UDC 341.1/.8
DOI https://doi.org/10.32782/2521-6473.2022-4.42

Ye. D. Streltsova
Doctor of Juridical Sciences, Professor,
Head of the Chair of General Legal Disciplines and International Law
Odesa I.I. Mechnikov National University
ORCID ID: 0000-0002-7114-1105

INTERACTION OF INTERNATIONAL AND DOMESTIC LAW: SOME REFLECTIONS ON THE ISSUE OF COMPLIANCE OF UKRAINIAN LAW WITH THE INTERNATIONAL LEGAL OBLIGATIONS OF UKRAINE

The article proposes an analysis of some aspects of the problem of the international law impact on the domestic law of Ukraine. It is highlighted that in the Ukrainian legal doctrine the issue of interaction between international and domestic law has recently been studied in connection with the increasingly active accession of Ukraine to international and regional legal spaces, which requires the adoption of the domestic legislative and organizational measures to ensuring the effectiveness and observance of the provisions of international law. In this study, the emphasis was placed on the implementation of international legal norms in Ukraine and the compliance of Ukrainian law with international legal obligations, as well as the observance of terminological identity as a separate issue of interaction between an international treaty and the legislation of Ukraine.

The article states that, according to the legislation of Ukraine, its change on the basis of international treaty obligations can occur solely as a result of the state's own actions, since this is within the competence of the sovereign. Therefore, the implementation of the norms of international law occurs either through the direct application of the relevant international legal norm sanctioned by the state, or by amending the legislation, or as a result of the so-called judicial implementation, when judicial practice adapts the law enforcement in accordance with international legal norms and standards.

Based on the study of the provisions of some international treaties and the relevant domestic legislation, conclusions were drawn regarding the domestic implementation of international treaties of Ukraine: the article states that it is necessary here to take into account the peculiarities of the international legal obligations of the parties, which is reflected in the texts of the treaties themselves; an international treaty of Ukraine implemented into the legal system of Ukraine by amending or adopting new legislative acts shall not be applied simultaneously with the legislative act in which its norms are included; the implementation of the norms of an international treaty does not always require the preservation of the terminological identity of the international treaty and the corresponding act of national legislation, etc.

The article concludes that, overall, the Ukrainian practice of harmonizing domestic law on the basis of international treaties is quite developed and diverse, but at the same time it is more spontaneous, intuitive than subject to certain rules or priorities. Nevertheless, the consistent desire to carry out its international legal obligations in terms of bringing the legislation in line with the requirements of international treaties allows us to state the openness and readiness of Ukraine for further integration into the universal and regional legal spaces.

Key words: *international legal obligations, international treaty, international law, domestic law, implementation, incorporation, international criminal law.*

Є. Д. Стрельцова. Взаємодія міжнародного та внутрішнього права: деякі міркування щодо питання про відповідність права України міжнародно-правовим зобов'язанням України

У статті пропонується аналіз окремих аспектів проблеми впливу міжнародного права на внутрішнє право України. Зазначено, що в українській правовій доктрині питання взаємодії міжнародного та внутрішнього права останнім часом досліджується у зв'язку з дедалі активнішим входженням України до міжнародного та регіонального правового простору, що потребує вжиття вітчизняних законодавчих та організаційних заходів щодо забезпечення ефективності та дотримання положень міжнародного права. У цьому дослідженні акцент зроблено на імплементації норм міжнародного права в Україні та відповідності законодавства України міжнародно-правовим зобов'язанням, а також на проблемі дотримання термінологічної тотожності як окремого питання взаємодії міжнародного договору і законодавства України.

У статті зазначено, що відповідно до законодавства України його зміна на підставі міжнародних договірних зобов'язань може відбуватися виключно внаслідок власних дій держави, оскільки це входить до компетенції суверена. Отже, імплементація норм міжнародного права відбувається або шляхом прямого застосування відповідної міжнародно-правової норми, санкціонованої державою, або шляхом внесення змін до законодавства, або в результаті так званої судової імплементації, коли судова практика адаптує правозастосування відповідно до міжнародно-правових норм і стандартів.

