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Pionerska Street 2, office 1007, Odessa, Ukraine, 65009
Editorial Office: +38 066 821 82 28
Deputy Editor – Executive Secretary
Tel: +38 067 480 23 53
E-mail: yv@yurvisnyk.in.ua
Web-site: **www.yurvisnyk.in.ua**

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Yu. Oborotov
Doctor of Law Sciences, Professor,
Head of the Department of Theory of State and Law,
National University "Odessa Law Academy"
Corresponding Member of the National Academy of Legal Sciences of Ukraine

MODERN STATE: FROM IMAGE TO REALITY

The need for fundamental changes in the organization and activities of the state is present in many publications of domestic and foreign philosophers, politicians and lawyers. However, in the domestic law the sphere of state studies remains understudies.

Information creates serious problems for the traditional functions of the state institutions and the development of the field. Therefore, there are the following prevailing images of the modern state by the spheres of development of the technosphere:

1) states being in certain structural relations and composing the technosphere themselves – technosphere state;

2) states being real contenders for the entry into the technosphere according to the level of development or execution of the vital functions for the technosphere – claiming state;

3) states necessary for the technosphere as a source of energy and raw materials or the most capacious markets – raw state;

4) states, whose functions in relation to the technosphere can be performed by other states – substitute state;

5) states indifferent to the existence and functioning of the technosphere – unnecessary state;

6) states hostile to the technosphere or its member states, reinforcing the possibility of hostile action or damage – hostile state.

In conclusion, we can say that the changes taking place in the public life of modern society indicate displacement of the image of the nation state by the image of the modern state, formation of new signs of state, assertion of features of the statics and dynamics of the state, strengthening of the stability of the state – all that allows the state in the context of globalization and individualization of society to be and remain modern.

M. Damirli
Doctor of Law Sciences, Professor at the Department
of European Union Law and Comparative Law,
National University "Odessa Law Academy"

ISLAMIC LAW IN COMPARATIVE PERSPECTIVE: BASIC RESEARCH ASPECTS

Islamic law is one of the frequently discussed and at the same time inappropriately studied topics in comparative literature. Attention of scholars in comparative perspective is attracted to this subject mainly as one of the principal legal systems of the world. The emphasis is placed on the scale of the use of Islamic law in the modern world as the principal legal systems of the world are determined based on the prevalence of their principles, methods, and special provisions far beyond their places of origination.

This article critically examines the current state of comparative study of Islamic law, outlines the main circumstances that establish the nature and directions of comparative analysis of Islamic law at current time, actualizes and substantiates new perspectives of comparative study of Islamic law.

The author emphasizes that the inclusion of all of the perspectives specified in the article is essential for a thorough study of comparative knowledge of Islamic law, a comprehensive and deep understanding of the essence of this phenomenon, painless solution of actual problems of the interaction of Islamic law with other legal systems and the successful incorporation of Islamic traditions of law in national legal systems.

N. Dushek
Postgraduate Student,
Department of Theory and History of State and Law,
Lviv State University of Internal Affairs

LAWMAKING: FORMULATION OF THE PROBLEM

In modern academic legal literature, there is no single conceptual approach to understanding of the nature of lawmaking, which leads to the impossibility of elaboration of lawmaking (rulemaking) development strategy, and establishing means of guaranteeing the implementation of legislative activities that require research of epistemological nature of lawmaking which will serve as the basis for conceptualizing all forms (stages) of its manifestations at the level of lawmaking, rulemaking, etc. In conditions of development of state and legal institutions in Ukraine, lawmaking activity is central in the system reform of the legal framework, the activities of state and local government, which does not require rethinking of the nature of law-making and, above all, which summarizes lawmaking phenomena in the context of its importance for the development of democratic, social, rule of law state. Integrative nature of Ukraine requires adequate transformation of views on the phenomenon of lawmaking in terms of the integration process in development of legal systems.

Today in legal literature, there is a lack of research of the issues of the nature and value of lawmaking creating preconditions for chaotic and inconsistent practice in creation of legal regulations. This matter is very topical for Ukraine today, as the modernization of the national state and legal institutions requires adequate (modern) and effective regulation that is provided primarily by means of a perfect mechanism of lawmaking.

