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S. Vitvitskiy,
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PUBLIC EXPERTISE IN THE DEVELOPMENT OF CIVIL SOCIETY

In the dynamics of democratic processes in Ukraine particular relevance acquire all research institutions that are required in the formation of democratic, social and legal state. Therefore, the legal literature emphasis on consideration of public control as a mandatory element of the legal state and civil society.

Formation in Ukraine of law and civil society depends on the presence of an established system of cooperation between public authorities and citizens, and also the practice of public oversight over the activities of the authorities. Absence interaction between society and government, transparency of government for public control undermines the legitimacy of public institutions and their decisions. Therefore, in the legal literature recently more attention is paid to social control, review its basic elements, but its implementation remains a problem studied rather superficially.

Author reviewed and analyzed the content of public expertise of legal acts in terms of development of civil society. The article explains the role and importance of public expertise to determine the place in the stability of society.

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Kharkiv National University named after V.N. Karazin

THE ESSENCE OF LEGALITY AND ITS MODERN UNDERSTANDING IN LEGAL SCIENCE

The article analyzes the theoretical approaches to defining the essence and content of legality, an understanding of its basic requirements. The conclusion is made that is most common characteristic of the rule of law as the principle of state activity, as the method of state management society, and how the modes of social relations, which meets the requirements of laws and other normative acts.

Legality before appear as a social reality must be understood as the need to pre– consciously "given" as a subject of law principles of their activity. Sufficiently high level of culture, which is manifested, in particular, certain legal ideals, principles, beliefs – a necessary prerequisite for ideological legitimacy. But she acts as a kind of legitimacy index, an indicator of culture. The most important discovery of the spiritual culture of society is different forms of social consciousness, which merges the closest to the legality of justice. Level of justice reflected the state of the rule of law, primarily indirectly through legislation, the ideological source of which is the very sense of justice. The more perfect law, the more accurately it is a progressive legal representation, the more favorable conditions for the rule of law. Moreover, justice directly affects the legitimacy of the field of law enforcement. The role it performs because provides: a) voluntary implementation of regulations of law; b) proper clarification, interpretation of the meaning of legal norms; c) selection within the limits set by law, the most appropriate behaviors; d) to overcome in cases permitted by law gaps in the legislation.

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COMPLIANCE WITH THE PRINCIPLE OF CONSTITUTIONALITY – BASIS FUNCTION OF LEGAL SYSTEM

The article is devoted to the principle of constitutionality of legal acts as the basis of existence and successful functioning of the legal system. It is noted that the general principles of law jurists called legality, equality before the law and the court, justice, humanity, the presumption of innocence, irreversible force of law and no exclusion of basic human rights. However, if these principles of law – a constitutional provision that organically related and mutually conditioned, and the system of principles – the only link, violation of even one of them will inevitably result in : first, the violation of other principles, and secondly, inability to achieve the main goal right – smooth person their rights. With this in mind, accented that the set of all legal principles that are the foundation constitutionalization can be put into one, which is the base, the main thing for constitutionalization domestic law and the legal system in general. This is the principle of constitutionality, which should be seen as a process of clarification of compliance of the law of the Constitution. He characterizes the knowledge of objective laws and mediation of social relations through the prism mode constitutional legitimacy, which is the strict implementation of the Constitution and all subjects of law, the proper application of the rules by the authorities and officials. This requirement is fixed in the Constitution, the general principles of the activities of public authorities and officials who are authorized to perform law-making, in accordance with the Constitution and the acts they produce must comply with the Constitution. It is emphasized that the nature and content of the Constitution define the nature and content of national legislation. Constitutionalization law depends on the content of those values and principles laid down in the Constitution and due to the peculiarities of the national legal system (based of which is static – the ideal set by the Constitution and the legal system of the speaker – the legal development of socio-economic processes on the basis of and in accordance with the values of modern constitutionalism). Proved that how fundamental constitutional principles and provisions are reflected in the legislation depends on the degree of effectiveness of the legal regulation of social relations.

CONSTITUTION OF UKRAINE IN ACTION

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CONSTITUTIONAL RIGHT TO EDUCATION IN THE OBJECTIVE AND SUBJECTIVE VALUE

At the present time of social development, in terms of reforming the economic and political system, modernize all spheres of modern life on education are particularly important.

Education is one of the most important spheres of social life, as a necessary element of the state. Education is the main factor leading political, economic, social and cultural progress, as it is an essential instrument of effective management and the development of modern legal and social state.

The aim of education is the full development of the human personality and the highest values of society, the formation of citizens, enriching intellectual and cultural potential of the people, raising the educational level of the people, providing qualified professionals.

The right of everyone to education has an important place in the system of rights and freedoms. Every state, based on the exceptional importance of education for the development of cultural, social and economic potential of the country, proclaiming education a priority sector.

Any educational activity is an important part of cultural reproduction intellectual and economic development of society, the key to strengthening and consolidation of Ukraine as a sovereign, independent, democratic, social and legal state. The educational sector is currently strategically important factor in development. Therefore, in modern legal and social state education should be a prerequisite for existence of not only the individual, but in general throughout the country, as the level of education of all citizens is a key factor in the political, economic, social, cultural and other social progress.

The article is devoted to the study of education as an essential element of every person, its cultural development and prosperity. The article describes the role and importance of education in order to determine the place and role of the right to education in the system of rights and freedoms of man and citizen. The author examined and analyzed the existing legal science approaches to the understanding of the right to education in objective and subjective meaning.

PROTECTION OF RIGHT OF MAN AND THE CITIZEN

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POLITICAL DIMENSION OF THE RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN

The article deals with human rights as a universal evaluation category, combining moral and right start; which establishes the legal framework and policy is a measure of the effective implementation of public authority. Political rights and civil based on political freedom and are established constitutional and legal norms opportunities (authority) of the active participation of citizens in the management of state and social life, to ensure the impact of the holders of such rights to the activities of the subjects of the political system.

Explores human and civil rights, which are enshrined in their formal legal rules that is not limited to legislation, and includes other social controls, including morality, traditions, customs, etc., which caused legitimate by society and historically achieved cultural level of society. This is a legal dimension of human rights and civil rights.

Establishes that it is the state of human rights should be a criterion for the effectiveness of public policy priority in any political transition.

Category of freedom is defined as the fundamental characteristic of the position of the individual in society and the state, filled with concrete content constitutional principle of the highest social values of human.

Political rights can not be absolute the law can keep their limitations caused by objective social backgrounds. By lawful restrictions on political rights, does not lead to a reduction of political freedom, the author includes restriction of political rights in emergency situations; qualifications established for the exercise of political rights; conditions for the exercise of political rights; preliminary constitutional prohibitions.

Political rights of human and citizen are based on political freedom and are established constitutional and legal norms opportunities (authority) of the active participation of citizens in the management of state and social life, to ensure the impact of the holders of such rights (as a rule, citizens) on the activities of the subjects of the political system.

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SCIENTIFIC-THEORETICAL VIEWS ON THE RATIONALE FOR AND PROTECTION OF CITIZENS ELECTORAL RIGHTS

The article examines the controversial issues of the guarantees of electoral rights of citizens and consider the content of the protection and the protection of these rights. Deals with the problem of combination of the generally recognized standards and national norms for the regulation of elections and electoral rights and freedoms of man and citizen. Allocated guarantees for the exercise and protection of electoral rights of citizens of Ukraine. It is proved that the courts in the adjudication of election disputes must apply not only the provisions of the Constitution of Ukraine, but also the standards and principles of international law on elections. Investigated the practical side of the problem of substantiation of protection and protection of citizens electoral rights. The author came to the conclusion that in order to change the practice of electoral law must prepare the theoretical justification for this problem. Disclosed to the regulations on the state level of regulation and protection of rights and freedoms. The author tried to identify shortcomings and weaknesses of the electoral system and submit their proposals regarding the improvement of the electoral legislation by the adoption of the Electoral code of Ukraine, which would ensure the unity, in a structured and systematic character of legal regulating various issues in the field of electoral law. Justified the author position that the solution to this problem will be quite difficult, because it is connected with the General culture of the population and traditions. Defines the content of the electoral rights of citizens by Dan Ukraine, which characterizes the social relations arising between subjects of the election relations. The author examines individual several provisions of the Constitution of the Union of Soviet Socialist Republics, which fixed the electoral system of Ukraine. Makes suggestions regarding the execution of the regions of our state constitutional duty to protect the rights and freedoms of any person and a citizen on its territory. Results of the research are the conclusions regarding the formation of an effective legal mechanism for control over the protection and enforcement of electoral rights of citizens. The result of the article is specified, clearly defined position on the necessity of raising the level of legal knowledge among all participants in the electoral process.

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THE CONTENT OF THE NOTION "SOCIAL PROTECTION OF DISABLED CHILDREN"

The article is devoted to the disclosure of the term "social protection of disabled children" through gradual revelation of the essence and content of the notions of "social protection", "social protection of invalids" and clarification of existing approaches to their legal interpretation. Noted that today in science lacks a separate study on the clarification of the notion "social protection of disabled children", which indicates that the novelty and expediency of this research.

