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The Principle of Separation of State Powers: Content and Purpose

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Abstract
The relevance of the article lies in the analysis of the content and meaning of the principle of separation of state powers. The purpose of the article is to analyze the internal content of the principle of separation of state powers, the types of its implementation in different countries, and its significance for the functioning of democratic legal statehood. To conduct the research, philosophical, general scientific, special scientific and legal methods were used, namely: dialectical method, systemic and structural-functional methods, comparative law, categories and techniques of formal logic, universal value-methodological guidelines. Based on the study of scientific developments and state legal practice, it has been determined that the principle of separation of state powers is an integral part of a democratic state, and the exercise of power is delegated to three independent branches of government. State power does not belong in its entirety to any of these branches of government, any body or person, and is concentrated in its source – the people. The delimitation of the competence of the highest state bodies is part of the organizational aspect of the theory of the separation of state powers. It is determined that according to the theory of the separation of state powers, state power is exercised through the organizational division of the institutional, functional, and subjective components of its division. The legally established system of checks and balances ensures the interconnection and coherence of the branches of state power, their interaction and mutual control. This system ensures the unity of state power. The results of this article are the justification of the need to enshrine at the constitutional level the principle of separation of state powers to ensure the sovereignty of the people, democratic and legal statehood, the presence of different models of functioning of this principle depending on the form of the state, legal traditions, historical experience, etc. The provisions of this article have both theoretical and practical significance for the activities of developing a model and consolidating the principle of separation of state powers in constitutional and legal practice.

Keywords: *separation of state powers; system of checks and balances; competence; parliament; president; body of constitutional jurisdiction.*

Принцип поділу державної влади: зміст і призначення

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Анотація
Актуальність статті полягає в аналізі змісту та значення принципу поділу державної влади. Метою статті є аналіз внутрішнього змісту принципу поділу державної влади, типів його реалізації в різних країнах та його значення для функціонування демократичної правової державності. Для проведення дослідження використовувалися філософські, загальнонаукові, спеціально-наукові та правові методи, а саме: діалектичний метод, системний та структурно-функціональний методи, порівняльно-правовий, категорії та прийоми формальної логіки, універсальні ціннісно-методологічні орієнтири. На основі вивчення наукових розробок та державно-правової практики визначено, що невід'ємною частиною демократичної держави є принцип поділу державної влади, а здійснення влади делеговано трьом незалежним гілкам влади. Державна влада не належить в повному обсязі жодній із цих гілок влади, будь-якому органу чи особі і концентрується в її джерелі – народі. Розмежування компетенції вищих органів держави входить до організаційного аспекту теорії поділу державної влади. Визначено, що згідно з теорією поділу державної влади державна влада здійснюється шляхом організаційного поділу інституційної, функціональної та суб'єктної складових її поділу. Законодавчо встановлена система стримувань і противаг забезпечує взаємозв'язок і злагодженість гілок державної влади, їх взаємодію і взаємний контроль. Ця система забезпечує єдність державної влади. Результатами даної статті є обґрунтування необхідності закріплення на рівні конституції принципу поділу державної влади для забезпечення суверенітету народу, демократичної і правової державності, наявності різних моделей функціонування цього принципу залежно від форми держави, правових традицій, історичного досвіду тощо. Положення цієї статті мають як теоретичне, так і практичне значення для діяльності з розробки моделі та закріплення принципу поділу державної влади в конституційно-правовій практиці.

Ключові слова: *поділ державної влади, система стримувань і противаг, компетенція, президент, орган конституційної юрисдикції.*

Introduction

It should be noted that the real division of state power into independent branches of power is the most important for the exercise of power in a democratic state. Art. 6 of the Constitution of Ukraine states: "State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial. The bodies of legislative, executive and judicial power exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine". For any democratic state, it is mandatory to enshrine this principle at the constitutional level and implement it in the state mechanism, since without the separation of state powers and an effective system of checks and balances, there can be no rule of law and legal laws. As for the realities of Ukraine, then "It may be concluded that the Constitution of Ukraine contains appropriate mechanisms for interaction between the legislative, executive and judicial branches of power, although they are not perfect and require more detailed study and implementation" [1, p. 167].

At the same time, it should be noted that the classical construction of the separation of powers into legislative, executive, and judicial has shown its viability and is the most optimal. However, when implemented in different countries, this model has its own differences, as modern states differ in legal traditions, legal systems, level of legal awareness and culture, etc. Therefore, the separation of state powers is not a static system of three separate branches of state power, but involves constant development, variability, and uniqueness in the conditions of each specific state, which requires interaction between branches of power and coordination of positions. Analysis of the content and essence of this principle is extremely important for the implementation of reforming the mechanism of state power in countries that seek to build a democratic legal statehood.

Therefore, the concept of the separation of state powers is relevant for modern legal science and attracts the attention of scholars, despite the rather long period of its study and practical implementation in state and legal practice. The issues of discussion in this area are the issues of understanding the essence of the separation of state power, the development of a mechanism for the separation of state power that would ensure its unity and the most optimal distribution of powers between the branches of state power. Therefore, scientific research is currently being conducted in Ukraine on the formation of the very concept of the separation of state powers, which allows us to understand its purpose, stages of development, features in certain historical periods for individual

states, the content of the principle of the separation of state powers for its most optimal implementation in the mechanism of the functioning of state power, the system of checks and balances as one of the main elements of this separation. For example, Salienko O.O. and Kozynets O., Prorochenko V. investigate historical issues related to the formation and development of this concept [2, pp. 16-19; 3, pp. 165-169], Marushchak N.V. – the principle of separation of state power as a principle of the state apparatus [4, pp. 31-33], Dzholos S.V., Skrypalovsky Ya.V. – problems and prospects of the theory of separation of power at the modern stage of state formation [5, pp. 42-58], Moskalchuk Y.G. and Chepulchenko T.O., Chalenko G.M. – the essence and purpose of the system of checks and balances as a fundamental element of the principle of separation of state power [6, pp. 12-17; 7, pp. 19-23; 8, pp. 39-44].

The purpose of the article is to clarify the essence of the separation of state powers, determine its features in order to develop recommendations aimed at establishing an optimal model of the separation of powers in democratic states, including Ukraine. To achieve this goal, tasks were set to clarify modern approaches to understanding the essence of the separation of powers and its content, the place of the system of checks and balances in the mechanism of the functioning of state power, and the importance of this principle for the functioning of a democratic government, when the people are the only source of state power.

