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PREVENTION AND MINIMIZATION OF LEGAL DEFECTS IN THE MECHANISM OF LEGAL REGULATION OF THE EMBRYO'S LEGAL STATUS

Abstract. Purpose. The central goal of the present paper is to determine ways to prevent possible defects in law and reduce the existing drawbacks in the field of the embryo's legal status. **Research methods.** The methodological approach used in the study is a mixed methodology based on the application of general scientific methods (analysis, synthesis, deduction, analogy, comparison, generalization, hypothetical and systemic methods), special methods (forecasting), and private methods of legal science (formal-legal). **Results.** The impact of existing legal defects on social relations was studied, and such negative consequences as violation of the principles of humanism, non-discrimination, and justice were singled out. The main types of legal defects in the mechanism of legal regulation of the embryo's status were highlighted and reasoned. A list of ways to prevent and minimize such defects was compiled. The following general legal methods of prevention were distinguished: 1) determination of the scope of legal regulation; 2) justification in the legal doctrine of the development of social relations concerned; 3) implementation of the national legislation adaptation. Technical methods of preventing legal defects include 1) carrying out an examination of draft laws, and 2) unification of legal terminology. It was proposed to minimize legal defects in the relevant area by using the following methods of elimination: 1) adoption of new legal norms; 2) modification of existing legal norms; 3) systematization of the legislation of Ukraine in the form of official incorporation, consolidation, or codification. The following methods of overcoming the existing legal defects in the regulation of the embryo's legal status were highlighted: 1) application of the principles of law: justice, humanism, and non-discrimination; 2) application of analogy. Scientific novelty. The present research is one of the pioneering ones in the national legal doctrine. **Conclusions.** The available provisions of Ukrainian legislation are insufficient for regulating embryo's legal status; however, even minor legal regulations contain numerous legal defects. The implementation of the proposed steps of prevention and minimization will drive the necessary development of legislation on the embryo's legal status and will provide an opportunity to protect a person at the very first development stage – intrauterine.

Key words: violation of principles of law, uncertainty of legal norms, legal gaps, gender-biased sex selection, *acquis communautaire*, elimination, overcoming.

1. Introduction

The legal system is developed amidst rule-making of different levels and complex state system. Under such conditions and given the human factor, errors, contradictions, and gaps in law (legal defects) are inevitable.

The issue of legal defects in the mechanism of legal regulation of the embryo's status, especially cases of their prevention and minimization, has been poorly studied in Ukrainian legal science. This is not surprising since legal relations raising the embryo's legal status appeared only 44 years ago – after the birth in 1977 of the first IVF (in vitro fertilization) baby (Brown, 2018).

However, despite the lack of sufficient legal regulation, the progress of science and medicine is annually gaining new scientific, diagnostic, and therapeutic achievements revealing new research perspectives. That progress makes the embryo's legal situation particularly volatile because new ways of exploiting embryos are not regulated or are scantily regulated by legislation, which leads to disastrous consequences.

Consequently, the **purpose** of the study is to outline a way to improve the regulatory framework for the embryo's legal status by specifying remedies to prevent and minimize legal defects in the mechanism of statutory regulation of the embryo's status.

To achieve the goal, the following **tasks** have been solved:

1. The analysis of national and international legislation on the legal status of the embryo was carried out.

2. Legal defects in the regulation of the legal status of the embryo found in the legislation of Ukraine were classified.

3. The available ways of preventing and minimizing legal defects in law were analyzed.

4. The ways of preventing and minimizing potential and detected legal defects necessary for the relevant development stage of legal relations are highlighted.

An integrated methodological approach was used to achieve the set objectives. The general scientific methods employed in the study comprise analysis, synthesis, deduction, analogy, comparison, generalization, hypothetical-deductive method, and systems approach. For example, comparison facilitated in establishing the inconsistency of the available legal nomenclature among different levels of national regulations. The hypothetical-deductive method, for its part, allowed making deduction-based scientific assumptions in the form of conclusions. The specific method of the present study is forecasting, which is also covered in the research findings. As for private methods of legal science, the legalistic approach traditional for jurisprudence was used, within which the generalization and systematization of the statutory regulation of the embryo's status were exercised, and methods for interpreting legal acts were developed.