На основі вивчення положень окремих міжнародних договорів та відповідного вітчизняного законодавства зроблено висновки щодо внутрішньодержавного виконання міжнародних договорів України: у статті зазначено, що тут необхідно враховувати особливості міжнародно-правових зобов'язань сторін, що відображається в текстах самих договорів; міжнародний договір України, імплементований у правову систему України шляхом внесення змін або

прийняття нових законодавчих актів, не має застосовуватись одночасно із законодавчим актом, до якого включено його норми; реалізація норм міжнародного договору не завжди потребує збереження термінологічної тотожності положень міжнародного договору та відповідного акту національного законодавства тощо. У статті зроблено висновок про те, що загалом українська практика гармонізації національного законодавства на основі міжнародних договорів є досить розвиненою та різноманітною, але водночас вона є більш спонтанною, інтуїтивною, ніж підпорядкованою певним правилам чи пріоритетам. Проте послідовне прагнення до виконання своїх міжнародно-правових зобов'язань щодо приведення законодавства у відповідність до вимог міжнародних договорів дозволяє стверджувати про відкритість та готовність України до подальшої інтеграції в універсальний та регіональний правовий простір.

Ключові слова: *міжнародно-правові зобов'язання, міжнародний договір, міжнародне право, внутрішньодержавне право, імплементація, інкорпорація, міжнародне кримінальне право.*

Problem statement. In the Ukrainian legal doctrine, the issue of the interaction of international and domestic law has recently been actively investigated. In the conditions of modern military operations, this is not accidental: Ukraine is increasingly actively entering the international and regional legal spaces and, in particular, the granting the EU candidate status to Ukraine by the European Council on June 23, 2022 became an event of historical scale [1]. This requires the state to adopt legislative and organizational measures that will ensure effectiveness and compliance with provisions of international law [2, p. 514]. In this article an emphasis will be placed on some aspects of this multifaceted problem, namely implementation of international legal norms in Ukraine and the conformity of Ukrainian law with the international legal obligations; observance of terminological identity as a separate issue of the interaction of an international treaty and Ukrainian legislation will also be considered.

Analysis of the latest researches and publications. This topic is of both theoretical and practical importance, therefore is of a growing interest among a wide range of Ukrainian experts in the field of international public law, legal theory and legislation, as well as of foreign experts, including, Buromenskiy M., Sergiyenko N., Paliyuk V., Raskaley N., Kalakura V., Rabinovich P., Rudenko A., Radanovich N., Karvatska S**.,** Ferreira G., Thompson B., Ryngaert C**.** et al. For example, Buromenskiy M. focuses on the peculiarities of application in Ukraine of international treaties on the fight against organized crime; Mironenko N. and Sergiyenko N. analyze theoretical bases of interaction of international law norms and norms of domestic law; Karvatska S. explores the issue of interpretation of international law and its impact on national legal systems; Rabinovich P. and Radanovich N. set forth problems of domestic implementation of the European Convention for Human Rights, etc. [3].

Main part of the research paper. With regard to the international and domestic law interface two interconnected questions simultaneously may be raised: as to the domestic implementation of international legal norms in Ukraine and the conformity of Ukrainian law with the international legal obligations. In Ukrainian legal science, the study of this issue has a completely understandable practical orientation: in the conditions of multivector international legal influences on Ukrainian legislation, maintaining integrity and flexibility ensures the entry and stay of the state in modern international integration associations. The situation becomes even more complicated due to the absence of modern legislation on the interaction of international and domestic law of Ukraine, as well as the predominantly political, rather than legal, subtext of many decisions. The traditionally cited provision enshrined in art. 9 of the Constitution of Ukraine, which reads: "International treaties in force ratified by the Verkhovna Rada of Ukraine shall be a part of the national legislation of Ukraine" and para 1 of art. 19 of the Law On International Treaties of Ukraine, according to which **"**Current international treaties of Ukraine, the consent to be bound by which has been provided by the Verkhovna Rada of Ukraine, are part of the national law and are applied in accordance with the procedure prescribed for the norms of national law" [4], turns out to be insufficient to solve an array of practical issues faced by the Ukrainian law enforcement bodies, as well as by state bodies that are authorized to adopt legislative acts, and, therefore, obliged to respond promptly to the need to amend the legislation or to introduce new legal developments.

