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UDC 342.1(043.2)

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THEORETICAL-LEGAL ASPECTS OF A MECHANISM OF A STATE

Nowadays efficiency of any state in the world depends on a list of requirements. Highly constructed and strong in its power state's mechanism is one of them. At the same time, in the period of world changes and global social transformations its concept determination is still topical. A structure of a mechanism of countries is the same but the functions, tasks and even common aim of its elements may be different. It is always important to investigate those issues with the purpose of scientific opening in jurisprudence and prediction of the state's future development.

The practical realization of the tasks of the state implies the functioning of a specially formed mechanism for this, consisting of state bodies, which are united into a multi-sectoral hierarchical system - the state apparatus, and other state organizations. The mechanism of the state is its attribute, reflects the institutional aspect of statehood. This is based on an understanding of the essence and content of statehood at an angle the view of an institutional approach, the main feature of which is that the state is interpreted primarily as a mechanism (apparatus) of power and governance in society [1, p. 122].

According to O. Skakun, a mechanism of a state is an integral hierarchical system of state bodies, that make state power, and also public institutions,

enterprises, with the help of with tasks and functions of a state are made [2, p. 87].

In accordance with M. Tsvik, O. Petryshyn, L. Avramenko, a state mechanism is a collection of state bodies, institutions, enterprises, and other state institutes, through which practically tasks and functions of a state are carried out [1, p. 124].

T. Andrusiak thinks that a mechanism of a state is a system of all state organizations that carry out state's tasks and implement functions [3, p. 41].

To our point of view, determined by O. Skakun attributes of a state mechanism should be supported. They are:

it is a hierarchical system that is the system made on the principles of subordination and coordination;

it is a single system of internally organized elements that have single principles of construction and single tasks and goals of activity;

it is a system that has a clear structure with a certain connection between its elements;

it is a system that has a single budget, monetary, bank systems, state property that are its organizational economic base;

it is counteracting, dynamical and really working system with the help of with a state operates and make governing in a society [2, p. 87-88].

At the same time, M. Tsvik, O. Petryshyn, L. Avramenko determine common attributes for all varieties of state organizations that are parts of its mechanism:

they are, by nature, state institutions, in contrast from public or private organizations;

their mediation practically fulfills tasks and functions the state;

they are formed by the decision of the authorized bodies of state power;

they are held at the expense of budget funds;

their employees have the legal status of a public officer in broadly understood, first and foremost, special guarantees of employment and social protection [1, p. 124].

Talking about a structure of a mechanism of a state, O. Skakun proposes to determine: a state apparatus, dividing it into an apparatus of governing and apparatus of coercion, public institutions, and state enterprises [2, p. 88].

In accordance with T. Andrusiak, a mechanism of a state consists of a state apparatus, public institutions, and state enterprises [3, p. 41].

According to M. Tsvik, O. Petryshyn, L. Avramenko, there are state bodies, public institutions, and state enterprises [1, p. 124-125].

T. Andrusiak suggests the following directions of mechanisms of the state functioning improvement in the modern state:

1). Availability of effectively functioning non-state industrial and non-productive sectors;

2). Reduction of the state apparatus, improvement of its structure and

increase of efficiency of work;

3). High level of professional skill and professional training of public officers;

4). Availability of effective mechanisms for monitoring the activities of state bodies, enterprises, and institutions;

5). Clear legislative regulation of the competence of state bodies [3, p. 42-43].

At the same time, we would like to admit that a clear structured mechanism of a state with its constant improvement influence on implementation and real activity of law in every country that may perform its functions. It is possible to determine them as the social appointment of law, as well as the main directions of its influence on social relations [4, p. 16]. Just in a country where the law is not just declared but is represented as a tool of order and state construction, including its mechanism, it is possible to predict real development of the whole country and improvement of human rights protection.

In conclusion, we would like to determine the mechanism of a state as a single structure of state bodies, institutions, and enterprises that are created to make functions and tasks of the state.

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УДК 347.96 (043.2)

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ПРАВОВА КУЛЬТУРА ЮРИСТА

Професія юриста, як вид соціальної діяльності, виділяється серед інших цілим рядом специфічних властивостей, які визначаються роллю права і легітимності суспільства. Захист прав і законних інтересів