Materials and Methods

The writing of the article was preceded by an analysis of the developments of scholars - legal theorists and constitutional law in the field of analyzing the theoretical foundations and practical implementation of the principle of separation of state powers and their consolidation at the constitutional level. It was important to analyze the modern scientific works of domestic scientists on the concept of the separation of state power to determine its essence and content, further reforming the constitutional model of the functioning of the mechanism of state power in Ukraine in order to build a legal statehood in Ukraine. The analysis of scientific works made it possible to identify the main elements of the mechanism of separation of state power, the features of its functioning in Ukraine, the determination of the special place in this system of the President of Ukraine and the body of constitutional jurisdiction – the Constitutional Court of Ukraine, the importance of the system of checks and balances to ensure the integrity and universality of state power, preventing its usurpation by one body or person, understanding this principle not as an opposition of branches of state power, but as a coordination of their activities, combining them into a single mechanism of sovereign state power.

The methodology for writing the article is based on a comprehensive approach to analyzing the content and meaning of the principle of separation of state powers, which includes a system of philosophical, general scientific, special scientific, and legal methods.

First of all, it should be noted that the dialectical method was used to conduct the study in order to clarify the essence of the main categories considered in the article, namely: the principle of separation of state power, the system of checks and balances, the subjects of the exercise of state power, their interdependence and mutual influence. Systemic and structural-functional methods were used to clarify the system of requirements arising from the principle of the separation of state powers; comparative law methods were used to analyze models of the separation of state powers; Logical methods were used to analyze concepts, categories, and formulate conclusions. In this case, the categories and techniques of formal logic are applied: concepts, definitions, proof and refutation, judgment, analysis, synthesis, comparison, generalization, etc. Universal human values and guidelines were taken into account: the priority of universal human values, the principles of a democratic legal state, the rule of law, freedom, humanism, respect for human dignity, and the affirmation of human rights.

Results and Discussion

The principle of separation of state powers as one of the foundations of democracy

A democratic state governed by the rule of law is characterized by the fact that state power, according to the theory of popular sovereignty, belongs to the people. The state apparatus transforms it into an organizationally formalized system that functions effectively. The state, represented by the state apparatus, acts as an instrument in the hands of the people, with the help of which the latter exercises constituent power. The people, through a system of free elections and other forms of democracy, establish state power and entrust its implementation on their behalf to state bodies. The concentration of state power in whole or in most of it in one body or person leads to the loss of popular sovereignty, and accordingly, the ability to exercise power by the people. Therefore, in democratic states governed by the rule of law, the principle of the separation of state powers is enshrined at the constitutional level, and its exercise on behalf of the people is delegated to three independent, mutually limiting systems of state bodies. Because, "legislation constitutes the separation of powers; it offers a durable, though not immutable, means of statebuilding" [9, p. 2029]. At the same time, state power does not belong in its entirety to each of these branches of government, to any body or to any person. Each

branch of government exercises only the functions and powers inherent to it, according to the law, and in the relationship between them, an appropriate system of checks and balances is established. By dividing the implementation of the functions of a unified system of state power into three interdependent parts, the people ensure their sovereignty over its implementation and keep power unified within themselves. Thus, the limitation of state power by legislation is ensured, and its individual branches by the interconnected activities of each other. The situation is that there is no unlimited power in the state that would be outside the legal field. Thus, the opinion that "the main purpose of the separation of state power is to prevent the possibility of usurpation of power and its further abuse" is correct [2, p. 19]. Therefore, thanks to the principle of separation of powers, the people retain full power and exercise control over the exercise of state power by their elected representatives. "The control of state power helps prevent and eliminate wrongful activities of state power institutions, detect, and regulate the exercise of state powers, and ensure that state power is properly exercised to achieve the common goals with maximum efficiency" [10, p. 5]. The legislature, being the institution with the greatest democratic legitimacy providing general guidance as to the direction of travel as well as general rules and principles for how we ought to; the executive branch, following the instructions of the legislature, exercises its own discretion when appropriate; the judiciary, chosen based on legal knowledge and skill, focus on the nuances of concrete cases to operate a coursecorrection function and ensure that the pursuit of legislative or governmental ends does breach fundamental principle or rights [11, p. 617].

Analysis of the internal essence of the principle of separation of powers versus the expediency of distinguishing three main components of the separation of state power in its content – personal, institutional, and functional. They manifest themselves in the creation of separate state and government institutions with their own competence, which implement different functions. At the same time, these institutions represent different political entities. And it is clear that the options for organizational formation, interconnection, and interaction of these government institutions should be differentiated by branches in the system of separation of powers into the legislative, executive, and judicial branches of government.

Interaction between state authorities through their competence

The separation of state powers as a fundamental principle of its functioning in the full sense is possible only in a democratic state governed by the rule of law. As scientists rightly point out: "issues of separation of powers have not only important theoretical significance, but also directly affect the political regime as a way of exercising political power and methods of state activity,

the basic principles of socio-political life and the socio-economic model of society, relations between central and local authorities and between the state and the individual" [5, p. 47]. At the same time, the subjects of power are endowed with competence clearly defined in the provisions of the law. It should be noted here that the literature sometimes claims that "we should be talking about the delimitation of the competence of state authorities, but not about the separation of powers" [12, p. 46]. It seems that such a statement is not true, since it is precisely the delimitation of the competence of state authorities as bearers of separate branches of state power that is part of the organizational aspect of the theory of the separation of state powers. At the same time, it is necessary to talk not only about the concept of delimitation of competence, but must be combined with other ideas, such as the theory of mixed government, the idea of balance, or the concept of checks and balances [13, p. 73].

It should be noted that in the process of implementing the principle of separation of state powers, the powers of the branches of government may overlap, and this is natural. If only one branch has power to act internally, then we are in an area of exclusivity in the classic formalist sense—only one branch has relevant power to act and there is no shared authority. If, on the other hand, both branches have power to act internally and come into confict, then we are in an area of overlapping power [14, p. 184].