It is analyzed the scientific works in this sphere. The author argues the thesis that today replacing the concept of "child-invalid" on "children with disabilities" is not required. It is proved that used in the current national legislation the concept of "disabled person" is more accurate and such that fully reflects the essence of such a state of a person.

The proposed social protection for disabled children is defined as a component of the system of social protection of the disabled, which is to ensure a decent life for disabled children and their socialization by providing some social benefits (cash payments, medical assistance, social services, medicines, medical products, technical means of transport, technical means of rehabilitation, support of different kind in the adaptation to the environment etc) in the established by the legislation of volumes and is one of the key tasks of the social state.

Also, the author provided to improve the conceptual apparatus in the sphere of social protection of disabled children.

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THE CONCEPT OF PROTECTION OF PROPERTY RIGHTS AMONG OTHER LEGAL CONCEPTS

The article investigates the concept of property rights. In view of the functions and features of the method of civil law deals with the relationship between security and civil legal regulations. It is considered and systematized scientific perspective on the definition of "protection of property" to relate the concepts of "protection of property" and "protection of property rights".

Due to the need to guarantee everyone the possibility of exclusive use certain kinds of resources mankind has developed various mechanisms to protect property rights. Thus, the development of all legal systems associated with the development of institutions for the protection of property rights.

The need for protection of civilian relationship has always existed and will exist as long as there will be a society. Civil law is becoming one of the most important means of protection of public relations. This manifestation of the legal effect and is a protective function of civil law.

Content of features of civil law is heterogeneous, in other words, ways to influence the behavior is different. Usually two general ways are distinguished – permission and prohibition, although the impact of civil law on behavior is not limited to these methods.

Methods of impact of civil law on human behavior and shape of the right realization can serve as criteria for differentiation of the basic functions of civil law. It should be noted that the dependence of the functions of the right ways of the impact of law on social relations and forms of implementation of law is ambiguous. Ways to influence law and forms the right is the functions of civil law, because the latter reflect official role of law.

It may be noted that the protection of civil rights begins to exist for another level of existence, which "reflects the stage of being right when legal (law, legal practice, legal policy, jurisprudence, legal ideology in general) makes an immediate impact on the consciousness of the individual, groups of people, causing the nature of perception and actual behavior in his actions" and security relationship arise at the level of socio-legal action.

STATE ADMINISTRATION AND LOCAL SELF-GOVERNMENT

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THE SCOPE OF APPLICATION OF TECHNICAL-MATERIAL AND FINANCIAL PROVISION OF THE ACTIVITIES OF INTERNAL AFFAIRS BODIES

Consideration of problem issues in the scope of application of material and financial maintenance of activity of the bodies of internal affairs of Ukraine, is an important internal basis of successful development and functioning of the system of air traffic management of Ukraine in general. Proper implementation of the ATS of Ukraine directly depends on the development of material-technical and financial provision of the law enforcement officers. Formation, development and improvement of the system of material-technical and financial provision of the bodies of internal affairs of Ukraine is of particular importance in modern conditions, when the crisis phenomena in the economy, society and politics directly affect the state of the fight against crime. It is, in particular, the methodological significance of concepts of development of science of world experts on administrative law and process, the theory of state and law, philosophy of law, in particular: Nizhnik, Lune, Karasev, Century, and others, who not only developed, but also to renew the sphere of material-technical and financial provision traditionally scientific ideas in this area. It is there fore no exaggeration to say that today without accounting and analytical review of their scientific contribution can not get no serious work on the methodology of the administrative and legal science, theory of state and law, financial law.

Among scholars and practitioners is a discussion on the approximation to the European standards to the determination of the basic principles of material-technical and financial provision of ATS of Ukraine. Timeliness and relevance of the objectives of the article is that the article is devoted to problematic issues of development of sphere of material-technical and financial values in the internal affairs bodies in the system of Ministry of Internal Affairs of Ukraine.

Also, the author provided the necessary recommendations to improve administrative and legal regulation of concessions in the national economy of Ukraine.

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ABOUT THE NEED OF SYSTEM ECONOMIC AND LEGAL INCENTIVES OF ECONOMIC SECTORS (EXAMPLE OF SHIPBUILDING)

This article deals with the development of priority sectors to stimulate the economy. Particular attention is paid to legal improvements in shipbuilding. The conclusion about the need for reorientation of indirect state support measures and incentives system.

The development priorities (basic) sectors of the economy observed in a number of policy documents state, particularly in the economic reform program, developed by the Committee on Economic Reforms, headed by the President of Ukraine when it comes to "modernizing infrastructure and basic sectors". State programs intensification of economic development for 2013-2014 years, approved by the Cabinet Ministers of Ukraine, refers to "priority sectors" on which is expected to accelerate development. This trend of government policy in general should recognize the positive in view of the limited budgetary resources of Ukraine and the objective difficulty (or even impossibility) of uniform redistribution efforts of the government in the economy as a whole.

In this context, the question arises, first, that the industry considered a priority, and secondly, how to determine the form and content of state support in a way that does not distort competition in the general economy, and third, how to enter state support particular industry in a manner incentive could be to achieve its self-healing and self-development in the future, fourth, how to adapt the legal regulation of advanced measures of support mechanisms existing in the state regulation of the economy, eliminating gaps, ambiguities and contradictions of law? Without constructive answers to these questions seem to state support of some sectors of the economy can no longer do harm rather than promote economic development.

In terms of the destruction of established industrial relations established in the Soviet Union, haphazard privatization and globalization, liberalization forms of management and ownership, to modern legislators faced a difficult task to offer effective tools to support innovative sectors of the economy through science-based legislation acts.

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CONTRACTUAL PRINCIPLES OF LAW ORDER IN THE SPHERE OF ECONOMIC

This article investigates current issues forming the basis of agreement of economic enforcement under current market conditions. In the context of the value of private and public law principles to economic law and order is set to contractual regulation of the economy and its place in the mechanism of the economic and legal regulation. Considered doctrinal approaches to determining the content of individual regulation and its symptoms, the content of the market and market natural self-conscious. The statement that the economic agreement at the individual level, completing the formation of the economic rule of law by creating a complete model of the behavior of the contractual relationship that translates into the legal regime of the contract. The author developed the concept of "legal regime agreement", modified its role in forming the foundations of the economic order, defined the nature of the contractual relationship with the concept of discipline.

The legitimacy of the rule of law in economic activity directly related to the conformity of the actual state of order of economic relations and economic needs formed on the basis of their legitimate interests that must be implemented within the economic turnover. Each system has its own configuration management priorities, due level of national economic system and the degree of its integration into the global economy. Recognition of objects of legal protection of private interests, formed on the basis of the individual needs of business entities, should be accompanied by the legal formalization of practical mechanisms and tools to implement them. In other words, the rule of law affects the economic interests of private entities by providing the latest opportunities for their realization and protection through legal means, which are also the criteria of legality interest limits the implementation of which they define.

Private law economic principles of law and order is represented primarily at the level of individual autonomous and coordinating economic and legal regulation (Regulation subordinated the individual is part of a public law regulation of the economy relations).

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LEGAL BASIS RENAISSANCE OF KUYALNYK RESORT AND KUYALNYK ESTUARY

The article deals with the issue of the formation and development of the resort as a first resort Kuyalnyk institution in Odesa group of resorts and natural resources Kuyalnyk estuary in medical, health and recreational purposes. It is emphasized that the resort Kuyalnyk cannot exist without Kuyalnyk estuary, which is a unique water object.

The author notes that the significant value Kuyalnyk estuary and surrounding area, as in the past and at present, is a unique flora and fauna. But today Kuialnyk estuary turned into a shallow puddle and is on the verge of death. Over the last decade, environmental condition Kuyalnyk estuary is deep crisis. Catastrophic shallowing of the estuary, increasing its salinity brine and mud create threat of total extinction. High and uncontrolled levels of smaller rivers for irrigation in the relatively recent past has led to an artificial reduction of runoff and shallowing of the estuary. In addition, one of the negative factors leading to the drying up of the estuary is the illegal sand extraction on the slopes of the estuary. Its negative role played numerous ponds and dams erected in the river Great Kuyalnyk and river valleys, streams and gullies, which prevent access of water in the estuary.

However, the actual state Kuyalnyk estuary affected not only the negative effects of economic activities, and continued uncertainty of the legal status of the resort Kuyalnyk as required by the Law "On the resorts" from the 5th of October 2000. In this regard it was entered reasoned proposal for the adoption of a special law of Ukraine "On the announcement of the natural area Kuyalnyk estuary Odessa Oblast resort of national importance".

According to the author, there will be an urgent need to develop appropriate governmental regulations, and perhaps a comprehensive program to revive Kuyalnyk estuary and development of Kuyalnyk resort.

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REPRESENTATIVE ACTIVITIES OF PROSECUTION AT THE STAGE OF REFORM

The article describes the stages of reform powers prosecutors outside the criminal sphere. Indicate the key issues that will ensure the effective implementation of the constitutional functions of the Prosecutor's Office to protect the rights of citizens and the state's interests in court in cases determined by law, in terms of ongoing changes in legislation. Attention is paid to the features of the optimal model of representative activities.