V. Formaniuk
Assistant Lecturer,
Department of Theory of State and Law,
National University "Odessa Law Academy"

COURT PRACTICE AS A SPECIFIC SOURCE OF LAW

The problem of recognition of judgments and court practice as sources of has law always interested and still interests scholars and lawyers.

Despite the increased attention to of the problem, many questions relating to court practice, including those that are not secondary for deep and comprehensive understanding of the legal phenomenon, remain unnoticed by researchers.

Summing up, it should be noted that the court practice is not only a source of law in the countries of Common law legal family, but also in countries of other legal systems. Naturally, the court practice in such legal systems as Roman law occupies a different position in the hierarchy of sources of law. This is a group of peculiarities of the legal system. This specificity is conditioned by legal traditions, legal ideology, the traditional understanding of the sources of law, understanding of the process of law-making, the attitude to the court system and several other features of the legal system of a particular country.

Analyzing the situation in our country, we see a need for judicial decisions as sources of law to eliminate gaps in the current legislation, creation of a mobile system of law that keeps up with the times. Law adoption processes "drag on" for many years, opening the way to arbitrariness in those areas of society that are not regulated by law.

O. Haleta
Degree Seeking Applicant,
Department of Theory of State and Law,
National University "Odessa Law Academy"

SUBBRANCH OF LAW AND SUBBRANCH OF LEGISLATION: ASPECTS OF CORRELATION

The article is devoted to revealing patterns of correlation between subbranch of law and subbranch of legislation. It is noted that the problem of their correlation is in a logical space of problems of interaction between the system of law and the system of legislation, although it has its certain characteristics.

Author proves that subbranch of law is much more dynamic part of legal reality, as its development is connected not only with the will of a state, but also with those circumstances of social life that determine the content of legal regulations. At the same time, subbranch of legislation cannot always properly reflect the legal reality.

Special attention is paid to aspects of disagreement of subbranch of law and subbranch of legislation. Author discovers three main options of such discrepancy. The first one leads to situation when subbranch of law exists without correspondent subbranch of legislation. The second one appears when subbranch of law has already become a separate branch of legislation, however the structure of legislation does not reflect this change. The third one relates to rare situation when subbranch of legislation exists without correspondent subbranch of law.

T. Furdyk
Associate Professor, Department of Theory of State and Law,
National University "Odessa Law Academy"

DIASPORA IN THE SYSTEM OF COLLECTIVE SUBJECTS OF LAW

Article analyzes the theoretical aspects of diaspora as an independent collective subject of law. It is proved that the importance of collective subject of law in modern legal life is directly connected with the development of the collective rights. On the other hand, collective subjects of law, such as national minorities and diasporas, are becoming more and more active players in public life.

Author grounds the necessity of demarcation of diaspora and ethnic minorities. Ethnic minorities might exist as unorganized dispersed communities, aiming to maintain their ethnic features (language, culture, traditions, etc.). Diaspora is always an organized community, whose activity covers the much wider area, including public policy. That is why diaspora, unlike ethnic minority, always has an internal structure that is used for decision-making procedures.

The above leads to the problem of determining the place of diaspora in the system of collective subjects of law. On this basis, author proposes to divide the collective subjects of law into organized communities and unorganized communities. Diaspora belongs to organized communities, while ethnic minorities – to unorganized communities.

CONSTITUTION OF UKRAINE IN ACTION

A. Yezerov
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Constitutional Law,
National University "Odessa Law Academy"

INTERPRETIVE ACTIVITIES OF THE CONSTITUTIONAL COURT OF UKRAINE

Perfection of constitutional texts is always conditional: the same rule might have a different meaning and be inconsistent with other constitutional provisions in different social and historical conditions; there may occur imbalance of legal structures in the process of amending the Constitution of Ukraine; the text of the Constitution of Ukraine may contain conflicts, gaps and other defects; certain terms used in the Constitution of Ukraine may eventually acquire a new meaning; given the abstract nature of constitutional provisions, in solving a particular case it may be necessary to choose one of its many meanings.

