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METHODOLOGY OF THEORY AND PRACTICE OF JURISPRUDENCE

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METHODOLOGY OF RESEARCH OF LEGAL INSTITUTE

Today, the attitude to the methodology as to the condition of productive scientific activity among scientists is being formed because "methodological equipping of any modern science to wide extent determines its heuristic potential". Only a few famous scientists had methodology as the subject of research for studying it legal institutes. However, the views on the methodology of knowledge in these works depend on what the authors understand as "legal institutes" within the legal system. The author of this article tries to clarify methodological basis of the study of legal institutes that exist not in the law but within the boundaries of legal reality in the conditions of scientific knowledge received during the last years of XX – beginning of XXI century.

In the article, the author touches issues of development of methodology in legal theory, analyzes the work of scientists who studied the philosophy of law and theory of law, investigates the institutes within other social sciences. In this paper, she also substantiates the necessity to rethink the legal institutes within the socio-legal approach, given awareness in the fundamental knowledge of human nature, structure of society, the regularities which govern the human consciousness and behavior, in correlation with the economy, culture and religion. The author has formulated the hypothesis that the study of legal institutes is a comprehensive problem that requires an interdisciplinary approach and construction of some synthetic method of investigation. Thus, it is necessary to take into account the results of research of different branches of law and other social sciences, as well as a number of complex specialized scientific disciplines many of which have arisen only in the XX century.

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ON THE ISSUE OF SELF-SUFFICIENT MOTIVATION IN THE FIELD OF LAW

In our evaluative activity we always face not only derivative but also original, self-sufficient motivation. We consider something to be valuable because it is valuable in itself – self-sufficient. In our similar estimates such values are unconditional. Their givenness in our perception has the character of true authenticity. Therefore, awareness of the value is self-evident. Within the awareness values it is possible to find a number of a priori and reliable axioms.

In the legal field such a priori and reliable axioms are human dignity, independence, self-determination. These factors are the original basic elements of law, which form self-sufficient motivation in it.

Prospects for further processing of the selected problems are such issues as self-sufficient motivation in connection with the discovery of the genetic code of man, role of self-sufficient motivation in solving the problem of antinomies in the field of law, self-sufficient motivation as a fundamental element of the theory of legitimation of state and law.

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ECONOMIC FUNCTION OF LAW IN THE SYSTEM OF LEGAL INFLUENCE

The article is devoted to the problems of identifying the place of economic functions of law in the system of legal influence. The evolution of ideas about the concept, content and direction of the economic functions of law is analyzed. The relationships between the economic functions of law and institutional trust, legitimacy and positive expectations of economic agents are shown.

Analysis of publications on this issue demonstrates the increasing orientation of researchers on "appropriation" of the economic functions of law and its consideration for the most part in the context of the state. However, the immediate task is not simply to review the content of the interaction of law and economics, but characteristics of direction and content of the economic functions of law in the common system of legal influence.

Thus, the current approach to economic function of law involves rethinking not only of methodological foundations of its study, but also finding out this function in place of the legal structure of influence. The legal impact on the economy is based primarily on institutional trust, legitimacy and economic expectations of both legal and economic actors. In this sense, the economic function of law arises not just as one of the areas of legal influence, but as an adjustment and goal-setting tool in production, distribution and consumption of economic benefits

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CONCEPT OF LEGAL STATUS OF A NATURAL PERSON

The legal category of "natural person" appears as the result of the selection of the process and subsequent synthesis of certain legal qualities of a person, as well as the areas of legal activity, associated with his/her existence as a separate category, as opposed to other legal entities.

A natural person as a subject of law accumulates, unites legal relations, volitional decisions, parties of legal awareness, legally significant actions, in which a man finds his/her identity, acts as legal inherent value.

The term "natural person" is heterogeneous, it consists of two parts. On the one hand, the individual is a citizen (foreigner, person without citizenship), participates in public legal relations; on the other – individual participant of private legal relations.

Based on the position on the inadmissibility of the imposition of stereotypes in law enforcement, violent legal typification of entities, the status can be defined as a general guideline for the legislator, which determines the level of legal capacity of the individual achieved by the society, enabling further detalization of legal personality.

Legal status is intended to consolidate and provide the necessary range of individual rights and freedoms in the legal system, ensure legal "sovereignty" of the individual, not acting as a limitation of his/her will.

CONSTITUTION OF UKRAINE IN ACTION

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CONSTITUTIONAL LEGAL AWARENESS IN THE SYSTEM OF MODERN CONSTITUTIONALISM

Summarizing the content of the article, constitutional legal awareness can be characterized by a number of inherent essential features that define its specifics:

1) constitutional legal awareness is a special, higher form of legal consciousness that has a dual legal and political nature;

2) content and value essence of the constitutional legal awareness is objectified outside primarily by constitution as semantic and legal core of the system of modern constitutionalism;

3) constitutional legal awareness contains the ideas, views, opinions and feelings, evaluation and guidance of carriers of justice on constitutional and legal relationships that are basic, fundamental and form the basis of a complex system of social relations;

4) constitutional legal awareness is an integral part of the legal regulation in general and constitutional law in particular, ensuring their effectiveness;

5) constitutional legal awareness determines the effectiveness of the activity of the system of Ukrainian constitutionalism, identifying relation of carriers of legal awareness to constitutional and legal regulation of social life by public institutional means.

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ECONOMIC SOVEREIGNTY AND ECONOMIC SECURITY OF THE STATE (INTERRELATION AND CORRELATION)

The article is devoted to the analysis of interpretation and meaning of the categories "economic security" and "economic sovereignty". The relevance of the studied issue is that the category of "economic sovereignty" by its content is the economic and legal category, which consists of the state's ability to make decisions about economic development, as the state, developing in the global economy, is influenced by many environmental factors, and sometimes is under the direct influence of anther more economically developed country. This is caused by the limited strategic capabilities of the economic system of the country. However, the economic sovereignty consists of the ability of country's political authorities to choose one of the alternatives for future development.

The sovereignty of any state, as well as degree of its completeness, in the conditions of present globalization is a question of possibility of the state sovereignty of the certain country not simply to arise, but already to come to the forefront. Therefore, the today's reality is substantially developing around such sovereignty, certainly, in its essential, but not a formal realization.

Ratios of categories and their interrelation through a public administration's prism are analyzed and investigated in the article in details.

The main signs of categories, external factors influencing formation of semantic loading of categories and their contents are also presented.

The article is concerned with the concept "economic sovereignty", and to its attributes which have the most important both legal, and economic sources.

The interrelation of the specified categories in a context of their ratio and provision requires more detailed research. The impossibility of providing economic security in case of lack of the economic sovereignty allows to draw a conclusion that only the state, which is strategically aimed at self-strengthening, can successfully resist to negative external impact, and use certain factors directed on counteraction to external factors.

Taking into the consideration all the above, it is possible to draw the following conclusions that in modern conditions of economic development and transformation there are the processes demanding rapid and appropriate response from the state on economic and political events. At this stage it is very important that, making economic and political decisions, the state ensured appropriate economic and national safety. Exactly under such circumstances the state needs to have accurate fixing of the concepts "economic security" and "economic sovereignty", their semantic loading, interrelation and a ratio for ability of the state to properly react to processes and the phenomena arising.

PROTECTION OF RIGHT OF MAN AND THE CITIZEN

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THE EVOLUTION OF POLITICAL AND LEGAL CONCEPTS ABOUT HUMAN RIGHTS

Establishment and development of human rights concept is one of the most relevant problems in the history of human civilization. This legal institution had been developing over several thousand years, since the origin of human rights doctrines in Ancient Greece and till nowadays. For a long period of time a significant number of philosophers, lawyers, politicians have tried to define and develop the idea of human rights. Each stage in the history of mankind is characterized by its achievements in the field of human rights.

The origin of human rights concept is usually associated with the Ancient Greek polis, where the ideas of democracy, freedom and equality were defined for the first time. Achievements of Roman legal thought and creativity of Roman lawyers had a tremendous impact not only on the development of law, but also on the development of world culture as a whole. Going through the reception to the practice of medieval states, the Roman Law became the foundation for the Romano-Germanic legal system.

New Age replaced the Middle Ages and became the age of origin and establishment of bourgeois state and law from historical and legal point of view. It was a new stage of social progress, including the development of such universal human values as human and civil rights. The next step of the legislation level was the adoption of the Declaration of Independence in 1776, whose theoretical provisions concerned natural rights and freedoms.

The next stage of rapid development of human rights concept as new – already international standard, which eventually began to be applied with adjective "universal", coincided with the end of the World War II and the union of states into the United Nations. The content of the Universal Declaration of Human Rights and adopted on its basis other international instruments, give reason to speak about the value and the importance of these legal acts not only in terms of consolidation in it of the fundamental rights and freedoms, but also in the mechanism of their implementation. Today there is virtually no country in the world that would not take into account in its legislative activity the gains of international legal organizations concerning human rights.

