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Estatus jurídico, poderes y funciones del Ministerio de Justicia de Ucrania en el marco del sistema de protección de los derechos sociales de las personas y los ciudadanos

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Resumen. El artículo examina el papel institucional del Ministerio de Justicia de Ucrania en el sistema de protección de los derechos sociales humanos y ciudadanos. El objetivo del trabajo fue determinar la situación jurídica, las competencias y las funciones del Ministerio en el contexto de los desafíos sociopolíticos y de seguridad actuales, así como analizar las características clave de su capacidad institucional. Para ello, se utilizaron diversos métodos: análisis y síntesis, lógico-semántico, formal-jurídico, comparativo-jurídico, generalización científica, causal y estadístico. Los resultados del estudio mostraron que el Ministerio de Justicia desempeña un papel multifuncional como órgano ejecutivo central responsable de la formulación de la política estatal en materia de derechos humanos y ciudadanos, la coordinación de la asistencia jurídica

gratuita, los registros estatales, un mecanismo preventivo contra la tortura y la aplicación de las normas internacionales. Se realizó un análisis comparativo con los enfoques de la UE y el Consejo de Europa, que reveló características comunes y diferencias en la protección institucional de los derechos sociales, humanos y civiles. Se hizo hincapié en el fortalecimiento de la coordinación interdepartamental, la capacidad de recursos y la digitalización de los procedimientos, lo que contribuirá al fortalecimiento del Estado de derecho. Las conclusiones corroboran la necesidad de seguir mejorando el marco regulatorio, la transparencia y la rendición de cuentas del Ministerio, así como una participación más activa de la sociedad civil para garantizar la protección efectiva de los derechos y libertades sociales de los ciudadanos.

Palabras clave: derechos sociales, persona, ciudadano, justicia, protección.

Legal status, powers and functions of the Ministry of Justice of Ukraine in the system of protection of social rights of humans and citizen

Abstract. The article examines the institutional role of the Ministry of Justice of Ukraine in the system of protecting the social rights of individuals and citizens. The aim of the article is to determine the legal status, powers and functions of the Ministry in the context of current political and security challenges, as well as to analyze the key signs of its institutional capacity. For this purpose, a complex of methods is used: analysis and synthesis, logical and semantic, formal and legal, scientific generalization, scientific legalization, causal-inheritance and statistical. The results of the investigation showed that the Ministry of Justice plays a multifunctional role as the central body of the crown government, responsible for the formation of government policy in the field of human and civil rights, coordination free legal assistance, state registries, a preventive mechanism against attacks and the implementation of international standards. A comparative analysis was conducted with the approaches of the EU and the Council of Europe, revealing common features and differences in the institutional protection of social human and civil rights. The emphasis is on strengthening interdepartmental coordination, resource capacity and digitalization of procedures, which will contribute to strengthening the rule of law. The conclusions substantiate the need for further improvement of the regulatory framework, transparency and accountability of the Ministry, as well as more active involvement of civil society to ensure real protection of social rights and freedoms of citizens.

Key words: social rights, people, citizen, justice, defense.

INTRODUCTION

Ukraine, having declared itself a state governed by the rule of law, has undertaken the obligation not only to declare the rights and freedoms of man and citizen, but also to ensure their effective protection and implementation. One of the key bodies performing this function is the Ministry of Justice of Ukraine. In its activities, it relies on the Constitution of Ukraine, international trea-

ties ratified by the Verkhovna Rada, as well as the norms of national legislation. In particular, the Constitution of Ukraine is the main regulatory legal act that enshrines the principles of a social state focused on ensuring a dignified human life. Article 1 defines Ukraine as a social and legal state, Article 3 establishes that human rights and freedoms are the highest social value, and their provision is the main duty of the state. Articles 21–24, 46–49 and 55–56 enshrine fundamental social rights, including the right to social protection, labor, healthcare, housing, education and judicial protection (Constitution of Ukraine, 1996). These provisions form the constitutional foundation for developing mechanisms for the implementation of social rights, in which the Ministry of Justice of Ukraine plays an important institutional role.