Therefore, legislative technique is not able to ensure consistency of legal rules, filling them with content that would correspond to the specific social circumstances. In the process of enforcement there is a need for additional research of the constitutional text in its correlation with the realities of social life, natural law, etc., in search of meaning inherent in it. The result of such activities includes interpretive acts containing specification, refinement, detailing the provisions of the Constitution and laws of Ukraine. They provide instructions on how to understand a particular term, expression or rule of law, how to use it. This statutory interpretation and clarifying rules contribute to the proper implementation of the Constitution and laws of Ukraine and in this sense are subsidiary rules.

P. Kablak
Head of the Court of Appeal of Lviv Oblast

THE MEDIA IN THE INTERACTION OF THE JUDICIARY AND THE PUBLIC

The article deals with the development of the communication between the judicial power (the courts), the public and the media as one of the key aspects of the principles of publicity and independence of the modern Ukrainian judiciary. The prospect of studying this subject is determined by the established perception of the courts and the media and the public as opposites. The separation of civil society and the state does not mean their antagonistic confrontation. On the contrary, they are more than that and should be interdependent and interrelated.

The right to information is one the most important human rights. Many documents of the Council of Europe focus in such context on the fact that the government cannot consider itself the exclusive owner of information. The judicial power must act to ensure media pluralism and the freedom of expression particularly as this is provided in the international documents. However, it is not enough to proclaim media pluralism and the freedom of expression. Both must be guaranteed and protected from internal stresses, on the one hand. On the other hand, media can criticize the drawbacks in work of the courts or the individual judges, but it needs to know the line between the permitted and the prohibited. The author singles out a list of reasons why the public and the media may be excluded by the court. Balancing the rights of the media and the public to criticize the judiciary, judges or specific court cases is underlined by the European Court of Human Rights in its decisions. From this perspective, it is essential to provide the legal protection of the judges and the courts in case of disseminating false information by the media.

P. Latkovskyi
Postgraduate Student,
Department of Administrative and Financial Law,
National University "Odessa Law Academy"

ACCOUNTING CHAMBER OF UKRAINE AS A PERMANENT CONTROLLING AUTHORITY

The strategic course of Ukraine is aimed at Europe. This means that state institutions, among which a special place belongs to the Accounting Chamber of Ukraine as a permanent control authority, should be established and developed based on European standards and many years of proven best practices. One of the main functions of the Verkhovna Rada of Ukraine is control. Of course, everything related to control over the receipt and spending of taxpayers' money is the prerogative of state institutions. The Accounting Chamber of Ukraine as a body with a constitutional status is the mechanisms ensuring control over the implementation of laws of Ukraine adopted by the Verkhovna Rada of Ukraine, implementation of the State Budget of Ukraine, funding for national programs in the part concerning the use of the State Budget of Ukraine.

Thus, given the importance of the Accounting Chamber of Ukraine as a permanent controlling authority and given the importance of the functions assigned to this authority, such a body can perform its functions objectively and effectively only if it is independent of the organizations it examines and protected from outside influence.

STATE ADMINISTRATION AND LOCAL SELF-GOVERNMENT

K. Bondarenko
Associate Professor at the Department of Administrative and Financial Law,
National University "Odessa Law Academy"

ON THE QUESTION OF DEFNITION OF THE STATE MANAGEMENT OBJECT

State management always was and still remains the central category of the administrative law of Ukraine because the administrative law regulates legal relations in the sphere of the state management. Despite the great number of the scientific researches of the national scholars concerning the definition and the essence of the state management, its specific features, and also the subject and the object of the state management, by this day the administrative law science has not reached the single position on those categories. To our mind, the research of the term "the object of the state management" as one of the elements of the state management is relevant today.

In case of conducting a research of the object of the state management as a special type of the social management, undoubtedly, one of the elements of the object would be socially organized society. We think that the socially organized society is a static form of the society in general, and legal relations between its members are its dynamic content, at the same time the form and the content of the society are inseparably connected elements, because the socially organized society cannot be imagined without numerous kinds of legal relations, and legal relations are impossible without the socially organized society.

On the basis of the conducted research, we can say that the object of the state management is a specific system that consists of the socially organized society (physical persons and their collectives, legal persons and state bodies), relations inside this society between its members, and also legal states (for example, internal security, national security).