As is well known, there are two options for international legal obligations to be implemented into domestic legal order: first, by the direct application of an international legal norm, if the domestic law allows and recognizes the primacy of international legal norms over domestic ones. In this case, the legal conflict or a legislative gap in each case of law enforcement should be filled by an appropriate international legal norm binding on the state, but this does not remove the systemic issue of bringing national legislation in line with international law. Second, should the direct, immediate incorporation of an international legal norm be impossible, either due to the nature of such a norm or legislative prohibitions, a special transformation method requires legislation to give it domestic effect [5]. Overall, states carrying out their international obligations follow different practices in incorporating treaties within the state's legal structure, thus the effectiveness of the domestic implementation of international law norms "primarily depends on the organizational and legal measures that make up the content of the implementation mechanism, the purpose of which is to achieve the goals of the norms of international law" [6].

Accordingly, the state authorities in Ukraine need to clarify the presence or absence of an appropriate international legal framework, that is, an appropriate international legal obligation that serves as a ground for changing national legislation and law enforcement practice. Furthermore, another fundamentally important question is raised: what should be considered the international legal obligation that is sufficient to initiate these changes? Strictly speaking, the only

such an international legal obligation is an international legal norm. Thus, an international treaty, should it enter into force in an agreed manner, is a legal basis for the direct application of its norms in the domestic legal order of Ukraine, granted the observance of the rules related to the peculiarities of the treaty itself and the peculiarities of the unification of legislation as a certain technical and legal action. Such unification is based on an international legal norm articulated in an international treaty as an act of public law concluded and implemented in accordance with the Vienna Convention on the Law of Treaties, 1969 [7]. The incorporation of such an international legal norm, verbatim or without changing the content, into a domestic legal act completes the stage of the legislative unification in accordance with the norm of an international treaty. Another question raised is how to ensure the practical implementation of a treaty in accordance with the standard. In addition, it should be borne in mind that "in Ukraine the procedure and rules for the domestic implementation of the international law norms exist at the level of doctrinal ideas and beliefs, so do the types and means of national implementation" [8, p. 349].

Before proceeding any further, it is necessary to note that an international treaty must be acceptable for its direct application by the law enforcement authorities of the state. This is connected with its so-called self-executing or non-self-executing character. As is known, the doctrine of self-executing international treaties originated in the United States in the beginning of the 19th century and has successfully been used, although still poses many questions [9, p. 628]. In general, this doctrine is acceptable for states recognizing the direct effect of international legal norms in their domestic legal order, therefore, it is directly related to the law enforcement. Another equally important part of the self-executing doctrine is the possibility of using it to asses an international treaty to be implemented in national legislation: if such an agreement is not self-executing, then it must always be implemented through the adoption of appropriate legislation.

Ukrainian law provides for the direct application of international legal norms in the domestic legal order, which is indicated, as was mentioned above, by both Part 1 of Article 9 of the Constitution of Ukraine and Part 2 of Article 19 of the Law of Ukraine "On International Treaties" and is usually followed by law enforcement practice [1], as well as being actively developed by the doctrine.

On the other hand, some serious thought needs to be given to legal aspects of the application of non-self-executing international treaties in Ukraine: there is every reason to link the implementation of the norms of international treaties of Ukraine with the establishment of an appropriate procedure for self-executing and non-self-executing treaties. The concept of self-executing international treaties can be significant for Ukrainian legislation only subject to the so-called judicial implementation of their norms. This is possible only if the court is eligible to apply the norms of international treaties, and Ukrainian courts are, however they do not possess the proper procedural toolkit for evaluating Ukraine's international treaties, which can be used when deciding cases, because not all international treaties are intended for application by Ukrainian courts. In this sense, it would be relevant to turn to the experience of foreign countries, in particular of the USA, where a similar concept is recognized in the practice of federal courts, albeit facing certain difficulties in application [10, p.79-85].