The Law of Ukraine “On the Cabinet of Ministers of Ukraine” (Law of Ukraine “On the Cabinet of Ministers of Ukraine”, 2014), the Law of Ukraine “On Central Executive Bodies” (Law of Ukraine “On Central Executive Bodies”, 2011), are of great importance, they determine the principles of the activities of ministries, including the Ministry of Justice, as well as the Law of Ukraine “On Free Legal Aid” (Law of Ukraine “On Free Legal Aid”, 2011), which is directly related to guarantees of access to protection of social rights of vulnerable categories of the population. In addition, the regulatory framework for the Ministry’s activities is formed by international instruments ratified by Ukraine, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950) and the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights, 1973), which determine the scope of the state’s international obligations in the field of social protection. According to the Decree of the President of Ukraine No. 501/2015 of August 25, 2015, it is the Ministry of Justice that is responsible for coordinating the implementation of the National Strategy in the Field of Human Rights, in which issues of ensuring social rights occupy a special place. The Ministry of Justice plays an important role in shaping state policy in the field of human rights and ensuring legal awareness of the population. Its activities include various forms and methods of protecting social human and civil rights - from developing legislative acts to providing free legal aid, ensuring access to justice, implementing national human rights strategies and ensuring the implementation of decisions of international courts (Decree of the President of Ukraine No. 501/2015 on approval of the National Strategy in the Field of Human Rights, 2015). Thus, the Ministry of Justice acts as a guarantor of compliance with social human rights in Ukraine, contributing to the strengthening of the rule of law and the protection of civil values.

The purpose of the study is to comprehensively disclose the institutional role of the Ministry of Justice of Ukraine in the system of protecting social human and civil rights, taking into account its legal status, powers and functions in the context of modern challenges caused by socio-political and security conditions. Special attention is paid to the analysis of the law enforcement activities of the ministry, determining its place in the nationwide mechanism for implementing and guaranteeing social rights and human freedoms, as well as outlining the key features of institutional capacity in the field of ensuring legal protection of the population.

LITERATURE REVIEW

A review of scientific and normative literature on the chosen topic demonstrates the presence of significant theoretical, legal and empirical work on the functioning of the system for the protec-

tion of social rights in Ukraine, as well as the role of state institutions in this process, in particular the Ministry of Justice.

Domestic researchers pay considerable attention to clarifying the conceptual apparatus in the field of social human rights. Thus, T. Babkova (2013) thoroughly analyzes the concept of social rights and freedoms, their classification and features, emphasizing that ensuring these rights requires effective state legal policy. In turn, N. Bocharova (2015) introduces the concept of a socio-legal mechanism for ensuring human rights, including both legal and institutional components. It is important that these studies are not limited to theory, but outline practical challenges in the field of law enforcement.

At the institutional level, considerable attention has been paid to the functioning of human rights bodies, in particular in the works of A. Bondarenko (2018), P. Kornienko (2013) and V. Kopcha (2019). They focus on the human rights function of the state as a component of the general system of public administration. O. Stasyuk (2017) and M. Savchenko (2000) examine the roles of the Constitutional Court of Ukraine and the Verkhovna Rada Commissioner for Human Rights in the system of protection of rights and freedoms, which allows us to better understand the boundaries of institutional responsibility.

A number of studies directly concern the activities of the Ministry of Justice of Ukraine in the field of rights protection. The monograph by Y. Sobol (2014) reveals in detail the administrative and legal mechanism for the implementation of the rights of socially vulnerable groups, including the disabled, emphasizing the role of public administration in this process. Resolution of the Cabinet of Ministers of Ukraine No. 228 (2014) establishes the organizational and legal status of the Ministry of Justice, granting it powers in the field of legal aid, anti-raiding, and public relations.

A separate category of sources is made up of international legal acts that Ukraine has implemented into its legal system, in particular the Convention for the Protection of Human Rights (CoE, 1950), the UN International Covenants (1966, 1973), the Convention against Torture (1992). They form the normative basis for the implementation of state policy in the field of social protection and are directly related to the functioning of the Ministry of Justice as an institution that coordinates human rights policy.