I. Liudkova
Postgraduate Student,
Department of State and Legal Disciplines, Law Faculty,
V. N. Karazin Kharkiv National University

TO A QUESTION OF FEATUTES OF LEGAL STATUS OF THE CENTRAL EXECUTIVE AUTHORITIES WITH THE SPECIAL STATUS

Article is devoted to consideration of concept of the central executive authorities with the special status and features of legal status of the central executive authorities with the special status, which act as the carrier of appropriate authority of legally domineering character, whose realization provides achievement of the purpose of executive and administrative activity.

The legislator for many years aspires to define the most optimum and balanced structure of executive authorities which would work productively, be sufficient for performance of the functions assigned to it, but not too bulky in order not to complicate its management and not to burden the state budget. Central executive authority with the special status is a new group of bodies in system of central executive authority created as a result of carrying out administrative reform. With their creation there are questions which are still insufficiently studied by legal science: question of expediency of creation of additional link in central executive authority appropriation of these or those bodies to it; research of their "special" competence, which should not duplicate functions and powers of other central executive authority, which can hinder their effective work, sufficient level of standard security of their activity and etc.

The analysis of legal status of the central executive authorities with the special status based on the example of Antimonopoly Committee of Ukraine and State Property Fund of Ukraine enabled the author to define their main features inherent only in it, which distinguish it among other executive bodies and whose features are defined by the Constitution, laws of Ukraine and acts of the President of Ukraine.

K. Moskalchuk
Candidate of Law Sciences,
Associated Professor at the Department
of Constitutional Law and Public Administration,
International Humanitarian University

ORGANIZATIONAL GUARANTEES OF THE CONSTITUTIONAL RIGHT OF UKRAINIAN CITIZENS FOR SERVICE IN LOCAL SELF-GOVERNMENT

The article covers the definition and types of the organizational guarantees of the constitutional right of Ukrainian citizens for service in local self-government.

The organizational guarantees of the constitutional right for service in local self-government is enshrined in the legal acts system of conditions of socio-economic, political and ideological nature that are not directly aimed at the realization, protection and defense of this right, but promote them.

The author proposes to distinguish such types of these guarantees as economical, social, political and ideological organizational guarantees. The economical guarantees include healthy market economy, high level of living and high salaries for the municipal servants, as well as various material guarantees for the municipal servants (this group of the guarantees is the most vulnerable now). The social guarantees include normal working conditions, the possibility of the protection of all of the contemporary labour rights according to the Ukrainian Constitution and legislation. The political guarantees provide a number of municipal bodies with the variety of either political or administrative positions to be hold by the Ukrainian citizens (this group of guarantees seems to be the most important). The ideological guarantees include moral and ethical values of the candidates to the administrative positions in the local self-government bodies.

Prospects for further research are seen in considering legal guarantees of the constitutional right of access to public service in local self-government.

A. Shvets
Degree Seeking Applicant,
Department of Constitutional Law,
National University "Odessa Law Academy"

BASIC ORGANIZATIONAL AND LEGAL FORMS OF ACTIVITIES OF DEPUTIES OF LOCAL COUNCILS

Relevance of the article is determined by the fact that the processes of state formation in Ukraine require a significant increase in the role and effectiveness of activities of deputies of local councils – representatives of the interests of the local community and the voters of their election districts. In Art. 2 of the Law of Ukraine "On Status of Deputies of Local Councils" it is noted that the deputy shall express and protect the interests of the territorial community and its part – the voters of his election district, carry out their assignments within the powers granted by law, actively participate in local self-government

Summing up, it should be noted that a deputy of the local council organizes its activities independently taking into account national interests, voters' orders, appeals and plans of the local council and its bodies, events held in the territory of council, election district, the program of parliamentary activity, problems that need attention of the deputy, his personal plans and opportunities. Deputy is free to choose specific forms and methods of parliamentary activities subject to compliance with the law. Councils and their bodies cannot change the limits and nature of parliamentary activities defined by law. Equally important is training of deputy in practice of parliamentary activities to develop scientifically grounded recommendations for improving the forms and methods of work.