The data set forth in the study are divided into 3 subsections: 1) Consequences and types of legal defects in the mechanism of statutory regulation of the legal status of the embryo; 2) Prevention of legal defects in the mechanism of statutory regulation of the status of the embryo; 3) Minimization of legal defects in the mechanism of statutory regulation of the legal status of the embryo.

2. Consequences and types of legal defects in the mechanism of statutory regulation of the embryo's legal status

Legal defects are inherent in any branch of law. However, while some defects do not have a destructive effect on the legal relations in a particular branch of law, others cause irreversible and tragic consequences. For example, legal defects in regulating the embryo's legal status result in at least a violation of the principles of humanism, non-discrimination, and justice, at most – female mortality.

The principle of humanism, which is evident in the Constitution of Ukraine, defines the human being, his or her life and health, honour and dignity, inviolability and security as

the highest social value (Konstytutsiia Ukrainy, 1996). The legal status of human life at the very first stage of its development – intrauterine, is not approved, and its safety is not guaranteed. It should be noted that the above does not equate the human value before and after birth. The issue of embryo value is undoubtedly essential from both a moral and legal point of view, but it goes beyond the present study. However, there is no question that the embryo has some degree of value, hence the human embryo has more respect than the embryo of other species. The beforementioned is confirmed by para. 2, part 2, art. 25 of the Civil Code of Ukraine (hereinafter referred to as the CC of Ukraine), which recognizes that in cases established by law, the interests of a child conceived but not yet born are protected (Tsyvilnyi kodeks Ukrainy, 2003). At the same time, due to the lack of consistent and sufficient legal regulation of the limits of embryo research, states risk becoming a haven for ethically contradictory, inhuman, cruel, immoral, and unethical experiments on human embryos that violate the principle of humanism.

Violation of the principle of justice and **non-discrimination** is associated with the issue of balancing the competing rights of the mother with the legal status of the unborn child. The imbalance of the rights of the mother and the embryo most often appears in countries that, for ideological and religious reasons, enshrine the unborn child's right to life from the moment of conception, which leads to the prohibition of any procedure that terminates pregnancy (abortion). In addition to the prohibition of induced termination of pregnancy, the recognition of the unborn child's right to life at a level similar to that of the born child usually results in the denial of the full range of reproductive health services necessary to protect women's rights to life, health, dignity, and privacy. The United Nations Human Rights Committee notes that denial of access to services that only women require, including abortion, is discriminatory and may amount to gender-based violence, torture and/or cruel, inhuman or degrading treatment. Ensuring access to these services in accordance with human rights standards is recognized as part of the state's obligations to eliminate discrimination against women and ensure women's right to health, reproductive rights, and other fundamental human rights (United Nations Human Rights Office of the High Commissioner, 2020). The World Health Organization argues that the prohibition of abortion does not affect their frequency – on the contrary, severe restrictions on abortion increase the level of illegal and dangerous abortions with an associated

risk to the life and health of a pregnant woman (World Health Organization, 2011).

Discrimination can also be observed in such a phenomenon as social sex selection. The international community is inclined to limit or prohibit the choice of a child's sex upon social indicators since it causes a violation of the sexual balance of the population. Foreign doctrine even contains the term “*missing women*” (Moskalenko, 2018), which indicates a shortage of women compared to their expected number in the region due to abortion, infanticide, as well as inadequate medical care and nutrition for female children (Wikimedia Foundation, 2022). Article 14 of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, of 04.04.1997 (hereinafter referred to as the Oviedo Convention) establishes that use of techniques of medically assisted procreation shall not be allowed for the purpose of choosing a future child's sex, except where serious hereditary sex-related disease is to be avoided (Convention on Human Rights and Biomedicine, 1997). A similar provision in the form of a recommendation is available in the WMA Statement on In-Vitro Fertilization and Embryo Transplantation, adopted by the 39th World Medical Assembly in October 1987, and other international documents. Ukraine, unfortunately, still does not have a statutory ban on social sex selection.

The mentioned gap is only one of the types of legal defects in the statutory regulation of the area under study. Analysis of regulations makes it possible to establish various logical-structural and technical defects in the norms relating to the embryo's legal status and some specifics of legal defects in legal relations. Summarizing the results of such an analysis, it is suggested identifying the following **types of legal defects** in the regulatory mechanism of the embryo's legal status:

1. **Legal defects of the parties involved in legal relations.** The specificity of legal relations is manifested in the lack of the very parties of legal relations due to the lack of the formalized status of the embryo – an object of law, a subject of law, or a special legal category (*sui generis*).

