations for a new legal order, received the name "declaration", M. Sannikova concludes that now the declaration, being a kind of embodiment of the material conditions of society's life, its level of legal culture etc., determines the content of legislative acts, which are developed on its basis and are adopted on its basis, and is the basis of formation and implementation of state policy in a particular area. The norms of these acts must comply with the principles proclaimed in the Declaration. The foregoing clearly demonstrates source-legal identification of the declarations of the Verkhovna Rada of Ukraine.

While agreeing with this conclusion we should point out a generalized nature of the provisions of declarations relating fundamental basis of the state legal order. Such their content and purpose exclude the possibility to adopt declarations concerning specific areas of public relations. Really the declaration in agrarian relations which need the legal sources of much more narrower and more clarified profile, would look rather strange. Therefore, the declaration of the Verkhovna Rada of Ukraine can be considered to be a source of agrarian law indirectly in the context of proclamation of compliance with the declared human values, which are human rights.

Thus the resolutions of the Verkhovna Rada of Ukraine are left, the legal nature and force of which are yet to be clarified. Alongside, it is necessary to point out that there are two types of resolutions of Parliament: 1) of Verkhovna Rada of Ukraine; 2) of the Presidium of Verkhovna Rada of

Ukraine. However, even a surface analysis of the resolutions of the Presidium of Verkhovna Rada of Ukraine demonstrates their purely individual-legal character, their focus on the admission of draft laws to consideration by the parliament, the organization of parliamentary elections and the work of Verkhovna Rada and so on. In this incarnation the resolutions of the Presidium of Verkhovna Rada of Ukraine can be neither sources of agrarian law nor the sources of law in general. Moreover, as individual-legal acts, the resolutions of the Presidium of Verkhovna Rada of Ukraine are not part of national legislature.

Summarizing the foregoing we can make the conclusion that the sources of agrarian law are the resolutions of the Verkhovna Rada of Ukraine, which are normative-legal in their content. The following classification should be applied to these resolutions: narrowing-prohibitive, controlling-regulating, maintaining, ratifying and expanding. Alongside, there are the resolutions of the Verkhovna Rada of Ukraine of non-normative, individual nature, which should be combined into classification groups called organizational-administrative and analytical-evaluative acts. These resolutions are not the sources of agrarian law.