Since it is the interaction of the relevant subjects in the mechanism of distribution of state power that occurs on the basis of the relationships between their competences, it is important to define the meaning of the concept of "competence" of a subject of power. In science, depending on the quantitative composition of the elements of the competence structure, they distinguish: the classical approach, when competence is considered as a set of powers and subjects of knowledge; the restrictive approach, when the content of competence is reduced to subjects of knowledge; the expansive approach, when its content includes tasks, functions, forms, methods of activity, etc. [15, pp. 92-94].

It seems that the classical approach to competence is the most well-argued. This is the approach taken by most modern scientists. As A. Tkachenko rightly notes: "competence is characterized by a set of legally established rights and obligations (powers) of authorities (state authorities and local self-government bodies), their officials regarding the requirement of certain behavior from individuals and legal entities and subjects of competence, enshrined in the Constitution, laws of Ukraine and subordinate acts (competent legislative acts)" [16, p. 197]. S. Seregina distinguishes 2 components in the structure of the competence of a state body: powers, which she defines as legal obligations; the competence of a separate state

authority or local self-government in specific public legal relations, which makes it possible to establish the belonging of certain relations to the sphere of power of a separate body. A special element in this sense is jurisdiction – a legal indication of the territorial boundaries and substantive specifics of social relations, to which the power activities of a particular body are directed. Therefore, S. Seregina emphasizes that a significant number of bodies have identical powers, but the competence of each of them is strictly individual due to differences in jurisdiction [15, pp. 19, 22]. It is also important to note that "the competence of an authority is not the sum of its elements, but their system. At the same time, it is necessary to emphasize that each element has relative independence" [17, p. 261].

Given the above considerations, the competence of a state body can be defined as a system of powers consisting of a set of rights and obligations and subjects of competence – in fact, a separate sphere of public relations in which a separate body exercises its own powers. It should be noted that a feature of such powers is that they are both a right and an obligation (authority right), which are aimed at fulfilling the obligation imposed on the subject of power. At the same time, powers must always be specific and clearly defined in terms of internal content, as well as legally limited in scope. Thus, the rights of a separate body, as opportunities to implement their functions, within the framework of legislatively established powers, coincide with obligations, that is, the need for a competent entity to take certain actions in these legal relations. As correctly noted in the literature, "the competence of a state body is a set of state and governmental powers (legal obligations) stipulated by law, which determine the methods of exercising its public functions. "Authority is the type and extent of power influence, legal obligations of a state body or official, provided for by law" [18, p. 97].

The place of the branches of state power in the mechanism of its division

In the context of our topic, it is appropriate to raise the question of equality or, instead, supremacy of individual branches among themselves in the system of separation of state powers. For example, regarding this issue, A. Kolodiy notes the following: "After all, there is no absolute balance of powers in constitutional practice. The legislative branch undoubtedly occupies a leading place in the theory of the separation of powers, which is explained by the fact that it is laws that serve as the foundation for the functioning of other branches of power, and it is precisely at the implementation of the latter that their activities are aimed. This was also emphasized by J. Locke, who proceeded from the interaction of powers in the state, but recognized their mutual subordination and believed that it is the legislative power that should be supreme, and all others, represented

by some members of society, proceed from it and are subordinate to it" [19, p. 119]. L. Kryvenko also believes that the parliament has a higher level and scope of competence compared to other government bodies [20, p. 27]. The two legislation and control are the oldest functions that contemporary parliaments can undertake as one of the fundamental powers of parliamentary institutions around the world, not to mention what was addressed in most studies regarding the need to practice these functions and political mechanisms, "which are regulated by the second function to reduce the authoritarianism and tyranny of governments" [21, pp. 422-423]. However, it is thought that from the standpoint of the theory of the separation of powers, such an approach is not correct, that is, one that reflects the spirit of this theory.

At the same time, it should be noted that one of the main founders of this theory, Ch.-L. Montesquieu, indicated that the legislative branch (by virtue of its nature) occupies a decisive position in the division of state power. However, this does not mean that the legislative branch is supreme, since in this case the other branches would be subordinate, and such an approach would contradict the principle of the separation of state powers. The rule of law in the system of regulatory acts cannot be equated with the rule of the legislator. Since the adoption of laws is a complex process, in which, in addition to the legislative body, other entities also directly participate: the people, the president, the government, and others. Therefore, the legislative branch of power cannot be considered supreme, since in the mechanism of separation of state powers there is no hierarchy between the branches of power, and the system of checks and balances established in this mechanism allows other entities, such as the head of state, a certain body of justice or a court of constitutional jurisdiction, to control the legislator through the veto rights specified in the legislation, recognition of the law as unconstitutional, etc.

As V. Tertyshnyk correctly points out, in our opinion: "There can be nothing supreme (dominant) in the legislative branch. The dominance of any branch of government contradicts the principles of a constitutional state, in which the principle of separation of powers is introduced and everything possible is done to eliminate the probable dominance of any of its branches. The legislative power itself must ensure the rule of law (natural rights and freedoms of man)" [22, p. 34].

Also, for example, R. Zippelius notes that the legislative branch is not the supreme power, but the power that "programs" within the framework of the constitution the activities of other branches (government and administration, judicial system), which act not as subordinates to the legislator, but as such, whose activities are programmed by law.

Thanks to such programming and the constitutional consolidation of "programming" and "programmed" competencies, the coordinated activities of the branches of government take place [23, pp. 317-318, 320]. The separation of state powers through a system of checks and balances provides for mutual control and restraint between the branches of state power; accordingly, these branches must also take appropriate part in the lawmaking process.

It is important to pay attention to the place of the court of constitutional jurisdiction in the mechanism of separation of state powers. Judges, by writing legislation they remove the tension between the legislative and judicial wills. By writing commentaries and lectures they sideline non-judicial academics. For sure, there may still be other academics involved in the legal system, but the doctrinal discussion in which judges are strongly represented is necessarily centered around the views of judges – for practically oriented lawyers and lower court judges are naturally interested in the view of those judges who will be deciding or reviewing their cases [24, p. 1298]. The unity of the entire legal system and the mechanism of its functioning are determined by the presence of a special and single highest instance of constitutional control of laws. At the same time, it should be noted that the body of constitutional jurisdiction in Ukraine is organizationally and functionally not part of either the judicial system or other branches of government, and at the same time, it is a carrier of state power, performs the function of constitutional control, acts as a guarantor of ensuring the rights and freedoms of man and citizen, maintaining a balance between the branches of government, ensuring the supremacy of the Constitution, acts as a safeguard against violations of constitutional law and order, and guarantees the effective functioning of the system of separation of powers [25, p. 87]. This is not about the supremacy of the judicial branch of power, but about cooperation and coordination between the branches of power. The main thing about "the existence of a constitutional court in a constitutional democracy is that its most important task is to protect the democratic system of government on which the constitution is based" [26, p.7]. In a system of separation of powers, "constitutional courts monitor the limits of democratic law-making and decide whether laws or proposed laws exceed constitutional limits. They may be empowered to go further and determine when legislators have failed to do what the constitution requires of them. The limits in which they are often expressed are language that offers a choice of interpretation – a constructive choice" [27, p. 283].