Thus, the present list of human rights, registered in many international legal instruments and constitutions of legal states – is the result of their long development. Modern patterns and standards in the field of human rights before becoming the norm of the democratic society underwent a difficult and thorny path of development to their implementation from ideas into daily practice.

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RIGHT OF A CHILD TO A NAME AS A LEGAL FORM OF ITS LEGAL EXISTENCE AND A WAY OF SELF-FULFILMENT

The role of person's childhood is not limited to biological maturation and involves the formation of readiness to participate in the social life of adults. One of the most important among the personal non-property rights of a child guaranteeing his/her social being and individuating from others minors is the right to a first name, middle name and last name.

Nowadays, despite a number of national differences a name continues to fulfill an important social function which starts from the moment of its occurrence, namely individualization (personalization) of an individual, to isolate him/her from the others.

The right to a name is one of the most important subjective rights of a child, as the child's personality becomes apparent to the public in the name. Correspondently, the aim of this paper is to study the content of minor's personal non-property right to a name and analyze the specifics of its powers.

Thus, the right to a name is researched in the broad and narrow sense. Under the name in a broad sense we understand the actual name of a citizen, his last name and middle name, and in a narrow sense – the opportunity to have own name.

Protection of a minor's right to a name depends on the kind of violation, contesting or non-recognition of this right. In this connection, general means of protection of subjective civil rights under the Article 16 of the Civil Code of Ukraine sometimes may be used for its protection. A special way of protecting the right to a name, such as conducting own identification by presenting a birth certificate or a passport of a minor as an identifying documents can be also used.

Thus, having researched the realization the right to a name by a child we have all reasons to believe that a minor has the following legal opportunities of the absolute character concerning his/her name: first, to be the bearer of his name, to use it in all spheres of life and change it; second, to require from others not to violate his/her right to a name; and thirdly, to demand the protection of the right to a name in all cases of violations.

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HUMAN-CENTERIC IDEOLOGY IN THE ADMINISTRATIVE ACTIVITIES OF THE PUBLIC ADMINISTRATION AS FOR THE IMPLEMENTATION AND PROTECTION OF THE RIGHTS AND FREEDOMS OF PERSONS WITH DISABILITIES

The article analyzes the views of scholars on the administrative component of activities of the public administration to promote and protect the rights of persons with disabilities. The analysis of definitions of "state management activity", "administrative activity", "administrative and legal regulation of activity" is carried out. It is noted that the concept of administrative activities have been mainly regarded by scientists as law enforcement authorities, regulated by the rules of administrative law, their executive power activities.

We consider the interpretation of the term "administrative activities" through the study of its components: the "administrative" (derived from the word "administration") and "activities". The composition of this type of legal action has been viewed.

It is noted that the functional activities of public administration require urgent reformation of options upon the ideology of "domination" of the state over the man, changing it into the opposite – the ideology of "serving" the interests of the person. The author's vision of the concept of administrative activities of the public administration is in the idea to implement and protect the rights and freedoms of persons with disabilities as regulated by rules of the administrative law – state power, controlling, public and service activities of public authorities, based on human-centric ideology and aiming at the establishment, implementation and protection of the rights and freedoms of persons with disabilities.

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MODERN FEATURES OF FORMATION AND LEGISLATIVE SUPPORT OF THE NATIONAL SECURITY AND DEFENSE OF UKRAINE

In modern conditions, the complication of global problems and constant changes of military and political situation exacerbate national, political, religious and ethnic conflicts. The subjects of the international community, especially Ukraine, face new challenges and threats in the security environment, which are significantly different from the previous ones, since they cover applied political, economic, energy, social, informational, military and other fields.

Accordingly, the most influential states have revised their conceptual documents regarding national security and started vigorously pursuing their national interests with the use of force.

Thus, reform of defense forces requires the improved legislation, clearly defined list of threats and available resources for the effective prevention of risks to national security. To sum up, we conclude that it is expedient to improve defense planning, create sustainable management system, increase strategic and operational mobility system, form mobile components as a result of the shift of priority on the development, and further introduce methodologies of defense costs planning in the medium and long term. We need to carry out significant changes in the personnel policy towards strengthening and creating conditions for increasing the proportion of military personnel serving under contract, as well as the organization of reliable logistics.

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NEW IN THE LEGISLATION ON THE COURT FEE

Article is devoted to the scientific and practical analysis of the Law of Ukraine "On Court Fee" and identification of its characteristics compared with the Decree of the Cabinet of Ministers of Ukraine "On State Duty". In this paper the concept of court fee is investigated, practical aspects of its using in relation to the administrative, civil and commercial procedure are considered. The accent in the study is placed on changes in legislation and novels on court costs.

So, the court fees have risen dramatically, the method of their calculation has changed, and now the court fee is calculated according to the amount of the claim and the minimum wage, and not on the non-taxable minimum incomes of citizens as before. Besides, the privileges to certain categories of persons to pay court fees are canceled and the list of objects charged with the court fee greatly expanded.

The main advantage of the Law of Ukraine "On Court Fee" is that the simplified procedure of payment of court fee: if earlier it was necessary to pay two payments (state duties and fee for informational and technical support of the legal action), now the court expenses are limited by the payment of court fee, which increases considerably.

As a result, the author concludes that the changes in the legislation on court fee significantly limited access to justice, particularly for persons of the middle class.

STATE ADMINISTRATION AND LOCAL SELF-GOVERNMENT

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ON DETERMINATION OF THE PRINCIPLES OF PUBLIC ADMINISTRATION OF UKRAINE

Today, there is no consensus on the list of principles of the activity of public authorities in general and public administration in particular and unified approach for their organization among scholars. Expressing personal view on this matter, we note that the system of the above principles should have a slightly different look. It is appropriate to allocate three elements (subsystems) in its content: subsystems of the principles of formation of public power, subsystems of principles of the public authorities, and subsystems of principles of public administration. This approach, in our view, meets rules of construction as well as regulation of the public authorities.

Thus, the principles of the formation of public authorities should include the following: 1) serving the people of Ukraine; 2) rule of law; 3) decentralization of power; 4) combination of public authorities and public institutions; 5) combination of public and private interests. Systematic principles of the public authorities, in our view, should include the following: 1) rule of law; 2) legal supremacy of law; 3) openness; 4) proportionality; 5) accountability. The system of principles of public administration, or the principles of good governance, is formed by the following ones: 1) impartiality; 2) participation in the decision-making; 3) legal basis; 4) cancelability (or revocation of unlawful administrative act); 5) transparency.

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REGARDING THE PROSPECTS OF IMPROVEMENT OF ADMINISTRATIVE LEGAL REGULATION OF ACTIVITIES IN THE SPHERE OF STANDARDIZATION IN UKRAINE

The article examines the legal framework and the prospects of improvement of administrative-legal regulation of activities in the sphere of standardization. The research is based on the draft Law of Ukraine of 26.03.2014 "On Standardization" submitted to the Ukrainian Parliament as a legislative initiative by the Ministry of Economic Development and Trade of Ukraine. The draft Law provides that the functions of the national standardization authority to perform legal entity of public law, formed by the central body of executive power implementing state policy in the field of standardization. The main function of the central body of executive power, which implements the state policy in the field of standardization, will keep exercising control over compliance of procedures with the national body in the field of standardization. State interests when developing national standards will be presented by representatives of state authorities as members of the relevant technical committees of standardization. Two levels of standardization will be introduced, depending on the subject of standardization: the national standards adopted by the national standardization body; standards and specifications adopted by enterprises, institutions and organizations.

In accordance with the decree of the President of the "Strategy of Ukraine's integration into the European Union" of 11.06.1998 № 615/98, reformation and the gradual harmonisation of the legislation of Ukraine with European standards continue in the state. The adoption by the Parliament of Ukraine of the new edition of the law of Ukraine "On Standardization" on the basis of the draft Law of Ukraine of 26.03.2014 "On Standardization" improving the administrative and legal regulation in the sphere of standardization, will create new organizational forms of activity in the sphere of standardization, meeting international and European practice.

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RELEVANT PROBLEMS OF ELECTRONIC ADMINISTRATION IN UKRAINE

Today, Ukraine is undergoing rapid development on improving the quality of administrative services in a timely manner. Trend of the introduction and use of information technology in the work of public administration acts as another aspect to provide quick access to information and convergence of activities on provision of administrative services according to European standards.

