LEGAL REGULATION OF THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY IN UKRAINE IN THE 21ST CENTURY

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Abstract
The article examines the peculiarities of the legal, in particular, the legislative regulation of the right to freedom of peaceful assembly in Ukraine during the period of December 2013. - February 2014. Historical and legal analysis of the conditions that became the driving factors for the adoption of relevant legislative norms showed an unusually high activity of civil society in determining the national interests of domestic and foreign policy development in Ukraine. At the same time, the features of implementation of the right to freedom of peaceful assembly, in particular, the possibility of applying legal responsibility measures to the subjects of the exercise of the right to freedom of peaceful assembly were carefully studied. Such legislative practice more actively encourages the legislator to qualitatively regulate the powers of public authorities in the direction of approval, ensuring the exercise of the right to freedom of peaceful assembly through the adoption of legislative acts, the norms of which would have not retrospective but progressive prospective nature of determining the content of public relations on the exercise of the right to freedom of peaceful assembly, aimed at limiting the powers of executive authorities, local authorities, law enforcement.

Keywords: *peaceful assembly, right to freedom of peaceful assembly, implementation, amnesty, revolution of dignity.*

The legal reality is characterized by extraordinary dynamism. There are many reasons for this and key ones among them are those that originate precisely in the political leadership, the desire to realize their own interests of political elites who are in power or have acquired it and are trying to legitimize their political slogans, which ensured the acquisition of political power in the country.

Ukraine passes not only the formal declaration and normative enshrining of the list of human and civil rights and freedoms, but also the creation of conditions for the freedom to exercise them, ensuring the exercise of rights and freedoms by state administration bodies, among which the right to freedom of peaceful assembly occupies a prominent place. The realization of opportunities to use and exercise the right to freedom of peaceful assembly, as well as the means of guaranteeing the exercise of this right, is impossible without a combination of legal and political means. Today, the conditions of social existence are such that the significant sphere is the political component, which is present both in the legal, social, economic life of society and the individual. This state of affairs affects the legal regulation of public relations and has a corresponding impact on the formation of understanding of legal concepts and categories, bringing political connotations into them, which negatively affects not only the theoretical perception, but also the formation of the content of public relations and qualitative legal norms of their regulation. In recent years the political component is increasingly spreading, evidence of this process is the increase in the number of political talk shows on TV and their popularity among the population of the country.

Unfortunately, in the historical, legal and theoretical national sciences, the issues of peculiarities of implementation of the right to freedom of peaceful assembly, its legislative regulation in the early 21st century, in particular in the context of the Revolutions of Dignity, as a historical period that almost directly depended on the understanding, implementation and realization of the right to freedom of peaceful assembly did not find proper historical and legal study, although the right to freedom of peaceful assembly (the right to assemble peacefully) has been a direct subject of dissertation research, e.g. S.Onischenko, M.Sereda, as well as research within scholarly articles. Separate issues of the right to freedom of peaceful assembly were studied by V.Lytvyn,

V.Nesterovych, A.Kolodiy, however the last didn't receive comprehensive coverage, which led to gaps in legal understanding.

On this basis, the purpose of the study is to analyze the legislative acts adopted in 2014 in the context of the increasing activity of Ukrainians in the choice of the vector of state development in the direction of reunification with the European legal family and its democratic values, directly related to the regulation of the exercise of the right to freedom of peaceful assembly in Ukraine.

Ukraine of the twenty-first century is a completely different country compared to the one whose independence arose on the ruins of the Soviet Union, with a communist, Soviet ideology with the same name. The second decade of the twenty-first century for Ukraine was also marked by the fact that the country has become an adult generation, which was born and raised in an independent state, which is not burdened by any traces and horrors of a totalitarian country. A generation of Ukrainians who aspire to live and build their own statehood, introducing and implementing modern achievements of Western European and civilizational tradition of building the rule of law on the ideals of the rule of law, respect for human rights and freedoms, and the development of civil society.

