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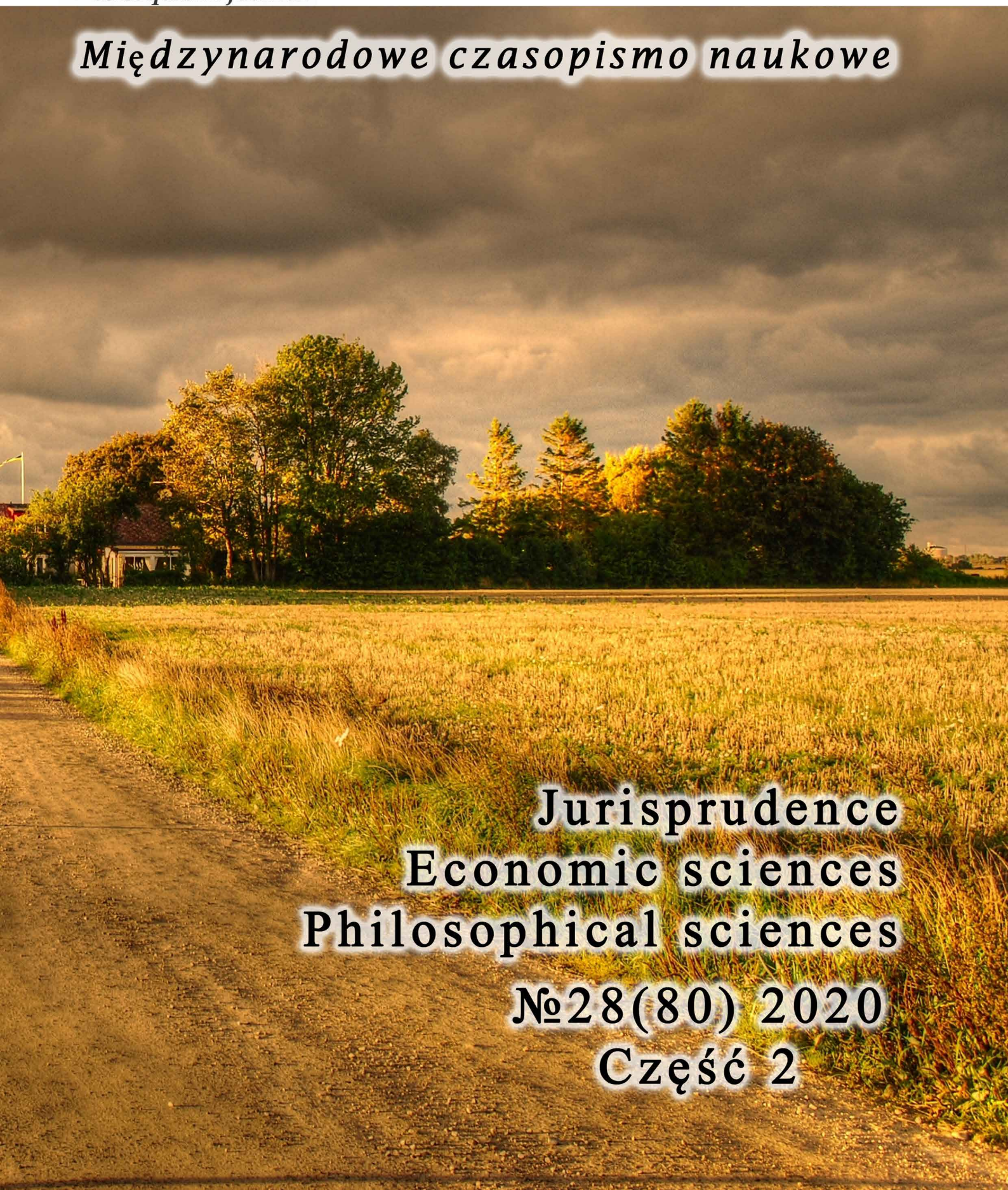

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PECULIARITIES OF THE LEGAL STATUS OF BIPATRIDES IN INTERNATIONAL LAW

Summary.
In the article the author considers the problem of growth of migration processes. Over the past thirty years, these processes in Western Europe and North America have led to a significant increase in the number of people with the citizenship of two or more states. The sovereign right of states to independently regulate the issue of citizenship cannot, of course, ensure full harmonization of the laws on citizenship of different states. In many cases, collision inevitably arise between them. The result of these collisions is dual citizenship. Among scientists, there are both supporters and opponents of this phenomenon. The main argument of the latter is the threat to national security. However, the vast majority of European countries do not deny bipatrism.