Relevance of the topic is due to the rapid development of social relations, the need for immediate response of public administration to the appeals of citizens and support of their interests in issuance of individual administrative acts. The subject of the study are the main trends in the development of information system of administrative services in Ukraine and in foreign countries, the implementation of the state program on the development of administrative services in Ukraine. To reach the mentioned problems, comparative legal systems and structural methods are used.

The development of this system enabled to bring the end user (citizen), who applies for administrative services, to the public administration, providing an opportunity to continuously respond to changes in the law by updating Web pages, allowing citizens to familiarize themselves with the list of required documents and other information on a certain type of administrative service.

Thus, we can draw the following conclusions and suggestions: electronic administration in Ukraine is currently undergoing a phase of development. To ensure its improvement it is necessary to inform the general public on the benefits of using it, and to inspire confidence in the work of public administration in this area, particularly with regard to confidentiality of personal data and on failure to use personal data by third parties for commercial interests. For this purpose it is necessary to maintain the security of the information received from citizens and documentation for administrative services.

PROBLEMS AND JUDGEMENTS

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NATURAL RESOURCES LAW AS A COMPLEX BRANCH OF LAW IN UKRAINIAN LEGAL SYSTEM

The article outlines features of the natural resource and environmental law allowing to formulate their definition. Given the resources purpose and complex legislative content, natural resources law can be defined as: a system of legal rules that enshrine and regulate property relations concerning natural objects and use of their natural resources in order to meet the material and spiritual needs of individuals, associations, local communities, regional communities or society. Environmental and ecological orientation of environmental legislation enables to determine environmental law as a system of legal rules that regulate social relations in society and human interaction with the environment, and ensures its quality and environmental safety and preservation, reproduction and use of national natural resources for the benefit of present and future generations.

In terms of increasing the pace of socio-economic development and the increasing effects of science and technology on the natural features and quality of environment, natural resources legislation in close cooperation with the environmental law are able to consider all aspects of legal regulation of resources relations, provide an integrated approach to their management and promote effective use and protection.

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STATE AGENCY FOR LAND RESOURCES IN CIRCULAR FIRING SQUAD: CORRELATION OF GEOGRAPHICAL INDICATIONS AND GEOGRAPHICAL NAMES

The article is devoted the analysis of correlation of categories of geographical indications and geographical names through the prism of competences of public authorities of Ukraine. The scientific novelty of the article consists in that, in spite of long time of parallel existence of categories of geographical indications and geographical names, no comparative analysis has been conducted at scientific level. In the article correlation of terms is at first analyzed at the level of the Law of Ukraine "On Geographical Names" and the Law of Ukraine "On Protection of Rights to Indication of Goods Origin". Further research deepens to formulations of plenary powers of executive power subjects. In particular, competences of Ministry of Healthcare of Ukraine, Ministry of Culture of Ukraine, Ministry of Agrarian Policy and Food of Ukraine, State Agency for Land Resources are analyzed. That exposed a number of problems in the system of public authorities in geographical syndications field. History of public authorities' reorganizations is studied in the article, which allowed to mark the positive dynamics of reformation for the last ten years.

As a result of research, an author notes on the necessity of changes of determination of the Law of Ukraine "On Protection of Rights to Indication of Goods Origin", using determination "name of geographical object" instead of "name of geographical place". In the article, the necessity of strengthening of role of the State Agency for Land Resources in the system of public authorities is also grounded. It would have to do possible objective verification of lists of properties of one or another geographical region and exposure of connections between the environment and goods. In particular, it is suggested to impose on the State Agency for Land Resources the function of the exposure of the special properties of natural objects and to set the necessity of verification of statements on registration of geographical indications for the purpose of their compliance with the declared properties of territories. That will make it possible to conduct complex examinations of statements on registration of geographical indications, which will promote authenticity of the obtained information about potential geographical indication.

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THE CONTRACT FOR COLLECTIVE MANAGEMENT OF COPYRIGHT IN UKRAINE

The article is devoted to the research of collective management of copyright in Ukraine.

The purpose of this research is to provide a general description of the contract for collective management of copyright in Ukraine.

The object of this research is relations arising under the contracts for collective management of copyright in Ukraine.

The subject of this research is: international acts, legal acts of Ukraine and foreign countries and their practical application, scientific views, ideas and concepts of domestic and foreign scholars in the field of collective management of copyright in Ukraine.

Methodological basis of the research consists of the following methods: legal comparative method; dialectical method; formal and logical methods; systemic and structural methods etc.

The activity of organizations of collective management of copyright in Ukraine is studied in this article. It should be noted that in Ukraine there are several authorized collective management organizations, among which are the following: State Enterprise "Ukrainian Agency of Copyright and Related Rights", "Ukrainian League of Music Rights", "Ukrainian Music Alliance" etc.

The concept and the legal nature of the contract for collective management of copyright are analyzed. The necessity of distinguishing between the contract for collective management of copyright and the contract for property management is proved in this research.

The features and the essential conditions of the contract for collective management of copyright are highlighted in this article.

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THEORETICAL AND FUNCTIONAL ANALYSIS OF FUNCTIONS AND SYSTEM OF THE COMMERCIAL PROCEDURAL LAW

The theme of the present article is devoted to the theoretical study of the economic functions and system of the procedural law as essential components of its individualization.

The article aims at developing of theoretical basis and grounding of the new basis regarding the features of dialectical forms of communication and mutual influence of functions and economic system of procedural law based on theoretical and functional analysis of the general theory of law and legal fields' working outs.

The scientific novelty of the presented results is that for the first time the subject is studied in the frame of commercial procedural law based on systematic and complex study of the interaction and mutual influence of functions and systems, new theory of general basis of the essential aspects of its manifestation. The article also outlines the functional organization of commercial procedural law in the light of the given legal components.

The practical significance of the results of the study is manifested in the conclusion stipulated by the research and completing the science of economic law as for the functions and systems through a comprehensive redefining and clarifying their position in law. Some theses have controversial nature, which can serve as material for further research.

The methodological basis of research lays on general and special methods of scientific knowledge, as: dialectic, analytic and synthesis, system and structural methods. The dialectical method was used to study the theoretical aspects of the concept and features of the field of law, objectives and goals of procedural law. Method of analysis and synthesis was used to confirm the theoretical conclusions, and systemic and structural – to outline approaches to understanding the nature and functions of the system, the study of the sequence of the formation of commercial procedural law.

The main results of the paper are the study of the basic legal components that represent a special legal regime of commercial procedural law. On the basis of analysis of theoretical and functional grounds of law theory, as well as economic law and philosophical system approach, there were studied definitions of "function" and "system" of law. The dependence of the functions and the legal system of social relations that are the subject of commercial procedural law, which determines their objective, was defined. While analysing the economic functioning of procedural law, there was defined the objective of interaction and interdependence of goals, objectives, functions and systems of law. Constructive approach was supported in terms of identifying forms of relationships and functions of the system. It defines the primacy of functions in terms of the sequence of formation of economic procedural law. Approximate address role in functioning both for the legal system and for the existence of structural elements was determined. Specific expression of the essential functions in ensuring of existing links between social relations that are the subject area of law and its system was found.

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APPLICATION OF CRIMINAL LAW RELATED MEASURES TO PERSONS ABUSING DRUGS

By ratifying a number of international conventions, Ukraine has joined the community of nations to combat illicit trafficking in narcotic drugs and psychotropic substances.

Drug addiction is understood as unhealthy mental state caused by chronic intoxication due to abuse of drugs claimed to be such by UN conventions or the Committee on Drug Control under the Ministry of Health of Ukraine, which is characterized by mental or physical dependence on them.

International conventions on combating drug trafficking (of 1961 and 1988) include provision for the possibility of drug treatment as an alternative punishment for committing minor "drug" offenses when the subject is an addict. Although Ukraine has ratified these conventions, national legislation does not provide such alternative. People who abuse drugs are more often recognized as criminally liable. It is they who serve a punishment. Instead, persons engaged in the manufacture and marketing of drugs remain "in the shadows". It is necessary to review this trend of criminal policy. Worrying about the health of the nation, drug addicts should be treated first, and only after that – punished. The legislation of some foreign countries provides incentive rules for people who have committed misdemeanours or minor criminal offenses and suffer from drug addiction. These persons may be exempted from punishment and provided with drug treatment.