Under such conditions, the acquisition and assertion of political and state power by an individual or political elites, without the support of civil society, is simply impossible. At the same time, the mentioned subjects in power are trying in every possible way to keep it and turn it into the realization of their own interests, for the sake of which they are trying, using the peculiarities of the relevant historical period, to turn, or rather, to perfectly disguise private interests into national ones, which will allow them (elites) to get state power, or legitimize it, relying exactly on the ideas or ideals of society.

The mastery of political elites or their individual representatives depends directly on the extent to which the latter are able to successfully exploit both the relevant historical moment and the psychological moods and aspirations of society in their own interests. Elites must be able to maneuver perfectly within a given society to be able to set sails in time for the transitory mood of public interest instead.

Obviously, the events of 2013-2014 were exactly the historical time that allowed the history of the development of Ukrainian statehood to be turned upside down. This is what the political elites in power at the time were thinking or dreaming about. At the same time, the latter did not realize that there could be quite powerful elites in the country, seeking to gain political and state power, using the relevant public interests in their own interests, thereby legitimizing their way to power through civil society.

It was from such a spark, which could permanently change the vectors of development of the state-legal and civil structure of Ukraine, the flame of the Revolution of Dignity arose, which simultaneously became one of the most tragic episodes of modern Ukrainian history, and one of the defining events that changed the thinking, stereotypes, consciousness and the visible circle of Ukrainians.

The wave of rallies, rallies that were later directed to a single nationwide rally and rally, which, without exaggeration, was attended by the vast majority of the population of Ukraine, spreading from Kiev to all localities, allows us to conclude about the general social sentiments that existed among Ukrainians, but for one reason or another were inactive, while the events of November 2013 excited the latter to an active social and political life. As a result of a number of decisions made by the subjects of power, in particular the political and state leaders of Ukraine at that time, certain social contradictions aggravated, the results of which today require scientific and legal understanding.

At such stages of history, it seems that the spirit of law and its perception by all subjects of public relations are really manifested, and the extent to which the legal consciousness of these subjects is distinguished by the unity of categories and concepts, the uniqueness of their under-

standing, directly depends on the extent to which the state apparatus and civil society are able to overcome these problems. As a result, in such a context, it is important to comply with legal procedure, implementation and use of legal norms, which guarantees the legitimization of relevant decisions, the legality of the actions of the participants of events, as well as will allow an objective analysis of the content of social relations and date their objective historical assessment with time.

The constitution has a decisive influence on public law because of its worthy legitimization and the process of exercising public power. The subject of constitutional regulation can be represented as a kind of constitutional pentagram: 1) guarantees of human rights and fundamental freedoms; 2) models of legitimization of power and its limitation of human rights; 3) models of national sovereignty and control of the people over power; 4) power relations and ensuring the balance of power; 5) the relation of constitutional and international law, constitutional and supranational law. This pentagram reflects the classical view of constitutional law as a vertical relationship between the individual and the state. From this construction the formula of the vertical structure of human rights as a legitimate demand of an individual to the state to protect the violated right by third parties or to ensure equal access to material or spiritual benefits is derived [5, p. 59].

Normative formulations of the right to freedom of peaceful assembly in the constitutional norm have not only a formal legal load, but also an expanded legal understanding of this right in the natural law doctrine of law, which reflects the unity of the normative material.

At first, it should be noted that representatives of the state authorities at the end of 2013 used the constitutional provisions quite freely in their private interests. In particular, the provisions revealing the essence and content of the right to freedom of peaceful assembly and its implementation in the state regardless of the goals pursued by its bearers: economic, social, political, etc. Representatives of the authorities have deviated from the generally accepted and constitutionally formulated provisions on the freedom to exercise the right to peaceful assembly, on the notifying nature of the exercise of this right, on making the prerogative of permissive nature, when it is not enough to inform about the intentions to exercise the right to freedom of peaceful assembly, but it is necessary to obtain the consent of representatives of bodies, primarily of the executive branch, and, as practice has shown, to convince representatives of judicial. In our opinion, this state of affairs resulted from the fact that the state-political elites and their representatives did not seek, but seem to have the impression that they did not know and did not want to understand those fundamental legal concepts, the specifics of their content, among which, in our opinion, the right to freedom of peaceful assembly was key, but sought to shape them in this way, to satisfy their own interests, justify and legitimize the relevant decisions, which, obviously, did not correspond to the democratic ones.