2. **Ambiguity of legal norms.** The technical defect of the legal norm is evident in the lack of an accurate and complete statutory regulation, which inevitably leads to a decrease in the regulatory properties of law, complicates the interpretation of its norms, and prevents their effective implementation. Thus, the mentioned para. 2, part 2, art. 25 of the CC of Ukraine is the only reference to

the legal status of the embryo in national regulations. It states that in cases established by law, the interests of the embryo are protected, but the legislator does not specify them. There are also no measures for protecting the interests of the unborn child. Even the feasibility of such a regulation is questionable since the 2004 decision of the Constitutional Court established that an interest, even if protected by law, unlike a right, is not ensured by the legal obligation of the other party, and the use of a good in which a person has a legitimate interest should proceed without the requirements of certain actions from other persons or specific boundaries of behavior (Rishennia Konstytutsiinoho Sudu Ukrainy, 2004).

3. **Defects of legal terminology** are also technical defects of the legal norm. The legislation of Ukraine contains two terms that relate to the intrauterine life of a person – “**embryo**” (up to eight weeks) (Zakon Ukrainy Pro zaboronu reproduktyvnoho klonuvannia liudyny, 2004) and “**fetus**” (from the 12th full week of pregnancy to removal from the mother's body) (Nakaz Ministerstva okhorony zdorovia Ukrainy, 2006). The definition of the period of intrauterine life of a person from the 8th to the 12th week is not enshrined legislatively. Moreover, normative legal acts include many vague semantic synonyms: in the Family Code of Ukraine (hereinafter referred to as the FC of Ukraine) – “embryo” (Art. 123), “a conceived child” (Art. 110, 122); in the CC of Ukraine – “a child conceived but not yet born” (Art. 25, 1298); in the Fundamentals of Ukrainian legislation on health care – “embryo” (Art. 48); in the Procedure for the Use of Assisted Reproductive Technologies in Ukraine (hereinafter – Order No.787) – “embryo”, “fetus”; in the Law of Ukraine “On the Prohibition of Human Reproductive Cloning” – “embryo” (Art. 2), “a fertilized egg” (Art. 2).

4. **Gaps.** Being a logical-structural defect, they lack a rule of law that would regulate relations that fall within the scope of legal influence. The examples of gaps in regulating the legal status of the embryo are as follows:

- 1) a zero ban on sex selection of the embryo upon social indicators;
- 2) excluding single men from the circle of subjects who can receive a donor embryo.

3. Prevention of legal defects in the regulatory mechanism of the embryo's legal status

Among other things, scientists identify general legal and technical ways to prevent law defects.

It is proposed to identify the **following general legal ways to prevent** legal defects in the mechanism of statutory regulation of the status of the embryo:

1. **Determination of the scope of legal regulation.** It is necessary to establish the circle of social relations, events, facts, and circumstances when they: 1) require legal regulation, 2) are reflected in the conscious volitional behavior of subjects, 3) are subject to legal regulation given the need for their external control to prevent interference with legally protected values. The relevant legal relations concern each of us and our descendants, influence human population, and interfere in the most rapid and most important period of human growth – embryonic, and therefore must be properly regulated. The need for their external control is supported by the above cases of the adverse consequences of imperfect legislation on statutory regulation of the status of the embryo.

2. **Substantiation in the law doctrine of the concepts of development of social relations under consideration.** The conscious will of legal entities regarding the need to recognize and consolidate “new” legal relations at the legislative level is primarily manifested in sufficient scientific research. Subject-related literature should elicit the problems of current regulation and offer ways to solve them. Unfortunately, there is a lack of relevant literature sources in the field under study. At this stage of the development of legal regulation of the embryo’s status, it is expedient to advance the doctrinal base and increase the number of high-quality works that would contain substantial and appropriate suggestions for updating and amending the current legal regulation that does not meet modern requirements.