Thus, it should be emphasized that, according to the theory of the separation of state powers, state power is exercised through the organizational division

of the institutional, functional, and subjective components of its division without any elevation or demotion of each branch of power at the expense of each other. The separation of powers offers a promising additional area in which to seek anti-subordination. Decentralization, by contrast, is inherently focused on downstream causes, structures, and determinants – the generation or distribution of power, not its use. That's why it's good suitable for dealing with the most difficult cases of submission[28, p. 137].

The content of the principle of separation of state powers

Starting with such prominent scholars as J. Locke and C.-L. Montesquieu, who are considered the developers of the modern theory of the separation of powers, the classical three branches of power, enshrined in constitutional laws, are distinguished: legislative, executive, and judicial. Thus, Art. 6 of the Constitution of Ukraine defines the following provision: "State power in Ukraine is exercised on the basis of its division into legislative, executive and judicial. The bodies of legislative, executive and judicial power exercise their powers within the limits established by this Constitution" [29].

At the same time, it is clear that the organizational and legal content of this theory undergoes corresponding modifications based on a whole range of factors: historical traditions, features of the functioning of the state mechanism, the form of the state, etc. The modern world practice of constitutionalism is based not only on the classical concept of the separation of state power and its functional purpose, but, first of all, on the prescriptions of the constitutional norms of specific states and on their state and legal practice. Today we can talk about the functioning of various models of the principle of separation of state powers, which generally corresponds to the functional purpose of the classical version of the theory of its separation. The literature notes that in terms of the separation of powers early models of coalition governance were produced with parliamentary systems in mind. However, presidential systems differ from their parliamentary counterparts in important ways, and these differences pose certain unique dilemmas for coalition governance [30, p. 837]. Also, for example, there are specific features of the principle of separation of powers in Latin American countries, as noted in the literature: "Thus, it has been observed that in the context of Latin American constitutionalism, constitutional creations and reforms have marked an increase in the constitutional powers vested in institutions designed to promote accountability for democratic governance, which at an abstract-theoretical level can lead to both the strengthening of a new model of the theory of separation of powers and new and consistent institutional ruptures" [31, p.7].

It is necessary to pay attention to the fact that some representatives of modern science of legal theory and constitutional law have expressed proposals for the separation of additional branches of power. Such an interpretation is sometimes recognized as a necessary and natural milestone in the development of this theory. For example, some authors note that "it is not at all necessary to limit oneself to the most common separation of three branches of power when implementing the principle of separation of powers ... Considering the global trends of transformation and modernization of state power, it can be assumed that electoral, control and supervisory and presidential power will become in the future as integral branches of state power as the 'classical' branches" [32, p. 100]. Some authors propose to separate the control branch of government, noting that the control branch of government should include the Constitutional Court of Ukraine, the Accounting Chamber of Ukraine, and the Commissioner for Human Rights of the Verkhovna Rada of Ukraine. Pointing out, at the same time, that the classification of the above-mentioned state bodies as a special fourth branch of government will significantly increase their status and positively affect the effectiveness of their activities. In addition, in their opinion, the misunderstandings that exist today and are related to the status of the Constitutional Court of Ukraine will be eliminated [33, p. 121]. At the same time, in our opinion, in this case there is a confusion of the concepts of the functions of state power in general and a separate branch of state power. These state bodies carry out the control function of the state within a certain branch of government, and therefore it is incorrect and inappropriate to separate them into a separate branch of government. Because they are not endowed with the features that characterize a separate branch of government as such. In addition, it is worth noting that from the standpoint of the classical principle of the separation of state powers, the formation of control bodies of state power leads to an unconditional expansion of institutional guarantees of rights and freedoms, however, this statement does not mean that such state institutions should be considered an independent branch of power in the system of the separation of powers.

The question of regulatory or arbitral authority is quite interesting. The founder of this approach to understanding the internal content of the principle of separation of state powers was the 19th-century French scientist B. Constant, who outlined it in his vision of the model of constitutional monarchy. In his opinion, a representative body expresses the opinion of the people. The peoples must exercise constant and active supervision over their representatives and reserve the right to remove them from office at short intervals if they abuse their powers. A modern state in the form of a constitutional monarchy, as B. Constant believed, should have an inherent separation of powers, "which is usually a guarantee of

freedom". He justified the need to create, in fact, six branches of power [34, p. 265]. He proposed including the power of the head of state in the theory of separation of powers, calling the power of the head of state in a constitutional monarchy a "restraining" or "neutral" power. Thus, it is possible to also talk about the head of state, who is elected by the people, who to some extent organizes the functioning and interaction between the branches of government. Therefore, the president's power is called arbitral or restraining. For example, M. Savchyn notes: "The arbitration functions of the president are built on the basis of ensuring the balanced functioning of public power" [35, p. 45].

Thus, certain constitutional acts directly mention such functions of the president as head of state. For example, in Part 1 of Art. 30 of the Greek Constitution, the President is the regulator of the functions of the institutions of the Republic [36]. The literature directly states regarding the status and place of the President of Greece that "the main functions of the president are to represent the state and to act as political arbitrator between the various branches of state power" [37, p. 22]. Also, Art. 5 of the Constitution of the French Republic states: "The President of the Republic must abide by the Constitution. He must ensure by his arbitration the proper functioning of the organs of state power, as well as their continuity" [38, p. 8]. But further analysis of this constitution does not reveal a clear content and mechanism for implementing the arbitration function of the President of France, and therefore, to a certain extent, it is a formality.

The separation of the presidential branch of power, in our opinion, would pose a threat to the functioning of democratic legal statehood, one of the foundations of which is the separation of state power. Because the supremacy of the president over the branches of government can lead to the introduction of de facto dictatorship in the country, as evidenced by the experience of post-totalitarian states.