Key words: *migration processes, bipatrids, dual citizenship, bipatrism.*

Formulation of the problem. Citizenship is of fundamental importance to a person because it determines his political and social status, material and spiritual well-being. Citizenship expands the sovereignty of the state and especially its ability to enjoy state guarantees of its rights and legitimate interests both within the country and abroad.

Bipatrids (ie persons with the citizenship of two or more states) are not a problem of poor or rich countries. This problem is the result of the conflict of laws on citizenship of different states. And it can arise and spread in a completely natural way, for example in the case of the birth of children from parents with different citizenship, in the case of naturalization of persons and so on. Nowadays, the phenomenon has become widespread, when many countries around the world "sell" citizenship to individuals who will make a contribution to the economy, industry, real estate, banking, etc. The size of such contributions is quite large and affordable for wealthy people. Thus, there is an acute problem regarding the status of persons with dual citizenship, the legality of having two or more citizenships, as well as the question of whether it is necessary to officially allow multiple citizenships in some states.

Analysis of recent research and publications. A significant number of scientific works have been devoted to the theoretical and practical issues of the institute of citizenship in Ukraine, in particular the phenomenon of the existence of several citizenships, the status of bipatrids: R. B. Bedriya, Yu. O. Busol, V. V. Lazareva, O. A. Malinovskaya, I. D. Sofinskaya, M. I. Surzhinsky, Y. M. Todik, I. A. Tolkachov, P. F. Chaly and others. Among the foreign scholars who have devoted their work to the issues of citizenship, the status of bipatrids, and the international regulation of dual citizenship, it is necessary to mention W. Beck, W. Gassen, J. Mazing, and P. Wason.

Given the results of their research, it can be concluded that the institution of dual citizenship is as interesting as it is confusing and unregulated.

The opinion of O. Yu. Busol is correct, who noted that citizenship is of fundamental importance for a person, as it determines his political and social status, material and spiritual well-being [6, p. 37].

M. I. Surzhinsky noted that concealment of multiple (dual) citizenship is not a socially dangerous act to establish criminal liability for it. At the same time, he considers it necessary to make appropriate changes and additions to the current Law of Ukraine "On Citizenship of Ukraine". The researcher proposes to supplement the Law with provisions on the obligation of a citizen of Ukraine to report the fact of acquisition or stay in citizenship (citizenship) of another state (states), as well as to establish liability not only officials but also other individuals for violations of citizenship legislation.

S. V. Dryomov notes that "… a bipatrid is one who has two citizenships at the same time. However, when a person has more than two nationalities, the use of the term "bipatride" is not entirely correct. Such persons are called polypatrides, and the phenomenon itself is called polypatrism.

Thus, the topic is extremely relevant, as a large number of Ukrainians would like to have the citizenship (citizenship) of another state. The facts of having several citizenships of civil servants and financially secure persons are constantly coming out. Therefore, this topic needs further in-depth study.

The purpose of this article is to determine the features of the legal status of bipatrids, to reveal the legal status of bipatrids taking into account international experience and analysis of its positive and negative sides.

Presenting main material. The institution of citizenship replaced the institution of citizenship, even under feudal absolutism symbolized the complete dependence of man on the monarch and his duty to be "under the control" of his master and obediently carry out his will. In modern conditions, the term "citizenship" is used only in monarchical countries as a synonym for citizenship. Since the XVIII century, when the state recognized man as a free and equal participant in social relations, an active participant in the exercise of sovereign power of the state, the term "citizenship" has been finally enshrined in law.

Most often, dual citizenship arises as a result of the conflict of national laws of states. Yes, it occurs when a child is born in the territory of a state that applies the "right of land", and the parents of such a child will be

citizens of a state that uses the "right of blood", or in the case of a woman marrying a citizen of a state that automatically grants citizenship to women. marriage to her citizen. Dual citizenship often occurs in the case of naturalization of a person, when he does not lose his previous citizenship. Sometimes dual citizenship can result from territorial changes in states. For example, a number of people with Slovenian-Croatian citizenship were formed. In determining the circle of its citizens after the proclamation of its independence, Slovenia was guided by the territorial principle, as a result of which Croats also received Slovenian citizenship, while retaining Croatian citizenship. Some citizens of the former USSR also received dual citizenship.

There is no prohibition of dual citizenship in international law. The norms of international law are absolutely neutral to it: they do not prohibit or require its mandatory introduction. Thus, the solution of this issue belongs entirely to the internal jurisdiction of the state and is under its exclusive sovereignty. That is, states are completely free to choose to allow or prohibit dual citizenship. However, Art. 14 of the 1997 European Convention on Nationality contains provisions that recommend that states allow dual citizenship to children who have automatically acquired different nationalities at birth, as well as citizenship that is acquired automatically in connection with marriage [9].