The issue of access to justice, which is key to the implementation of social rights, was studied by N. Gren (2015), I. Zharovska (2006), A. Luzhansky (2013) and S. Chorna (2020). They draw attention to the problems of barriers, lack of information and low legal culture of the population, which requires the Ministry of Justice to play an active role in spreading legal awareness.

In this regard, it is also worth mentioning official documents and reports, in particular, the Decree of the President of Ukraine No. 501/2015, which approved the National Strategy in the Field of Human Rights, as well as the Report of the Ministry of Justice of Ukraine for 2023 (2024), which reflects the current state of the provision of free legal aid, in particular in the context of the implementation of social rights.

Thus, modern literature and documents indicate the integral role of the Ministry of Justice of Ukraine as a subject of ensuring social rights, the implementation of which requires the interaction of legal, organizational and information and educational instruments within the framework of the constitutionally enshrined system of human rights.

RESEARCH METHODOLOGY

Within the framework of the hermeneutic analysis of documentary sources, an interpretation of regulatory legal acts, international obligations, statistical reports and scientific sources was carried out regarding the role of the Ministry of Justice of Ukraine in the context of ensuring social human rights. This analysis allowed us to identify key institutional mechanisms that operate at the intersection of law, policy and social practice.

The application of the hermeneutic method made it possible to understand not only the content of regulatory legal acts (the Constitution of Ukraine, the Regulation on the Ministry of Justice, laws in the field of social security), but also their contextual significance in the public administration system. It was found that the Ministry of Justice of Ukraine performs a number of functions that are essential for ensuring social rights, in particular, organizing the provision of free legal aid, implementing legal education policy, maintaining state registers, and participating in the preparation of reports to international bodies.

Interpretation of statistical data (Ministry of Justice, 2024) showed that more than 60% of recipients of free legal aid belong to socially vulnerable categories, which indicates the practical focus of the ministry's activities on the implementation of the principle of social justice. The hermeneutic circle allowed us to correlate these quantitative data with a qualitative analysis of programs and strategies aimed at strengthening social guarantees.

Socratic maieutics was used as a tool for reflective understanding of the positions of key research actors - experts, lawyers, and civil servants. A series of problematic questions ("How can we assess the real level of citizens' access to social rights?", "What should be the role of the Ministry of Justice in coordinating interdepartmental policy in this area?") allowed us to form a framework for identifying gaps in the regulatory, organizational, and managerial dimensions. These questions became the starting point for formulating recommendations.

Systematization of the obtained results allows us to draw the following conclusions:

- The institutional structure of the Ministry of Justice has the potential to perform a coordinating role in the field of social rights, but this function is currently implemented in a fragmented manner.
- The regulatory and legal framework defines the key powers of the Ministry of Justice, but does not provide sufficient integration between various executive authorities in the field of social protection.
- The practice of providing legal aid indicates a high level of demand from socially vulnerable groups, but there is a need for digitalization and expanding the availability of services.
- A comparative analysis with European models (EU, CoE) indicates a desire for convergence, but also reveals a lack of a systematic approach to the implementation of international standards.

Thus, the results of the study confirmed the relevance of the chosen methodology: hermeneutics allowed to reconstruct the semantic horizons of political and legal acts, while maieutics became a tool for identifying critical issues and forming substantiated proposals. Both approaches in interaction created the conditions for forming a holistic vision of the role of the Ministry of Justice of

Ukraine in the modern model of a legal state, where social rights are considered not as declarative, but as actually implemented guarantees.

RESULTS AND DISCUSSIONS

Human rights are enshrined and protected in international law and national legislative acts as general and equal provisions for all members of society that determine the limits of permissible human and citizen behavior (Sobol, 2014).

In the system of executive authorities of Ukraine, the Ministry of Justice occupies a special place as the central body responsible for the formation and implementation of state policy in the field of justice, as well as for coordinating measures to ensure the social rights and freedoms of humans and citizens. The institutional role of the Ministry of Justice in the system of protection of social human and citizen rights is determined by its multifunctionality, interagency nature of powers and direct responsibility for the implementation of international human rights standards in the national legal field.

According to statistics, in 2023 the Ministry of Justice of Ukraine provided free legal aid to more than 150 thousand citizens, of whom more than 60% were representatives of socially vulnerable groups (Official Report on the Provision of Free Legal Aid in 2023, 2024). This indicates the active role of the department in ensuring access to justice and social protection.