Obviously, such mobilization constitutionalism in the conditions that took place in Ukraine in late 2013, the use of legal practices that would resemble methods of domination of the principles of political and economic expediency in solving socio-economic problems [7, p. 10], led to the search for forms of pressure on society primarily through restrictions and prohibitions of the right to freedom of peaceful assembly, in particular the citizens in the center of the Ukrainian capital - Kiev, the justification of this position, including the need to establish a Christmas tree, both by administrative methods and by using the capabilities of the judicial branch of government.

The February events in Ukrainian politics, in particular the escape of President V. Yanukovych and the majority of the authorities abroad, the desire of political elites in such "favorable" conditions to win and hold political power in the country, forced the latter to reconsider the existing legal positions of their predecessors and to take measures, above all, to satisfy the masses, on the crest of which politicians managed to win power in the state, please the Ukrainian people as the only source and bearer of power in Ukraine, legitimize the power they acquired.

The constitutional and legal reality that emerged at the end of 2013 in early 2014 led to the need for state authorities to respond to the need to regulate social relations at their democratic pole of statehood and society development by adopting appropriate legislative and other normative acts that would concretize the constitutional ideals of guaranteeing the right to freedom of peaceful assembly in Ukraine. Since the overwhelming majority of events that took place at that time directly related to the exercise of the right to freedom of peaceful assembly, including the fact that this right was exercised, in the opinion of state authorities (primarily the executive and judicial branches of power) contrary to the norms of existing legislation, the question of restoring justice, legality and equal right to freedom of peaceful assembly as well as a number of other human and civil rights that were derived from the right to freedom of peaceful assembly, or under such conditions, the institutions of a number of state bodies, including the highest ones, such as the President of Ukraine, the Cabinet of Ministers of Ukraine, have lost the trust of the Ukrainian people and the legitimacy granted to them, as a result of direct confrontation of the latter with the only source of power in Ukraine - the Ukrainian people. Under such conditions, the only legitimate body of state power that combined representative functions and managed to find a compromise was the Verkhovna Rada of Ukraine.

Signs of the Verkhovna Rada of Ukraine as a parliament are: it is a representative body of the people, has a legitimate nature, a national body and therefore extends its powers to the entire state, considers and decides issues of state and public life, which require regulation by laws, whose main function is the adoption of laws of Ukraine [8, p.5]. Legislative power in Ukraine, according to Y. Fritsky, is the main branch, or form, type of the unified state power, built on the principle of distribution of the only state power, which is exercised by the only legislative body in Ukraine - the Verkhovna Rada of Ukraine, on the basis of powers determined by the Constitution, with the help of organizational, legal and organizational forms of activity and appropriate methods of work, in order to adopt laws and other regulatory legal acts on issues of their own powers in the sectors of state building, social and cultural development, the state budget, the formation of foreign and domestic policy, the formation of state bodies defined by the constitution on the basis of cooperation and coordination with other branches of government using a system of checks and balances and parliamentary control [8, p.7]. Consequently, it was the Verkhovna Rada of Ukraine that remained capable of taking active steps and upholding democracy in Ukraine.

Acting in the interests of society and in the conditions of the new reality, the Verkhovna Rada of Ukraine, being in the same format and convocation, adopts a legislative act that is aimed at restoring its power and democratic principles of functioning and establishing the rule of law in the state, meeting requests for the restoration of justice, legality, human and civil rights and freedoms. Obviously, the legislative initiatives and decisions of the Verkhovna Rada of Ukraine on legislative regulation of the legal consequences of the subjects of the right to freedom of peaceful assembly were aimed at achieving the stated objectives.