As the final stage of reform of the prosecution it is considered working group set up by the President of Ukraine in 2011 on reforming the prosecution and the legal profession, whose main objective was to provide a head of state proposals to reform the prosecution and the legal profession in accordance with internationally recognized democratic standards.

Sectoral regulatory framework and practice of prosecutors, formulated proposals to improve the regulatory control of this part of the work is analyzed.

It is determined that in a prosecution reform to maintain and further improve the efficiency of the representation of citizens' interests or the state in court as necessary structural changes in the middle of the department and update of departmental regulation of this activity. These processes are dictated by the objective necessity of preserving public prosecutors as a powerful institution that has been and remains the only body that is able to use existing powers to make a properly working state power and control to ensure the rule of law in the country.

It is proposed the creation of the existing structure of the Main Directorate of additional offices pre-trial preparation materials, namely on the protection of the rights and freedoms of children, transport, environment, budget, land relations, that is, the prosecution of priorities. It is necessary to be given to mentioned management jurisdiction to conduct checks to establish the basis for representation. Later material transfer control to participate in the proceedings in the courts.

It is noted that today the creation of an optimal representation of the internal structure of units with a clear delineation of responsibilities and criteria for performance evaluation depends on the effective execution of the function of protecting the interests of citizens and the state courts in cases specified by law.

PROBLEMS AND JUDGEMENTS

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PARTICULAR FEATURESOF JUDICIAL RESOLUTION OF FAMILY DISPUTES FOR FAMILY LAW OF UKRAINE

Features of the judicial resolution of family disputes under the laws of Ukraine are considered in the article. The problems of legal regulation of family relationships, provides recommendations to overcome them.

It is analyzed the distinction between "guard" and "protection" of rights is not only theoretical but also practical, as each of the concepts involves a certain set of actions and their intended direction. Protection and enforcement can be seen in the ratio as an abstract and a concrete phenomenon. Privacy is somewhat legislated model, which must contain certain properties and the conditions under which the violation is possible to apply defense in response to violations of the rights and legitimate interests. That protection exists regardless of the circumstances, as defense applies only upon the occurrence of legal facts as have committed the offense. Protection is a real remedy or interest. The right to defense is guaranteed by each participant and family relationships, both personally and through a representative or through state of the guardianship.

There are two forms of protection of family rights – jurisdictional and not jurisdictional. In the form of jurisdictional protection of the rights of the family relationships is carried out by a competent and authorized state body – the court. Not a jurisdictional defense is derived from the right to self-defense, which is fixed by the Civil Code of Ukraine. Not jurisdictional form of protection provides for independent conduct proactive participants in family relationships for preventing or stopping the offense.

At the level of judicial protection and to protect family rights and interests is also considered exercised guardianship authorities, prosecutor or a notary public.

It is analyzed the role of the prosecutor and notary that can perform protection of family rights.

The author notes that family relations are governed not only a branch of family law. The greatest influence on the regulation of family disputes is a branch of civil law. According to the Civil Code in cases prescribed by law, the protection of family rights can be exercised by administrative procedures or public (private) notary

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GRATUITOUS CONTRACTS FOR CIVIL LEGISLATION OF UKRAINE

The main problems of modern civil law in the field of contractual regulation of free relations with the main theoretical conclusions and practical recommendations identifies in the article.

It is cleared up the question which of the norm creating signs agreement is crucial, directly related to the efficiency of the legal regulation of a certain type of contract. Given that the rights and obligations of the parties to the contract are based on the purpose of contractual relationships (orientation obligation), the same orientation is seen as the main factor of the system, and all other features of the contract so as to clarify the regulation, due its orientation.

It is established secondary system features a contractual relationship which may be subject composition features of the contract, its object and compensatory or gratuitousness relations. For this analysis, the system is considered a sign of chargeless contractual structures under the laws of Ukraine.

It is noted that in civilian literature the term "reimbursable contract" and "chargeless contract" is also not defined, and finally found the impact if chargeless compensatory to build contractual structures in the civil law of Ukraine. Under the present conditions of civil law in society increasingly focuses on relations compensated than free. However, along with lucrative contracts CC of Ukraine regulates also a significant amount of free contracts (gift, loan, free storage, etc.). It should thus be noted that no evidence of equivalence or compensatory not be an obstacle to attributing certain relations to civil law.

It is researched and defined the term "reimbursable contract" and "contract free of charge". It is understood that for compensation is an agreement under which the creditor is entitled to the property or reputation of consideration of their interest from the debtor. Royalty free is a contract in which the lender does not receive from the debtor's property or reputation of consideration of their interests. Having property or non-property interest in the contract free of charge by the lender does not affect its gratuitousness.

It is analyzed influence of legal regulation chargeless loan agreement in the Civil Code of Ukraine.

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LEGAL CONSTRUCTION OF PLEDGE (MORTGAGE) ACCORDING TO THE CIVIL LEGISLATION OF UKRAINE

The article concerns the problem of pledge, that is one of the main means of protection of rights and interests of participants of civil legal relationships. The actuality of reseach in the current period is stipulated by the necessity of improvement of the mechanism of legal regulation of contractual relationships and enforcement of effectiveness of application of means of securing of execution of obligations.

The aim of this article is to analyze norms of current civil legislation concerning definition subjects, contents of pledge as a legal category of civil law.

Proposals on improvement of current normative-legal acts in this field were formulated.

The concept of pledge is defined in the Civil Code of Ukraine (art. 572) whereby the lender (mortgagee) is entitled in the event of default by the debtor (mortgagor) if the obligation was secured by the mortgage, have satisfy his demands at the expense of most of the pledged property prior to other creditors of the debtor, unless otherwise stated by law (right of pledge). From this definition, we find that the terms "bail" and "right of pledge" legislator uses interchangeably. Both pre-Soviet and modern scientists attempted to prove that the pledge is only binding (obligatory) in nature. Discussion on real or obligatory nature of the pledge is not just an academic matter.

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PROCEDURAL PREREQUISITES TO ENSURE EFFECTIVE CIVIL JUSTICE

Society is interested in quickness and effectiveness in renewal of rights of civil proceedings, because it is the most common form of protection of civil rights and resolution of private disputes between citizens. As far as the proper fulfillment by the courts of objectives of civil procedure are related to its effectiveness. Since the objectives of civil procedure fulfilled in the course of civil procedural activities regulated by civil procedural law, so it is an interesting question the procedural prerequisites to ensure effective civil justice system.

So, as the basic rule it can be considered the provisions of the fourth paragraph of Article 10 of the CPC of Ukraine, in accordance to which the court encourages the full and complete understanding of the circumstances of the case: explaining to the persons involved in the case, their rights and obligations, warns of the consequences of committing or non judicial actions and contributes to the implementation of their rights in cases, established by this Code. The above rule is applicable by courts in complex in conjunction with Article 160 of Civil Procedural Code, under which presiding judge is directing the flow of the court hearing, ensuring compliance and consistency in proceedings, exercise by members of civil process of their procedural rights and performing of their duties, directs trial to provide a complete, comprehensive and objective clarification of the case, eliminating from a trial hearing everything that is not essential to the resolution of the case.

Thus, CPC directly assigning court with function in each case to facilitate in full and complete understanding of the circumstances of the case, direct the trial to full, comprehensive and objective clarification of the case.

Procedural guarantee of implementation of this function is imposing on court of the obligation to determine: the circumstances relevant to the case and the facts, that needed to be established and the basis for claims and objections; substantive law, which governs the legal disputes; to identify the evidence in accordance to nature of legal disputes and to clarify which party should prove certain circumstances.

In the meaning of CPC, the above procedural actions are binding and must be carried out during the preparation of cases for trial (regardless of the preliminary court hearing). These procedural actions, which are crucial when considering each civil case and are determining the direction of its proper and timely resolution, must be made independently of the procedural activity or legal literacy of parties and must be directly aimed at fulfillment of objectives of civil litigation, which are addressed primarily to the court, and not to the parties.

Furthermore, given that for the resolution of the dispute (which is the main duty of the courts) the court must apply the relevant substantive law, and it needs to establish substantive facts (that are the subject of proof), which must be established on the basis of the evidence so we can conclude that despite the existing model of competitiveness, it is the courts' duty to clarify the circumstances of the case and to verify this circumstances by evidences.

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LAWYER MANTLE IN THE CONTEXT OF LEGAL REGULATION OF PROFESSIONAL RIGHTS OF LAWYER

It is investigates in the article the implementation of the legal grounds for the mantle in Ukraine as an attribute of advocacy that is used exclusively to emphasize the importance and status of lawyers perform their functions in a procedural court and points belonging to the legal entity of the corporation. The author proposes to expand the professional rights lawyer who is established in Article 20 of the Law of Ukraine "On the legal profession and legal practice", adding the specified rate law lawyer lawyers to be dressed in the mantle of the courts in criminal, civil, commercial, administrative affairs, and in the constitutional proceedings. The author believes that empowerment of Advocates of Ukraine on the Approval of the sample and the legal description of the mantle is so reasonable and relevant to the legal profession and the functions of the Board of Advocates of Ukraine. It is proposed to amend Article 56 of the Law of Ukraine "On the legal profession and legal practice" and the Regulation "On the Council of Advocates of Ukraine" authority of Advocates of Ukraine on the approval of the sample and the legal description of lawyer mantle.