In scientific literature, the term “human rights function” is defined as the activities of state institutions aimed at guaranteeing, protecting, restoring and defending the rights and freedoms of a person and a citizen.

According to the position of P. Kornienko, the human rights function, which is carried out through the activities of state authorities, is aimed at the main goal - “real recognition and ensuring the effective operation of the principle of the rule of law in Ukraine” (Kornienko, 2013).

In a specialized study devoted to the issues of the human rights protection function of the state, the author A. Bondarenko defines the human rights protection function as a purposeful activity of the state aimed at ensuring the protection and implementation of human and citizen rights and freedoms, as well as at establishing the principles of legality and law and order in all spheres of public and political life. According to the scientific approach of this researcher, the protection of rights is considered as a complex of interrelated measures carried out by state authorities and civil society institutions, the purpose of which is mainly to prevent violations of human rights or eliminate obstacles to their implementation (Bondarenko, 2018).

It is worth noting that O. Stasyuk notes: the human rights function is an independent and priority area of activity of the state, the main goal of which is the protection of human and civil rights and freedoms (Stasiuk, 2017).

The protection of human and civil rights and freedoms, in turn, is interpreted as a constitutionally enshrined duty of the state, which is logically connected with the implementation of its main functions. In this context, the role of the state as a key institutional mechanism in solving fundamental issues of social development and satisfying various needs and interests of the population is emphasized (Kopcha, 2019).

In this context, the human rights function of the Ministry of Justice of Ukraine can be considered as a key instrument for implementing state policy in the field of human and civil rights protection. It is of particular importance in the area of ensuring social rights, which, in accordance with the Constitution of Ukraine and international legal acts, include the right to social protection, the right to work, to education, medical care, an adequate standard of living and housing. The content of this function covers a set of measures that include legal regulation in the field of social security, the organization of free legal assistance to low-income and vulnerable segments of the population, maintaining state registers of civil status acts (which is the basis for the implementation of many social rights), as well as monitoring compliance with rights and freedoms during the execution of court decisions, including those regarding social payments, pensions, alimony, etc. Such activities contribute not only to the effective implementation of constitutional guarantees in the social sphere, but also to strengthening the foundations of a democratic rule of law state, where human rights are not only declared, but also actually ensured.

In a broader sense, this function is a component of the institutional mechanism for the protection of social human and citizen rights, which encompasses a system of state authorities authorized to carry out relevant activities in accordance with their powers and functional purpose. According to the approach of O. Tkacheva, institutional mechanisms should be understood as a set of relationships between formal and informal state institutions that ensure the evolutionary development of norms, procedures, incentives and restrictions, and also contribute to the coordination of actions of various social groups in order to achieve common goals for the development of the entire system (Tkacheva, 2013).

In his scientific article, O. Fedorchak conducts a thorough analysis and systematization of scientific approaches to interpreting the essence of the category of “institutional mechanism”, considering it as a complex multi-level system that ensures the practical implementation of public administration functions and the achievement of certain goals of public policy. The author emphasizes that the institutional mechanism encompasses several key components (Fedorchak, 2017).

Firstly, it is a set of state authorities, local self-government bodies, as well as other entities that are directly involved in the process of forming and implementing state policy in a certain area of public life. Secondly, the institutional mechanism includes the regulatory framework that regulates the content, order, procedures and instruments of state administration in the relevant area. Thirdly, a significant component is state policy aimed at forming new institutions, eliminating irrelevant ones and transforming existing organizational structures that function within the state administration system (Fedorchak, 2017).

Thus, the conceptualization of the institutional mechanism in the work of O. Fedorchak allows us to comprehensively understand it as a dynamic system of interaction of organizational, regulatory and political elements that ensure the effectiveness of management processes within the framework of public policy. Such a mechanism includes the Ministry of Justice of Ukraine as one of the leading entities responsible for the implementation of state legal policy and ensuring compliance with social rights and human freedoms, in particular the right to social protection, healthcare, education, labor, housing and legal aid.