The Law of Ukraine "On elimination of negative consequences and prevention of prosecution and punishment of persons regarding events that took place during peaceful assemblies" [1] contained 5 articles, which referred to the need to exempt from liability persons who participated in protests and mass events regarding their actions and decisions during the period from November 21, 2013 to the date of entry into force of this Law (Article 1 of this Law). Administrative offenses initiated in connection with the events specified in Article 1 on new criminal proceedings and proceedings on administrative offences may not be initiated in relation to the events specified in Article 1 of this Law (Article 1 of this Law). Persons who have been held criminally liable or liable for administrative offences in respect of the events referred to in article 1 of this Law shall be released from liability and shall be recognized as having no criminal record or liability for administrative offences. The course of events that took place in Ukraine in December 2013 - early 2014 showed that the norms of the mentioned Law were rather vague, and

some provisions of this Law, in particular in terms of closing of open proceedings on administrative offenses, must be quite unstable, if not without any legal basis, since the rules of the Code of Administrative Offences of Ukraine, do not contain norms that would regulate the opening of proceedings on cases of administrative rights. The provision that no new criminal or administrative offence proceedings may be commenced in respect of protests and mass events from November 21, 2013 to the date of entry into force of this Law is also incorrect, since there is enough information on opening of criminal proceedings. Circumstances, which may provide evidence of committing a criminal offence (Article 214 of the Code of Criminal Procedure of Ukraine), which cannot provide an exhaustive answer about the place, time, participants in such an event, and the like. The specified circumstances shall be established in the course of criminal proceedings and an appropriate legal decision shall be taken based on the results of the collected evidence.

In our opinion, the adoption of the Law of Ukraine "On eliminating negative consequences and preventing the prosecution and punishment of persons regarding events that took place during peaceful assemblies" pursued not so much the legal goals that would be accompanied by the relevant legal consequences, as the political goals - in particular, to ease the social and political tension that was in December 2013, to stop peaceful assemblies, and so Ukrainians gave up any intention of exercising their right to freedom of peaceful assembly.

Socio-political sentiments both among the Ukrainian people and among those political elites, who tried on the role of leaders of the whole people, could not agree with such legal norms, which, in our opinion, were a political declaration more than means of legal regulation of social relations on the application of legal (administrative, criminal) responsibility to subjects of the right to freedom of peaceful assembly or release of the latter from such legal responsibility. As a result, on January 16, 2014, almost a month after the adoption of the Law of Ukraine "On the elimination of negative consequences and prevention of prosecution and punishment of persons concerning the events that occurred during peaceful assemblies", the Verkhovna Rada of Ukraine, being aware of the state in which the Ukrainian civil society, as well as the statehood of Ukraine is, adopted the Law of Ukraine "On Amendments to the Law of Ukraine "On eliminating the negative consequences and preventing the prosecution and punishment of individuals for events that took place during peaceful assemblies" [3], stating the text of the Law of Ukraine "On the elimination of negative consequences and prevention of prosecution and punishment of persons concerning Lawmakers decided to exempt from criminal liability in the manner and under the conditions specified in this Law, persons who are suspects or accused (defendants) of committing in the period from November 21 to December 26, 2013, including the crimes under Article 109 (actions aimed at violent change or overthrow of the constitutional system or seizure of state power), 122 (intentional moderate bodily injury), 161 (violation of equality of citizens on the basis of their race, nationality, regional origin, religious beliefs, disability and other characteristics), 171 (obstruction of lawful professional activities of journalists), 185 (theft), 194 (intentional destruction or damage to property), 259 (deliberately untruthful reporting of a threat to the safety of citizens, destruction or damage to property), 279 (blocking of transport communications, as well as entrainment of a transport company), 289 (illegal possession of a vehicle), 293 (group disorderly conduct), 294 (mass riots), 295 (calls to commit acts that threaten public order), 296 (hooliganism), 341 (entrapment of state or public buildings or structures), 342 (resistance to a representative of authority, law enforcement officer, public performer, private performer, member of public formation from protection of public order and state border or military personnel, authorized person of the Deposit Guarantee Fund of individuals), 343 (interference in the activities of a law enforcement officer, forensic expert, employee of the state executive service, private performer), 345 (threat or violence against a law enforcement officer), 348 (attempt on the life of a law enforcement officer, member of a public formation from the protection of public order and state border or military personnel's), 349 (entrapment of a representative of

authority or law enforcement officer as a hostage), 365 (abuse of power or official authority by a law enforcement officer), 376 (interference with the judiciary), 382 (failure to comply with a court order), 386 (hindering the appearance of a witness, victim, expert, specialist, forcing them to refuse to testify or to give a conclusion) of the Criminal Code of Ukraine, provided that these crimes are related to the mass protests that began on November 21, 2013, and to close the relevant criminal proceedings. Such changes did not affect the effectiveness of regulation of social relations, especially in conditions when the judiciary and law enforcement agencies preferred not legislative norms (which also in terms of their legal certainty, both for understanding and on technical and legal issues), which did not comply with the current Ukrainian legislation, but the authoritarian imperative influence in the constructed hierarchical system of power in Ukraine.