Different countries, which allow their citizens to simultaneously be citizens (citizens) of other states, have their own purpose, the task of such a decision. It depends largely on the historical conditions under which the formation of states, customs and traditions that prevailed in a given society. Among the European countries in which multiple citizenship is allowed or actually allowed, we can single out Ireland, Germany, the Netherlands, Italy, Turkey, Greece. However, there are countries in which the presence of persons of second citizenship is strictly prohibited. Among them, in particular, Austria, Norway, Sweden.

The spread of bipatrism in Central Europe, we can highlight Bulgaria, Romania, Hungary, Slovakia. These states are quite liberal in the phenomenon of multiple citizenship. The spread of the latter was facilitated by the desire of countries of origin to maintain ties with compatriots abroad, to interest them in the affairs of the homeland. If we take into account the world practice in general, the most important factor influencing the emergence of dual citizenship was a significant increase in the number of immigrants among the world's leading countries and the possible socio-political dangers of having a large number of foreign nationals deprived of full rights and opportunities.

As noted, most states do not have a special legal status for bipatrids. From the point of view of national legislation, they are considered either as their own citizens or as foreigners.

The issue of bipatrids became acute immediately after World War II, in connection with the so-called displaced persons, and later, in connection with the Jewish movement for resettlement to Israel.

Thus, we believe that throughout the history of bipatrids, different countries of the world wanted to consolidate at the constitutional level, but constant clashes between countries have not been able to do so, so as not to harm the constitutional order, sovereignty, territorial integrity of the country.

The sovereignty of any state is organically linked to its institution of citizenship. Citizenship means the legal relationship between an individual and the state, which is reflected in their mutual rights and responsibilities. That is, the content of citizenship is a set of rights, freedoms and responsibilities of the individual and the state to each other. An essential purpose of citizenship as an institution is the legal regulation of relations between the individual and the state.

Legal regulation of the legal status of bipatrides in international law is carried out by relevant documents: the UN Charter, the Universal Declaration of Human Rights of December 10, 1948, the International Covenant on Civil and Political Rights of December 16, 1966, the International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966, the Convention on the Elimination of All Forms of Discrimination against Women 1979, the Convention on the Rights of the Child of 20 November 1989, the European Convention on Nationality of 7 November 1997, etc.

Yes, Art. 15 of the Universal Declaration of Human Rights of 1948 proclaims the right of every person to citizenship. Which means not the right to demand citizenship from a particular state, but establishes that no one can be arbitrarily deprived of his citizenship or the right to change his citizenship.

The first international legal act codifying the principles and norms relating to citizenship is the 1997 European Convention on Nationality. This convention stipulates that states must bring their domestic law into line with its principles and norms. It emphasizes the mutual interest in legal relations regarding citizenship both on the part of the individual and on the part of the state. The right to citizenship is confirmed. It is proposed to avoid stateless cases [9].

The UN Charter was signed on June 26, 1945 by representatives of 50 countries - the UN norms create the necessary most general international legal basis for the activities of UN human rights bodies. The formation of statutory obligations to respect human rights is obviously related to the definition of the list of such rights by the main statutory bodies of the United Nations or to the formation of a general customary rule of international law, which recognizes the relevant law.

The main acts on citizenship in Ukraine are the Constitution of Ukraine and the Law of Ukraine "On Citizenship of Ukraine" of January 18, 2001. In general, they meet international standards.

Thus, the legal framework is rich enough to address the legal status of bipatrids, including the Universal Declaration of Human Rights, the UN Charter, the Convention on the Reduction of Multiple Nationality and Conscription in Multiple Nationality, and the International Convention on the Elimination of Multiple Nationality. all forms of racial discrimination.

Bipatrism or multiple citizenship is the legal status of an individual who is simultaneously a citizen of two or more states.

The term "dual citizenship" means the stay of a person simultaneously in the citizenship of two or more states. Simultaneous residence in the citizenship of several states means the term "multiple citizenship". Consider the reasons for the legal status of bapatrids.