Within this mechanism, the Ministry plays a key role in shaping the regulatory and legal environment, coordinating the actions of executive authorities and implementing institutional changes necessary for the effective functioning of the system for protecting social human and citizen rights.

Particular attention should be paid to the tools through which these rights are implemented. In particular, this includes providing free legal aid to socially vulnerable categories of the population, maintaining a Unified State Register of Regulatory and Legal Acts, which ensures the openness and accessibility of legal information, implementing legal education programs aimed at raising citizens' awareness of their social rights, as well as monitoring compliance with human rights in penal institutions, with an emphasis on social guarantees for convicts.

The Ministry's activities also include interaction with international human rights structures, participation in the preparation of reports on the implementation of Ukraine's international obligations in the field of social rights, such as obligations under the International Covenant on Economic, Social and Cultural Rights, and the adaptation of national legislation to relevant European and international standards. This forms a systematic approach to the institutional provision of social rights as a fundamental element of human rights in a democratic society.

In this context, special attention should be paid to the concept of access to justice, since within the institutional mechanism for the protection of social human and civil rights, it is one of the key prerequisites for the implementation of the human rights protection function of the state. Access to justice is considered not only as a formal possibility of applying to court, but as a set of conditions that ensure the real ability of a person to effectively protect their rights and interests in a legal manner.

In the scientific discourse, there are different approaches to interpreting the essence of the right to access to justice. I. Zharovska suggests considering this right as a broad concept, covering a range of measures and means that ensure the ability of a person or other subject to freely apply to the justice authorities and receive protection of their rights. The author emphasizes that proper access to justice is possible only if it is ensured both at the national and international levels (Zharovska, 2006).

In this context, the approach of N. Gren is noteworthy, who, analyzing the provisions of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, considers the right of access to court as an integral part of the right to a fair trial. In her opinion, access to court implies the physical, legal, procedural and economic possibility of a person to apply to court and receive a fair decision without additional restrictions, such as the need for special permits, the completion of certain procedures or pre-trial settlement of the dispute (Gren, 2015).

For his part, A. Luzhanskyi interprets access to justice as an effectively guaranteed by law opportunity for a person to freely apply to court, obtain a final decision on the merits of the case, ensure its enforcement, and – if necessary – initiate the procedure for appealing it. According to the researcher, the right to access justice implies full provision of all international and national guarantees of a fair trial (Luzhanskyi, 2013).

Thus, the activities of the Ministry of Justice of Ukraine are an important factor in the development of accessible and effective justice, as they are aimed at eliminating legal, institutional and social barriers that may prevent individuals from exercising their right to judicial protection. Through initiatives in the field of legal education, simplifying procedures for accessing legal services and ensuring transparency in the functioning of the legal system, the Ministry creates conditions under which access to justice becomes real, rather than declarative.

Accordingly, when considering the institutional role of the Ministry of Justice of Ukraine, it is advisable to turn to the analysis of the regulatory legal acts that regulate its activities, as well as Ukraine's international obligations in the field of social human and civil rights.

The activities of the Ministry of Justice of Ukraine are regulated by a number of regulatory legal acts, among which the central place is occupied by the Regulation on the Ministry of Justice of Ukraine, approved by the resolution of the Cabinet of Ministers of Ukraine (On Approval of the Regulation on the Ministry of Justice of Ukraine: Resolution No. 228, 2014). The document outlines the main tasks of the Ministry of Justice, including coordination of actions in the field of human rights, maintenance of the Unified Register of Regulatory Legal Acts, organization of free legal aid, implementation of measures to prevent torture and ill-treatment. Special attention in the activities of the Ministry is paid to coordination of interaction with international organizations, in particular the Council of Europe, the United Nations, and the OSCE, which requires the body not only to follow international standards, but also to ensure reporting and compliance with Ukraine's obligations in the field of human and civil rights.

Ukraine is a party to key international legal instruments, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (Convention for the Protection of Human Rights and Fundamental Freedoms, 1950), the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights, 1966), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1992). These instruments impose international obligations on the state, which require the effective functioning of the national mechanism for the implementation of human rights. The Ministry of Justice is the body responsible for preparing reports to international monitoring bodies, as well as for implementing the decisions of the European Court of Human Rights, which is a key element in the implementation of international standards at the national level.