It is believed that any formation of a new model of the theory of the separation of state powers should be based on the postulate of division into 3 classical branches of power: legislative, executive, and judicial. Their institutional consolidation may have its own characteristics, depending on the experience of state building, the form of the state, national traditions, etc., but the most important thing should be the real separation of state power, when the branches of power are separated by their functions and powers and an effective system of checks and balances operates. Thus, all reflections on the number of powers reach a similar conclusion. All doctrinal attempts at recalculation have not changed the established doctrine of the triumvirate of powers as being a "self-evident matter" [39, p. 11]. Supplementing the theory of the separation of powers with new

branches of government indicates its revision, can serve as a justification, as a rule, for authoritarian tendencies, and can overturn the very principle of the separation of state powers.

At the same time, it should be understood that the classical theory of the separation of powers is not always absolutely clearly enshrined in the mechanism of interaction between the branches of state power, as, for example, in parliamentary states. However, such a discrepancy with the classical concept of the separation of powers in this case indicates not the need to supplement the classical triad of branches of power with some additional fourth or fifth branch of power, but that the powers of the legislative, executive and judicial branches of power are distributed in such a way that a modified model of the separation of state powers, adapted to the relevant conditions, operates. Since there is no theoretically flawless construction of the division of state power developed once and for all for all existing states, it is necessary to take into account the historical, cultural, national, and political traditions of individual countries, forms of state, state mechanism, etc. Based on this, we can agree with the following statement regarding the implementation of the classical theory of the separation of state powers in the practice of individual states: "it would be advisable to have a flexible understanding of this theory and the mechanisms of its implementation, which follows from the inadmissibility of its dogmatic interpretation, disregard for its multifaceted nature" [40, p. 13]. Thus, it is possible to talk about the expediency, in certain cases, of supplementing the mechanism of separation of state powers, within the classical triad of branches of power, with new institutional elements that most optimally correspond to modern realities. At the same time, such changes and additions are not a revision of the classical theory of the separation of state powers, but its adaptation to the specific realities of today's existing states. What is important here is the functioning of such a mechanism for the implementation of state power that makes it impossible to concentrate, and therefore usurp, the entire fullness of state power in one state institution (even a representative and democratic one). For example, the Revolutionary Convention of the time of the Great French Revolution concentrated in itself the fullness of the highest legislative, executive and judicial branches of power and, although by nature it was a democratic representative body, nevertheless exercised this power autocratically, violating the rights and freedoms of citizens. It was this body that created the revolutionary court (revolutionary tribunal), the terms "enemy of the people", "commissar of the revolutionary convention", allowed the possibility of violating the norms and principles of law for the sake of political expediency, etc. Therefore, today, the theory of the separation of state powers has been accepted by all states that are models for building a democratic legal statehood, as

well as by states that have embarked on this path and enshrined it at the constitutional level.

Important for the effective functioning of state power in the conditions of separation of state powers is the postulate of a rational relationship between the branches of power, their balance among themselves, interaction and mutual control, which is manifested in the established system of checks and balances. Regarding its understanding, one can agree with the statement that "the system of checks and balances should be understood as a set of constitutional, legal and organizational means that ensure interdependence and balance in the work of government institutions ... The implementation of the mechanism of checks and balances occurs through the application by authorities of various organizational, legal, or managerial measures. It is important to understand that, functioning on the principles of interaction, interdependence and interpenetration, the system of checks and balances must have a powerful arsenal of means aimed at preventing the usurpation of state power" [6, pp. 20-21].

The literature correctly notes that: "the system of checks and balances is a mechanism for implementing the principle of separation of powers, which is inherent in the 'nature' of the rule of law. The necessity of the operation of this principle is due to the need to prevent political and legal conflicts between higher state bodies. The system of checks and balances in this aspect is a stabilizing factor in the continuous functioning of state authorities, as it prevents the concentration of power in one branch and ensures the interaction of all branches and centers of state power" [41, p. 105]. The modern periodof modification of the checks and balances system and the creation of modern theoretical approaches to substantiate the need for the system's ap-plication in various forms of republican rule [42, p. 114]. The statement is also quite true: "In general, it can be stated that the implementation of the principle of separation of powers is possible and effective only when accompanied by a system of "checks and balances". It prevents attempts to usurp the powers of one government by another and ensures the normal functioning of state bodies [8, p. 43].

Therefore, we can say that in the system of separation of powers, the independence of individual branches of state power is relative, since the effective functioning of the state-power mechanism based on this principle is possible only if there is a real mechanism of checks and balances. At the same time, it is worth noting that this system is universal. The universality of the system of checks and balances is manifested in its ability to extend to the activities of all state authorities, while ensuring a systemic and unified influence on the work of government institutions [6, p. 21].

The separation of state powers, as a fundamental principle of the functioning of a democratic constitutional state, cannot be considered an absolute and cannot be viewed as a confrontation between the branches of state power. Instead, the constitutional consolidation of this principle should be carried out in such a way as to prevent deformations in its implementation. That is why the branches of government have their own special purpose, which is manifested in their functions and are endowed with clearly defined competence, while acquiring the features of autonomy and independence in the implementation of their inherent powers. The implementation of the powers of the relevant bodies belonging to individual branches of government is carried out thanks to the ability of each branch to mutually restrain and control one another. At the same time, none of the branches of government should take over the functions of another branch of government so that the functions of the branches of government do not coincide in the exercise of state power. Therefore, the branches of government must maintain interconnection and coherence, and be a single political organism.

The activities of the branches of government are manifested through the mutual complementarity of the activities of each of them in the process of exercising a single state power. Thus, in the process of implementing the classical triad of separation of state powers, the legislative branch of power will not be able to achieve the goal set in the law if its act is not implemented by the executive and judicial branches of power. Since the executive branch of government must act on legal grounds, and, in cases specified by law, on the basis of the sanction of the judicial branch of government, effective justice can only take place on the basis of the law and provided that it is ensured by legal coercion. Therefore, in the process of implementing the principle of separation of state powers, each branch of government, represented by the relevant government institution, performs its own specific function and has no direct need to involve other branches of government in this activity, which implement their own functions. Thus, individual branches of government must be autonomous and independent in the exercise of their own powers aimed at performing the functions assigned to them. The question in this aspect is only about the need for one branch of government to exercise control over another in the process of exercising the relevant powers by each separate branch of government in order to avoid violations of the law or certain abuses. Therefore, interaction occurs between the branches of government precisely to ensure mutual control and ensure their independence and autonomy through a constitutionally enshrined, balanced system of checks and balances.