The emergence of the legal status of bipatrides is due to many reasons, among which are:

- conflict of laws of two or more states, each of which secures for a certain person his citizenship. For example, the parents of a newborn child have the citizenship of different states, and each of them has established a rule according to which the child acquires the citizenship of that state if one of the parents is its citizen. If these states do not recognize the rights of their citizens to the citizenship of another state, such a child will not have dual citizenship, although each state will consider him or her a citizen. But if the states by virtue of international treaties or rules of domestic law recognize the possibility of such a child being simultaneously in the citizenship of each of them, then this child has the status of a bipatrid;

- independent acquisition by a citizen of one state of the citizenship of another state in the order of naturalization with the subsequent recognition by the first state of the right of this person to the second citizenship;

- official permission of a citizen to acquire the citizenship of another state while retaining the first citizenship. Such permission may be contained both in the domestic law of the state and in the international treaties concluded by it. For example, dual citizenship agreements have been concluded between the Russian Federation and Turkmenistan and Tajikistan [2].

- restoration of the citizenship of a person previously deprived of citizenship with the preservation of the citizenship of another state, which he acquired during this time.

Bipatrid has the opportunity to enjoy the rights under the laws of the states of which he is a citizen. At the same time, he has double responsibilities. It is within this framework that conflicts may arise. This leads to interstate disputes of legal, political and socio-economic nature. Regarding the issue of "legal connection of a person with the state", a number of decisions have been made by international judicial bodies, which have become precedents.

One of the best-known decisions in the case of Canevaro, who "by right of blood" acquired Italian, and by "right of soil" - Peruvian citizenship. The Permanent Chamber of International Justice, in 1912, ruled that Canevaro held Peruvian citizenship because he had been elected to the Senate in Peru and had been appointed Consul General in the Netherlands. Thus, the court enshrined the concept of "active or effective state affiliation" in international law, which became the basis for resolving interstate disputes concerning the application of diplomatic protection to bipatrides and their military service [22, p.35].

Criteria for effective citizenship are: permanent residence or longest stay; place of work, military or civil service; a place where a person actually enjoys political or civil rights; sometimes - the location of real estate. According to S. V. Chernichenko, the application of this principle is contrary to international law, because "in deciding on the effectiveness of a citizenship by an internal court, he puts himself in a position above the state body. The application of this principle is possible only by an international court, as states have voluntarily referred the dispute to this international body. "

Bipatrids enjoy the same rights and responsibilities as citizens of the country in which they live. At the same time, they have rights and obligations in relation to the state in which they do not reside, but are its citizens. Therefore, a bipatrid should carry out transactions only under the law of one state by a citizen of his choice, and not use in legal relations the various laws of different states that are more favorable to him in each case. The issue of the legal status of bipatrids in relation to privatization processes is difficult, for example. There are also difficulties in exercising their right to private ownership of land, real estate in the states of their citizenship, and so on. They often need to resolve the issue of the procedure for exercising the right to housing, education and more. A person with dual nationality cannot ensure equal performance of duties in relation to each state of which he or she is a national. In this way, a person discriminates against the state for which he performs less duties. At the same time, the state can discriminate against the bipatrid himself [22, p.36].

Thus, the peculiarity of the bipatrid is that he has the opportunity to enjoy the rights under the laws of the states of which he is a citizen. At the same time, he has double responsibilities. It is within this framework that conflicts may arise. Bipatrid performs transactions in accordance with the laws of the state, and not use the laws of different states at its discretion.

In the modern world, bipatrism or polygamy has become the norm, for which there are certain objective factors. Significant migration processes that took place during the 20th century in Western Europe and North America, have led to a significant increase in the number of persons with the citizenship of two or more states. Over time, polygamy has become commonplace in these states.

However, the issue of dual citizenship has become particularly acute in the world due to the influx of refugees from Eastern Europe, where hostilities are taking place, to Western Europe, as well as mass emigration from economically underdeveloped to industrialized countries and the desire to obtain European or American citizenship.

Given the above, it should be emphasized that dual citizenship has positive and negative consequences.

In our opinion, the positive consequences of establishing dual citizenship may be:

additional guarantees for the realization and protection of the rights and freedoms of the person (persons who have dual citizenship have equal rights and responsibilities with the citizens of the country in which they live, maintaining cultural ties with the country of origin);

- advantages regarding the right to reside in two or more states, the right to return and retain citizenship in a mixed marriage;

- a simplified procedure for the state to accept a resident with dual citizenship than for a foreign citizen, and the state of origin maintains contact with its citizen, which is important for developing countries;

- a significant number of people with dual citizenship will help strengthen ties between states, etc.

At the same time, dual citizenship has certain negative consequences:

- able to create additional responsibilities for a person, which are difficult or too burdensome (for example, the obligation to serve in the military in two or more states, to pay taxes in two or more states);

- a person with dual citizenship has much less rights to diplomatic protection, which is confirmed by international practice of states;

- inevitable conflicts in the legal status due to contradictions in the legislation of two or more states are resolved not in favor of this person;

- in the case of dual citizenship, difficulties arise in the field of interstate relations, as, on the one hand, there may be a dispute over the citizenship of a person between states that consider him or her a citizen and, on the other, a third state may have to decide, which citizenship of a person with dual citizenship to prefer;

- a person with dual citizenship will always be perceived as insufficiently loyal;

- dual citizenship does not solve the problem of cultural, linguistic and other integration [17, p.39].