3. **Adaptation of national legislation.** First of all, it refers to the adaptation of national legislation to *acquis communautaire*, especially the international legal acts already adopted by Ukraine. **Acquis communautaire** is a common set of rights and obligations that unites all EU countries as members of the Union. It is constantly evolving and comprises the content, principles, and political objectives of treaties; legislation adopted under the Treaties; case law of the Court of Justice of the EU; declarations and resolutions adopted within the EU, etc. (*Acquis communautaire*). Although Carine Brochier from the European Institute of Bioethics noted that until the legal status of the embryo is settled in the European Union (Dailymotion, 2015), it is possible to highlight the essential principles that the European Union uses in resolving issues related to its legal status. Thus, in the case of Parrillo v. Italy as of 27.08.2015 regarding the violation of the right to peaceful enjoyment of his possessions (that is, embryos), the European Court of Human Rights (hereinafter – ECHR) concluded that Art. 1 of Protocol No. 1 to the Convention, on the protection

of property, cannot be applied in the present case given that human embryos cannot be regarded as “possessions” (Case of Parrillo v. Italy, 2015). The practice of the European Court of Human Rights as a source of Ukrainian law established that a human embryo is not a legal object. In addition, one of the fundamental Conventions on Human Rights and Biomedicine (the Oviedo Convention) has not yet been ratified, which was signed by Ukraine on March 22, 2002. Crucial provisions of the Convention, such as the prohibition of social sex selection and some provisions concerning research on embryos in vitro, have not yet been rendered in national legislation.

The **technical ways** to prevent legal defects in the mechanism of statutory regulation of the embryo’s status of include:

1. **Examination of draft laws.** The most important thing at the relevant stage is to examine draft laws for compliance with *acquis communautaire*, particularly with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms and the ECHR practice. Pursuant to Part 1 of Art. 19 of the Law of Ukraine “On the Implementation of Decisions and the Application of the Practice of the European Court of Human Rights”, the representative body carries out a legal examination of all drafts and by-laws that are subject to the requirement of state registration for compliance with the Convention which results in a specific conclusion (Zakon Ukrainy Pro vykonannya rishen ta zastosuvannya praktyky Yevropeiskoho sudu zv pra liudyny, 2012). Unfortunately, there is currently no draft law regulating the legal status of the embryo. However, the legal regime of the embryo is partially defined by the legislation regulating the procedure for using assisted reproductive technologies (hereinafter referred to as ART). Nowadays, three draft laws related to ART have been registered: No. 6475 dated 28.12.2021 “Draft Law on Assisted Reproductive Technology”; No. 6475-1 dated 11.01.2022 “Draft Law on the Application of Assisted Reproductive Technologies”; No. 6475-2 dated 13.01.2022 “Draft Law on the Application of Assisted Reproductive Technologies and Replacement Motherhood”. As rightly stated in the explanatory notes to almost every draft law, the drafts lack provisions concerning Ukraine’s obligations amidst European integration, rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms. However, Parts 3, 4 of Art. 19 of the Law of Ukraine “On the Implementation of Decisions and Application of the Practice of the European Court of Human Rights” establish that a representative body provides a constant and reasonable peri-

odic check of current laws and by-laws for compliance with the Convention and the practice of the Court, and, based on its results, submits proposals to the Cabinet of Ministers of Ukraine to amend effective laws and regulations to bring them into line with the Convention's requirements and the relevant practice of the Court (Zakon Ukrainy Pro vykonannya rishen ta zas-tosuvannya praktyky Yevropeiskoho sudu z prav liudyny, 2012). In view of the aforesaid, current and future draft laws, involving the very laws, should be coordinated with the ECHR practice. At the same time, draft law No. 6475-1 can be an example of the violation of the ECHR practice, which in Art. 23 defines patients who resort to ART as the owners of embryos and health care facilities that use ART as the owners of donor embryos. Although such a regulation renders the actual position of embryos in Ukraine without specifying the peculiarities of that kind of ownership, the provision contradicts the ECHR decision in the case of Parrillo v. Ital – the court established human embryos cannot be regarded as “possessions”.

2. Unification of legal terminology. Considering the above conclusions about the defects of legal nomenclature, it is necessary to agree on the terms of human “embryo” and “fetus”. It is proposed to set out clause 1.4 of the Instruction for determining the criteria of the perinatal period, live birth and stillbirth dated 29.03.2006 (hereinafter referred to as Order No.179) as follows: “The fetus is an intrauterine product of conception as of the formation of the placenta (from the eighth to the twelfth week) until expulsion/removal from the mother’s body”. In addition, it is essential to agree on vague semantic synonyms the legislator applies to refer to the unborn child and, if needed, distinguish between them (“embryo”, “fertilized egg”, “conceived child”, “a child conceived but not yet born”).