It is grounded the necessity of legislative regulation law attorney while attending the court hearing to be dressed in special costumes – law mantle. The aim of the article is: a) determining the legal basis and ethical traditions of the advocacy about wearing the mantle of advocate; b) authorizing the legal authority on professional clothing attorneys.

It is noted that the proper statutory regulation of the legal status of the lawyer shall provide the necessary protection of the rights and lawful interests of individuals, compliance with international standards of advocacy. Thus adequate response of the courts and other state bodies and their officials, local governments, individuals and entities pursuant to the legal profession functions conferred on it by the Constitution of Ukraine depends on the legal definition of the legal status of lawyers.

It is made the analysis of recent research and publications in which the solution of scientific problems, are considered factors that contribute to the lack of a unified approach to the introduction of the legal rights of the mantle as a professional right of lawyer.

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PROCEDURAL MEANS OF PROTECTION OF THE DEFENDANT'S FROM ADMINISTRATIVE CLAIM

The article is devoted to the nature and varieties of arms protect the defendant from a claim in the administrative process.

The principle of equality of all members of the administrative process before the law and the court provides the parties an equal opportunity to protect their interests when dealing with the administrative court of public law dispute. Consequently, the defendant, as the plaintiff has the right to judicial protection.

It is consider the defendant's right to file an objection to the administrative claim enforceable Part 2 of Art. 51 CAJ Ukraine. By submitting objections to the administrative claim, the defendant will help the court to establish the nature of legal disputes, substantive law which governs it, the facts to be established and the underlying claims and objections, the persons who are to participate in the case and so on. Statement of defense may apply to all stated requirements or to some or volume. The defendant may file a few objections. The objection to an administrative claim can be taught both in writing – in a statement addressed to the court and orally – directly in court. Submission of the proposal is not limited to certain time limits, so you can file an objection at any time to leave the court to consultation room for the adoption decree in the case.

It is noted that the defendant in order to prevent deterioration of their legal status can be used not only procedural remedies of administrative action. The defendant may be committed and a number of actions beyond the specific process that will also be aimed at protecting its interests and prevent the deterioration of its legal status as a result of the consideration and decision of the administrative proceedings.

Using of the defendant provided legal remedies, primarily procedural, from administrative action allows it to not only effectively defend their interests when considering administrative proceedings, but also contributes to the law in the field of public relations.

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LEGAL NATURE OF THE CONCEPT OF "SERVICE" AND ITS RELATIONSHIP TO THE CONCEPT OF "ADMINISTRATIVE SERVICES"

This article deals with the activities of executive bodies (their officials), in accordance with the requirements of Articles 1, 3 and 5 of the Constitution of Ukraine is to act in order to ensure the implementation of private and public interests, especially in controlling the quality and safety of products and all kinds of services and works. Other social production, works and services are subject to economic legislation. Business representative institutions of the state are the subject of administrative law, its implementation is financed from public funds, and therefore there is no sign of services.

From the preamble of the Constitution of Ukraine is seen that the parliament, executive and judicial authorities need to take care "of the rights and freedoms of human and worthy conditions of life". The term "care" includes the obligation to exercise diligence, care, to seek, to care, to work so as to ensure the rights and freedoms of man and decent conditions of life. The content of Articles 1, 3 and 5 of the Constitution states that the bodies of state authorities (the BSA) and bodies of local authorities (the BSA) should be the performance of responsibilities to create organizational conditions for the implementation of public and private interests. However, other provisions of the Basic Law suggest that state the duties and responsibilities not delegated BSA and BSA. Their activities are financed from public funds, which are formed in accordance with Art. 67 of the Constitution at the expense of taxpayers. Introduction to the circulation of administrative jurisprudence and current legislation such activity as providing "paid administrative services" grossly violated the principles of the rule of law, reduces the content and scope of the constitutional rights and freedoms of citizens of Ukraine.

Legal basis that laid down in the law during the Soviet era and still dominate the legal system of Ukraine, they contradict not only the legal norms of the civilized world, but the very logic of social and economic development of the normal democratic society in the rule of law. Evidence of this is the existence of "dogma factor", which is an obsolete concept of declaring the Soviet subject of administrative law.

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ABOUT CERTAIN TERMS OF THE NEW CRIMINAL PROCEDURE AND LEGAL ACTS OF UKRAINE

It is analyzed in the article the use of unnecessarily broad in Code of Criminal Procedure and the Interdepartmental Instruction № 114/-2012 ... the term "authorized". Proposals are being made to clarify the wording of certain legal norms. It is proved that the use of a new legal terminology requires its scientific interpretation, the correct interpretation.

Among the new terms the author applies the term "authorized operational units".

It is ascertained that the term "authorized" in accordance with Art. 246 UKP Ukraine legally used only in relation to the operational units – OSA subjects who receive orders of the investigator to conduct covert investigation (investigation) of action. Operational units – auxiliary OSA subjects – call, according to the staffing without synonym "authorized". Non-operational units (for example, the police department – this division MOB, GAI, forensic services) to name just a diversion units, respectively, and their staffing name.

It is concluded that the mechanical and unnecessarily wide use in the Code of Criminal Procedure and the Interdepartmental normative act of the terms "authorized operational units", "authorized units, police and security services", "authorized employee operational unit", "authorized official person" and "authorized person" clearly requires ordering.

Reviewed and analyzed the concept of "tacit Investigation (investigative) action". Thus, tacit investigation (investigative) action under Art. 272 Code of Criminal Procedure would be correct to refer to "the introduction of covert front-line officers in an organized group or a criminal organization". In this edition of this unspoken Investigation (investigative) action fits perfectly into the context of review of all the NA (P) D.

It is noted that the legislator in Art. 43 of the Criminal Code protect individuals performing a special task only for the disclosure of an organized group or a criminal organization. In that case, if the person took root in a group of two people who have committed particularly grave or serious offense and forced harmed right protected interests, its legal protection is not provided.

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ON THE GUESTION ABOUT WAY PROTECTION TACTICS AND THEIR ROLE IN SOLVING THE PROBLEMS OF THE CRIMINAL PROCEEDING

The article is devoted to the research of general, organizational and procedural principles and tactics of protecting its assets in the theory of criminology. Author made an attempt to systematize the means of protection tactics, identify their characteristics and legal bases to justify the use of these tools to address the challenges of professional lawyers based on the study and practice of scientific sources advocacy.

It opens the task of protecting species as advocacy of protecting the rights, freedoms and legitimate interests of the suspect, accused, convicted, acquitted, the person against whom coercive measures envisaged medical or educational nature and the question of their use in criminal proceedings, the person for which considers the issuance of a foreign country (extradition), and the person who brought to administrative responsibility in the proceedings on administrative violations.

It is considered the essence means of protection and it is made their classification. This necessitates the following tasks: define the system assets tactics protection of features to justify the legal basis and general scientific, organizational, procedural and forensic prerequisites for the application of these tools to address the challenges of professional lawyers in criminal proceedings.

It is analyzed tactical defense methods which are used by lawyers that involve tactical risk. Tactics methods are classified according to the following criteria: the source of; depending on the purpose of use; depending on the object, on which methods are used; depending on the tasks that need to be addressed.

It is clarify conditionality tactical risk investigative and judicial situation manifests itself in objective need for those actions.

It is claimed that the use of tactics should be used in a law practice as lawyers not only help in solving professional tasks, but also provides safeguards their activities.

Identify illegal means to implement the profession of lawyer activity.

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ON THE QUESTION OF THE COMPLEX NATURE OF FORENSIC INVESTIGATION OF SIGNATURES CREATED WITH TECHNIQUES

In this article the author, based on the synthesis and analysis of the literature, considering various approaches to the study of forensic signatures created with techniques, paying attention to the lack of unanimity on the issue.

The author argues the need for a complex forensic investigation of this category of objects handwriting examination by highlighting peculiarities of the most common methods of technical and forensic examination of documents at various stages of this type of handwriting research of signatures.

Confirmation of the complex nature of forensic investigation signatures created with techniques, the author discovers also in the analysis of the methodological expert sources. In particular, the methodological recommendations for the appointment and conduct complex examinations in criminal, civil, commercial and administrative matters, where the key objects of complex handwriting and technical research documents referred signatures made using previous technical training and signatures on copies of documents. This methodological recommendation defines the tasks of complex forensic handwriting and forensic and technical examination, such as: installation executors of signatures in copies of document, fact-finding execution of signatures using previous technical training and writing instrument with a defect that forms a double strokes etc.

In conclusion, the author emphasizes that only based on the integration of methods and knowledge of different areas of forensics investigation can be effective, efficient and conducted on well-organized scientific level.

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COMBATING DRUG ADDICTION AND ALCOHOL ABUSE AS BACKGROUND FOR THE CRIME PHENOMENA: CHARACTERISTICS OF PRIORITY AREAS AND MEASURES

This article is devoted to the research of combating drug and alcohol abuse as background for the crime phenomena. It is affirmed that the main objectives of anti-drug and anti-alcohol policy should be: general anti-drug and anti-alcohol education and upbringing of the younger generation, formation of a negative public attitude to these phenomena; consistent measures for reducing the consumption of drugs and alcohol production by the population in case of a complete state monopoly; prevention, elimination or mitigation of socially negative, including criminal consequences of drug and alcohol abuse by the population; guaranteeing protection of interests of citizens, families, society and the state against drug addiction and alcohol abuse processes; realization of public health protection, especially young people, prevention of degradation of population's gene pool, stabilization and improving social and demographic situation.