It is certain that immigration does not automatically give rise to poly-citizenship. Most immigrants acquire it under the laws of the state of immigration. Some states, for example, offer dual citizenship to second-generation migrants.

In Europe, this issue is regulated by a special convention on citizenship, which stipulates that each state has the right to decide what consequences in its domestic law has the fact of acquiring another citizenship or belonging to another citizenship [9]. For example, in the Netherlands and Italy, the authorities simply "close their eyes" to multiple citizenship - the law does not allow it, but does not prohibit it. In Spain, only some states are allowed to have "additional" citizenship. A Swiss citizen can buy a passport of another state, but he loses his own forever. Conversely, a person who has obtained a Swiss passport is required by law to renounce all his other passports.

Dual citizenship is quite common, it is legalized in countries such as Spain, Great Britain, France, Hungary, Belgium, Finland, Canada, USA, etc.

Thus, among the positive consequences are the following: additional guarantees for the realization and protection of individual rights and freedoms (persons with dual citizenship have equal rights and responsibilities with citizens of the country in which they live, maintaining cultural ties with the country of origin) ; benefits regarding the right to reside in two or more states, the right to return and retain citizenship in a mixed marriage. The negative consequences include the following: a person with dual citizenship will always be perceived as insufficiently loyal; dual citizenship does not solve the problem of cultural, linguistic and other integration; a person with dual citizenship has fewer opportunities for diplomatic protection.

The problem of dual citizenship in the world in recent years is becoming increasingly important, due primarily to the peculiarities of development. Consider the problems of the legal status of bipatrids in international law and their solutions.

One of the first problems of the legal status of bipatrids in international law is the provision of diplomatic protection. There are two possible cases in which a state should endow its bipatrid with its diplomatic protection. The first case in which a dispute arises between two states of which he is a national at the same time. Accordingly, a state may not exercise diplomatic protection of its citizen in another state of which that person is also a citizen.

The legal status of bipatrids is also affected by the fact that within a third country, a person who has more than one nationality is considered to have one. The second case: a person with dual citizenship finds himself in the territory of a third state and in the territory of this state a dispute arises, however, which of the states of his nationality should provide diplomatic protection. The authorities of the host state usually in this case consider this person a citizen of the state with which the person has the closest connection (the principle of "effective citizenship") [22, p. 36].

To solve such problems, the so-called principle of "effective" citizenship can be applied, which creates a predominant legal connection of the bipatrid with the state where the person resides. However, even the application of this principle does not eliminate all conflicts related to dual citizenship. Thus, an effective way to resolve this issue is to conclude an international agreement between the states.

The next problem is that male citizens with dual citizenship are generally required to do military service in each state of their citizenship. In practice, this is not possible, so a bipatrid who has served in the military in one state and is in another state of his or her nationality will inevitably be prosecuted for evading military service or for service in a foreign army without permission, or for both at the same time. And yet this issue can be resolved only by concluding international agreements.

The Convention on the Reduction of Cases of Multiple Nationality and on Conscription in Cases of Multiple Nationality, as well as the European Convention on Nationality, are addressed to the military service of bipatrids [14].

The problem of military service can be solved only by concluding bilateral agreements between states. For example, a dual citizenship agreement was concluded between Portugal and Germany. The term of military service in these countries is different: in Germany - one and a half years, and in Portugal - one year. If a person, having the citizenship of both these states, has served a year in the Portuguese army, then after crossing the German border, he must serve another six months under German law.

Thus, a more effective way to address the legal status of bipatrids is for States to adopt relevant bilateral and multilateral international treaties.

Depending on the functional focus, there are three main types of international agreements aimed at resolving issues of dual citizenship:

1) agreements aimed at mutual recognition of the right of citizens to multiple (usually dual) citizenship and settlement of issues that arise. Examples of such agreements are the already mentioned agreements on dual citizenship between the Russian Federation and Turkmenistan and Tajikistan, as well as similar agreements between the Kingdom of Spain and the former Spanish colonies - in particular, Venezuela, Colombia, Costa Rica, etc.;

2) agreements aimed at the elimination of multiple citizenship as a phenomenon. Such agreements include the Convention between the Government of the USSR and the Government of the Mongolian People's Republic of September 11, 1975, the Treaty between Ukraine and the Republic of Uzbekistan on the Prevention of Dual Citizenship of December 5, 1996, and the Treaty between Ukraine and Georgia on the Prevention of Dual Citizenship. and the abolition of the already existing dual citizenship of 28.10.1997, etc. The main mechanisms for preventing dual citizenship under such agreements are the commitment of states not to grant citizenship to persons without providing evidence of renunciation of previous citizenship, as well as the imposition on persons with dual citizenship, within a specified period of time to choose a single their citizenship (compulsory individual option).