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HONOUR AND DIGNITY IN THE SYSTEM OF OBJECTS OF CRIMINAL LEGAL PROTECTION IN ACCORDANCE WITH THE CRIMINAL CODE OF UKRAINE

In the article, the analysis of objects of crimes, which are enshrined in the Chapter III of the Special Part of the Criminal Code of Ukraine, is made. Also the provisions of other articles, which protect dignity and honour, are analyzed. The essence of abovementioned legal issues are researched as objects of criminal legal protection, their correlation is made. It was proved, that the mechanism of encroachment on objects of crimes against dignity and honour of the individual, when dignity and honour are the main direct objects of crimes, obtains the following features:

1) information about the individual should be spread, published or saved for spreading, publishing;

2) information about the individual should be unreliable i. e. not true, otherwise the main direct object of the crime will be relations of personal privacy, not honour and dignity;

3) the main objective of the spreading of information should be derogation of honour and dignity of the individual, not other objective (coercion to enter sexual intercourse, receiving the property, engaging in prostitution or commitment of an act of terrorism etc).

In case if the mechanism of encroachment on honour and dignity fulfils the mentioned features, such objects are the main direct objects of a crime. However, in the Criminal Code there are no crimes with such mechanism of encroachment on the object of a crime. The Chapter III of the Special Part of the Criminal Code should be supplemented with special article, in which the independent ground of criminal responsibility for encroachment on honour and dignity should be foreseen.

The further directions of scientific research of criminal responsibility should be analysis of experience of the states of Western Europe and states of the Commonwealth of Independent States concerning the grounds of criminal responsibility on mentioned objects.

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PUBLIC PROSECUTOR'S SUPERVISION OVER THE LEGALITY OF COVERT INVESTIGATIVE (DETECTIVE) ACTIONS IMPLEMENTATION

The article is devoted to the analysis of the Criminal Procedure Law provisions, which define the powers of the public prosecutor during providing covert investigative (detective) actions at the pre-trial investigation of criminal offences. On the basis of the comparative study of the domestic and foreign legislation provisions, suggestions regarding improvement of public prosecutor's supervision over conducting covert investigative (detective) actions are made.

It has been defined that one of the most important duties granted to the Public Prosecutor Office by the Criminal Procedure Code of Ukraine (CPC of Ukraine) is supervision over the covert investigative (detective) actions. The public prosecutor's powers consist in supporting the motions on the covert investigative (detective) actions, related to the individual's right restriction, checking out the legality of holding covert investigative (detective) actions whose implementation does not require the permission of the investigatory judge or the public prosecutor's decision. In the event of unjustified taking of such decisions by an investigator the public prosecutor may give instructions about their termination.

The special status of the Public Prosecutor's Office in the supervision over the legality in providing covert investigative (detective) actions is emphasized by the fact that the control of the commission of a crime (article 271 CPC of Ukraine) occurs only by the decision of public prosecutor.

One of the most important powers of the public prosecutor in the organization and providing covert investigative (detective) actions is the right to take a decision on the use of materials obtained from them. Criminal Procedure Law also enshrines the duty of the public prosecutor to ensure the safety of information that will be used in proving guilty of the person at stages of the trial based on the criminal proceedings materials. The public prosecutor is assigned with control function for the destruction of information on private (personal or family) life of individuals that can not be used in criminal proceedings.

It has been proved that taking into account the extensive powers of the public prosecutor in pre-trial investigations of criminal offences, the current legislation should provide the mechanism that would ensure compliance with the law by authorized public prosecutors in the course of supervisory functions. Such mechanisms may be a special order of public prosecutors appointment and dismissal and bringing them to justice for committing fraud offences.

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CORRUPTION-RELATED CRIMES AND ORGANIZED CORRUPTION-RELATED CRIMES: CONCEPTS AND INTERRELATIONS

In general, corruption-related crime is caused by the criminogenic and anticriminogenic factors being intercrossed, whose identification as well as studying their interaction is considered to be an essential precondition for the scientific support of the anticorruption activities. Therefore, a task of the criminology can be reasonably defined as studying of the system of criminogenic and anticriminogenic factors, ranking them according to the degree of importance and impact on crime, defining a degree of the interrelation between them and between the groups of the most significant phenomena. According to the above mentioned, relevant issues of the organized corruption-related crime are deemed to be an object of criminological research. The article is aimed at consideration and interrelation of the concepts such as "corruption", "organized crime", "economic crime", "corruption crime", and grounding of the reasonability of the introduction into the scientific use of the term "organized crime corruption".

Regarding the interrelation between the corruption and the organized crime we can make a conclusion by analyzing the text of international legal instruments on these matters.

The organized economic crime, according to many criminologists' studies, involves such element as a corruption crime. In its turn, the corruption crime is always an economic crime. A term "organized economic crime" is widely used in science.

In the works of local scientists there are terms such as "corruption offenses of the organized nature" and "organized corruption", but they are not defined. So, a term "organized crime corruption" can be introduced into the scientific use.

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CRIMINAL LEGAL AND CRIMINAL EXECUTIVE PRINCIPLES OF COMBATING RECIDIVISM IN PRISONS AND CORRECTIONAL FACILITIES OF UKRAINE

The topicality of an article is determined by the problem of combating recidivism, which exists due to failures in the execution of the sentence of imprisonment and, in particular, poor state of the discipline of inmates. On the basis of doctrinal and legal sources, it is found that the issue of criminal law and criminal executive principles of combating recidivism in Ukraine in terms of improving performance and serving a sentence of imprisonment is not compromised. Contradictions that affect the efficiency of execution of criminal penalties of imprisonment were determined. The ways to eliminate them both on the doctrinal and the legislative level were described.

It is proved that the criminal and criminological aspects of combating recidivism include also the penal elements (attributes). It was found that criminal law principles of combating recidivism in Ukraine should be understood as the concept of socially dangerous phenomena, which are stated in the law of criminal responsibility, in its general part, as well as in the special part – specific offenses and penalties for their commission. The specified system approach makes it possible not only to consolidate the position of General and of the Criminal Code of Ukraine, upon which the substantive elements of relapse are based, but also set through practice the effectiveness of these provisions specified sanctions and other means of criminal law impact on the person who committed the crime.

Additions to the Criminal Executive Code of Ukraine, which will reduce the level of exposure of other offenders sentenced to imprisonment to recidivist and in general will improve the efficiency of the implementation in practice of the principle of differentiation and individualization of the criminal penalties, are justified. Based on the analysis of contemporary legal acts and scientific approaches related to the content of the penal policy of Ukraine, the role and place of the principle of differentiation and individualization of corrections at its formation are defined, and the science-based solutions to the existing problems of the designated research topics are suggested.

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WAYS OF IMPROVEMENT OF METHODOLOGICAL SUPPORT OF PROSECUTION ACTIVITY

The article analyses the mechanism of methodical support of prosecution activity and forms the propositions concerning its potential optimization. The author draws attention to the basic kinds of methodical documents, subjects of methodical security, questions of definition of methodical documents incidence regarding the prosecution activity efficiency.

The article underlines that social role and expectations from prosecution, high social responsibility of prosecutors determines need in their professional skill and effective performance. Taking into account a wide range of legal relations and their inhomogenuity, which are in a competency of prosecution, actions which make a contribution to successful realization of prosecution applied tasks take on enormous significance. Such tasks contain methodological support of prosecution activity.

Methodical support is defined as an organized in a prosecution bodies system process of development and implementation of absolute methods and ways (methodologies) of the procedure into prosecution activity for its execution for providing proper realization and efficiency.

The author pays attention to the basic methodical documents that were produced by prosecution practice: 1) information sheets (about positive experience; bidding letter; orientation letter; about activity management); 2) methodical recommendations.

The article proposes that development of methodical recommendations should be conducted by one "methodical centre" in prosecution bodies. This centre would instill the consolidated approach to the prosecution activity. Scientific Research Institute of the National Academy of Prosecution of Ukraine can fulfil a function of the centre. Highly qualified professional academics and skilled workers should work there.

With that, in the process of preparation of the projects, structural subdivision of Prosecutor General's Office of Ukraine and prosecutor's offices of regional level could be the customers of the developments, make their observations and propositions, join in with this work if necessary, and control the process of preparation of methodical documents.

The author mentions that research of the subject of methodical documents' influence on the prosecution activity efficiency is a complicated process that requires a rigorous approach. However, such research is a necessity for a provision of their preparation quality and further adjustment of the subject.