The author suggests to develop a normative and legal act that would regulate the following issues: determining institutions providing appropriate specialized care, their objectives and tasks; assignment, modification and discontinuation of compulsory treatment; the legal status of persons placed in the institutions providing specialized care; grounds and procedures for using special measures of medical and correctional influence; liability for unlawful placement in a rehabilitation center, specialized medical and correctional institution; the individual's right to appeal or a court's decision about compulsory treatment; lawyer's participation in a court sitting, etc. It is emphasized on the feasibility of starting full-scale medical and social rehabilitation system.

The following main ways of special counteraction to drug addiction and alcohol abuse should be outlined: stoppage of using drugs and alcohol and being intoxicated in appropriate public places; identifying haunts and persons providing premises for producing and using drugs, alcohol and harlotry, involving minors; establishing people violating the rules of alcoholic products' trade, producing and storing with the aim of selling alcohol drinks without special permission; prevention of family alcoholism and drug addiction; purposeful anti-drug and anti-alcohol propaganda.

TRIBUNE OF DOCTORAL CANDIDATE

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CITY LEGAL SYSTEM AND ITS COMPONENT STRUCTURE

On the based of use of parametric general systems theory examines the components of municipal legal system in the article. It is founded of status, normative institutional, ideological and communicative components of municipal legal system. Until the status of a component is included in the following subjects' municipal law: city, local governments, territorial communities, local bodies of population self organization, citizens. The normative component is represented as a set of rules and sources of city law. Institute of local legal system is the local authorities, local self-organization of population, local community who exercise their functions by making decisions locally. The ideological component includes legal character of the city, the city's legal consciousness, legal urban culture, urban legal values and values of city law. Communicative component includes the regulation of legal relations between the city and the city dweller and other relationships within cities, between cities (including cities in different states), city and state, and internationally – between states regarding the city, which prompted the city to reinforce the consideration of subjects' rights as members of the center-peripheral relations.

The existence of municipal legal system along with the already recognized legal systems can be confirmed not only theoretically, but also on a practical level. Using the general theory of parametric systems, which has a foundation of logical and philosophical argument necessarily, rests and shows examples of real operating systems, accurately determine their characteristics.

Consideration of the concept, structure and substrate of the city's legal system provides opportunities for its inclusion in a number of generally accepted legal systems and general theoretical categories of law. On the one hand, creating prospects for the development of the modern city law as a legal phenomenon, its separation and institutionalization in legal science and practice and on the other promotes ideas about urban component of legal development, which increasingly affects the legal, government and ethnic of society.

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CONCEPT OF PROFESSIONAL CRIMINALITY

Article is devoted to concept "professional criminality" studying. It is specified that the professional criminality is rather isolated specific part of criminal acts, and the terms "criminal profession", "professional criminality" are perceived usually hardly, as a certain anomaly. In a criminological turn they exist conditionally, for designation of a special type of the criminal activity, different stability, extent in time and having the signs, inherent profession.

The author notes that, despite relevance of a problem of professionalizing in the crime noted by scientists of the different countries during the different historical periods, it still didn't become independent object of research in criminalistics. Such state is caused not by absolutely correct methodological approach to studying of the corresponding phenomenon. In literature issues of professional criminality are touched, as a rule, fragmentary and aren't special object of monographic researches.

The points of view of the scientists of different countries on this phenomenon are analyzed.

Having generalized stated, the author draws a conclusion that professional criminality – one of types of criminality which is characterized by stability of criminal occupation, will having knowledge and skills in this sphere, and also an illegal way of life, and crimes are considered by the subject as a source of illegal profit for existence, and actions – as only acceptable means for providing this purpose. Besides, criminal professionalism provides inevitability of interaction of the subject with the criminal environment. These circumstances allow not only to commit a crime, but also to avoid criminal liability.

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LEGAL DEFINITION AND DISTINCTION BETWEEN OPTIMIZATION AND MODERNIZATION OF CUSTOMS AS OF ORGANIZATIONAL STRUCTURAL COMPONENT OF THE SYSTEM OF INCOME AND CHARGES

The article is devoted to research a conceptual apparatus as optimization and upgrading customs Income Ministry, which is a regional division of the regional and local level, acting in the structure and system of revenue and fees.

With the help of integration, the optimization and upgrading processes being committed during 2012–2013 years, making in 2014, develops and improves such organizational-staff structural component of the system of revenue and customs duties as Income Ministry (hereinafter in the text is customs), which is regular units of local and regional level Income Ministry acting locally.

Citing a number of legal acts Income Ministry system of income and charges is all this multifaceted organizational and full set of structural units of income and charges, operating towards the realization of the state customs policy, leaving each with its competences and fulfilling tasks requiring agencies revenues and fees.

It is noted that the structural system of income and charges include those relationships on which interact with each other in carrying out their official tasks units (units) of revenues and charges. The organizational structure of revenues and fees is a complex administrative mechanism by which ensured effective protection of customs security of Ukraine and is controlled by compliance with the legislation of Ukraine on civil customs. The basis of the formation of this mechanism is a set of ordered relations and communications for multi-level system of income and charges is a system of functions of income and charges, the totality of which is the content and the process of implementation of the state customs policy in the sphere of customs interests of state.

Customs Authority as income and taxes are subject to the appropriate authority legal status with staff that is a legal entity with a specific set of commercial property, and whose task is reduced to the administration of taxes, payments to the state and local budgets for fixed payments.

TRIBUNE OF YOUNG SCIENTIST

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THE CONCEPT AND STRUCTURE OF SOURCES LAW SYSTEM IN UKRAINE

The article is devoted to research on concept and structure of the sources of law in Ukraine, in particular their systematizing in an appropriate hierarchical order.

The key issue here is the solution to the problem that arises in the course of the study of sources of law, namely the construction of sources of law in Ukraine to the integrated system. The system of legal sources of law appears as a holistic, organic self-organizing systems only when the sources of law are beginning to be seen in their relationships and hierarchy as a kind of subordinate integrity. Relevant at this stage of development is the development of the legislation of Ukraine the draft Law of Ukraine "On the system of sources law in Ukraine". Study of the sources of law requires a theoretical study of the topic in science to improve the system of sources of law and its further development.

The problems of jurisprudence, in particular its role in society, the impact of the development and functioning of the state and the legal system, there is always the focus of lawyers. Special attention given topic has during development, the formation of essentially new concepts and ideas in theory. Occurrence of that problem is explained due to the need of perfect enforcement of the law.

Problems of formation and functioning of the sources of law are not deprived of the attention of both foreign and domestic scholars, but lack the prevailing theory of sources of law are noticeable not only in the domestic jurisprudence, but also manifested a number of problems in the practice of law. In turn, the presence of that problem is caused by trends in the legal development of Ukraine, including: diversity of external forms (sources) of law, including a role in the settlement of social relations, increasing the share of international agreements, the possibility of a national legal framework for new sources of law. These needs require research and the formation of sources of law in Ukraine, which will provide regulatory and stabilizing of law role.

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SUNNAH AS A SOURCE OF ISLAMIC LAW

The article discusses the evolution and formation of such a source of Islamic law as the Sunnah. It is shown the role and means. It is considered correlation of the terms "hadith" and "Sunnah". It is shown the requirements to be met by the hadith, which are taken as a source of legal norms. Issues are examined connected with different attitudes Islamic legal schools to these requirements.

The Sunnah is the second largest after the Koran major source of Sharia – a fundamental source of Islamic law. Together with the Koran Sunnah is the foundation of Islamic religious and legal thought, as well as a source of modern Islamic legal norms.

With the concept of "Sunnah" is inextricably linked the concept of "Hadith". They are sometimes used as identical. Despite the fact that these terms are synonymous be contextual, is they are not identical. The term "hadith" means information about any word, actually the Prophet Muhammad, verbal or tacit approval, or his appearance as his personality. Thus, the Hadith is recorded in writing a biographical fact the Prophet Muhammad.

Evolution of attitude to the Sunnah as the most important source of Islamic law has been caused not only by the absence of many overt responses in the Koran to emerging legal issues. Disagreements appeared about the interpretation of certain verses of the Koran understanding their meaning. It should be noted that the Koran was compiled into a single book almost immediately after the death of the Prophet. Main role in the interpretation of the Koran belonged Companions of the Prophet – people who were close to him in different situations, who knew the circumstances of the revelation of a verse. Among other things, many of them witnessed the Prophet application in practice of various Koran provisions.

Question the reliability of hadith – one of the most pressing in Islamic legal thought, because it is directly related to the admissibility of a hadith as an argument, the argument of the Sharia – Delilah (source of Sharia and Islamic law).

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CONSIDERATION OF CASES BY COURT ABOUT MENTAL HEALTH CARE TO PERSONS' COMPULSORY ORDER

Scientific article is devoted to the investigation of peculiarities of the case of separate proceedings to provide mental health care in the face of enforcement. Based on the research it is made conclusions about the gaps in the law and possible ways to overcome them by improving the current legislation of Ukraine.