3) agreements that do not prohibit multiple citizenship, but are aimed at overcoming its negative consequences. Most often, such agreements are aimed at settling issues of diplomatic protection of polypatrids in the territory of third countries, their military, police or civil service, etc. St. 21 of the European Convention on Nationality 1997 indicates that persons holding the nationality of two or more States Parties shall perform their military service in only one of those States. Also in Art. 6 of the Convention on the Reduction of Cases of Multiple Nationality and of Conscription in Cases of Multiple Nationality states that a person may perform his military duty for the benefit of the country in which he resides. However, it is stated that a person under the age of 19 has the right to choose to perform military service as a volunteer in relation to another party of which he or she is a national for a full term, possibly also for the term required by the first party.

Thus, many problems arise with the provision of diplomatic protection to persons with dual citizenship and the performance of military duty to the state. These issues can be resolved only by concluding bilateral, multilateral international agreements, which would be aimed at eliminating the negative consequences of dual citizenship, as well as at resolving conflicts.

The problem of bipatrism is acute in almost all ethno-political regions of Ukraine. These include primarily Transcarpathia, Bukovyna, Crimea. In these regions of Ukraine, cases of voluntary acquisition of foreign citizenship by citizens of Ukraine, using ethnicity, have become more frequent. Thus, the number of bipatrids is increasing every day, despite the bans, threats from the state to apply appropriate sanctions. This situation requires a rapid response from Ukraine. The issue of legal regulation of bipatrism in the legislation of Ukraine becomes urgent.

Given the complexity of the problem, it is necessary to identify the factors that influence the emergence of persons with dual citizenship. First, we must identify the external factors that contribute to the emergence of this phenomenon:

1. Migration processes. Today's migration cannot be stopped, it has become intensive. According to the census of different countries, 6.6 million people born on its territory live outside Ukraine, which is 14.4% of the population.

2. Liberalization of the international treaty mechanism for regulating dual citizenship. For example, the European Convention on Nationality, signed on November 6, 1997 in Strasbourg (Ukraine ratified this document in 2006). This convention is an example of the recent trend towards the liberalization of dual (multiple) citizenship in international law. Under this Convention, a State Party automatically allows citizens to acquire another nationality at marriage and children at birth. The Convention also provides for the important provision that nationals of a State Party who have another nationality in the territory of the State Party where they reside have the same rights and obligations as nationals of that State.

3. Foreign and domestic policy of individual states, within which the idea of unification of the entire ethnic nation, regardless of the boundaries that divide its representatives. Examples are the following neighbors of Ukraine: Hungary, Romania, Poland, Russia.

4. Extensive financial, political, cultural, social support by foreign states of ethnic diasporas. Appropriate charitable foundations are being set up to provide advice and assistance in drawing up and submitting documents for citizenship. An example is the office of MEP Bailey Kovacs, who is a representative of the Hungarian Jobbik party, which actively promotes the idea of strengthening the entire Hungarian ethnic nation. The tasks of the office are charitable in the field of culture, education, economy, as well as providing advice and assistance to Transcarpathian Hungarians in the preparation and submission of documents for Hungarian citizenship. In 2009, the Hungarian authorities allocated about UAH 3 million for ethnic Hungarians in Transcarpathia to implement cultural and educational programs. In 2011, this figure increased by 18 percent compared to 2010. The Faculty of Humanities and Natural Sciences with the Hungarian language of instruction was also established at Uzhhorod National University.

5. Intensification of processes for granting dual citizenship in the countries bordering Ukraine. In particular, laws have already been adopted in Hungary, Romania, and Poland, which significantly simplify the procedure for acquiring citizenship for members of ethnic diasporas [16, p.208].

Consider the internal factors:

1. Since the independence of Ukraine, all nationalities - the Ukrainian people - have been united on the

basis of citizenship and free expression of each national minority.

2. Conflict, vagueness of the Law of Ukraine "On Citizenship" on bipatrism and the lack of a mechanism that would allow the registration of citizens of Ukraine who have acquired citizenship of other countries.

