

ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВИ І ПРАВА; ІСТОРІЯ ПОЛІТИЧНИХ І ПРАВОВИХ УЧЕНЬ

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HISTORIOGRAPHY OF LEGISLATIVE ACTIVITY RESEARCH AT STATE AND LOCAL LEVELS

The article explores the historiography of the analysis and study of legislative activity at the state and local levels. It generalizes scientific approaches and directions of analysis by domestic and international scholars who have conducted detailed research and systematization of scientific works and summarized the main problematic aspects in scientific works and dissertations. Particular attention is paid to Russia's military actions against Ukraine, which negatively impact the state's development. It is proposed that scientists seek ways to address problematic aspects at a global level.

A proposal is made for domestic scholars to pay special attention to the legislative activity at the state and local levels in the present time, specifically during the wartime period. It is important to study and research the scientific achievements of international researchers and, by analyzing their works, consider both the negative and positive factors that influence the development of legislative activity. It is essential to apply positive foreign experience in practice, as military actions should not hinder the progressive development of state and local authorities or violate rights and freedoms.

Keywords: *scientific research, local level, legislative activity, state level, government bodies, local self-government bodies.*

Problem Statement and Relevance. Russia's military aggression against Ukraine has had a negative impact on the development of legislative activity. Due to military aggression, a large number of territorial communities were forced to relocate to safer areas. Scientific works thoroughly discuss the European integration development of our state and the study of compliance with key European legal standards. The problematic aspects arising in the field of legislative activity are important and attract the attention of many researchers. The topic is relevant because resolving the key problematic aspects of today in scientific achievements, adapting legislative activity at all levels to wartime conditions, provides opportunities for the development of legislative activities at both the state and local levels. The aforementioned points to key issues in the field of legislative activity and the necessity for scientists, lawmakers, and practitioners to find ways to resolve them.

Analysis of Recent Research and Publications. Analysis of scientific achievements shows that some aspects related to legislative activity at the state and local levels have been subjects of scientific study by philosophers and thinkers since the ancient period of antiquity. The key problematic aspects are analyzed in the scientific works of both domestic and foreign scholars, such as V. P. Barsky [1], Ya. Bernazyuk [2], S. L. Horyova [3], Zh. P. Doktorova [4], and others. We believe that a systematic, comprehensive analysis of legislative activity by government bodies and local self-government is sufficiently covered in our dissertation and scientific works by T. V. Kurus (T. V. Lysenko) [7], but due to the war, this topic has regained relevance.

The aim of the article is to analyze and study the historiography of legislative activity at the state and local levels.

Main Material. The study and analysis of scientific sources indicate that legislative activity has been the subject of thought and research by scholars and thinkers for a long time. The key terminology of lawmaking and legislation was laid down by ancient Greek philosophers and Roman jurists. Certain aspects of legislative and lawmaking activity have been studied by philosophers, scientists, and thinkers such as Hegel, Plato, G. Puchta, H. Kelsen, Cicero, K. Beseler, Montesquieu, F. Savigny, with domestic contributions by B. Kistiakovsky and others. During the Soviet era, significant contributions to the study of legislative and lawmaking activity were made by well-known researchers such as S. Alekseyev, Vedel, M. Voronov, O. Gavrilov, Zh. Dreyshev, O. Mitskevich, D. Kerimov, I. Kazmin, and others. This issue is explored in the scientific work on the historiography of scholars' views [7]. Important works include the monograph [5] and the dissertation research by V. Kosovych, dedicated to the technical-technological aspects of improving Ukraine's normative legal acts [6, p. 34]. The scholar investigates the mechanism of law-improvement activity, specifies the differentiation of technical-legal shortcomings depending on the possibility of their identification, and proposes a definition of the term "improvement of normative legal acts" as a legal activity carried out by law-making entities through the use of technical-technological tools aimed at preventing and eliminating shortcomings in normative legal acts; defines the main elements (structure) of law-improvement activity: its subjects, grounds, purpose, and forms of implementation [6, p. 34; 7].

It is appropriate to note that special attention should be paid to the scientific achievements of L. Luts, who, along with theoretical studies of problematic aspects of legislative activity, addresses legislative drafting and focuses on the practical application of theoretical provisions. It is impossible not to emphasize the immense scientific contribution of L. Luts. The scholar initiated the creation of the specialization "Legislative Drafting" for the training of specialists at the master's qualification level and founded her own scientific school, representatives of which study such relevant scientific problems as: "Theory of Sources of Law", "Theory of Lawmaking," "Philosophical and Theoretical Issues of Lawmaking in Ukraine" [14; 7, p. 34].