Among the aforementioned we would like to highlight the specific features of the criminal offenses, for the commission of which the persons - subjects of the right to freedom of peaceful assembly were subject to exemption from legal liability. Of the 23 articles defined in the list of the Criminal Code of Ukraine, it is safe to say that only 14 were directly related to the subjects of the exercise of the right to freedom of peaceful assembly (109 (actions aimed at a violent change or overthrow of the constitutional order or at seize of state power), 279 (blocking of transport communications, as well as seizing of transport company), 293 (group violation of public order), 294 (mass riots), 295 (calls for actions threatening public order), 296 (hooliganism), 341 (hijacking of state or public buildings or structures), 342 (resistance to a representative of authority, law enforcement officer, public performer, private performer, member of public formation from protection of public order and state border or military personnel, authorized person of the Deposit Guarantee Fund of individuals), 343 (interference in the activities of a law enforcement officer, forensic expert, employee of the state executive service, private performer), 345 (threat or violence against a law enforcement officer), 348 (attempt on the life of a law enforcement officer, member of a public formation from the protection of public order and state border or military personnel's), 349 (entrapment of a representative of authority or law enforcement officer as a hostage), 382 (failure to comply with a court order), 386 (hindering the appearance of a witness, victim, expert, specialist, forcing them to refuse to testify or to give a conclusion), since it is possible to assume that such acts may have been committed entirely by the subjects of the exercise of the right to freedom of peaceful assembly while opposing the actions of the public administration, which attempted in every way to limit or prohibit the exercise of this law. The rest of the corpus delicti of criminal offences, such as 122 (intentional bodily harm), 161 (violation of equality of citizens on the basis of their race, national or regional identity, religious beliefs, disability and other grounds), 171 (obstructing the lawful professional activities of journalists), 365 (abuse of power or official authority by a law enforcement officer), 376 (interference in the activities of the judiciary), they were about the representatives of the subjects of public administration, to the sphere of interests of which belonged the establishment of restrictions or in general - prohibitions on the exercise of the right to freedom of peaceful assembly, as the right of people to resistance and revolt to usurpation of power, directs the latter in the direction of an anti-democratic regime. Thus, the authorities strived for parity: exempting from liability as subjects the exercise of the right to freedom of peaceful assembly, the right of which was illegally restricted or the implementation of which was prohibited, as well as avoiding liability to the representatives of power themselves not only from unreasonable and dishonest use of power granted by the people, but also from unlawful actions against the Ukrainian people - the source of all power in Ukraine.

As a result, the Law of Ukraine "On elimination of negative consequences and prevention of prosecution and punishment of persons concerning the events that took place during peaceful assemblies" in the new edition "lived" almost a month and expired under the Law No. 743-VII of 21.02.2014. Such rapidity of the legislative act, is not due to the phenomena of social reality, in particular ensuring the freedom to exercise the right to peaceful assembly, but rather the imper-

fection of the legislative process and the extreme promptness in making legislative decisions aimed at partial and temporary filling the gaps of legal and, above all, legislative regulation, implementation and exercise of the right to freedom of peaceful assembly.