3. Ethnic revival, active integration processes in Europe contribute to the growth of the role of national minorities in Ukraine. This process is accompanied by the expansion of the network of institutions designed to serve the cultural needs of ethnic communities, the revival of culture, the desire to promote and develop, to establish relationships. Many public organizations have been established, for example, the Democratic Union of Hungarians of Ukraine and the Society of Hungarian Culture of Transcarpathia. Two political parties, the Party of Hungarians of Ukraine and the Democratic Party of Hungarians of Ukraine, were also established.

4. The low level of socio-economic protection of citizens in Ukraine, the high level of unemployment, poverty, reduced production, uncertainty about the future, encourages citizens to leave the country. Such tendencies are especially observed in young people. Many Ukrainian professionals want to emigrate. Young people are dissatisfied with the political and economic situation in the country. Young people are looking for work abroad because there are more opportunities, better to show their potential. The main reason for emigration is the lack of a good future for themselves and their families in Ukraine, they are convinced that it is better to emigrate at a young age.

It should be emphasized the dangers of dual citizenship:

1. Bipatrism inhibits the process of forming common values, priorities for the development of the nation and, accordingly, the unity of the people.

2. The institution of bipatrism destroys the strength of the stable legal relationship that exists between the citizen and the state, weakening the institution of citizenship.

3. The spread of the practice of acquiring dual citizenship may result in international conflicts (Russia-Georgia, Ukraine-Romania), weakening the state's ability to influence its citizens, as well as protect their interests abroad.

4. Bipatrism is often used to evade the duties of a citizen to the state, ie to perform military service, pay taxes, to facilitate criminal activity.

5. Mass acquisition of dual citizenship of citizens of Ukraine may threaten the national security of Ukraine. Some states rightly fear that the huge number of bipatrids will contribute to the weakening of sovereignty, the possibility of interfering in their internal affairs.

Along with the negative aspects of dual citizenship, there are positive ones:

1. Obtaining the legal status of a bipatride, a person may not sever ties with the country of origin and retain the citizenship of the state in which he resides, carries out employment.

2. The presence of citizenship of the country of residence is a guarantee of granting a person social, political, economic and other rights of citizens.

3. Ukraine could also grant its citizenship to Ukrainians living in other countries. And this could be a strong argument for protecting the rights of these people to national schools, universities, libraries and cultural centers in these countries. And it's not just about ethnic Ukrainians. Ukraine may provide diplomatic protection abroad to persons of other nationalities if they are former or current citizens of Ukraine. Tens of millions of Ukrainians are scattered around the world and have a different citizenship [16, p.210].

In order to ensure the uncontrolled emergence of dual citizenship, the elimination of negative consequences, protection of the rights and freedoms of citizens who have acquired foreign citizenship, it is proposed to legislate the rights and obligations of the citizen in whose territory he is. Amend the legislation on citizenship and provide that citizens of Ukraine have the right to acquire foreign citizenship only on the basis of relevant interstate bilateral agreements. Otherwise, such citizens are deprived of Ukrainian citizenship. A person with dual citizenship has in relation to each of the states of which he is a citizen, only those rights and obligations that are defined by the agreement between these states. In order to preserve the integrity and security of Ukraine, it is necessary to introduce into the legislation on civil service, law enforcement, local government and state secrets provisions on restricting access of persons with dual citizenship to positions and information constituting a state secret, and if such information is unprovided or closed to establish criminal liability. Also give a clear definition of the concept of "dual citizenship" for its unambiguous interpretation.

Also extremely important is the fact that the acquisition of dual citizenship by a citizen of Ukraine has no political context. The main reasons are to facilitate the procedure of going abroad related to work, study, leisure.

Thus, in Ukraine there are many preconditions to enshrine the permission for dual citizenship at the legislative level, but in Ukraine today there is political instability within the state and in its relations with some states. Consolidation of multiple citizenship in Ukraine, even if it happens, requires amendments to the Constitution, as well as to the Law of Ukraine "On Citizenship of Ukraine" for better implementation.

The history of the formation of the legal status of bipatrids in international law was considered. The legal institute of the status of bipatrides has passed the following stages of development: the first stage - XVIII - XIX centuries; second stage - XIX century. - XX century; the third stage - XX century. - XXI st.

The legal framework was found to be rich enough to address the legal status of bipatrids, including the UN Charter, the Universal Declaration of Human Rights of December 10, 1948, and the International Covenant on Civil and Political Rights of December 16. 1966, International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966, Convention on the Elimination of All Forms of Discrimination against Women 1979, Convention on the Rights of the Child of 20 November 1989, European Convention on Nationality of 7 November 1997 p.