The conclusion of an international treaty that has entered into force for Ukraine in accordance with the established procedure is an indisputable basis for introducing changes to legislative acts, regardless of whether such a treaty is self-executing or non-self-executing. Depending on the requirements of the legislation and taking into account the agreements of the parties to a treaty, a consent to the binding nature of the international treaty is to be given either by signing it or by approving it by an authorized state body. In Ukraine, in accordance with domestic procedures, a binding consent is given by the Verkhovna Rada of Ukraine by ratification [4] or by the Cabinet of Ministers of Ukraine by approval [11]. But this does not and cannot affect the legal force of an international treaty, in which the state of Ukraine is one of the parties, as well as the state's obligation to adhere to the legal principle of *pacta sunt servanda.*

As a separate aspect of the interaction of the international treaty and Ukrainian legislation the observance of terminological identity is considered. It is well known that conclusion of any international treaty may be achieved through the complex coordination of the positions of states, which apart of being based on political and economic factors, takes into consideration peculiarities of different national legal traditions, which means that the unity of legal terminology is not always achievable. In this regard it should be noted that the introduction of the provision "accepting an offer, promise or receiving an improper advantage by an official" (art. 368) instead of "accepting a bribe" (art.368) into the Criminal Code of Ukraine (hereinafter – CCU) [12] was justified by the need to bring the CCU into terminological compliance with the UN Convention Against Corruption [13]. However, this did not entail a change in the essence of Ukrainian legislation, which before this innovation had already provided for liability for such criminal behavior.

Yet, in some situations the legal terminological identity is required. It worth mentioning another legislative change – incorporation of the crime of torture into the CCU (art. 127). Before 2005, the CCU had not operated with such a term, although there was an obligation to unify the legislation on the basis of the UN Convention's

[1] See, for example, on the law enforcement practice recommendations: Про практику застосування адміністративними судами окремих положень Кодексу адміністративного судочинства України під час розгляду адміністративних справ: Постанова Пленуму Вищого адміністративного суду України № 2 від 06.03.2008 року. URL:http://zakon2.rada.gov.ua/laws/show/v0002760-08; Про деякі питання практики виконання рішень, ухвал, постанов господарських судів України: Роз'яснення. Президія Вищого господарського суду України № 04-5/365 від 28.03.2002 року. URL: https://zakon.rada.gov.ua/laws/show/v_365600-02;

against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment requirements [14]. Instead, torture, without using this term, used to be considered as a component of such a crime as "abuse of power". It is clear that in this case the issue is much broader and is not limited to terminological discourse solely. Therefore, the terminological correspondence of criminal law norms with the above-mentioned Convention was necessary precisely in view of the significant substantive consequences to which it leads, and not for the sake of an abstract achievement of terminological unity.

On the whole, international law does not impose obligations to observe terminological identity while unifying domestic law on the basis of international law, however, appropriate recommendations are being made in this regard. For example, the Legislative Guide for the Implementation of the UN Convention against Corruption warns that "… the content of the Convention is not authoritative and, in assessing each specific requirement, the actual language of the provisions should be consulted. Caution should also be used in incorporating provisions from the Convention verbatim into national law, which generally requires higher standards of clarity and specificity so as to enhance implementation, integration with the wider legal system and tradition and enforcement. It is also recommended that drafters check for consistency with other offences and definitions in existing domestic legislation before relying on formulations or terminology used in the Convention" [15].

Regarding the implementation policy of Ukraine on this issue, it should be formed taking into account the balance between the legal obligation to introduce the terminology used in the international treaty into the domestic legislation, and the expediency of preserving the terminology inherent in the national legal system.