4. Minimization of legal defects in the regulatory mechanism of the embryo’s legal status

As for *minimizing current legal defects*, it is proposed to consider the following ways to eliminate them:

1. Adoption of novels. Given the novelty of the area under study and the lack of legal norms that would directly relate to the embryo’s legal status, there is a need for a great deal of novels. They should regulate the legal status of the embryo, determine ways to protect and defend its interests, the limits of embryonic research, etc. For example, it is advisable to introduce into national legislation a provision prohibiting the use of ART for selecting the sex of an unborn child with some exceptions and prohibiting social sex selection.

2. Amendments to existing legal regulations. Within the present work, the author has already proposed to amend clause 1.4. of Order No.179 and updating the wording of the term “fetus”. In addition, Order No. 787 requires numerous changes as its provisions do not allow a single man to resort to assisted reproductive technologies. The substantiation of expediency of including single men in the list of subjects using some ART types (for example, obtaining donor embryos, surrogate motherhood services, etc.) is beyond the scope of the present study; however, such a gap concerns the embryo’s legal status and should be eliminated through appropriate amendments in the law.

3. Systematization of the legislation of Ukraine in the form of official incorporation, consolidation, or codification. In specifying such a method of eliminating legal defects, it should be noted that it is too early for its application since there are not even separate articles that would establish the legal status of the embryo and its aspects. However, the scanty current regulation in our country is scattered across various regulatory legal acts: the CC of Ukraine, the FC of Ukraine, the Fundamentals of Ukrainian legislation on health care, the Procedure for the use of assisted reproductive technologies in Ukraine, the Law of Ukraine “On the Prohibition of Human Reproductive Cloning”, etc. The adoption of advanced provisions at the first stages of the development of legal regulation of the embryo’s status will definitely take place in the form of additions to the mentioned regulations, and therefore it is necessary to carry out the systematization of legislation for the convenience of using such provisions in the future.

Regarding the ways to **overcome** the existing legal defects in the regulation of the embryo’s legal status, it is proposed to emphasize the following:

1. Application of the principles of law: justice, humanism, and non-discrimination. It is essential to agree with Pohrebniak S. that the application of the general principles of law is a means that is quite rarely used. It is justified by the current state of development of positive law, when almost all situations requiring legal regulation, receive appropriate direct or indirect regulation by the legislature (Pohrebniak, 2013). Hence, applying these principles should only be an auxiliary way to minimize legal defects in regulating the legal status of the embryo.

2. Application of analogy. It is not only about applying the analogy of law but also the method of analogy as a tool for establishing equivalence (correspondence, similarity) between the two systems under consideration following some features. The analogy can

be used to specify the legal status of a human embryo in Ukraine – enshrining the duty of others to treat it with respect. Indeed, the consolidation of a personal non-property obligation of a subject toward another requires the latter to be legally capable, and an embryo is not under national law. At the same time, Art. 298 of the CC of Ukraine enshrines the duty of everyone to respect a person who has died (Tsyvilnyi kodeks Ukrainy, 2003). The article enshrined the personal non-property obligations of others toward a person who is also not a subject of law and does not have legal capacity (lost it) – the deceased person. Such a provision is a norm-principle by its nature that promotes the moral foundations of society in Ukraine and aims to ensure respect for human dignity. The method of analogy makes it possible to recognize that such a norm-principle is also crucial for the legal protection of the embryo because it will be focused on maintaining respect for human dignity in the prenatal phase of its development.

5. Conclusions

1. Legal defects in the mechanism of statutory regulation of the status of the embryo have their consequence: **violation of the principles of humanism** (manifested in unethical research on embryos), **non-discrimination** (manifested in social sex selection), and **justice** (manifested in creating an imbalance between the rights of the mother and her unborn child, which leads to an increase in female mortality).

2. Depending on the components of the mechanism of legal regulation of the embryo's status, it is proposed to distinguish the following types of legal defects in the area under study:

legal defects of legal norms:

1) logical-structural: gaps;

2) technical legal: uncertainty of law norms; defects in legal nomenclature (inconsistency of terminology, use of inaccurate semantic synonyms);

3) legal defects of the parties involved in legal relations.