Formation and development of legal and democratic state is not possible without ensuring universal values, including health occupies an important place. The human right to health and health care is an inalienable moral rights of everyone enshrined in international legal acts and national legislation of Ukraine. Provision of compulsory psychiatric care in violation of the statutory order may result in significant human rights abuses, since the consequences associated with a possible restriction of individual rights to liberty, freedom of movement, personal integrity, personal honor and dignity.

Civil procedural law governing regulates judicial procedure for reviewing and resolving cases of providing mental health care in the face of enforcement. They are cases of special proceedings. Separate proceedings are a form non actional proceedings, which are considered in the order of civil cases confirm the presence or absence of legal facts that are important to protect the rights and interests of the individual or the creation of conditions exercise of moral rights or property or confirm the presence or absence non contested rights and definition of the legal status of a person.

Proceedings of cases about providing mental health care compulsorily governed by Chapter 10 of the Civil Procedure Code of Ukraine and the Law of Ukraine on February 22, 2000 № 1489-III "On Psychiatric Care", and includes the following measures: psychiatric examination, outpatient mental health care (and its sequel), admission to a psychiatric institution forcibly (and continued such hospitalization).

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LAIM AS PROCEDURAL MEANS OF PROTECTING THE RIGHTS, FREEDOMS AND INTERESTS IN ADMINISTRATIVE PROCEEDINGS

The article is devoted to the legal nature of administrative action as procedural remedy, freedoms and interests of public law issues, which is provided by the actual implementation of the subjective right of appeal to the administrative court to resolve public law disputes.

Creation administrative justice as an integral part of the national legal system and mechanism to ensure the rights and freedoms in Ukraine causes necessitates to research individual components of the institution. The problems associated with defining the characteristics of a human rights instrument, as an administrative claim, providing the initiation of judicial protection of the rights and freedoms of citizens against arbitrary decisions, actions or inaction of government agencies, which occurs by the rules of administrative proceedings.

It is analyzed the nature of the administrative and judicial protection of rights, freedoms and interests, not only aimed at recognizing the illegality of decisions, acts or omissions, but also for the restoration of the right to use certain social benefits or to encourage government entities to provide assistance in the realization of this right, as an example – eligible to receive certain social services.

The author explores the concept of action as a universal legal instrument that drives the entire legal process to protect the rights, freedoms and legitimate interests.

It is noted that the administrative claim is always associated with the dispute of right or interest, which leads to the presence of the parties and the dispute proceeds in procedural form. It is noted that the claim form and an administrative claim is a different legal category. Thus, there was a dispute about the right or interest is a fundamental and integral feature of an administrative claim as a claim for the protection of established order, the rights and freedoms of citizens, organizations and the state of public offenses, which implies the opposite party and the court obliged to consider solve the dispute between the parties. It is through administrative action is a transition of public law of conflict between the relevant entities of public law relations to the stage dispute shall be submitted to the administrative court.

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BIBLICAL VALUES OF JUDICIAL ACTIVITIES AND THEIRS DISPLAY IN CIVIL PROCEEDINGS OF UKRAINE

The problem of influence of the Holy Scriptures into legal values of modern Ukraine, Ukrainian civil procedure and principles of the judicial system studies the paper. Arguments are given the inextricable link with the Bible of modern law and its primacy in the construction of the current legislation of Ukraine. Civil process, which took origin from the biblical norms developed its principles and concepts, aiming at formalizing forensic industrial relations. However, the main focus of the judicial activity of Ukraine remains humanism and justice, which are also Christian values.

In modern world of social and political institutions, including law, both substantive and procedural, cannot be built without the religious factor, due to its mass and the force of impact. In particular, the Christian principle in natural law gives rise to the subsequent use of its postulates in positive law, law-making and judicial sphere. Actual is scientific understanding of Christian values for ecclesiastical law, because Ukraine is historically and spiritually connected with them.

This article attempts to provide civil procedural law and justice through the lens of God's law. Many areas of law, including civil law and process, reflected in the Bible, which is eternal and is always relevant, because it contains a word and commandments of timeless values. In this spiritual primary source contains the beginning of the whole system of legal regulation.

Taking into account the diversity and size of civil cases in the implementation of justice, it makes sense to appeal to evangelical principles of the institution of "civil" courts and "procedural" rules governing them, with a view to possible further positive transformation of domestic procedural law. Civil procedural relationships form the basis of judicial activity, as well as an important area of legal practice, which deals with about 80% of all cases. In Ukraine there is a tendency to ensure that significantly strengthen the guarantees of justice to preserve and protect the rights, freedoms and interests of individuals, to ensure a fair trial at all levels.

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DEFINITION AND CLASSIFICATION OF BUSINESS TAX LEGAL RELATIONS

The article provided definitions of "subject of tax law" and "legal entity tax" discussed their relationship. The author states that these concepts are interdependent and correlated both general and partial. It is defined circle of persons among whom there is tax relationship based on the study of different approaches to classification of business tax law.

Definition of the subject composition tax law has not only theoretical but also practical importance, since it allows selecting the range of persons falling within the scope of the tax laws. Subjects tax law should have the properties subject of the tax law, as it indicates that the potential to be a participant relationships. Therefore, it is important to deal with the classification and types of relevant entities and relations between the concepts of "subject of tax law" and "legal tax entity".

It is separated the entity and entity relationships in the theory of law. In tax law may allocate business tax law subjects (participants) tax law and taxpayer.

Taking into account above position we consider it appropriate to allocate these tax legal entities: 1) the regulatory authorities; 2) the taxpayer; 3) persons who contribute to the realization of the rights and responsibilities of taxpayers. Accordingly, the regulatory authorities will belong to public entities tax law and tax payers and those who promote the rights and duties of taxpayers – to private entities tax law. Control authorities and taxpayers are the main actors, and those that promote the rights and duties of taxpayers – optional.

It is possible to find different classifications of business tax law based on a particular criterion: the power and obligation to the subjects; basic and optional; private and public. However, the appropriate classification is conditional, so better to highlight the range of entities that are (could take) involved in the tax legal. The entities are tax legal regulatory authorities, taxpayers, those who promote the rights and responsibilities of taxpayers.

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PROBLEMATIC ASPECTS OF THE REGULATION OF MORTGAGE SECURITIES TURNOVER IN UKRAINE

The reasons of the global financial crisis and its implications in the treatment of mortgage-backed securities in Ukraine are considered in the article. It traces the development of the mortgage market in the country after the crisis. Credit mechanism characterized by means securities defined negatively impact the introduction of USA-style lending in Ukraine. It was found legal flaws fixed in special laws. It is shown problematic legal aspects of the regulation of sales mortgage securities.

It is mentioned the study of these subjects only in terms of possible legal mechanisms to regulate does not display the whole issue mortgage securities essentially, show their use in lending consider the specificity of the scope of mortgage securities. An important component of the study is the economic factors of the economy, the stock market without researching and understanding which cannot fully reflect the problem. Therefore, in this study, it seems appropriate to refer to certain financial aspects that influenced the past few years the market for mortgage securities.

Problematic aspects are identified of the legal regulation of the turnover of mortgage securities in Ukraine, the study of macroeconomic factors that negatively affect the development of the mortgage securities. In recent decades the global economic crisis is considered the most global and ambitious in the history of the world economy. It is obvious that there are crises in the economies of most developed countries, complex structural relationships are not always correctly relate to each other, which leads to certain problems.

It is noted that the dwelling lending of population has a special place in the financing system of various countries.

It is consider the shape and scale of the global financial crisis in Ukraine, says that the state of the mortgage securities market before the crisis is not particularly pleased with their performance. Calculation of flow balance of payments, which is covered mainly by short-term foreign loans, state debt has exceeded the level of international reserves of the National Bank of Ukraine. It is analyzed why banks in Ukraine still had problems with loan defaults.

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THE EXPROPRIATION OF LAND PARCELS AS A MEANS OF IMPLEMENTING THE CONSTITUTIONAL PROVISIONS IN THE LEGISLATION OF UKRAINE

The article deals with the issue of constitutional provisions reflect on expropriation of property law in Ukraine as an example of land.

Institute of termination of property rights is one of the central institutions not only to land law, but also for the Ukrainian legislation in general. Respect for and protection of property of every natural or legal person whatever the form of ownership is one of the criteria for the rule of law. The issue of property rights protection from illegal alienation is given meticulous attention in the supreme law of all democratic countries in the whole world.

Land as a natural economy resource is always a special object of public relations. Therefore, the conditions of the importance and limitations of such an object is seen important study all possible limits, exceptions as part of the ownership of the land, and safeguards against unlawful encroachments.

Whereas the Constitution of Ukraine in its rules reflect fundamentals protect owners from illegal encroachment and outlines the general grounds the possibility of incarceration of ownership, it is important to study the constitutional provisions on compulsory purchase of private property in general and special legislation.

Analysis of judicial practice confirms the conclusion about the impossibility of incarceration property rights to land in the absence of a special procedure established by law for such expropriation.