Domestic implementation of international treaties into Ukrainian law should be carried out taking into account the peculiarities of particular treaties and their texts, related, for example, to the fact that the treaty may provide for a mandatory and/or optional requirement for international unification of legislation, which largely depends on the agreement of states at the stage of preparing the text. The unconditional requirement to implement norms of international conventions in accordance with a model contained in a treaty usually concerns issues that are of fundamental importance for the further development of human society in any sphere of life. First of all, these relates to international treaties on the prevention of international crimes and crimes against humanity, for example, as P.-M. Dupuy writes: "... the rules prohibiting the use of force, outlawing genocide, and establishing non-intervention, the rights of people, and the basic rights of the human person are parts of this substantial set of unifying rules" [16, p.795].

More often, the obligation to implement through the national legal systems is prescribed in the relevant articles of an international treaty. In addition, at first glance, it may seem that the international treaty itself has nothing to do with the unification of domestic legislation. Thus, the territorial scope of the UN Convention against Transnational Organized Crime, according to its Article 3, applies to crimes of a transnational nature, that "is committed: a) in more than one State; b) in one State but a substantial part of its preparation, planning, direction or control takes place in another State; c) in one State but involves an organized criminal group that engages in criminal activities in more than one State; or d) in one State but has substantial effects in another State." [17]. Nevertheless, national legislation must be adapted in advance to combat this category of crimes. Therefore, art. 5(1) of this Convention provides: "Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally". Thus, the Convention provides for the international legal unification of national legislation in terms of criminalizing responsibility for the creation of organized criminal groups whose activities may have transnational consequences.

This has directly affected the CCU, which provides for the concept of "a criminal offence committed by a group of persons, or a group of persons upon their prior conspiracy, or an organized group, or a criminal organisation", "criminal liability of organisers and members of an organised group or criminal organisation" [12, Art. 28, 30].

There is also another form of mandatory requirement to incorporate international law into domestic legislation. For example, art.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms states: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention" [18]. Although there is no direct instruction to change the legislation in these wording, it follows from the obligation of the state to guarantee the rights of all those under its jurisdiction, which will require the provision of the conventional legal order.

Regarding the optional requirement of giving treaties domestic effect, which allows a party to an international treaty to refrain from it, it should be noted that such a phenomenon is not rare and is typical for universal multilateral international treaties in a wide range of relations. In such cases an international treaty may establish the priority of the norms to be unified: from "obligatory" to "desirable". To illustrate, let us turn to the Convention against Corruption, which, as researchers note, depending on the wording of each individual article on the criminalization of corrupt actions, distinguishes them as those that are subject to mandatory criminalization and those whose criminalization is dispositive. It is the latter that is reflected in art. 22 of the Convention: "Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position." [13].

Thus, in the light of the above it is important to highlight the discretion of such norms, since they, within the framework of an international treaty, give the subject the right to determine his own behavior. Consequently, depending on the circumstances, the optional requirement of the domestic implementation of a treaty does not impose on a state taking an immediate action, but does not interfere with carrying out domestic implementation of a treaty either. Relevant public bodies remain bound by legal obligations to implement an international treaty into domestic legislation, albeit depending on the circumstances, but not abusing them.

International treaties imposing a requirement to bring national legislation into line with their norms are sometimes concluded in a form that would minimally complicate the process of domestic implementation. For example, legislation of Ukraine on liability for seizure of aircraft was adopted on the basis of the Convention for the Suppression of Unlawful Seizure of Aircraft [19]. The Convention has no indication of the "corpus delicti", instead it only contains comprehensive information on what kind of behavior the member states should recognize as criminal, so that they independently develop their legislation in accordance with the requirements of this treaty. This is exactly the way Ukraine went when setting criminal liability for the seizure of an aircraft in art. 278 of the Criminal Code of Ukraine "Hijacking of a rolling-stock, aircraft or sea/river vessel". The same approach was applied to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation [20].