In the case of the implementation of the function of one branch of government, the bodies of other branches of government should not interfere

in its activities, since this can be considered as a certain violation of the classical approach to the principle of separation of state powers. However, the current state of implementation of this principle in the activities of state authorities distinguishes between permissible and impermissible interventions. Permissible ones contribute to more effective activities of state authorities, while unacceptable ones lead to the loss of the essence of the principle of separation of powers itself. For example, presidential interference in the process of issuing laws through the possibility of a veto is allowed, since the decision rests with the parliament, which can overcome this veto in accordance with the law-making procedure established by the constitution. Some scholars in this regard note that "the presidential veto is a deterrent. The threat of its use gives presidents powerful superiority over the legislature" [43, p. 1]. It is also permissible to grant relevant entities outside the parliament the right of legislative initiative, since in the end, it is the legislator who will make the final decision. At the same time, it is unacceptable to grant the head of state or government legislative competence that would allow the latter, contrary to the decision of the legislative body, to issue a by-law that would regulate these issues that should be regulated by law. Since in this case the head of state, government or other executive body actually assumes the functions of the legislative branch, competition arises between the legislative competence of the legislative branch and the subordinate competence of the executive branch.

Interaction between branches of government

Today, science raises the urgent question of the need for interaction between branches of state power as the basis for its effective functioning. For example, A. Pekhnyk notes: "The establishment of a legal state capable of ensuring effective and democratic governance and guaranteeing civil rights and freedoms largely depends on the organization of political power, its differentiation (division) into separate branches (industries) that restrain and balance each other, as well as interact on the basis of rules stipulated by the Constitution and laws, for the sake of achieving general social goals" [44, p. 37]. This is also emphasized by Y. Moskalchuk, indicating that "it is important to focus attention on adhering to a certain system of separation of powers in compliance with the principles of interdependence, interaction, and historical determinism" [7, p. 16]. In this aspect, the statement that "the main requirements of the separation of powers are the separation and independence of certain types of state bodies from each other, delimited by functional characteristics, a clear definition of their special powers and legal forms of activity, their mutual influence, mutual balance, mutual restraint and mutual control" is correct [3, p. 168]. Therefore, in our opinion, it is correct to state in the literature on this subject: "Since the state power is

unified, its branches must constantly interact" [45, p. 10]. In this regard, the Constitutional Court of Ukraine in its decisions focused on the following: "The exercise of state power on the basis of its division into legislative, executive and judicial means, first of all, the independent exercise by each state authority of its functions and powers. This does not exclude the interaction of state authorities, including the provision of necessary information, participation in the preparation or consideration of a certain issue, etc." [46] that the division of state power reflects the functional specificity of each of the state authorities, provides not only for the demarcation of their powers, but also for interaction, a system of mutual checks and balances aimed at ensuring their interaction; in addition, ensuring the implementation of the principle of separation of powers is a guarantee of the unity of state power, an important prerequisite for stability, maintaining public peace and harmony in the state (paragraphs two and four of subparagraph 4.1 of paragraph 4 of the motivational part of the Decision of April 1, 2008 No. 4-rp/2008) [47].

Thus, it can be argued that the principle of separation of powers in no way denies, but, on the contrary, ensures the unity of state power through the interaction of branches of power on the basis of a system of checks and balances. It should be seen as a balancing act (balances) based on the principle of cooperation and mutual control based on the division into separate branches, within which powers are distributed between different bodies [48, p. 470]. Therefore, in the implementation of the classical theory of the separation of state powers, an approach is defined regarding the need for interaction between branches of government to achieve the most effective exercise of state power.

The principle of separation of state powers in terms of scientific concept and practical implementation in state and legal practice

It should be noted that the separation of state powers can be analyzed in several aspects: as a principle of the organization and functioning of state power, and as a scientific concept. In the first case, it acts as an integral fundamental principle of a democratic legal state, as well as the organization of state power within it. In this aspect, it reflects the deep democratic nature of such a state, since it is directly aimed at preventing the possible concentration of state power in the hands of one subject of power, and therefore the possibility of the latter committing arbitrariness and lawlessness against society, and ultimately serves as one of the guarantees of ensuring the political, economic, social, ideological and other freedoms of a person and citizen.

As a scientific concept, the principle of separation of state powers contains the corresponding constituent elements: ideological, scientific, and

practical. This principle is the ideological basis of the theory of democratic legal statehood; in the scientific dimension, this principle acts as one of the means of understanding state and legal phenomena and processes; in the practical aspect, it acts as the fundamental principle of the organization and functioning of state power in the mechanism of a democratic legal state. Thus, all these constituent elements are inextricably linked and in practice create a single state-legal phenomenon, which is one of the most important elements of highly developed, modern, democratic states. This principle is enshrined in the constitutions of most such states as the principle of the organization and functioning of state power. Thus, we can formulate the following approach to defining the principle of the separation of state powers: it is such an organization of state power in a democratic state that ensures the supremacy and unity of this power in its source - the people, proper interaction and mutual control between the highest bodies of state power through a constitutionally established system of checks and balances. At the same time, one should agree with the opinion that: "the essence of the division of power into three branches ('branches') is not only to divide, but also to balance state and government powers between different state bodies, thereby establishing mutual control, eliminating the possibility of usurpation of power - the concentration of all powers or most of them in one state body or official, and thereby preventing arbitrariness. Power in a democratic state is a form of expression of the will and interests of the people, and the separation of powers is a specific construction that ensures the preservation of the unity of state power. This is an indicator of the development of law and the state, a necessary prerequisite for the rule of law" [4, p. 33].

Conclusions

The analysis made allows us to define the separation of powers as a fundamental principle of democratic legal statehood, which guarantees democratic governance by establishing a system of state power where none of the branches of power or individual subjects of power combine the full power, but function in interdependence and the possibility of mutual restraint in accordance with constitutional regulation. That is why, in a democracy, the exercise of power is entrusted to three systems of state bodies: legislative, executive, and judicial. State power does not belong entirely to each of these systems of state organs or to any one person. Each of them exercises its own functions and powers, and there is a system of checks and balances between them. By dividing the single system of state power into three parts and preserving it as one within itself, the people ensure their sovereignty in its possession. Thus, the unity of state power and its concentration in the bearer subject, which is the people, is ensured.