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HUMANIZATION OF JUDICIAL STATUS OF PUBLIC PROSECUTOR IN CRIMINAL PROCEEDING

The article investigates the conceptual foundations of humanization of the procedural status of the prosecutor in criminal proceedings. The author emphasizes the necessity of research of the specified problems on the postulates of polyfunctionality of criminal procedural activity of the prosecutor, the definition of priority functions, limits of their implementation, discretion of prosecutorial procedural competence with elements of conflict of interest. The following procedural directions of public prosecutor's activity are selected: procedural management of pre-trial investigations, prosecutor's supervision of compliance with laws by the bodies of pre-trial investigation, organization of conduct of pre-trial criminal proceeding, maintenance of state prosecution. International standards and foreign experience in relation to determination of judicial status of public prosecutor in criminal proceeding are analyzed. The difference of procedural guidance of public prosecutor and chief of the body of pre-trial investigation is described. Opinions of scholars in research of questions related to the specifics of activity of public prosecutor in pre-trial investigation are analysed. It is determined that judicially the leading role of public prosecutor in pre-trial criminal proceeding consists in the fact that he has a number of powers, which determine his "exceptional jurisdiction". It was established that the powers of the prosecutor by their legal nature are powerful and administrative and inherent in leader. It is noted that the need for a special allocation of procedure leadership as a form of prosecutor's supervision under current conditions is determined by the fact that legal ideology of the new Criminal Procedure Code of Ukraine introduces the principle of "the immutability of the prosecutor during the criminal proceedings", according to which the prosecutor must ensure the effectiveness of supervision over the observance of laws during the pre-trial investigation, maintenance of public prosecutions and overall achievement of the objectives of the criminal proceedings. It is emphasized that for a theory and practice determination of essence of judicial activity of public prosecutor has an important value also from the position of maintenance of prosecution. It is determined that the prosecutor will also assist the court in making a lawful and reasonable decisions by taking legal measures to eliminate violations of the law, whoever committed these violations.

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ADMISSION TO PRACTICE LAW IN UKRAINE: REQUIREMENTS FOR PERSONS

The establishment of a state governed by the rule of law and civil society caused the reforming and establishment of institutional setting whose activity is directed to protection of human rights, freedoms, legitimate interests of man and the citizen. One of such ones is advocacy. To perform its duties properly it is necessary to compose it of skilled, qualified, experienced lawyers. To reach it, the law requires person who are going to become barrister (solicitor) to satisfy the special requirements.

The article featured in details the statutorily prescribed requirements for persons planning to get the permission for advocacy in Ukraine: higher legal education, knowledge of the Ukrainian language, not less than 2 years of work experience in legal field, passing the exam, period of probation, swear an oath, getting the license for advocacy.

The writer paid the big attention to the period of probation. In terms of analyses of the period of probation, the writer emphasized the inexpediency of the ascertainment of payment for work as a trainee. The writer pointed out that ascertainment of above-mentioned payment is a kind of limitation of a right of person to free choice of employment, which is written in part 2 of article 43 of the Constitution of Ukraine.

On the basis of analyses made by writer the requirements that need the attention of lawmakers were highlighted and the recommendation concerning improving statutorily prescribed requirements for persons planning to get the permission for advocacy in Ukraine have been given.

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REGULATORY FRAMEWORK OF MEDIATION IN UKRAINE: PROBLEMS AND PROSPECTS

World practice shows that one of the most common alternative ways of resolving disputes that provides real enforcement of the decisions and enables to significantly relieve the courts is mediation. However, in Ukraine it remains an unexplored phenomenon and has no proper legislative consolidation.

The article aims at analysis of the rules of national legislation concerning the possibility of mediation and finding ways to improve it.

Mediation is a process that helps parties to the conflict to negotiate and reach an agreement without going to court with assistance of an intermediary. Mediation avoids complex legal procedures and can be adapted to any circumstances. Its purpose is to discuss and study a difficult situation, argue parties to the dispute into constructive interaction. At the same time, intermediary acts as an arbiter, who helps to find understanding between the parties and, having discussed the contradictions, reach a compromise.

Thus, the institution of mediation needs further improvement, in particular, for this purpose it is necessary to adopt a law on mediation that will determine the legal principles of mediation and mediators of Ukraine; raise confidence in the mediation by demonstration of its advantages, including effectiveness, promptness and efficiency; improve the provisions related to the requirements for the person who wants to become a mediator, mediators' responsibility and their certification.

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LAWMAKING IN THE CONTEXT OF INTERNATIONAL LAW SOURCES

The article is dedicated to some lawmaking aspects in the context of international law sources. The biggest problem of such a study is the absence of a clear and precise notion of international law source. There are two traditionally recognized international law sources – international treaty and international usage. The author tried to describe some characteristics of the international lawmaking in connection with them. In this process it was cleared that there is no unique understanding of the international lawmaking concept as long as it can be comprehend in the broader and in the stricter senses. Obviously there are different characteristics of the lawmaking in this case. Considering it, the analysis of stages and subjects of international treaty and usage lawmaking is done. The sovereign state remains the main subject of international lawmaking but in many cases there are other international law subjects to participate in the international lawmaking process. The role of the international governmental organizations is notably increased. However, the process of extension of the range of international lawmaking subjects is going on. There are some signs of the process in the case of the international usage making.

In the paper, the author emphasized the difference of the international treaty lawmaking stages and the international treaty conclusion stages as long as generally there are two principal stages of the international lawmaking and there can be many different stages of the international treaty conclusion.

The author also paid attention to the issues of the untypical international law sources formation. There are many theories that consider different juridical concepts of controversial nature as the international law sources. Among them there is soft law, unilateral state acts, juridical practice, international courts' decisions and even so called "diplomatic law-talk", "layered cooperation" and hybrid public-private arrangements etc. Adding all or some of these constructions to the range of international law sources we are at risk of erosion of the international law source concept that can lead us to the growth of international disputes. To avoid it the deeper international lawmaking researches are needed.

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SUBJECTS OF FOREIGN ECONOMIC ACTIVITIES UNDER THE LEGISLATION OF UKRAINE: PROBLEMS OF DETERMINATION

In the article, there are discussed the problems of determination of the subjects of foreign economic activities among numerous organizational forms of legal persons provided for in the Ukrainian laws. Ukrainian laws in different ways specify who may be qualified as the subjects of foreign economic activities so the research in this sphere is helpful from theoretical and practical perspective.

The basic points of this research are as follows.

The notion of the foreign economic activities is defined in Article 1 of the Law of Ukraine "On Foreign Economic Activities" as the economic activities that are conducted between Ukrainian and foreign business entities. So, for the purposes of determination which of the numerous entities may be qualified as a Ukrainian subject of foreign economic activities it is necessary to clarify who may be qualified as a Ukrainian business entity.

The definition of the notion of the business entity is given in Article 55 of the Economic Code of Ukraine in not a very clear way: it is specified there that the business entities in Ukraine may be formed as (1) sole proprietorships, or (2) legal persons specified in the Civil Code of Ukraine, or (3) enterprises specified in the Economic Code of Ukraine, or (4) other forms of legal persons specified in laws. So, in order to clarify what forms of business entities exist in Ukraine, one has to clarify first (1) what forms of legal persons are specified in the Civil Code of Ukraine, (2) what forms of enterprises are specified in the Economic Code of Ukraine, or (4) what other forms of legal persons are specified in laws besides those specified in the Civil Code of Ukraine and the enterprises specified in the Economic Code of Ukraine.

The author based on provisions of the Civil Code of Ukraine analyzes which of the forms of the legal persons specified in the Code may be qualified as the subjects of foreign economic activities.

Further the author based on provisions of the Economic Code of Ukraine takes effort to analyze which of the forms of the enterprises specified in the Code may be qualified as the subjects of foreign economic activities and comes to the conclusion that the Code is too uncertain for this purpose. For this reason the author resorts to the help of the State Classifier of the Forms of Doing Business and specifies what forms of enterprises may be registered in Ukraine and this way be qualified as the subjects of foreign economic activities.

The author specifies other forms of legal persons that may be qualified as the subjects of foreign economic activities, besides those stipulated in the Civil Code of Ukraine and the enterprises stipulated in the Economic Code of Ukraine.

The collisions between the provisions of the Law of Ukraine "On Foreign Economic Activities" and the Economic Code of Ukraine relating to determination of the subjects of foreign economic activities are considered in the article and the author proposes respective amendments to the Law of Ukraine "On Foreign Economic Activities".

LINK OF TIMES: CHAPTERS OF HISTORY

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EXCLUSION FROM THE TERRITORY OF THE STATE (HISTORICAL AND LEGAL ANALYSIS)

The subject of the article is relevant and interesting for study as legal regulation of relationship on exclusion is not perfect, there is no univalent understanding or interpretation of it. In historical and legal literature, there is no unified opinion on the content of term "exclusion". The work on improvement of present legislation supposes implementation of historical and legal experience.

The aim of present work is definition of peculiarities of legal relationships as for exclusion in Russia on the eve of revolution of 1917 and characteristic features of regulation of exclusion in present days according to the rules of Ukrainian legislation.

According to the law of the Russian Empire of the end of XIX – beginning of XX century, exclusion is a forced removal of foreigners out of state borders or any of its districts on the resolution of relevant authority. The right to implement this measure was and is one of the integral rights of sovereign state.

Exclusion of the foreigners might have personal character (exile of particular person) or mass character (deportation of a group of person).

