

4. "OPZZh" initiates impeachment of Zelenskyy: how Rada reacted to the statement [Electronic resource]: Available from: <https://www.5.ua/suspilstvo/opzzh-initsiiuie-impichment-zelenskyyu-iak-u-radi-vidreahuvaly-na-zaiavu-siuzhet-236096.html> (addressed: 11.03.2021).

## **THE DEVELOPMENT OF DEMOCRACY AS A RESULT OF SOCIAL TRANSFORMATIONS**

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Democracy is a political and legal phenomenon, the development of which occurs simultaneously with social transformations and is conditioned by them. The power of the people was initially reflected in the tribal or direct, in the military, combined with despotism, democracy. Later, the formation of city-states in ancient Athens contributed to the development of direct democracy, and in the days of ancient Rome, samples of combining elements of democracy with other forms of government were tested. After a long oblivion, the democratic idea was revived by Western European philosophers of the seventeenth and eighteenth centuries. Within the framework of discussions on the ideal arrangement of the state and society under the new conditions of development of science, industry, and mass communication, a new concept of representative democracy, which is still a classic for political science, has been proposed to address the problems associated with the implementation of democracy in complex state formations.

To date, there is no single conceptual approach among researchers to identify the main problems of modern democracy. This is primarily due to the scope of the concept of "democracy"; it requires a thorough methodological and practical study. Of course, the main problems are those related to the implementation of the principle of democracy in modern society. If we talk about "society" in a broad sense, i.e. covering absolutely all people living on our planet, the concept of democracy is unknown to the majority of the population of our planet, due to the historical and socio-economic development of individual regions of our planet and the population of these regions. Thus, we will understand the term "society" as a developed society, able to understand the basic principles of modern democracy, able to understand the nature of democracy and the importance of this concept for the proper functioning of modern society. Let us dwell in more detail on the analysis of the problems of a democratic society in Ukraine.

In my opinion, the first problem in defining the problems of the development of a democratic society is the definition of the concept of

"democracy". It is common to define democracy as "the power of the people." Personally, when defining democracy, I use the words of one of the fathers of American constitutionalism, Abraham Lincoln: "Democracy is the power of the people, created by the people for the people." That is, power comes from the people: the people are the supreme power that exercises or confers authority, and the one who is endowed with part of the authority is responsible for the people. Power is exercised either through elected representatives or directly by citizens. Power is exercised to serve the interests of the people, that is, for the public good.

Since "democracy" is an abstract concept, the next problem is the proper consolidation of the principle of democracy in national legal systems. Thus, in Ukraine, the principle of democracy is enshrined in the Constitution of Ukraine in Article 1: "Ukraine is a sovereign and independent, democratic, social, legal state" [1, Article 1]. Considering the works of famous Ukrainian constitutionalists, we can conclude that the Constitution of Ukraine in further provisions provides the legal basis for the implementation of the democratic mechanism in Ukraine:

Article 5: The bearer of sovereignty and the only source of power in Ukraine is the people. The people exercise power directly and through state authorities and local governments. This Constitutional provision reveals the conceptual foundations of a democratic society - the people's access to the exercise of power, both directly - the election and through local governments). The right to determine and change the constitutional order in Ukraine belongs exclusively to the people and cannot be usurped by the state, its bodies or officials [1, Article 5].

Article 6. State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial. Bodies of legislative, executive and judicial power exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine. [1, art.6] This norm enshrines the most important democratic principle - the division of power into branches person, or the ruling party.

Article 7. Local self-government is recognized and guaranteed in Ukraine. This Constitutional Provision guarantees every citizen of Ukraine access to participation in government at the local level; implements the principle of democracy and ensures the implementation of Art. 5 of the Constitution of Ukraine. [1, Art. 5.7]

In view of the above, we can see that the principle of democracy is properly enshrined in the system of national legislation, in addition to the Constitution; the rules for implementing the principle of democracy are contained in a number of laws of Ukraine, and are specified in bylaws.

Therefore, the most acute in my opinion is the problem of implementing these rules. The Constitution of Ukraine is one of the most democratic constitutions, the system of national legislation is adapted to the norms of the Constitution and acts of international law, but these provisions are not properly

implemented. The main problem, in my opinion, is the wrong policy of those who exercise power, namely the wrong choice of priorities to address the most pressing public issues, and sometimes the lack of knowledge of the legislature and the executive ability.

So, summarizing the above, I can state the fact that the only problem of modern democracy in Ukrainian society is the problem of implementing the rule of law. It is manifested in: contempt of the citizens of Ukraine to the national law, the spread of legal nihilism, and the wrong policy of the government that the establishment of priority vectors of development and methods of achieving this development. The set of such “trifles” forms the layer of problems that are reflected in the implementation of the principle of democracy in Ukraine. The level of democracy is manifested through the socio-cultural development of the people.

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## **GOOD FAITH IN POSSESSION IN ACQUISITIVE PRESCRIPTION**

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The evidence of state democracy in modern conditions is the balanced society and harmonious relations between the state and its citizens. Protection of ownership of citizens belongs to the fundamentals which ensure the stability and resilience of the functioning of society and its economic relations. Today, in Ukraine there are various ways to acquire property rights, but not all of them have the same efficiency.

One way to acquire ownership of movable and immovable property in accordance with Art. 344 of the Civil Code of Ukraine is the usucaption or acquisitive prescription. Thus, a person that bona fide came into possession of somebody’s property and continues to possess the immovable property during ten years and movable property during five years shall acquire the ownership right in this property (acquisitive prescription), unless otherwise stipulated by this Code.