The UN Convention against Corruption has employed a completely different approach describing in model forms the types of behavior that should be recognized as illegal, and not necessarily criminal. Most illustrative in this respect is article 20 "Illicit Enrichment": "Subject to its constitution and the fundamental principles of its legal sys- tem, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed inten- tionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income" [13]. Under this article a State may either criminalize illicit enrichment or establish civil liability for such acts. Ukraine has carried out its international obligation by passage of domestic legislation establishing criminal liability in art. 368-2 ("Unlawful Enrichment") of the CCU: "Acquisition by a person authorized to perform the functions of the state or local government of assets in a substantial amount, the legality of the grounds for acquisition of which is not confirmed by evidence, as well as the transfer of such assets to any other person…".

This example is also notable for the deviation of the Ukrainian legislator from the general rules regarding the preservation of the content of the international legal norm. Art.20 of the Convention imposing the obligation to adopt relevant domestic measures contains the very model of the norm proposed to states for implementation. Having recognized the admissibility of implementation through the criminalization of illicit enrichment, it would be advisable in this case to comply textually with the content of the international legal norm preserving the phrase "… a significant increase in the assets …that he or she cannot reasonably explain in relation to his or her lawful income" instead of replacing it with "assets ... the legality of the grounds for the acquisition of which is not confirmed by evidence." This is one of those cases when a state goes beyond the scope of an international treaty norm, however not violating international legal obligations.

Due regard should also be given to such a feature of international treaties as setting requirements for the unification of liability for violation of their norms. In particular, this, for example, concerns laws on the protection of intellectual property, which must be brought into line with the requirements of universal international treaties. Precisely that was a dominant argument to adopt series of laws that would ensure compliance with provisions of international treaties: the Law "On Amendments to Certain Legislative Acts of Ukraine Regarding Strengthening the Liability for Violating Rights to Objects of Intellectual Property Rights", 2001 (regulations on administrative liability) [21], the Law "On Amendments to the Criminal Code of Ukraine on the Protection of Intellectual Property Rights" 2006 [22], the Law "On Amendments to Certain acts of Ukraine on the legal protection of intellectual property in terms of fulfilling the requirements related to Ukraine's accession to the WTO" 2007 [23].

Quite controversial are cases when an international treaty refers to another international instrument, in respect of which the question of its implementation into domestic law may also arise: is it possible or admissible to incorporate the norms of other international documents, referred to by international treaties of Ukraine, into the legislation of Ukraine? Basically, researchers deny this possibility, referring to Part 1 of Art. 9 of the Constitution of Ukraine [24, p.64]. In our opinion, an international treaty containing a reference to a non-binding international act can be considered as internationally binding, provided the obligation of the state party to implement this non-binding act is directly indicated in the international treaty itself.

Thus, as shown above, Ukraine is a party to many international treaties providing standards with which domestic legal systems of the State parties need to be harmonized.

Conclusion. The entry of Ukraine into the global international legal space and the active desire to integrate into the European international legal space with the prospect of integration into the legal space of the European Union pose specific challenges for the state to strategically plan the adaptation of its legislation, taking into account national interests.

In this sense, States follow different practices in internationalizing treaty norms, that is, incorporating treaties within the state's legal structure so that the provisions can be implemented by state authorities, which requires the most careful and cautious attitude to different measures of implementation.

According to Ukrainian legislation, its change on the basis of international treaty obligations can occur solely as a result of the state's own actions, since this is within the scope of the sovereign's powers. Therefore, the implementation of the norms of international law occurs either through the direct application of the relevant international legal norm sanctioned by the state, or by amending the legislation, or as a result of the so-called judicial implementation, when judicial practice adapts law enforcement in accordance with international legal norms and standards.