Exclusion of foreigners from the Russian Empire could have been done due to two procedures – administrative and juridical one.

It should be observed that exclusion was the only kind of punishment that was provided by criminal law of the Russian Empire exclusively for foreigners.

At present time, banishment out of state borders is not a criminal punishment but is regulated by the administrative law of Ukraine.

The analysis of disposition of Article 24 of the Code of Administrative Offences of Ukraine gives basis to attribute the exclusion of foreigners and stateless persons out of Ukraine to the kind of administrative punishment, as part 3 of the above mentioned article provides possibility of application of banishment to the foreigners and stateless persons for committing gross violation of law and order.

According to the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons", State Migration Service of Ukraine, state border guard authorities (as for the foreigners or stateless persons which were apprehended by them on the controlled borderland at or after the attempt to break state frontier of Ukraine) or the Security Service of Ukraine can exile foreigner or stateless person only on the basis of legal resolution of administrative court to their lawsuit. The court decision on the compulsory exclusion of foreigner or stateless person can be appealed. The appeal does not abate execution of decision on exclusion.

It is important to stress that deportation out of Ukrainian border can not be implemented to the foreigners or stateless persons who are under the protection of the Law of Ukraine "On Refugees and Persons in Need of Subsidiary Protection or Asylum".

It is important to mention that the opinion that exclusion is the kind of administrative punishment is universally recognized in jurisprudence.

We should admit that all points of view of administrative law scholars on deportation have right to exist and it is impossible to reject them completely. The aforesaid makes it necessary to improve legal rules by more precise specification of the terms "exclusion".

Comparative analysis of provisions of Russian pre-revolutionary law devoted to the procedure of deportation and corresponding rules of contemporary Ukrainian legislation shows that at present days human rights in this sphere are protected more efficiently than in the beginning of the last century. Thus, in our days the collective deportations are not admissible; the legislation does not provide exclusion on the decision of executive authority but provides its implementation only on the basis of decision of court, which gives the possibility to appeal. Also Ukrainian legislation gives the right to hire lawyer to represent and defend one's rights in authorities and court.

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HISTORICAL MILESTONES IN FORMATION OF PERSONNEL SERVICE IN LAW ENFORCEMENT AGENCIES

The article investigates the historical aspects of the formation of personnel service officers, the basic requirements for law enforcement structures, functions and characteristics of personnel services.

The relevance of the study of this problem lies in the fact that the scientific literature pays not enough attention to the historiography of militia staffing in Ukraine and its impact on the stages of the personnel policy on problematic issues of law enforcement agencies to meet modern requirements.

The authors describe the gradual formation and activities of the personnel of law enforcement agencies apparatus, considering one of the first legal acts, which declared the class character of the militia, its organizational structure, defined the main objectives and the order of personnel recruitment, areas of political work among the troops – NKVD decree "On a Working Militia" of November 10, 1917.

The authors believe that significant progress was achieved through reforming the system of training for Internal Affairs of Ukraine and therefore a significant increase in the licensed number of enrolments in higher education institutions of MIA of Ukraine in the specialty "Law Enforcement". The issue of involvement in the learning process of experienced teaching staff, who are able to develop future employees' practical skills and knowledge needed to address law enforcement tasks, is important today.

Despite significant achievements, reform of the Ministry of Internal Affairs of Ukraine needs further improvements to bring it up to international standards.

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ORGANIZATIONAL CIVIL CONTRACT: ESSENCE AND LEGAL NATURE

Having carried out an analysis of certain types of organizational contracts, we defined the characteristics that allow singling out the examined contracts among other civil contracts.

The subject of the studied contract can be considered non-property actions of its members, aimed mainly at organization of their property relations.

The purposes of organizational contracts can be divided into general and immediate purpose of the contract.

The general purpose of any civil contract is satisfaction of mutual interests by parties in the achievement of certain benefits. Organizational agreement is no exception. The general purpose of organizational contract is the same as in the relationship (usually property) that it organizes.

The immediate purpose of organizational agreement is to achieve a certain state of order of subjects' relations. The state of order may have different essential content. The parties voluntarily agree upon certain restrictions of their freedom of action, hoping to obtain thereby confidence that they acquire the possibility of achieving the goals of future property relations.

Organizational relations are aimed at preparing an act of barter for their parties. In this connection, organizational agreements mainly precede property ones. It should be borne in mind that such contracts themselves are not able to satisfy the interests of participants of civil relations to achieve certain financial benefits. Only in connection with property contracts they enable to achieve economic results.

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THE DYNAMICS OF CRIMINAL OFFENCES INSTITUTE IN CRIMINAL LAW OF UKRAINE

The research of the dynamics of criminal offenses institute is possible through the analysis of the common features of the dynamics of criminal law: 1) unit that is changing or is in the process; 2) temporal relations; 3) spatial relations; 4) direction.

The category of criminal offenses under the legislation of Ukraine should include: 1) acts, which under the current Criminal Code of Ukraine are related to minor offenses and certain misdemeanor offences; 2) acts, stipulated by the Code of Ukraine on Administrative Offences with court jurisdiction and not having management (administrative) essence (disorderly hooliganism, pilferage, etc.).

The research of the dynamics of criminal offenses institute in the criminal law of Ukraine may start with Kievan Rus. With the formation of the Soviet Union and the Ukrainian Soviet Republic offences have been transformed into administrative offenses and minor crimes. Presently, the introduction of criminal offenses is envisaged by the Criminal Procedure Code of 2012 and offered by certain drafts.

The spatial relations represent the greatest difficulty for the analysis of the dynamics of criminal offenses institute in the criminal law of Ukraine. Throughout its long history Ukraine was a part of various government entities with varying spatial coordinates, different legal systems with their peculiarities of legal regulation. In addition, current criminal law of independent Ukraine is characterized by the considerable influence of the international law, European law and the law of some European states.

The research of the direction of the dynamics of criminal offenses institute in the criminal law of Ukraine probably makes the biggest interest.

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CORRELATION OF LEGAL SYSTEM AND LEGISLATIVE SYSTEM

Recently, there appeared a common problem of substitution of concepts "legal system" and "legislative system". Thus, despite the fact that the legal system and legislative system are close in meaning, they have significant differences. If the primary element of the law is a rule of law, the primary element of the legal system is a legal act.

Thus, the legal system means a system of statutory instruments, which is characterised by unity. It includes the laws and regulations adopted for their implementation. For legislative system, as opposed to the legal system, "doubling" of structure by allocating complex fields remains debatable. It is also characterized by horizontal structure among structural elements, which includes complex areas of law.

Using a sectoral approach in determining the legal system, we can distinguish the following elements: fields of legislation, legislative institutions, statutory instruments. In this approach, field of law coincides with the field of legislation. For example, selecting constitutional law in the legal system, we hereby confirm that there is also a constitutional legislation.

On the other hand, using not a sectoral approach, where important criteria are subject and method of legal regulation, but only the scope of implementation of provisions of statutory instruments (i.e. only the subject of legal regulation), legislative system can be represented as numerous complex groups.

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PLACE OF THE INVESTIGATION METHOD OF TAX, FEES (OBLIGATORY PAYMENTS) EVASION WITH THE USE OF "CONVERSION CENTRES" WITHIN THE SYSTEM OF CRIMINALISTIC METHOD

The article is dedicated to the study of problems of place determination of the investigation method of tax, fees (obligatory payments) evasion with the use of "conversion centres" within the system of criminalistic method. The author substantiates the statement that "professionalization" of the organized crime in the form of "conversion centres", on the one hand, and the need of pre-trial inquiry bodies in unified scientific criminalistic recommendations, adapted for the practical use, on detection and investigation of crimes having "conversion centres" as an integral part, on the other hand, demand creation of a new "product" of criminalistics in the form of a method of crime investigation as a separate criminalistic theory.

The structure, content and form of the separate method are determined by the sphere of its realization and its place in the system of criminalistic methods. Determination of the place of the criminalistic method being developed in the classification range first of all demands reference to the criminalistic classification of crimes, because the criminalistic classification of methods must correspond to the criminalistic classification of crimes, which, in its turn, is determined by the criminal and legal characteristics, fact in proof, pattern of the research and cognitive activity of the investigator.

Therefore, based on the levels of methods of classification and in interrelation with the classification of crimes the author proposes considering the investigation method of tax, fees (obligatory payments) evasion with the use of "conversion centres" among the subspecific criminalistic methods (micromethods), which are reasonably qualified as the most optimal and efficient methods at the disposal of the investigator, as the most close to the needs of practical use methods containing recommendations of the direct effect. Whereas the definition of the "conversion centre" proposed by the author is a separate theoretic postulate, which may have a dual purpose by formation of the criminalistic theory, possible attribution of the method of investigation of crimes, which are committed using these criminal social units, to "special" or "categorial" group or interdiscipline, integrated or complex criminalistic methods, is considered.