This ensures a situation where the state does not have unlimited power by law. The following features are distinguished regarding the understanding of the internal content of the separation of state powers: a) the separation of state powers implies the distribution of functions and powers between the legislative, executive and judicial branches of government in the person of the relevant entities, which independently and independently carry out their own functions; b) in the system of such power, the possibility of concentrating all state power in one body or person is not allowed; c) the functioning of a system of checks and balances for the purpose of competent interaction and balancing of the branches of power among themselves, on the one hand, and control and certain constitutionally established restrictions of the highest bodies of state power belonging to the relevant branch of power, on the other hand; d) models and mechanisms for implementing the principle of separation of state powers in state and legal practice depend on historical traditions, the form of statehood, the level of legal and political culture, and the fulfillment of the main goal – preventing the usurpation of state power and depriving the people of a real opportunity to exercise their electoral power.

References

[1] Repetska, A., & Burdyak, V. (2020). Constitutional Basis for the Separation of Powers in Ukraine. *Codrul Cosminului, XXVI*(1), 143-168. https://doi.org/10.4316/CC.2020.01.009.

[2] Saliienko, O.O. (2021). Theory of Separation of State Power: the Beginning of its Origin. *Juridical Scientific and Electronic Journal, 6*, 16-19. https://doi.org/10.32782/2524-0374/2021-6/3.

[3] Kozynets, O., & Prorochenko, V. (2020). The Formation and Development of the Theory of Separation of Powers in the History of Political and Legal Thought. *Entrepreneurship, Economy and Law, 1*, 165-169. https://doi.org/10.32849/2663-5313/2020.1.30.

[4] Marushchak, N.V., & Prorochenko, V. (2019). The Separation of Powers as a Fundamental Principle of Organization and Activity of State Bodies. *Juridical Scientific and Electronic Journal, 2*, 31-33.

[5] Dzholos, S.V., & Skrypalovskyi, Y.V. (2024). Separation of powers theory: problems and perspectives. *Uzhhorod National University Herald. Series: Law,1*(84), 42-58. https://doi.org/10.24144/2307-3322.2024.84.1.6.

[6] Moskalchuk, Yu.H. (2020). The System of Checks and Balances as an Effective Means of Achieving Cooperation in the Work of the Legislative, Executive and Judicial Bodies in Ukraine. *Public management and administration in Ukraine, 16*, 19-23. https://doi.org/10.32843/2663-5240- 2020-16-3.

[7] Moskalchuk, Yu.H. (2020). Legislative Support for the Idea of State Power Separation and Checks and Balances System in Ukraine: A Historical and Legal Review. *State and Regions. Series: Law, 1*(69), 12-17. https://doi.org/10.32840/1813-3401.2020.1.2.

[8] Chepulchenko, T.O., & Chalenko, Kh.M. (2020). Instruments of Government Relations in the Context of Public Administration General Characteristics of the Checks and Balances Principle and its Importance for the Effective Implementation of the Division Of Government in Ukraine and in the other States of the World. *Legal Novels, 10*, 39-44. https://doi.org/10.32847/ln.2020.10.05.

[9] Bowie, N., & Renan, D. (2021). The Separation-Of-Powers Counterrevolution. *The Yale Law Journal, 22*(13), 2020-2125. http://dx.doi.org/10.2139/ssrn.3959042/

[10] Suu, N.Q., & Tung, B.H. (2023). New Theoretical Perceptions of the Control of State Powers in Building the Rule-of-Law State. *Revista de Gestao Social e Ambiental, 17*(7), 1-10. https://doi.org/10.24857/rgsa.v17n7-018.
[11] Foran, M. Rights. (2023). Common Good, and the Separation of Powers. *The Modern Law Rewiew, 86*(3), 599-628. https://doi.org/10.1111/1468-2230.12769.
[12] Hamburh, L.S. (1995). The Relationship between the Branches of Government in the Mechanism of Separation of Powers: History and Modernity. In *Actual Problems of Development of Social Thought and Management Practice* (pp. 37-52). Zaporozhye, 37-52.
[13] Halpa, M. (2020) The Twilight of the Separation of Powers: Proportionality as a Method of Solving Institutional Issues. *Hungarian Journal of Legal Studies, 61* (1), P. 71–84. https://doi.org/10.1556/2052.2020.00227.
[14] Roisman, S.G. (2024). The Limits of Formalism in the Separation of Powers. *Journal of Legal Analysis, 16*(1), 178-210. https://doi.org/10.1093/jla/laae007.
[15] Seregina, S.G. (1998). *Competence of the President of Ukraine: Theoretical and Legal Foundations*. Ph.D. Thesis. Kharkiv: Yaroslav Mudryi National Law Academy of Ukraine.
[16] Tkachenko, A.O. (2009). The Concept of Competence of a State Body. *Law Review of Kyiv University of Law, 4,* 192-197.
[17] Dniprov, O. (2017). Competence as an Element of the Legal Status of Executive Bodies. *Bulletin of Lviv Polytechnic National University. Series: Journalistic Sciences, 861*, 257-262.
[18] Petryshyn, O.V. (Ed.). (2024). *General Theory of Law.* Kharkiv: Pravo.
[19] Kolodiy, A.M. (November 22-23, 1996). Theory of the Separation of Powers and the Practice of Forming State Authorities under the New Constitution of Ukraine. In *Ideology of State Formation in Ukraine: History and Modernity: Materials of the Scientific and Practical Conference* (pp. 193-196). Kyiv: Geneza.
[20] Kryvenko, L.T. (1995). Strengthening of Ukrainian Parliamentarism. *Viche, 5*, 17-32.
[21] Almoatasm, H.M. (2024). Determinants for New Role of Contemporary Parliament. *Review of Economics and Political Science, 9*(5), 417-433.
[22] Tertyshnyk, V. (2010). Legislative Power: Ukrainian Realities and Doctrinal Problems. *Viche, 23*, 32-35.
[23] Zippelius, R. (1999). *General Theory of the State: (Political Science).* 13th ed. Munich: Beck.
[24] Kadlec, O., & Blisa, A. (2023). Superjudges and the Separation of Powers: A Case Study of Judicial Informality in Czechia. *German Law Journal, 24*, 1282-1299. https://doi.org/10.1017/glj.2023.68.
[25] Romtsiv, O.I. (2022). Peculiarities of the Status of the Authority of Constitutional Jurisdiction of Ukraine. *Juridical Scientific and Electronic Journal, 7*, 87-90. https://doi.org/10.32782/2524-0374/2022-7/17.
[26] Castillo-Ortiz, P., & Roznai, Y. (2024). The Democratic Self-Defence of Constitutional Courts. *ICL Journal, 18*(1), 1-24. https://doi.org/10.1515/icl-2024-0001.
[27] French, A.C.R. (2024). The Australian Experience: Constitutional Courts – The Rule of Law. *Brill's Asian Law Series, 12*, 283-294. https://doi.org/10.1163/9789004691698_012.
28] Lawrence, M.B. (2021) Subordination and Separation of Powers. *The Yale Law Journal, 131*(1), 78-174.
[29] Constitution of Ukraine. (June, 1996). Retrieved from https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text.
[30] Thijm, J.A. (2024). Coalition Governance under Separation of Powers: Shadowing by Committee in Coalitional Presidentialism. *Legislative Studies Quarterly, 49*(4), 835-860. https://doi.org/10.1111/lsq.12451.
[31] Gouvêa, C.B., Villas, P.H., Branco, B.C., & da Silva Junior, E.V. (2024). Crise na Teoria da Separação de Poderes e Instituições Híbridas no Contexto do Constitucionalismo