International treaties of Ukraine remain the main basis for carrying out its international obligations. According to domestic procedures, consent to be bound by a treaty is granted by the Verkhovna Rada of Ukraine through its ratification or by the Cabinet of Ministers of Ukraine through approval. This does not and cannot affect the legal force of an international treaty where the state of Ukraine is a party, as well as the obligation of the state to comply with the international legal principle *pacta sunt servanda*. Thus, the question arises out of the need to maintain the unity of the international legal framework. This is the only methodological approach that ensures the constancy of the international legal position of the state in complying with its international legal obligations and minimizes legal conflict in domestic law based on the simultaneous application of international and domestic law.

For the domestic implementation of international treaties of Ukraine, it is necessary to take into account the peculiarities of the international legal obligations of the parties, which is reflected in the texts of the treaties themselves; an international treaty of Ukraine incorporated into legal structure of Ukraine whether by amending or adopting new acts of legislation should not be applied simultaneously with the act of legislation in which its norms were incorporated; the implementation of the norms of an international treaty does not always require the preservation of the terminological identity of the international treaty and the corresponding act of national legislation, etc.

Overall, the Ukrainian practice of the domestic law harmonization on the basis of international treaties is rather developed and diverse, however at the same time is more spontaneous, intuitive than subject to certain rules or priorities. Nevertheless, the consistent desire to comply with its international legal obligations in terms of bringing legislation in line with the requirements of international treaties makes it possible to state Ukraine's openness and readiness for further integration into universal and regional legal spaces.

Bibliography

1. Україна отримала статус кандидата на членство в ЄС**.** *Урядовий портал.* URL: https://www.kmu.gov.ua/news/ukrayina-otrimala-status-kandidata-na-chlenstvo-v-yes

2. Verdier P.-H., Vertsteeg M. International Law in National Legal Systems: An Empirical Investigation. *The American Journal of International Law*. 2015. Vol.109. № 3. Pp.514-533.

3. On this topic see, for example: Буроменський М. В. Деякі особливості застосування в Україні міжнародних договорів про боротьбу з організованою злочинністю. *Вісник Академії правових наук України*. 1999. № 2 (17). С. 50–58: Карвацька С.Б Інтерпретація міжнародного прав: доктрина і практика: монографія. Чернівці: Чернівец.нац.ун-т ім. Ю.Федьковича 2019. 504 с. Паліюк В. П. Застосування судами України Конвенції про захист прав людини та основних свобод. К.: Фенікс, 2004. 264 с.**;** Рабінович П. М., Раданович Н. М. Європейська Конвенція з прав людини: проблеми національної імплементації (загальнотеоретичний аспект). Львів : Астрон, 2002. 192 с. Раскалєй М. Особливості імплементації міжнародних договорів у внутрішній правопорядок у галузі повітряного права України. *Віче*. 2009. № 22; Стрельцова Є. Д. Уніфікація міжнародного права та імплементація його норм в законодавство держав в умовах глобалізації. *Формування і розвиток правотворчості в умовах трансформації суспільства*: монографія / за ред. В. П. Плавича. Одеса: Фенікс, 2018. С. 314-338; Ferreira G. Legal comparison, municipal law and public international law: terminological confusion? *The Comparative and International Law Journal of Southern Africa.* 2013. Vol.46, No.3. Pp. 337 – 364.

4. Про міжнародні договори України: Закон України від 29.06.2004 № 1906-IV. URL: https://zakon.rada.gov.ua/laws/show/1906-15#Text; Конституція України: Закон від 28.06.1996 № 254к/96-ВР. URL:https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text

5. On this topic see, for example: Денисов В. Н., Мельник А. Я. Розвиток правових засад та механізмів верховенства міжнародного права у внутрішньому праві України. *Взаємодія міжнародного права з внутрішнім правом України* / за ред. В. Н. Денисова. К.: Юстініан, 2006. С. 12–39; Буроменський М. В. Імплементація норм міжнародного права у конституційний правопорядок України. *Правова система України: історія, стан та перспективи*: у 5 т. Право, 2008. Т. 2. С. 59–76. Мицик В. В. Співвідношення і взаємодія міжнародного і внутрішньодержавного права. *Міжнародне публічне право* : підручник: у 2х т. / (за ред. Мицика В. В. Х.: Право, 2019. С. 222–244 (416 с.).