On January 29, 2014 at the legislative level it was realized that the exemption from liability for the exercise of the right to freedom of peaceful assembly and participation in such actions has not pacified the Ukrainian people, because these norms have not found effective and rapid implementation of them in the legal and social reality, as such actions continued in Ukraine, the Verkhovna Rada of Ukraine adopted the Law "On elimination of negative consequences and prevention and punishment of persons in connection with events that took place during peaceful assemblies" [4], which was intended, guided by the principle of humanity, to exempt from prosecution and punishment persons in connection with mass protests, and in fact duplicated the Law of Ukraine "On eliminating the negative consequences and preventing the prosecution and punishment of individuals for events that took place during peaceful assemblies" as amended by the Law of Ukraine "On Amendments to the Law of Ukraine "On the elimination of negative consequences and prevention of prosecution and punishment of persons on the events that occurred during peaceful assemblies". However, he also had his own "short stories", since in Art. 6 clearly provided for the subjects to whom it applied: regarding suspects, criminal cases in respect of which are carried out by the pre-trial investigation bodies, - by the court, within the territorial jurisdiction of which the pre-trial investigation is carried out, at the request of the suspect, his defense counsel, legal representative or prosecutor, who exercises procedural guidance relevant pre-trial investigations; relevant petitions are filed without conducting a pre-trial investigation in full; with respect to the accused (trial), whose criminal cases are carried out by the court and have not been considered by the entry into force of this Law, as well as with respect to the accused (trial), whose criminal cases have been considered, but the sentences have not gained legal force, - by the courts that carry out the relevant judicial implementation at the request of the accused (judicial), his defense counsel, legal representative or prosecutor, who maintains public prosecution; regarding convicts - by the courts that adopted the relevant verdicts, at the request of the convicted person, his defense counsel, legal representative or prosecutor who carried out the support of public prosecution; within the framework of criminal cases provided for in Article 3 of this Law - by the prosecutor, who exercises procedural management of the relevant pre-trial investigations, without conducting a pre-trial investigation in full; regarding persons to whom an administrative penalty in the form of administrative arrest is applied - by the courts that issued the relevant decisions, at the request of the person subjected to administrative arrest, his defense counsel or legal representative. In addition, the norms of this law established that such "amnesty" was not "automatic" as a result of the adoption of this law, and the court decides the application of the law in a court session (Article 7 of the Act). In this way, the Verkhovna Rada of Ukraine, by adopting a political and legal decision in the form of a corresponding legislative act, tried to remove itself from the social and legal processes associated with the establishment of the rule of law and humanism, leaving the solution to the courts, which are empowered to establish the truth in cases, making appropriate legal decisions that must justify the social and legal expectations of both individual citizens and Ukrainian society as a whole. Only on February 21, 2014, after more than one such peaceful participant was killed in the central part of Kiev, where protests were held, the subject of the state-guaranteed right to freedom of peaceful assembly, it became clear that the initiatives adopted by legislators to exempt the use of the guaranteed right to freedom of peaceful assembly are not effective, do not find the desired positive response not only among the Ukrainian people and possibly among the direct executors in the face of authorized state bodies and as a result, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On prevention of prosecution and punishment of persons regarding the events that took place during peaceful assemblies and the recognition of the invalidity of certain laws of Ukraine" [2]. The norms of this legislative act were to exempt from administrative responsibility persons who were participants

of the mass protest actions that began on November 21, 2013, for committing any administrative offenses in the period from November 21, 2013 to the date this law came into force, including any administrative violations, provided for by these personal data shall be destroyed in the manner prescribed by law.

According to the results of the study of the content of these legislative acts, we can confidently say that the adoption of the latter formed a certain legislative precedent of legal regulation of the right to freedom of peaceful assembly by eliminating a separate category of subjects exercising the right to freedom of peaceful assembly in Ukraine in a certain period of legal, in particular criminal liability. Thus, the legislative body of state power aimed at simultaneously eliminating all the negative factors, which in a fairly limited time were "worked out" by the executive authorities represented by the relevant state institutions authorized to conduct investigations and bring persons to administrative responsibility, first of all administrative and criminal, and sometimes all judicial, since a number of court decisions, in particular in cases of administrative offenses, have been brought to execution, in particular in cases where administrative penalties in the form of administrative detention for up to 15 days were imposed on persons.

The adoption of the above-mentioned regulatory legal acts did not mean that the social expectation of the subject of legislative power was filled, namely the effective regulation of social relations from the exercise of the right to freedom of peaceful assembly in Ukraine.