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THE PECULIARITY OF THE VISUAL INSPECTION OF THE CRIME SITE OF CRIME CONNECTED WITH LEAVING IN DANGER

The article considers the peculiarity of the visual inspection of the crime site in the cases of leaving in dangerous conditions under the new Criminal Procedure Code. The specificity and importance of conducting this investigative activity while considering this type of criminal offence are determined. The article provides an insight into the tactical peculiarities of this type of investigative inspection. The article covers the investigator's actions at the preparatory, working, and final stage of inspection. The information scope, which the investigator shall clarify before his visit to crime site, is the following: what happened; any witnesses of the crime and presence of the delinquent at the crime site; presence of the policemen and their actions; victims of the crime. The list of specialists to be engaged into the inspection process is provided.

The forensic expert or doctor should be engaged in the incident site inspection, as danger is related to the bodily injuries or death of the victim or in certain cases the automotive technician may also be engaged in the crime site inspection. It should be taken into account that before the arrival of operations and investigations group, the injured can be taken to the hospital by the ambulance. It is necessary to measure the temperature at the place of accident and state this in the protocol. With regard to the inspection specificity, it is recommended to use concentric or eccentric inspection method. Objects of inspection will be as follows: section of the field or premises, where the victim, corpse, means of criminal abuse or some traces were found; the attention should be paid to the implementation of technical fixation means during the incident site inspection.

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ENTRAPPING INTO CRIMINAL OFFENSES BY LAW ENFORCEMENT AGENCIES

Today an important task in reforming the social system of the country is fighting against corruption and other misconduct, and a number of reforms that would help restore the public trust in law enforcement and the judiciary in Ukraine.

Of course, a great step forward in this situation was the adoption of the Law of Ukraine "On the Fulfillment of Decisions and Application of Practice of the European Court of Human Rights" in 2006 and a new Criminal Procedure Code of Ukraine (hereinafter – "Code of Ukraine") in 2012, pursuant to which the ECHR is a part and the source of Ukrainian legislation.

According to Article 8 of the Code of Ukraine, one of the basic principles of law enforcement is the principle of legality, which is applicable, taking into account the provisions of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter – "the Convention"), according to which "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

The main problem in law enforcement is that in the fight against corruption and drug trafficking in order to achieve this goal they use different methods, which do not always correspond to the principle of legality.

To establish whether covert investigation complies with the principle of legality, the following questions have to be clearly answered in court: whether covert investigative measures were conducted within the limits of legality or would a crime be committed without the intervention of law enforcement authorities in the guise of undercover agents or informants, and whether such interventions contained no violation of human rights which are guaranteed by national legislation and the Convention for the Protection of Human Rights and Fundamental Freedoms.

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ON THE ISSUE OF ADMINISTRATIVE REGULATION OF PREVENTIVE ACTIVITIES IN THE HEALTH SECTOR OF UKRAINE

The article examines the current state of administrative and legal regulation of preventive activities in the health sector in Ukraine.

The author defines the administrative and legal regulation of preventive activities in the health sector as a deliberate state influence through appropriate administrative remedies on relationships that arise from the need to achieve short-and long-term goals of preventive activities – namely, to prevent deterioration of public health and improve the current state of health, involve in healthy lifestyle, and ultimately – increase economic potential, further development and improvement of the demographic situation, in order to organize these relationships and their health. It is emphasized that the administrative and legal regulation of preventive activities in healthcare is done by publishing relevant state administrative regulations, ensure their implementation and the control of their implementation.

The author concludes that today in Ukraine there has been adopted a large number of administrative acts, which in one way or another deal with matters of preventive activities in the health sector. At present, prevention of diseases in Ukraine as a whole is in a phase of development, and therefore the administrative and legal regulation in this sphere is not formed. This leads to the fact that a significant number of regulations in this area are programmatic.

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TYPOLOGY (CLASSIFICATION) OF ADMINISTRATIVE SERVICES

Article is devoted to consideration of problems of granting of administrative services by executive authorities and local governments, namely a problem of allocation of certain types of administrative services and their classification.

Many types of known administrative services cause need for carrying out their classification by various criteria. However the analysis of sources shows that today not only there is no standard classification of administrative services, but also uniform approach to their definition, there are only various author's approaches of scientists, which testifies to the need for consideration of the matter in more detail.

One of the first attempts to systematize a variety of the services provided by executive authorities and local governments at legislative level was carried out in 2006 in the Concept of development of the system of providing administrative services by executive authorities adopted by the Cabinet of Ministers of Ukraine. It not only fixed definition of the concept "administrative service", but also allowed to differentiate such concepts as "public", "state" and "municipal" services.

Due to the intensive development of the Ukrainian legislation, there is a requirement of accurate fixing of the administrative service, whose complex research allows to identify each of them by certain criteria. In our opinion, there is a need for the legislative classifications of administrative services that will allow to overcome unsystematic character and discrepancy in work for further development of a legal mechanism of regulation of services in all spheres of activity of society.

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GENERAL CHARACTERISTICS OF THE MECHANISM OF REDRESS OF WRONGS CAUSED BY A PERSON IN THE CONDITION OF EXTREME NECESSITY

The article deals with the relevant questions of the redress of wrongs caused by a person in the condition of extreme necessity. The article reveals such problematic questions as concepts, subjects, elements of basis of the condition of extreme necessity appearance, signs of extreme necessity, its correlation with justifiable defense, features of redress of wrongs caused by a person in the condition of extreme necessity.

In the definition of extreme necessity in Civil Law, its difference in broad and narrow sense is underlined.

The extreme necessity in Civil Law in the broad sense is a condition, which gives a person the right to use any means not prohibited by law to prevent the danger that threatened him/her or another subjects of law. The extreme necessity in its narrow sense is an urgent need to perform any acts aimed at preventing wrongful acts in relation to himself or others, which, at the same time, are wrongs caused by other participants in the civil relations.

The establishment of the institute of extreme necessity took place mostly in Criminal Law science. That is why the author compares the features of the institute of extreme necessity in Criminal and Civil Law.

The work shows the actual discussions as for the covered theme and presents the author's own opinion. Supporting A.P. Sergeev's point of view, it is suggested to implement the list of the most common ways of self-defense into the legislation because the victims focus on the possible instrument of the defense of their violated rights, and this can facilitate their choice.

Thus, the author contributes to the further development of the institute of extreme necessity in Ukrainian Civil Law.

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ROLE OF TRADE UNION CONTROL IN THE SUPERVISION AND MONITORING OF COMPLIANCE WITH LABOUR LAWS

Role of trade union control in the supervision and monitoring of compliance with labour laws is determined in this article. The author found that public supervision and control of trade unions have an important role in complying with labour laws. However, the draft of future Labour Code of Ukraine limits to the rights of workers on creation of other bodies (organizations), representing the interests of employees. It is therefore necessary to amend the draft of the Labour Code of Ukraine to provide control on complying with legislation on wages at the enterprises by other bodies (organizations), representing the interests of employees, and determine their legal status. The Article 260 of the Labour Code of Ukraine should be called "Bodies that perform supervision and monitoring of compliance with labour legislation", and the content of the article to be read as follows: "(2.1) Bodies that perform supervision and monitoring of compliance with labour legislation are divided into civil and public (2.2). The main bodies responsible for compliance with labour legislation are the following: central executive body that implements the state policy in the field of labour; central executive body that implements the state policy in the field of nuclear and radiation safety; central executive body that implements the state policy in the sphere of state supervision (control) for fire safety; central executive body that implements the state policy in the sphere of state supervision (control) of technological safety; central executive body that implements the state policy in the field of sanitary and epidemiological welfare, the courts of Ukraine, local authorities, owners of enterprises, institutions, organizations or their authorized agencies, labour collectives of enterprises, institutions and organizations through their elected commissioners, trade unions and other bodies (organizations) representing the interests of the employees. Supervision on complying with and correct use of legislation is performed by the prosecutor's authorities of Ukraine".

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THE IMPACT OF TAXATION OF THE SUPPLY OF MEDICINES AND MEDICAL PRODUCTS ON PUBLIC PROCUREMENT

The article investigates the impact of taxation of the supply of medicines and medical products on government procurement of goods.

The level of prices on procured medicines (drugs) and medical products (MP) as a result of the auction is always under the scrutiny of the public, the media, and regulatory bodies.

Before April 1, 2014 delivery of drugs and MP permitted for use in Ukraine and included into the State Registry of Medicines (including those that are sold by pharmacy institutions), as well as MP according to the list approved by the Cabinet of Ministers of Ukraine were exempted from taxation (subparagraph 197.1.27 paragraph 197.1 article 197 of the Tax Code as amended on March 13, 2014).

