CONSTITUTION OF UKRAINE IN ACTION

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LEGITIMACY AND LEGALITY AS FEATURES OF THE STATE POWER

Activation of social life in modern society, increasing role of political and legal processes have caused some openness of terminological systems in many social sciences, which is manifested primarily in using special concepts in the common language. Modern public communication abounds with statements of government officials, politicians and just ordinary citizens, containing a large number of legal, political and administrative terms, the meaning of which is often misunderstood. This observation is also true for a "legitimacy" concept - a term that has almost came into general use and everyday speech.

Term "legitimacy" is sometimes translated from French as "legality," whereby its content is replaced by the content of legalization. However, in our opinion, in this case it refers to the "legality," which means the legitimacy of the state power and involves formation,

organization and functioning of the state power in accordance with applicable legislation in the country: the constitution and other laws and regulations. Based on the analysis, it can be stated that such an interpretation for identification of legitimacy and legality of the state power, is not quite accurate. "Legitimacy" and "legality" are close but not identical concepts. The first one is of appraising, ethical, and political nature, the second one is legal and ethically neutral.

Along with the existing complex approaches to the definition of "legitimacy" in modern legal literature, the issue of the need of legitimacy of the state power as its compulsory feature is debatable as well.

The author believes that the state power should be built and operated on the basis of legitimacy and legality as integral signs for the state of democratic orientation.