In our opinion, these legislative norms were not so much intended to regulate through legislation the freedom to exercise the right to peaceful assembly, but thereby demonstrated amnesty measures for participants of public actions: meetings, rallies, the so-called Auto-Maidan, etc. (including representatives of the authorities themselves, in particular the subjects of law enforcement) who as well "zealously" embodied the ideas of the ruling elite in the Ukrainian social environment of free people), rather than the legality of the implementation by these actors of their right to freedom of peaceful assembly. Undoubtedly, it cannot be noted that the amnesty took place in this way, since the amnesty is a full or partial release from serving the sentence of persons found guilty of committing a criminal offense, or criminal cases against whom the courts, but the sentences against these persons have not entered into legal force [9] , whereas, based on the content of the analyzed legislative acts, both those found guilty of committing the relevant offenses and those only accused were exempted from liability, or it was determined when it was necessary to stop the implementation of the facts related to the protests themselves.

Such scheme of legal regulation of the exercise of the right to freedom of peaceful assembly lays down a profound idea of neglecting the general principles of the legislative process of regulating human and civil rights and freedoms and its impact on social relations, as well as legally defined legal definitions and legal ideas and legal positions.

The Verkhovna Rada of Ukraine, possessing its own rich politicism, as it united politicians and political organizations and currents in some places with diametrically opposite visions of the course of social and political processes in the country, including those that took place in November 2013 - February 2014, ensured legalization of exemption from legal responsibility of persons whom the state apparatus represented by executive authorities, law enforcement bodies, with the involvement of the judicial branch of power tried to accuse, and in some places already brought to legal responsibility, in particular administrative, for violation of the order of participation in peaceful assemblies, as it is mentioned in all the mentioned legislative acts without exception, in particular in their titles, which should, according to all rules of legal technique, express the content of the rules that. At the same time, the legislature sought to preserve the legitimacy of the actions of the relevant subjects, individual officials who at the time of adoption of the legislative acts under study committed actions that under them had the will of the highest state officials, rather than the will of the only source of power in Ukraine - the Ukrainian people, as well as legislative norms. We are convinced that in this way the Verkhovna Rada of Ukraine ensured the liquidation of the aggravated conflict between the civil society, which was at the highest stage of

its activity, and the state apparatus. After all, by adopting a legislative act by which the Verkhovna Rada of Ukraine would have recognized the objectively illegal actions of government officials and noting the legality of the exercise by the people of Ukraine of their right to freedom of peaceful assembly, such legislative norms would have been a signal to bring the entire state apparatus, which at that time unfolded all its activities to suppress the interest of the Ukrainian people in unification with the European Community countries, to legal responsibility.

The adoption of these legislative norms, of course, was a necessity of the time, but this form of them became, in our opinion, only a device of the legislative power to the socio-political situation in the country. We assume that there should be these legislative acts, but they should have another name, more appropriate to their content and the idea, which pursued the interest of exemption from legal responsibility for contrived and falsified circumstances. In the case under study, the legislative norms did not exonerate the participants of peaceful assemblies, but only absolved them of responsibility, thus confirming the guilt of such people. Indeed, the order to destroy the personal data of the persons who were participants in the mass protests that began on November 21, 2013, which were obtained in connection with the participation of these persons in the protests, in the manner prescribed by law, is one of the external means of reassuring the public.

Legitimacy of law is determined by a certain legal thinking; it is in the modern historical period the law is the main normative element regulating society. And here a decisive role is played by a particular legal thinking, which determines the legal legitimacy of power [6, p. 70]. At the beginning of 2014 it was the Verkhovna Rada of Ukraine that was the national body that was least involved in the confrontation between the authorities and the people, the minimal trust in the Ukrainian Parliament - the representative body, was preserved in the people as the only source of power, and therefore these legislative acts could and were perceived by the society as an act of reconciliation of the authorities and its source - the people. In people's consciousness only the Verkhovna Rada of Ukraine remained that legitimate body because it was formed on the basis of direct suffrage, which could eliminate the negative factors that arose as a result of confrontation between people and state power, first of all interests of the person who at that time held the office of President of Ukraine. Undoubtedly, these legislative acts had an ad hoc character of applying their norms, but they reproduced the fact that peaceful assemblies, as a result of the exercise by the people of their guaranteed right to freedom of peaceful assembly, is an important democratic means of bringing the interest in the freedom of the Ukrainian people to the authorities, and the right to freedom of peaceful assembly is a unique right, which between the one that provides communication of the subjects of its implementation, acts as a guarantee of compliance with other rights and freedoms of man and citizen, a kind of right to rebel against the authorities that neglects the interests of its source.