In addition, the legal regulation of social rights at the national level is based on the provisions of the Constitution of Ukraine (Constitution of Ukraine, 1996), the Law of Ukraine "On the Fundamentals of Social Protection of Homeless Persons and Street Children" (Law of Ukraine "On the Fundamentals of Social Protection of Homeless Persons and Street Children", 2005), the Law of Ukraine "On Social Services" (Law of Ukraine "On Social Services", 2019), as well as the Law of Ukraine "On State Social Assistance to Low-income Families" (Law of Ukraine "On State Social Assistance to Low-income Families", 2000). These acts define state guarantees in the field of healthcare, education, social security, employment of the population and support for vulnerable categories of citizens. The Ministry of Justice, within its competence, participates in the legal provision of the implementation of these guarantees, in particular through legal examination of regulatory acts, coordination of legal education programs and provision of free legal aid.

These acts impose obligations to ensure an appropriate national mechanism for the implementation of human and civil rights, including the right to social protection, a decent life, health care and education. The Ministry of Justice of Ukraine is the authorized body for preparing reports to international monitoring bodies and implementing ECHR decisions. However, institutionally this function is still mainly reporting, while the impact on the practical implementation of social rights is often dispersed between different departments.

The listed legislative acts have a common feature: they establish state guarantees of a social nature, but the institutional support of these guarantees remains scattered. The lack of a clear coordination function in the field of implementation of social rights between the Ministry of Justice and relevant executive bodies leads to duplication of functions, loss of efficiency and low accountability.

On this basis, in our opinion, it is advisable to propose a number of changes aimed at increasing the effectiveness of the institutional model of social rights protection:

First, this is assigning the Ministry of Justice a coordinating role in the field of ensuring social rights, with the ability to monitor their implementation and generate reports at the national level.

Second, developing a unified mechanism for assessing the state of implementation of social rights, which would include indicators of accessibility, quality and effectiveness of state and local social programs.

Third, creating interdepartmental working groups under the Ministry of Justice with the participation of representatives of civil society to develop legislative initiatives in the field of social protection.

It is important to expand the network of free legal aid, in particular through digital tools and mobile consultation points focused on socially vulnerable categories.

And, undoubtedly, strengthening the analytical function of the Ministry of Justice in the field of social law, including the development of an annual National Report on the State of Social Rights in Ukraine.

A comparative analysis of the institutional model of human rights protection in Ukraine with the approaches of the European Union and the Council of Europe indicates the presence of common trends, as well as specific differences. In particular, common features are the normative fixation of human rights at the highest level, the presence of monitoring and reporting mechanisms, as well as the functioning of structures responsible for the implementation of human rights policy. In the European Union, institutional protection of human rights is implemented through the activities of the European Commission, the European Court of Justice, the Fundamental Rights Agency, and the EU Ombudsman. In turn, the Council of Europe has an extensive system of monitoring compliance with human rights, in which the European Court of Human Rights, the Committee of Ministers, the Commissioner of the Council of Europe for Human Rights, as well as a number of specialized monitoring bodies, such as GRECO, CPT, and ECRI, play a key role. Unlike European supranational structures, the Ministry of Justice of Ukraine operates within the framework of national sovereignty, which determines the specifics of its powers and mechanisms for implementing human rights policy. In particular, the ministry does not have judicial competence, but performs the role of coordinator and executor of state policy, as well as the main channel of communication with international bodies.

Despite the above differences, the Ministry of Justice of Ukraine is increasingly adapting its activities to European approaches. In particular, internal monitoring tools are being introduced, the system of recording ECHR decisions and monitoring their implementation is being improved, and cooperation with civil society is being expanded. In the perspective of European integration, the key task remains to build the institutional capacity of the Ministry of Justice to implement human rights in line with leading European practices, which includes the implementation of the standards of the EU Charter of Fundamental Rights, strengthening accountability and transpar-

ency mechanisms, as well as institutional integration with the network of European human rights institutions. Thus, the national model of institutional support for human rights, which is embodied by the Ministry of Justice of Ukraine, demonstrates gradual convergence with the legal systems of the European Union and the Council of Europe, which is the key to the formation of an effective rule of law and strengthening the guarantees of fundamental human rights and freedoms.