It should be noted that overall, the general and special legislation extends and complements studied, the Constitution of Ukraine. Civil, Land Code specifies relevant constitutional grounds for expropriation in more detail, reinforce basic concepts and procedures for such exclusion.

Analysis of existing legislation shows that there are many rules and regulations that need improvement, additions and bringing coherence to each other and to the standards of legal technology.

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CONCERNING DETERMINATION TERMS OF APPEAL IN CIVIL PROCEEDINGS

The article studies the characteristics define the appeal decision of the trial court. The main focus is on the issue of the purposes of the appeal court's decision in exceptional cases deposition compilation full text of this decision.

The constitutional right to judicial protection, as guaranteed by Art. 55 of the Main Law of the state belongs to the inalienable and inviolable rights of man and citizen. Realization of the right to judicial protection is an appeal from the decisions of the courts of appeals.

To realize the possibility of appeal to the court of appeal the decision of the trial instance is required presence of a number of assumptions.

The author examines the problems concerning the definition of the terms of appeal in civil proceedings, including on cases in which there is deposition compilation full court decision.

Terms of appeal are defined by law in Art. 294 of the CPC of Ukraine. Today, under the provisions of this rule, the appeal against the judgment is filed within ten days after its announcement, the court of first instance within five days of its announcement. For those who participated in the case, but were not present in court during the proclamation of the judgment or decision, the legislator establishes ten days from the date of receipt of a copy of the decision and, accordingly, within five days from the date of receipt of copy of the order.

The position of the legislator for reducing procedural terms received mostly favorable reviews in legal doctrine. In particular, R. Minchenko, exploring the appeal proceedings in civil proceedings of Ukraine, mentioned that the new rules for calculating the timing appeal a positive impact on the implementation of basic functional principles of civil procedural law – the principle of impartial fair hearing within a reasonable time

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PLEDGE OF PROPERTY COPYRIGHTS

In the article was achieved the goal of finding a solving legal problems regarding the possibility of commercial use of property copyright as pledge. The author allocated the essential terms of the contract of pledge of property copyrights abidance which reduces the risk of the mortgagee. Based on the research of foreign legislation the author proposed to create in the State Intellectual Property Service of Ukraine register of encumbrances property rights of intellectual property and creative activity. Proposals such procedure of pledge of property copyrights:

1) registration copyrights; 2) conclusion contract, which establishes basic obligation; 3) appraisal of the property of copyright: by agreement of the parties, taking into account the usual price of this property, or on the basis of expert opinion; 4) obtaining the consent of the other part-owner and co-authors, if any, on sign the pledge contract of the property. Consent is required, but can be written without notarization statement; 5) determine the conditions of use of the work and scope of property rights are transferred to the pledge in the event that the pledge principal obligation secured by the pledge; 6) when the pledged serves the right to use the work, and no change of property rights (partial or complete), then the contract should include the period during which the pledge acquires the right to use the work in the event of foreclosure on collateral; 7) when pledged serves the right to use work, in agreement collateral should be determined the terms of this license: under the terms of the exclusive or non-exclusive license; 8) granting sublicenses to include discussion of the parties; 9) the agreement must contain clear procedures (mechanism) of penalty of intellectual property rights; 10) concerning the registration of this agreement, we believe that he is subject to mandatory registration in the register of personal property encumbrances.

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THE ADMINISTRATIVE LAW REGULATION OF THE LICENSING OF ECONOMIC ACTIVITIES: THE OVERVIEW OF SCIENTIFIC RESEARCHES

The article is devoted to an analytical review of scientific researches of the problem the administrative law regulation of the licensing of economic activities, identifying the theoretical gaps, discussion, scantily explored and unexplored issues and prospects for future scientific researches.

Licensing system in Ukraine, as in other post-Soviet countries, is still in the making, and this process is quite complicated and contradictory. Due to administrative reform, changes in the approach to the method of the administrative law and within the framework of a sustainable course for the removal of administrative barriers to the development of SMEs, is becoming especially acute the issue of development of the theoretical foundations of the Institute of Licensing, determine its place in the administrative law institutions and peculiarities of the administrative law regulation of the licensing, identifying the legal nature and shortcomings of modern licensing, forecasting the contraction of licensed activities, ordering of licensing and so on.

The author has done serious work on the analysis and generalization of currently available scientific publications devoted to licensing of economic activities. Research for the purposes of the review was conditionally divided into certain groups. In the first group reviewed scientific publications devoted to allowing activity in general. The second group is dedicated just to licensing. In this group has allocated administrative law and economic law researches of licensing. Separately are reviewed scientific publications the subject of which is the government regulation of business activity and the work of specialists in administrative law abroad. The author briefly describes the content of each research group, identifies the most valuable statements and conclusions, and notes the most typical representatives of each area.

This research allows to identify the main trends in the views of experts on the issue, identify the level of elaboration of the problem, the direction of future researches in the field of administrative law regulation of the licensing of economic activities.

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GENERAL CHARACTERISTICS OF THE STRUCTURE OF THE INDICTMENT UNDER THE CRIMINAL PROCEDURE CODE OF UKRAINE (2012)

Currently Ukraine changes its legislation and leads it into line with European norms and standards of the Constitution of Ukraine. The new Criminal Procedure Code of Ukraine introduced a lot of changes in the pre-trial process in order to create a better way of the realization of the rights of participants. And an indictment was not an exception. So the main subject of this article is an analysis of such indictment. The author in his article notes that the division of the indictment on the narrative and the operative parts (referred to in the Code of Criminal Procedure of 1960) does not currently comply with the article 291 of the Code of Criminal Procedure 2012. So the author therefore represents three-piece structure of the indictment: introductory, descriptive parts and applications. Also the author presents a brief description of all the elements that should be in the indictment also compares the elements of the indictment with the elements of the indictment, which are specified in the Criminal Procedure Code 1960. The author notes that modern indictment includes description of the circumstances of the crime, but no description of the evidences, as it was before.

As a result author says that that the strict observance of the current criminal procedural legislation by conducting a pre-trial investigation and control in the preparation of the indictment is the main guarantee that one guilty person will be imprisoned, and the innocent will be able to prove that their not involved in the offense and restore their rights.

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DIGITAL LIBRARIES: THE HISTORICAL AND LEGAL OVERVIEW

The article deals with the historical development and establishment of digital libraries around the world, including, in the Ukraine. And also is analyzed the various problems encountered in the process of their creation. Historiographical overview of digital libraries provides the foundation for their improvement not only on a technological level, but also on legal, because in the process of development often had problems with copyright infringement.

Processing and use of electronic information transfer printed and electronic information can significantly improve the speed of information and increase access users.

But the existence of digital libraries is possible only if the development and improvement of the processing, analysis, storage, retrieval of information and broad introduction to the practice of human computer technologies, World Wide Web. However, technological developments traced the development of digital libraries.

Historiographical overview of the development and establishment of digital libraries provides the foundation for their improvement not only on a technological level, but also on legal, because in the process of development often had problems with copyright infringement.

In recent years, along with the formation documents electronically in libraries are gaining more and more popularity internet resources: web pages, individual sites, archives, newsgroups, etc. The best known such a project is the project "The Internet Archive", which saves the contents of the Internet "layer" that allows the user to trace the development of certain sites in the dynamics, get an image of the Internet or any part thereof at some moment.

Some progress on the creation of digital libraries has been made in Russia, which can be traced quite "liberal" approach to copyright.

In Ukraine, work on the formation of digital libraries is at the stage of its development and improvement.

LINK OF TIMES: CHAPTERS OF HISTORY

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CHRISTIAN REASONS OF INLIGHTENING AND FORMATION OF THE CANON LAW IN UKRAINE (ODESSA EXAMPLE)

This article investigates the reasons of education and formation of the canon law in Ukraine as an example of Odessa, in particular in the Novorossiysk University. It is analyzed teaching and research activities of the heads of department professor M.K. Pavlovskyi, O.N. Kudriavtsev, V.N. Voitkovskoho, A.M. Klitin, O.I. Almazov. Attention is drawn to the need for the formation of the modern Ukraine a model of relations between church and state, which would not result in violations of religious freedom, the principle of equality before the law, religious organizations.

Formation of the spiritual world of the individual is a large and complex issue that requires a comprehensive and multi-resolution.

Today in Ukraine differently interpreted the concept of spirituality developed different approaches to its formation, which often contradict and negate each other. The desire to help encourage young people to seek common points of contact between different forms of social consciousness, to dialogue and to seek the origins of spirituality lies in the wealth of history, culture, science, philosophy, and religion.

Rapidly develop religious environment the evolution of our society in recent decades. Democratic change around the world, scientific and technological revolution and the creation of independent states fundamentally changed the position of the church in society, which requires a new approach, a modern assessment of the legal principles of the church. Scientific interest in the phenomenon of the church is determined, first, a methodological reinterpretation understanding of the church as a social institution and its role in all spheres of society influenced by significant ideological and ideological changes. In the second place, the principles of organization and functioning of the church, and therefore the regulation is socially meaningful important structural element of human socialization. Thirdly, it is well known that the formation of a modern legal system held under the indisputable influence of religion and the church. Thus, the study of such phenomena as the canon law enables us to better understand the formation of national legal systems and their development in modern conditions, causal relationships in the law today.