3. Proposals for preventing and minimizing legal defects are set out in the work sequentially. Thus, first of all, it is necessary to implement general legal methods of prevention as follows: to determine the scope of legal regulation; to substantiate the concepts of development of the studied sphere of public relations amidst the doctrine of law; to ensure the adaptation of national legislation. These steps commence the formulation of laws on the legal status of the embryo.

4. The next step should involve introducing technical ways to prevent legal defects, such as the examination of drafts and the unification of legal terminology.

5. After introducing ways to prevent legal defects, the legislation of Ukraine will be about minimizing existing ones by eliminating and overcoming them. The following measure can contribute to eliminating legal defects in regulating the status of the embryo through the adoption of new legal norms; amendments to current legal norms; systematization of the legislation of Ukraine. At the same time, it will be necessary to apply such remedies as the principles of law – justice, humanism, non-discrimination, and analogy.

6. The above steps put into practice in the proposed sequence will help develop legislation on the legal status of the embryo. If the sequence is broken, we run the risk of encountering even more legal defects. For example, the unification of legal nomenclature is impossible without a preliminary definition of the scope of legal regulation under which the relevant terminology will be used. As a rule of thumb, the adoption of novels and the introduction of amendments to existing ones do not occur without a previous justification of such a need in the legal doctrine of law. Thus, implementing the proposed methods of preventing and minimizing will drive the necessary legislative evolution toward the legal status of embryos and will make it possible to protect a person in the prenatal phase of development, during which the progress of his inherited potential takes place.

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ЗАПОБІГАННЯ ТА МІНІМІЗАЦІЯ ЮРИДИЧНИХ ДЕФЕКТІВ У МЕХАНІЗМІ ПРАВОВОГО РЕГУЛЮВАННЯ ПРАВОВОГО СТАТУСУ ЕМБРІОНА

Анотація. Мета роботи. Провідною метою поточного дослідження є визначення способів попередження можливих юридичних дефектів та зменшення кількості наявних у сфері регулювання правового статусу ембріона. **Методологія.** Використаний методологічний підхід є змішаним та базується на застосуванні загальнонаукових методів (аналіз, синтез, дедукція, аналогія, порівняння, узагальнення, гіпотетичний та системний методи), спеціальних методів (прогнозування) та приватних методів юридичної науки (формально-юридичний). **Результати.** Досліджено вплив наявних юридичних дефектів на суспільні відносини та виокремлено такі негативні наслідки, як порушення принципів гуманізму, недискримінації та справедливості. Виокремлено та роз'яснено основні види юридичних дефектів у механізмі правового регулювання статусу ембріона. Сформовано перелік способів запобігання та мінімізації таких дефектів. Так, виокремлено такі загальноправові способи запобігання, як: 1) визначення сфери правового регулювання; 2) обґрунтування в доктрині права концепцій розвитку досліджуваної сфери суспільних відносин; 3) забезпечення адаптації національного законодавства. До техніко-юридичних способів запобігання юридичним

дефектам у механізмі правового регулювання статусу ембріона віднесено: 1) проведення експертизи законопроектів, 2) уніфікацію правової термінології. Запропоновано мінімізувати юридичні дефекти досліджуваної сфери за допомогою використання таких способів усунення: 1) прийняття нових правових норм; 2) внесення змін до існуючих правових норм; 3) проведення систематизації законодавства України у формі офіційної інкорпорації, консолідації чи кодифікації. Також виділено такі способи подолання наявних юридичних дефектів регулювання правового статусу ембріона, як: 1) застосування принципів права: справедливості, гуманізму, недискримінації; 2) застосування аналогії. Наукова новизна. Дослідження на висунуту тематику є одним з найперших в національній юридичній доктрині. **Висновки.** Наявні приписи українського законодавства є недостатніми для регулювання правового статусу ембріона, втім, навіть незначне правове регулювання містить велику кількість юридичних дефектів. Втілення запропонованих кроків запобігання та мінімізації започаткує необхідний розвиток законодавства у сфері правового статусу ембріона та дасть можливість забезпечити людину в найпершому етапі його розвитку – внутрішньоутробному.

Ключові слова: порушення принципів права, невизначеність правових норм, прогалини, соціальна селекція статі, *acquis communautaire*, усунення, подолання.

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