The next important component in revealing the institutional role of the Ministry of Justice of Ukraine in the system of human rights protection is the study of the mechanisms for the implementation of constitutional rights implemented through the activities of this body.

As M. Savchenko notes, the basis of the mechanism for ensuring human rights and freedoms is legal principles, legal norms (guarantees), as well as conditions and requirements for the activities of state authorities, local governments, their officials, and citizens, which together ensure compliance, implementation and protection of human and citizen rights and freedoms (Savchenko, 2000). In turn, O. Skakun believes that the socio-legal mechanism for ensuring human rights and freedoms includes “a system of means and factors that provide the necessary conditions for respect for all fundamental human rights and freedoms, which are derived from their dignity. The concept of “socio-legal mechanism for ensuring human rights” emphasizes that the legal mechanism is part of the social and acts in unity with it” (Skakun, 2013).

In the complex concept of “social and legal mechanism for ensuring human rights”, which includes both legal and social aspects, we highlight as the main element the concept of “state and legal mechanism for ensuring the rights and freedoms of citizens”. This emphasizes, firstly, the special role of the state in protecting human rights (this can be called the duty of the state), and secondly, it allows us to reflect the organizational function of the state in developing and improving all social institutions and non-legal means of protecting the rights of citizens. It is with the help of state provision that the passive recognition of subjective rights is transformed into its real implementation. The goal of the modern state in relation to the analyzed category is to achieve real security of the rights and freedoms of man and citizen. Based on this, the essence of ensuring the rights of citizens is that this is an objectively necessary direction of the state’s activity, which reflects its social purpose and is regulated by law. It is closely related to the legal guarantees of human rights enshrined in constitutional and current legislation, and includes organizational and legal means (the activities of authorized state bodies and persons) through which a targeted effective influence is exerted on social relations in the field of implementation, protection and defense of human and civil rights and freedoms. The main purpose of the action of the mentioned mechanism is the protection and defense of subjective human and civil rights, its task includes the observance and restoration of violated individual rights through the judiciary and non-jurisdictional methods of protection (Bocharova, 2015).

Thus, the socio-legal mechanism for ensuring human rights is a complex multi-level system that combines legal norms, principles, institutions and activities of state authorities, ensuring not only formal recognition, but also the real exercise of the rights and freedoms of citizens. A special role in this process belongs to the state, which is obliged to create appropriate conditions for the functioning of this mechanism, including organizational and legal means of influencing public relations.

CONCLUSIONS

The institutional role of the Ministry of Justice of Ukraine in the system of protection of social human and civil rights is an important element of ensuring a democratic legal state. The defining areas of the ministry's activity in this area are: organization of free legal aid, maintenance of state registers, legal education, coordination of efforts with other authorities, as well as implementation of international standards for the protection of human rights. At the same time, the problems of fragmented regulatory support, insufficient resources, and non-systemic interdepartmental interaction remain relevant.

In order to increase the effectiveness of the institutional role of the Ministry of Justice of Ukraine in the field of social rights protection, the following relevant ways of its improvement are proposed:

- 1) Regulatory and legal improvement of the ministry's activities by developing a generalizing state policy or concept in the field of ensuring social human rights, which will allow systematizing powers and mechanisms for their implementation.
- 2) Institutional and organizational strengthening of the free legal aid system, in particular through its expansion in rural areas, increasing the level of training of specialists, developing digital services for legal advice, as well as intensifying interdepartmental coordination between the Ministry of Justice, the Ministry of Social Policy, and local governments.
- 3) Digitalization and legal education, including the implementation of online platforms for citizens' appeals, legal consultations and monitoring of violations of social rights, as well as conducting information campaigns involving public organizations, educational institutions and the media. Special attention should be paid to the adaptation of national legislation to the standards of the Council of Europe and the EU.

The implementation of these areas will strengthen the ability of the Ministry of Justice of Ukraine to perform its human rights protection function in terms of social rights, and will also contribute to the formation of an effective model of social justice, focused on European values and standards.

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