It is worth mentioning that, summarizing and systematizing scientific approaches to the issue of legislative activity at the state and local levels, before the war, in our scientific article and dissertation research, we identified the main directions of research and revealed the scientific achievements of scholars who made significant contributions to the study of various aspects of this problem:

- 1) philosophical and legal (V. Shyshko [14] and others);
- 2) the history of legislative activity (I. Terliuk [12], Yu. Tsvetkova [13] and others);
- 3) constitutional principles of legislative activity of government bodies and local self-government (V. Barsky [1] and others);
- 4) legislative activity in the context of comparative legal research (M. Muravska) [10];
- 5) theoretical and legal principles of lawmaking and legislative activity (Ya. Bernazyuk [2], V. Kosovych [6], A. Rybalkin [11] and others);
- 6) legislative activity in administrative law (S. Horyova [3], N. Lata [8] and others);
- 7) international legal aspects of legislative activity (Zh. Doktorova [4] and others) [7, p. 34].

It is also worth highlighting works published in foreign journals by R. Krupski [15] in Poland and M. Stehnei [16], I. Irtysheva [16], O. Gurina [16] in Latvia.

We believe it is appropriate to add to our analysis the development of legislative activity at the state and local levels during wartime and the legislative activity of government bodies and local self-government during military actions on a global scale. Humanity is on the threshold of military threats, and unfortunately, our country has faced Russian military aggression, and legislative activity cannot function in its usual mode.

Today, lawmakers must adapt to wartime conditions. It is unfortunate that our country has personally experienced the main problems of military actions and legislative activity. We believe these two directions deserve special attention from contemporary scholars and researchers. Perhaps, by analyzing the international experience of countries involved in armed conflicts and scientific research by scholars, the most effective solutions in the field of legislative activity can be found on a global level.

It should be noted that in our previous scientific works, we systematized scientific approaches to the problem of legislative activity by government bodies and local self-government in modern legal science and identified the following main directions of study and analysis of legislative activity at the state and local levels: theoretical and legal principles of lawmaking and legislative activity; legislative activity in the context of comparative legal research; philosophical and legal aspects of lawmaking and legislative activity; the history of legislative activity; constitutional principles of legislative activity; legislative activity in administrative law; international legal aspects of legislative activity. The large number of scientific achievements has been emphasized [7, p. 35]. Today, detailed study of legislative activity at the local and state levels during wartime in Ukraine is necessary.

A detailed study of scientific achievements shows that a large number of sources reveal the theoretical aspects of legislative activity at all levels. When we speak about the local level, it is reasonable to investigate territorial communities, which are currently experiencing difficult times in Ukraine, especially those affected by Russia's military actions against Ukraine. Many government bodies were forced to abandon their projects in their native territories and relocate to safer places.

The study of legislative activity is important and relevant today on a global scale, applicable not only in Ukraine during wartime but also in other countries experiencing armed conflicts. Military actions should not violate human rights. The proposal is to draw the attention of contemporary scholars to the pressing problems of legislative activity at the state and local levels during martial law in Ukraine. The issue of exchanging experiences will improve the main forms and directions of legislative activity during armed conflicts. Involving the international community will enhance the work of state and local bodies for the effective progressive development of the country, even in wartime conditions.

Legislative activity by government bodies and local self-government in Ukraine during martial law is not yet thoroughly studied. The main principles of legislative activity at the state and local levels are equality, democracy, legality, and planning. Security is the key foundation for the development of the state. Resolving key problematic aspects of today in scientific works, adapting legislative activity at all levels to wartime conditions, provides opportunities for the development of legislative activity.

Conclusions. The study and analysis of the historiography of the research base of legislative activity at the state and local levels indicate that despite the large number of scientific works on the directions of legislative activity by state bodies and local self-government, territorial communities, scientific study of legislative activity during martial law in Ukraine is important and relevant. Detailed research is required, considering military actions as a negative factor for state development.

Thus, due to the large number of domestic and international scientific works, the theoretical aspects of legislative activity at the state and local levels during armed aggression must be improved and studied by scholars on a global level, both in Ukraine and around the world.

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Т. В. Лисенко. ІСТОРИОГРАФІЯ ДОСЛІДЖЕННЯ НОРМОТВОРЧОСТІ НА ДЕРЖАВНОМУ ТА МІСЦЕВОМУ РІВНЯХ

У статті розкрита історіографія аналізу та вивчення нормотворчості на державному та місцевому рівнях. Узагальнено наукові підходи й напрями аналізу дослідження вітчизняних і міжнародних науковців, які провели детальне вивчення та систематизацію наукових доробків і здійснили узагальнення основних проблемних аспектів у наукових працях і дисертаційних дослідженнях. Звертається особлива увага на воєнні дії росії проти України, які негативно впливають на розвиток держави. Пропонується знаходження вченими та науковцям способів розв'язання проблемних аспектів на глобальному рівні.

Вноситься пропозиція для вітчизняних учених звернути особливу увагу на нормотворчість державного та місцевого рівнів сьогодення, а саме в період воєнного часу, вивчити та дослідити наукові здобутки міжнародних дослідників і, проаналізувавши наукові праці, врахувати негативні й позитивні чинники, які впливають на розвиток нормотворчої діяльності. Потрібним є застосування на практиці позитивного зарубіжного досвіду, адже воєнні дії не повинні впливати на прогресивний розвиток державних і місцевих органів та порушувати права й свободи.

Ключові слова: наукове дослідження, місцевий рівень, нормотворчість, державний рівень, органи державної влади, органи місцевого самоврядування.

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