6. Раскалєй М. Особливості імплементації міжнародних договорів у внутрішній правопорядок у галузі повітряного права України. *Віче.* 2009. № 22. URL: http://veche.kiev.ua/journal/1744/

7. Vienna Convention on the Law of Treaties 1969. Done at Vienna on 23 May 1969. Entered into force on 27 January 1980. United Nations, *Treaty Series*, vol. 1155, p. 331. URL: https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

8. Буроменський М. В. Доктрина взаємодії міжнародного і українського права та національна судова практика. *Проблеми застосування міжнародних стандартів у правовій системі України*. К.: Юридична практика, 2014. С. 349.

9. Iwasawa Y. The Doctrine of Self-Executing Treaties in the United States: A Critical Analysis. *Virginia Journal of International Law.* 1986. Vol. 26. Pp. 627-692.

10. Sloss D., Van Alstine M. International Law in Domestic Courts. *Research Handbook on the Politics of International Law.* Edited by Wayne Sandholtz, John A. McCone Chair Christopher A. Whytock. Edward Elgar Publishing Limited The Lypiatts,. 2017. 608 p. Pp. 79 – 115.

11. Положення про порядок укладення, виконання та денонсації міжнародних договорів України міжвідомчого характеру: Затверджене Постановою Кабінету міністрів України від 17 червня 1994 р. № 422. URL: https://zakon.rada.gov.ua/laws/show/422-94-%D0%BF

12. Кримінальній Кодекс України: Кодекс, Закон від 05.04.2001 № 2341-III. URL: https://zakon.rada.gov.ua/laws/show/2341-14#Text

13. UN Convention against Corruption, New York, 31.10. 2003. *United Nations Treaty Collection*. URL: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-14&chapter=18&clang=_en

14. Convention against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment, New York, 10.12.1984. *United Nations Treaty Collection*. URL: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=_en 15.Legislative guide for the implementation of the United Nations Convention against Corruption Second Revised Edition 2012 UNITED NATIONS New York, 2012. URL: https://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/UNCAC_Legislative_Guide_E.pdf

16. Dupuy P.-M. The Danger of Fragmentation or Unification of the International Legal System and the International Court of Justice. *International Law and Politics.* 1999. Vol. 31. P.791-807.

17. United Nations Convention against Transnational Organized Crime and the Protocols Thereto 15 November 2000. URL: https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

18. Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 04.11.1950. URL: https://www.echr.coe.int/Documents/Convention_ENG.pdf

19. Convention for the Suppression of Unlawful Seizure of Aircraft, Hague, 16.12.1970. URL: https://treaties.un.org/doc/db/terrorism/conv2-english.pdf

20. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montréal, 23.09.1971. URL: https://treaties.un.org/doc/Publication/UNTS/Volume%20974/volume-974-I-14118-english.pdf

21. Про внесення змін до деяких законодавчих актів України щодо посилення відповідальності за порушення прав на об'єкти права інтелектуальної власності: Закон України від 05.04.2001 № 2362-III. URL: https://zakon.rada.gov.ua/laws/show/2362-14

22. Про внесення змін до Кримінального кодексу України щодо захисту прав інтелектуальної власності: Закон України від 09.02.2006№ 3423-IV. URL: https://zakon.rada.gov.ua/laws/show/3423-15#o2

23. Про внесення змін до деяких законодавчих актів України щодо правової охорони інтелектуальної власності стосовно виконання вимог, пов'язаних із вступом України до СОТ: Закон України від 31.05.2007. № 1111-V URL: https://zakon.rada.gov.ua/laws/show/1111-16

24. Буроменський М. В. Імплементація норм міжнародного права у конституційний правопорядок України. *Правова система України: історія, стан та перспективи*: у 5 т. Право, 2008. Т. 2. С. 59–76.