Since April 1, 2014, there started the taxation of operations with the supply of drugs at a rate of 7 percent. Accordingly, the level of prices for these goods has increased.

The amount of funds provided by the State Budget and local budgets for procurement of medical goods in 2014 was formed on the basis of last year's levels of prices for drugs and MP. Therefore, the addition of VAT in the price of these goods, will make the state buy them in a smaller number than the one that was planned. In addition, supply of drugs and MP for the execution of contracts on the procurement is carried out with application of the tax rate of 7 percent, regardless of the fact that their acquisition was realized in conditions of the preferential regime of taxation. According to the Law of Ukraine "On Government Procurement", it is forbidden to increase the price in the purchase contract. All this leads to the necessity of making changes in the purchase agreements in the direction of decreasing the number of the purchased goods to the amount that will not exceed the value claimed in the contract.

Thus, the impact of the introduction of taxation of the supply of drugs and MP in public procurement is manifested in the increase of prices for these commodities on the subject of public procurement, and reduction of the amount of their public procurement.

With the purpose to settle the situation in connection with the performance of contracts on delivery of drugs and MP purchased before April 1, 2014, it is expedient to make amendments in the tax code, releasing from taxation delivery of drugs and MP, which are carried out in pursuance of the state procurement contracts concluded before April 1, 2014.

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THE JOURNALIST IN THE POLITICAL LEGAL SPACE

In a democratic state, the most important feature of which is the real representative democracy and human rights and freedoms of man and the citizen, the meaning of awareness increases significantly. A key role is played by the figure of the journalist, whose main activity is in the functioning of the media. Journalists give effect to the principle of freedom of information, bringing the facts and events to the public, thereby guaranteeing the right of everyone to the opportunity to freely obtain information.

The Constitution of Ukraine enshrines democratic values of constitutionalism, while establishing that the generally recognized principles and norms of international law and international treaties, in which special attention is paid to the fundamental human rights, including freedom of thought, expression and freedom of information – are an integral part of the legal system of the country, where people are free to seek, receive and impart information and ideas through any means and regardless of frontiers, and there is a fundamental property of any person.

In the laws of some countries with developed democracy there are no special legal provisions, the special rights of the journalist. In many countries journalists operate in compliance with the Code of Ethics, which in particular requires only distribute accurate and balanced information, to correct the wrong information to make a clear distinction between information to be disseminated and own comments, to prevent the spread of defamatory statements, to respect the right to privacy life and the right to a fair trial

Thus, journalists play a special role in the promotion and realization of the right to freedom of expression and access to information. Freedom of the media is an important condition for the realization of this right. Media provide a public forum for the expression of opinions and discuss and promote the constitutional right of everyone to freely receive, use and disseminate information.

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INTERNATIONAL STANDARDS FOR PROTECTION OF CULTURAL PROPERTY: IMPLEMENTATION IN CRIMINAL LEGISLATION OF UKRAINE

This article analyzes the international legal rules contained in international conventions and recommendations of UNESCO concerning the protection of cultural property, their mandatory implementation in domestic criminal law.

The analysis of existing criminal law is carried out in line with international standards. It is suggested to borrow the experience of neighboring countries for further improvement of the criminal law that meets international standards.

The author provides an example of such neighboring countries, which are similar mentally and given the construction of legal structures (Russia, Belarus, etc.) and some European countries (Spain, Poland, Lithuania). The above countries successfully work on the implementation of international law in its criminal laws, especially those relating to the commission of assault or management of such attacks on cultural values, causing them significant damage if the values are not located in the vicinity of military objectives or unused by enemy for warfare; illegal use of distinctive signs protected by international treaties in case of usage while warfare in spite of international agreements; violation of the prohibition on illicit import, export and transfer of ownership of cultural property, failure to return in reasonable time in the territory of the state of exported objects and documents of artistic, historical, cultural and archaeological heritage of the peoples of this state and foreign countries, if such return is obligatory required.

It is necessary to benefit from the experience of countries that already contain such provisions and implement international provisions in domestic legislation, as this will effectively protect irreproducible cultural property and emphasize the importance of such facilities, turn relation of Ukrainian legislators to the cultural values from their perception as the usual public facilities to unique irreproducible heritage of the Ukrainian people and all mankind.

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ON THE CONCEPT OF CLEARNESS OF CRIMINAL LAW

In the article, the concept of clearness is examined foremost as a requirement to the legal instruments. It is indicated that the clear system of requirements is absent in science. There is a tactlessly great number and variety of such requirements. In the article the semantic value of lexemes "clarity", "availability" and their correlation with a word "clearness" are investigated. As a result, it is claimed that a word "clearness" is a wider concept than the concepts of "availability" and "clarity".

On the basis of analysis of legal literature, it is determined that concept "clearness" is a property of document, which depends on the observance of certain requirements, and among these requirements – availability, clarity and simplicity.

It is specified that the concept of clearness closely co-operates with the psychological category of understanding as a certain action of person. Attention is paid to the necessity of taking into account of coincidence of understanding as the psychological state of addressee with opinion of the addresser of the certain communicative system (legal instruments).

Determining a term "clearness of criminal law", the author adheres to the idea that a criminal law has to be understood as sociocultural construct aimed at adjusting of group and individual behaviour by complex influence on the participants of criminal legal relationships.

The author of the article offers such definition: the clearness of criminal law is a property of text that consists in the observance of totality of the language means by legislator aimed at the achievement of easy perception and understanding of regulations by all the subjects of criminal relations.

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THE PLACE OF THE METHOD OF INVESTIGATING THE CRIMES COMMITTED BY RECIDIVISTS IN THE SYSTEM OF CRIMINALISTIC METHODS

The article is dedicated to the place of the methods of investigating the crimes committed by recidivists in the system of criminalistic methods. The author argues that the term "outgeneric methods" reflects the essence of the category most accurately. They include a group of methods of investigation according to the party of the crime commitment, one of which is a method of investigating the crimes committed by recidivists. The features of the recidivist's personality, the way of his actions as well as the opportunities initiated due to the former location of the person in the field of vision of law enforcing agencies affect the major components of the crime and as a result they determine the specificity of investigating the cases of this type.

Much attention in the article is paid to the question of the necessity of developing such a method and to the features of its structure. The author notes that this approach will contribute to the individualization of the investigation and construction of the method that takes into account the personality of the criminal who is a recidivist, depending on the nature and degree of his social dangerousness, committed crimes, the former criminal activities, and other features. The author argues that the integration of produced by practice methodical guidelines concerning the investigation of the crimes committed by recidivists into a single outgeneric method is an essential measure that will allow it to be used as auxiliary in the crimes investigation.

SCIENTIFIC LIFE

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INTERNATIONAL RESEARCH AND PRACTICE CONFERENCE "CURRENT PROBLEMS OF CIVIL LAW"

November 21, 2014 the building of the museum of rare books of the National University "Odessa Law Academy" hosted the international research and practice conference "Current Problems of Civil Law".

The idea of holding international research and practice conference to address the pressing comprehensive theoretical and practical issues that exist in modern civil law science is the result of many years of fruitful scientific work of the Department of Civil Procedure – one of the leading departments of the National University "Odessa Law Academy", which successfully provides scientific research and teaching in the fundamental field of law – civil procedure.

Reports of participants were interesting and fruitful in the scientific aspect.

On the occasion of the international research and practice conference "Current Problems of Civil Law", the Department of Civil Procedure issued an anniversary booklet, which highlights the history of the Department of Civil Procedure of the National University "Odessa Law Academy" and printed collection of conference proceeds.

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MODERN VIEW OF THE PHENOMENON OF MUNICIPAL LAW

In the monographic study, O.S. Melnychuk covers exceptionally interesting aspect of modern law, characterizes features of the municipal legal system. It should be stressed that this subject has not only theoretical but also practical significance. As rightly argued by the author, the idea of municipal law is directly linked to the decentralization of power, declared as a priority of reform after the Revolution of Dignity. It should be noted that decentralization of power is an abstract idea, whose actual implementation is extremely challenging. The monograph of O.S. Melnychuk offers a very specific and perspective plan of implementation of this reform.

In general, the peculiarity of the reviewed monograph is that it obviously stands out among many modern general theoretical studies by its idea and innovative and daring embodiment. This fully compensates those minor inaccuracies and gaps contained in any serious investigation. One of the major benefits of the examined work is its ultra high relevance. Monograph by O.S. Melnychuk "Municipal legal system: concept and structure" can be the basis of a new model of decentralization of Ukrainian state and improving of the national legal system.