The peculiarities of the legal status of bipatrids in international law were outlined. Bipatrism or multiple citizenship is the legal status of an individual who is simultaneously a citizen of two or more states. The peculiarity of the bipatrid is that he has the opportunity to enjoy the rights under the laws of the states of which he is a citizen. At the same time, he has double responsibilities. It is within this framework that conflicts may arise. Bipatrid performs transactions in accordance with the laws of the state, but he must not use the laws of different states at its discretion.

The positive and negative consequences of the legal status of bipatrids were highlighted. Among the positive ones are: additional guarantees for the realization and protection of the rights and freedoms of the individual (persons with dual citizenship have equal rights and responsibilities with the citizens of the country in which they live, maintaining cultural ties with the country of origin); benefits regarding the right to reside in two or more states, the right to return and retain citizenship in a mixed marriage. The negatives include: a person with dual citizenship will always be perceived as insufficiently loyal; dual citizenship does not solve the problem of cultural, linguistic and other integration; a person with dual citizenship has fewer opportunities for diplomatic protection.

The problems of the legal status of bipatrids in international law were considered. Many problems arise with the provision of diplomatic protection to persons with dual citizenship and the performance of military duty to the state. These issues can be resolved only by concluding bilateral, multilateral international agreements, which would be aimed at eliminating the negative consequences of dual citizenship, would be aimed at eliminating conflicts.

The following problems of the legal status of bipatrides in Ukraine are outlined. In modern conditions, when there are local wars, globalization, rapid migration processes, it is necessary to prevent the spread of the legal status of bipatrids. This is a threat to national security, the development of legislation in many countries. The legal status of bipatrids can be used as a new stage in the development of national and international associations, such as the European Union. It is proposed to enshrine in law the rights and responsibilities of citizens in whose territory they are, to amend the legislation on citizenship and to provide that citizens have the right to acquire foreign citizenship only on the basis of relevant bilateral agreements. Also give a clear definition of the concept of "dual citizenship" for its unambiguous interpretation.

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ОСОБЛИВОСТІ КОНСТИТУЦІЙНО-ПРАВОВОГО РЕГУЛЮВАННЯ ФІЗИЧНОЇ КУЛЬТУРИ І СПОРТУ В УКРАЇНІ: ПОРІВНЯЛЬНО ПРАВОВИЙ АСПЕКТ НА ПРИКЛАДІ КРАЇН ЄС

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THE FEATURES OF CONSTITUTIONAL AND LEGAL REGULATION OF PHYSICAL CULTURE AND SPORT IN UKRAINE: COMPREHENSIVE LEGAL ASPECT ON THE EXAMPLE OF EU COUNTRIES

Анотація.
Статья посвящена исследованию особенностей конституционно – правового регулирования в области физической культуры и спорта. Освещаются ключевые особенности регулирования отрасли физической культуры и спорта в Украине. На примере некоторых стран Європи проанализировано систему источников конституционно – правового регулирования в области физической культуры и спорта.

Abstract.
The article is devoted to the study of the features of constitutional and legal regulation in the field of physical culture and sports. The key features of the regulation of the branch of physical culture and sports in Ukraine are highlighted. On the example of some European countries, the system of sources of constitutional and legal regulation in the field of physical culture and sports has been analyzed.

Ключевые слова: *законодательство,конституция, международно - правовые стандарты физическая культура, физическое воспитание, спорт, здоровье.*

Keywords*: legislation, constitution, international legal standards physical culture, physical education, sports, health.*

Актуальність статті. Загальновизнано, що зайняття фізичною культурою і спортом є проявом здорового способу життя та складовою частиною здоров'я населення.

Фізична культура і спорт відіграють важливу роль у формуванні, збереженні та зміцненні рівня здоров'я громадян, підвищенні працездатності та збільшенні тривалості життя, фізичному та духовному розвитку населення, економічному і соціальному прогресі суспільства, утвердженні міжнародного авторитету держави у світовому співтоваристві [4]. Висвітлення актуальних проблем сьогодення сфери фізичної культури і спорту, прогнозування подальшого розвитку цієї сфери, її державно-правового регулювання характеризує новизну цієї роботи й актуальність практичного значення її результатів [6].

Мета статті полягає у необхідності дослідити як саме врегульовано питання щодо фізичного виховання, фізичної культури і спорту в конституціях різних країн Європи та України зокрема.

Виклад основного матеріалу. У законодавстві України регулювання спорту здійснюється шляхом приєднання держави до міжнародних конвенцій та закріплення основних засад у Конституції як акті вищої юридичної сили, і регулятивних положень в законах та підзаконних нормативно-правових актах.

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