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ROMAN LAW AND ISLAMIC LAW: COMPARATIVE LEGAL ASPECT

Question about the nature and extent of the influence of Roman law on Islamic law in the context of the functioning of legal doctrines, sources and structure of law is investigated in the article. The forms of such influence are analysed. It is noted that certain provisions of the principles and rules of Roman law had both direct and indirect influence on the formation of certain provisions of Islamic law. It is specified to strengthen this influence, since the XIX century. When there was a direct borrowing norms and institutions Romano– Germanic law, formed under the direct influence of Roman law. We are not talking about the direct reception of Roman law provisions. Some of them were included as a result of Islamization established jurisprudence by adopting rules that do not contradict the basic provisions and principles of Islamic law.

So, the question of the influence of Roman law on Islamic law drew more than one generation of researchers (Sh. Amos, A. Akhmedov, Van den Berg, D. Gasheti, I. Goldziher, A. Kremer, P. Crone, H. Reland, I. Schacht, M. Enger and others).

It is consider the main principle of Roman law, which is the recognition and approval of the fact that the state appeared as a result of the agreement reached between the citizens to deal with legal problems that are emerging in society.

Islamic law considered which a pronounced religious legal system is based on religious sources – the Qur'an and Sunnah. Lawmaking function of the Islamic state is manifested not only in the establishment of the rule of law, but mainly in the basic provisions authorizing the Islamic legal doctrine. Accordingly, as the most important source of Islamic law supports the Islamic legal doctrine.

It is compared and analyzed the structure of the Roman and Islamic law, sources and principles of Roman and Islamic law, identifies the objective laws related to the formation of these legal systems.

UKRAINE AND THE WORLD

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REGULATION OF COMPLEX SOCIAL PROCESSES IN INTERNATIONAL AND NATIONAL LAW

This article analyzes the problems of regulation, through the provisions of international and national law, complex social processes related to the protection of the rights and freedoms of human and citizen.

Legal regulation is carried out by government and civil society using the totality of legal means of ordering social relations. Remedies regulation is the legal provisions, legal acts and the implementation of law. Rights as chief legal process are the unity of the three interrelated legal process: lawmaking, the right, the application of law. Preferably, the legal regulation is imperative, peremptory influence on social relations.

With the development of human civilization legal regulation began occur not only in the domestic, national, and increasingly began to enter the interstate level and acquire the character of international law. National and international legal regulation significantly increased since the second half of the last century, when large-scale multidimensional processes are accelerated and increasing flows of ideas, capital, goods and services, labor force, which became known as globalization, caused fundamental changes that are taking place at all levels of the international community. This suggests that these processes are transforming international law and are beginning to form a so-called global law.

It should be borne in mind that globalization brings not only significant socio-economic achievements. It has significant risks that may manifest, for example, in the uneven economic and social development, technological differentiation, socio-economic backwardness of some countries due to their uncompetitive industrial capacity, weakness of the resource base and so on. Therefore, any development of the private equity and some increase in financial elites must necessarily agree with the degree and depth of the social development of the social life of the population, the need for non-observance of human rights and freedoms, their legal protection. Thus, each of these areas of social life requires a separate analysis.

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IMPLEMENTATION OF THE STANDARDS AND PRINCIPLES OF EUROPEAN MUNICIPAL LAW IN THE LEGAL SYSTEM OF UKRAINE

The article deals with the standards and principles of the municipal law of the European Union. Characteristic features of the implementation of the standards and principles of municipal law in the European legal system of Ukraine. Implementation of the standards and principles of the European municipal law in the legal system of Ukraine is the set of conditions of sustainable development and operation of municipal government in the present conditions and a necessary condition for effective urban governance.

Particular features of international standards in the field of municipal law is primarily because they regulate not only the international cooperation of local governments, but also jointly produced by the principal approaches and international legal principles of formation, formation and functioning of local government in the specific countries. Fixing these provisions at community level states using the framework of international law demonstrates the importance of this institution not only in domestic but also in the international sphere, characterized by globalization and updating items regulation.

It also pointed out that from the standpoint of regulatory binding international standards for the operation of local democracy relating to international conventions special order establishing rules recognized by most states. Thus some international documents containing standards for the formation and operation of municipal government, states that intergovernmental agreements are entered into in the management directly determined by the desire to achieve "stronger unity" between the states (Preamble of the European Charter of Local Self-Government in 1985, Preamble to the European Convention on landscapes in 2000), but directly establishes that such documents contain general principles and approaches are made with a special purpose – "to be the standard for all nations, which should strive to achieve a more democratic process, improving, therefore, the welfare of its people" (Preamble to the Universal Declaration of local Government 1985).

Ukraine's accession to the international community of states as an independent, sovereign state has caused increasing social and legal significance of the international treaty as a major source of international law and national legislation.

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CRIMINAL LIABILITY FOR FALSIFICATION OF MEDICINES – AN IMPORTANT STEP TO ADAPTATION PHARMACEUTICAL INDUSTRY TO THE EUROPEAN UNION NORMS

The article analyses the main activities (creation of necessary conditions, adapting legislation to EU norms), which are implemented by Ukraine in the last two years to protect public health, prevent falsification of medicines, revealed the current status and features of the pharmaceutical market of Ukraine, issues to be decided at the legislative level. It shows the basic regulations that need to be implemented in the current legislation of Ukraine and should be used by regulatory authorities.

The author describes the main achievements of Ukraine in the implementation and harmonization of national standards to international law. Powers of the State Service on Drugs have been expanded, international conventions are implemented, and the responsibility for falsification of medicines has been introduced.

The article shows that Ukraine over the last two years has made major changes in the system of supervision and control of the pharmaceutical industry. Today, it is difficult to speak about the results of those improvements. Statistics shows only economic basis – the growth in demand and selling of medicines. However, there is no statistics of the implementation of criminal liability for falsification of medicines.

The author argues that without adequate funding most accepted standards are declarative. And, in general, country walks right way in the protection of public health and ensure the quality of medicines.

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DIRECT TAXATION IN THE LIGHT OF THE PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN UKRAINE AND THE EUROPEAN INTEGRATION ASSOCIATIONS

The partnership and cooperation Agreement (hereinafter – PCA) was signed on the 14th of June 1994 between Ukraine and European integration associations (European Economic Community, the European Community for Coal and Steel Community, the European Atomic Energy Community) and its Member States. PCA is the first of such agreements, which are planned to sign the European integration associations with each of the former Soviet republics. It was laid the foundation of cooperation between Ukraine and the EU Member States and the relevant integration associations, particularly in the field of direct taxation. That is why there is a need for characterization of the PCA in the context of its impact on the mechanism of direct taxation.

Despite the lack of direct mention of direct taxes, contractual rules PCA contained considerable potential to influence the mechanism of direct taxes. This impact on the domestic tax system is evident in the context of European integration Ukraine choice, because they contribute to the implementation of best European practices in the field of direct taxation and creating coherence in the functioning of national tax systems in the context of tax revenues, which are either originating in the territory of another contracting party or are representatives of the latter. On this basis we believe that in the process of implementing regulations PCA direct taxation have achieved their goals, despite a number of related aspects of the problem.

SCIENTIFIC LIFE

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INTERNATIONAL SCIENTIFIC AND PRACTICAL CONFERENCE "MODERN PROBLEMS OF CRIMINOLOGY", DEDICATED TO THE 100TH ANNIVERSARY OF THE BIRTH OF PROFESSOR V.P. KOLMAKOV

The establishment and development of national forensic science is inextricably linked with the name of Doctor of Law, Professor Viktor Pavlovych Kolmakov (1913-1973). He was an outstanding scientist and one of the leading organizers of forensic science and practice of forensic science schools founded in Kharkov and Odesa.

Scientific works V.P. Kolmakova greatly enriched the national criminology. Scientific ideas of Professor Kolmakov are developed further by his students and followers.

27-28 of September 2013 at the National University "Odessa Law Academy" hosted an international scientific-practical conference "Modern problems of criminology", dedicated to the 100th birthday of Doctor of Law, Professor Viktor Pavlovych Kolmakov. Event organizers were department of criminology, National University "Odessa Law Academy" and Southern Regional Center of the National Academy of Law Sciences of Ukraine.

The conference was attended by prominent academics and practitioners from Ukraine and Russia Federation. The conference was held in the following areas: 1. Life and career of Professor V.P. Kolmakov; 2. Theoretical problems of modern criminology; 3. Practical aspects of the use of forensic expertise in law enforcement.

Following the conference results were published the conference collection of materials, which included more than 124 scientific abstracts. Collection is recommended to all those interested in addressing contemporary issues in criminology and criminal procedure in the first place will be useful for teachers, doctoral students, graduate students, law schools and law enforcement officials.

The scientific and pedagogical heritage of outstanding scientist rightly gave him the name of famous scientist, forensic, forensics founders of modern not only in the USSR but also in other countries.

Contribution of V.P. Kolmakov in the development of modern jurisprudence is priceless, so it is reasonable increased interest of scientists to his scientific legacy.

Materials of the conference devoted to V.P. Kolmakov be a significant incentive for the further development of forensic science and fruitful scientific and companionship between scientists from different regions of Ukraine and abroad.