Latino-Americano: o Papel Institucional da Ocina Anticorrupção da Argentina. *Revista de Investigações Constitucionais, Curitiba, 11*(2),1-25. https://doi.org/10.5380/rinc.v11i2.91762.

[32] Osadchuk, K.O. (2014). State Power and its Division: to the Prospects of Allocating Atypical Branches of Power. *Uzhhorod National University Herald. Series: Law, 29*(1), 96-100.

[33] Sukhovetskyi, O.O., & Kushnirenko, O.H. (2021). Prospects for the Formation of a Control Branch of Government. *Juridical Scientific and Electronic Journal, 11*, 119-121. https://doi.org/10.32782/2524-0374/2021-11/26

[34] Demydenko, H.H. (2004). *History of Teachings on the State and Law*. Kharkiv: Konsum.

[35] Savchyn, M.V. (2005). The President of Ukraine in the Constitutional System: Ensuring Continuity and Proper Functioning of Public Power by the Head of State. *Journal of the National Academy of Legal Sciences of Ukraine, 3*(53), 42-50.

[36] The Constitution of Greece. Retrieved from http://www.hri.org/docs/syntagma/.

[37] Voichuk, A.Iu. (2020). The Features of the President's Institute in Greece. *Regional Studies, 23*, 19-23. https://doi.org/10.32782/2663-6170/2020.23.3.

[38] Romanyuk, P.V. (Ed.). (2015). Constitution of the French Republic (adopted by referendum on October 4, 1958). Kharkiv: Pravo.

[39] Mesonis, G. (2020). The Principle of the Separation of Powers: the Ontological Presumption of an Ideologeme. *Baltic Journal of Law & Politics, 13*(2) 1-23. https://doi.org/10.2478/bjlp-2020-0009.

[40] Tsvik, M.V., & Dashkovskaya, E.R. (1993). On the Modern Interpretation of the Theory of Separation of Powers. *Problems of Legality, 28*, 10-16.

[41] Gafurova, E.R. (2013). The System of Checks and Balances as a Mechanism for Ensuring the Implementation of the Principle of Separation of Powers in Ukraine. In *From Civil Society to the Rule of Law: Abstracts of the VIII International Scientific Internet Conference of Students and Young Scientists* (pp. 103-105). Kharkiv: V.N. Karazin Kharkiv National University.

[42] Zabavs'ka, K., & Zavada, Y. (2023). The Checks and Balances System – the Evolution of Public Governance in a Historical and Theoretical Context. *Echa Przeszłości, XXIV*(1), 107-119. https://doi.org/10.31648/ep.9299.

[43] Belmar, J., Patricio, S., & Osorio, N.R. (2024). Partial Presidential Vetoes and Executive – Legislative Bargaining: Chile, 1990-2018. *Latin American Politics and Society, 66*(3), 1-23. https://doi.org/10.1017/lap.2023.33.

[44] Pekhnyk, A.V. (2017). The Separation of Powers: a Modern View. *Actual Problems of Politics, 60*, 37-49.

[45] Alekseienko, I. (2011). Interaction of Branches of Power as a Factor in the Development of the Form of Government in Modern Ukraine. *Political Management, 1*, 8-16.

[46] Decision of the Constitutional Court of Ukraine of November 18, 2004 No. 17-rp/2004 in the case on the Constitutional Submission of 58 People's Deputies of Ukraine on the Compliance with the Constitution of Ukraine (Constitutionality) of the Resolution of the Verkhovna Rada of Ukraine "On the Temporary Special Commission of the Verkhovna Rada of Ukraine on Monitoring the Implementation of the Legislation on the Elections of the President of Ukraine" (case on the Temporary Special Commission of the Verkhovna Rada of Ukraine). Retrieved from https://ccu.gov.ua/storinka-knygy/38-podil-vlady-na-zakonodavchu-vykonavchu-sudovu.

[47] Opinion of the Constitutional Court of Ukraine dated December 16, 2019 No. 7-в/2019 in the case on the Constitutional Appeal of the Verkhovna Rada of Ukraine on Providing an Opinion on the Compliance of the Draft Law on Amendments to Article 106 of the Constitution of Ukraine (Regarding the Consolidation of the Powers of the President of Ukraine to Establish Independent Regulatory Bodies, the National Anti-Corruption Bureau of Ukraine, to Appoint and Dismiss the Director of the National Anti-Corruption Bureau of Ukraine and the Director of

the State Bureau of Investigation) (Registration No. 1014) with the Requirements of Articles 157 and 158 of the Constitution of Ukraine. Retrieved from https://ccu.gov.ua/storinka-knygy/38-podil-vlady-na-zakonodavchu-vykonavchu-sudovu.

[48] Tomaš, L. (2022). Proven Justice in the Power System. *Právny Obzor, 105*(6), 469-496. https://doi.org/10.31577/pravnyobzor.2022.6.02.

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