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FULFILMENT OF CONSTITUTIONAL DUTIES IN THE EU AND UKRAINE

Currently, in analyzing the legal support for the fulfillment of various types of constitutional duties by individuals and citizens of the EU member states and Ukraine, the constitutional doctrine does not take into account the following main

transitional factors: enshrining the duties of a person and a citizen in international treaties on human rights; procedures for obtaining citizenship; deepening integration between EU member states and between EU member states and non-EU countries; development of civil and political society; growing scale and magnitude of threats to international peace and security.

Enshrining the duties of a person and a citizen in international treaties on human rights imposes on the state the obligation to create an effective mechanism for ensuring that a person and a citizen fulfill their duties. The ineffectiveness of this mechanism, he notes, indicates the country's dishonest fulfillment of its international obligations and violation of the norms and principles of international law. At the same time, enshrining the duties of a person and a citizen in international human rights treaties is not a one-time process. Social relations, spheres of responsibility of individuals and citizens, mechanisms guaranteeing their fulfillment of their duties are developing.

Another factor to consider when looking for ways to ensure that a person fulfills their duties is EU citizenship. EU citizenship is derived from national citizenship, as its existence directly depends on the presence of citizenship of an EU member state, but it is not dual citizenship, since the EU founding treaty does not establish a system of independent citizenship (so-called «European citizenship»), but only establishes the status, which complements the national identity [1, p.32].

EU citizenship is additional to national citizenship and does not replace it (*Article 9 of the Treaty on the EU*), but in addition to the duties of a person and a citizen of an EU member state by Part 2 of Article 20 of the Treaty on the Activities of the EU, EU citizens also have duties. The EU should create an effective mechanism to ensure that EU citizens fulfill their obligations. Member States bear legal responsibility for non-fulfillment or improper fulfillment of their obligations arising from the EU citizenship system. In addition, the means of ensuring that individuals and citizens of EU Member States fulfill their constitutional obligations in EU Member States must also be effective. The legal means of ensuring the fulfillment of the duties of EU citizens and the legal means of fulfilling the constitutional duties of individuals and citizens of the EU member states must be connected.

In addition, the increasing degree of integration between EU member states, as well as between EU member states and non-EU states, is a factor affecting the means of ensuring that EU member states to fulfill their civic duties. In 2018, approximately 672,300 people received citizenship in one of the 27 EU countries, of which 15,400 were from Ukraine. When a state has many citizens with multiple citizenships, it is necessary to establish an effective mechanism to ensure that persons with dual citizenships in different EU member state fulfill their constitutional obligations. «Dual citizenship allows you to enjoy the rights, their guarantees, laws and social protection of citizens of two countries at the same time... Choosing one or another permanent residence status, dual citizenship is more convenient to «activate» the more convenient status of a citizen of such a state, at the same time it suspends the exercise of rights and freedoms and duties of citizens of another state, notes, but «...if the state does not pay attention to the presence of other citizenships among its citizens, the state will thereby endanger its sovereignty» [2, p.115].

In addition, the problem of multiple citizenships during mobilization becomes relevant because of the growing scale and threats to international peace and security. In particular, for Ukraine, the issue of dual/multiple citizenships is extremely relevant for several reasons. First, it is directly related to the Ukrainian diaspora - the «old» diaspora, which includes generations, and the new diaspora, immigrants who left during the independence of Ukraine, but wanted to maintain ties with Ukraine.

Secondly, it is necessary to find civilized ways of solving the above-mentioned problem of having two passports for representatives of compactly living national minorities - primarily for Hungarians and Romanians.

Thirdly, it is necessary to find a way out of the situation that threatens the national security of Ukraine, connected with the appearance of a large number of Ukrainian citizens who have Russian passports. This has already happened in the occupied territories, where hundreds of thousands of residents received Russian citizenship thanks to the active support of this process by the Russian Federation [3,p.410].

Thus, in the analysis of the legal provision of the fulfillment of various types of constitutional duties of a person and a citizen in the EU member states and in Ukraine, the following main transitional factors must be taken into account: international treaties on human rights, the introduction of EU citizenship, deepening integration between member states, development of civil and political society, the growing scale and magnitude of threats to international peace and security.

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ДО ПИТАННЯ ПРИСВОЄННЯ ПОВЕДІНКИ МІЖНАРОДНІЙ ОРГАНІЗАЦІЇ

Питання присвоєння поведінки міжнародній організації регламентується статтями 6-9 Глави II Статей про відповідальність міжнародних організацій