In our opinion, this experience of regulating the right to freedom of peaceful assembly should be taken into account in further lawmaking activities aimed at providing conditions for the free exercise of this right, unhindered implementation, as well as establishing guarantees for the right to freedom of peaceful assembly, both functionally and institutionally. However, its norms should become an insuperable barrier primarily for subjects of state administration, law enforcement agencies, prosecutors, judicial authorities in inadmissibility to suppress peaceful assemblies. At the same time, the excessive politicization of both the legislative and rulemaking process, especially during the regulation of the right to freedom of peaceful assembly, negatively affects the democratic processes in any country of the world, nullifies the achievements of the rule of law and civil society and leads to complications in the socio-legal and state-political spheres.

Summarizing the research, we emphasize that the laws of Ukraine "On Elimination of Negative Consequences and Prevention of Prosecution and Punishment of Persons Concerning Events that Occurred during Peaceful Assemblies", "On Prevention of Prosecution and Punish-

ment of Persons Concerning Events that Occurred during Peaceful Assemblies and the Annulment of Some Laws of Ukraine", including their various revisions and changes to the laws of Ukraine, have only a one-time application of their norms, aimed at eliminating the mistakes of public authorities, which were made by individual officials of the latter regarding the subjects of the exercise of the right to freedom of peaceful assembly. In addition, the investigated legislative norms are similar in nature to the norms of legislative acts on amnesty, because they do not regulate the relations on exercising the right to freedom of peaceful assembly, but define the grounds and conditions of release from legal responsibility of participants of peaceful assemblies seeking to implement the guaranteed right to freedom of peaceful assembly. In turn, we are deeply convinced that the right to freedom of peaceful assembly should have effective preventive levers against unjustified or arbitrary interference in its implementation by representatives of public administration, state authorities or local authorities. In this regard, Ukraine urgently needs to approve, and sometimes to ensure the effective performance by such officials of their duties regarding non-interference in the exercise of the right to freedom of peaceful assembly, prohibiting the obstruction of its implementation by establishing appropriate legal liability measures for representatives of such state bodies, local authorities or other representatives of public administration. Only under such conditions the Ukrainian society will acquire real rather than imaginary features of civil society, and the state of Ukraine will become a state governed by the rule of law, where not only civilizational principles of the rule of law, respect for human and civil rights and freedoms are proclaimed, but also the latter are actually implemented, including through clear implementation by public authorities of their powers, prevention of their abuse through administrative discretion, priority of human rights and freedoms, including the right of peaceful assembly in the activities of such bodies.

An important step in this direction is to realize and understand the right to freedom of peaceful assembly: its form and content, or the content of the form and the formed content. The realization of such principles of the right to freedom of peaceful assembly is possible through the search and formation of a holistic understanding of the right to freedom of peaceful assembly through the prism of the natural law principle of law, which should find itself both in legislative norms and reflected in the relevant casuistic decisions of law enforcement bodies, first of all courts, through proper legal reasoning and complicity. An example of such an approach is the decision of the European Court of Human Rights, which widely, and most importantly, qualitatively, primarily from the perspective of legal science, uses natural-law prerequisites to justify its decisions.

Finally, it should be noted that modern civilizational society, which seeks not only to establish, but above all to develop the rule of law, democracy, freedom, equality and justice, should clearly define the freedom of exercise of the right to peaceful assembly, which should not be limited by the administrative discretion of public administration, but only by the rights and freedoms of third parties. Therefore, we believe that the right to freedom of peaceful assembly should have unquestionable freedom of exercise, with the power of state authorities to restrict or prohibit it being described in the law to the maximum extent possible, as well as effective judicial control over any administrative discretion of state administration representatives regarding measures to restrict or prohibit the right to freedom of peaceful assembly.

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