PROBLEMS AND JUDGEMENTS

L. Yukhtenko
Judge of Odessa District Administrative Court

PROCEDURE OF CONCILIATION IN ADMINISTRATIVE JUSTICE: CONTROVERSIAL ASPECTS OF THE USEFULNESS OF APPLICATION

One of the legal institutions of administrative justice is "conciliation". In civil proceedings such institution is the "settlement agreement of the parties" (Art. 175 of the Civil Procedure Code of Ukraine).

Despite the fact that the administrative proceedings, as well as civil proceedings, are based on the principles of equality of the parties, their competitiveness and discretionarity, and provide the right of the parties for their reconciliation, the judicial practice of administrative courts shows that in the courts of administrative jurisdiction the institute of "conciliation" almost does not work because of the operation of a similar institution "settlement agreement of the parties" in the civil proceedings. Less than 1% of administrative cases for the year could end by reconciliation of the parties.

The author concludes that the current difficulties of practical application of the legal institution of "conciliation" in administrative proceedings is more false than real. They can be overcome, and the legal institution of "conciliation" in administrative proceedings can be subjected to further research and theoretical elaboration, as well as practical expansion. The conducted analysis shows that an expedient step is introduction of appropriate amendments to the procedural legislation to simultaneously test a brand new subinstitute of "conciliation" in jurisprudence – pre-trial settlement of a dispute with the help of a judge. After all, one of the objectives of science is apprehension and analysis of practices to establish positive and negative trends in the implementation, application and development of various legal ideas.

A. Romanova
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Theory and Philosophy of Law,
National University "Lviv Polytechnic"

LAWFUL BEHAVIOR AS A CONDITION OF A MAN'S SELF-ASSERTION

The article states that a man is self-asserted when he/she finds the subjective satisfaction in the result of self-realization which is manifested in the desire of a man to detect and develop personal opportunities as thorough as possible.

A person may be self-asserted thanks to legitimate and unlawful behavior. Regarding natural and legal self-assertion we can say that it is possible only under the condition of a legitimate behavior because it involves the harmonious "merger" with natural and legal space, through behavioral act within this space, and the existential, or the social and natural space in general.

The degree of conformity of real actions and deeds of people to behavioral models fixed in the rules of positive and natural law is the criterion for determining the degree of legitimacy. Lawful behavior can be defined as the behavior that is completely coordinated with all standards requirements of existential, social and natural, natural and legal space and positive and legal field.

It is important to dissociate lawful behavior that is recognized by a principle "everything is allowed that is not forbidden" from a neutral, conformist human behavior, which is a kind of a passive and adaptive behavior that differs from the behavior of other people.

The social value of a lawful behavior lies in the fact that it is a component of a civilized dialogue based on mutual understanding, respect of the rights and freedoms of another person.

Social and lawful activity is creative, harmonious and enthusiastic attitude of a man to his/her rights and duties. It is an antipode of passive, indifferent attitude toward the interests of the society. Moral, ethical norms play a great role in stimulating public and legitimate human activity. Emotions affect the formation of legitimate motives of active social and lawful human behavior, because as far as a man perceives ideas and principles of law, the depth of his/her behavioral beliefs depends on. Human beliefs based on high moral criteria, duty, responsibility and conscience are becoming the most important stimulating power of active social and legitimate human behavior in the natural and legal space.

V. Yerokhov
Assistant Lecturer,
Department of Administrative and Financial Law,
National University "Odessa Law Academy"

ON THE QUESTION OF THE DETERMINATION OF THE PLACE OF TAX AUDIT IN THE MECHANISM OF MEASURES OF STATE COERCION IN THE TAX LAW

Offenses in the field of tax law are a barrier to strengthening of the tax system and economic development of the state. There is a direct link between the number of violations of tax laws and debts of taxpayers to the budget. Fair tax burden takes into account the public interest of the state and satisfies private interests of taxpayers.

Condition to ensure a fair tax burden is a sufficient level of financial discipline and the rule of law in the field of taxation. This tool is a measure of state coercion and control.

The author of this article shows the institutional nature of the measures of state coercion and control, their communication and interaction in the process of achieving the rule of law and fiscal discipline in tax relations.

The author of the article analyzes several scientific views of lawyers and financiers regarding the issue of interaction of methods of tax control and types of state coercion in the tax law. The author took the comparison of the specific features of these two mechanisms as a basis in certain types of tax audits. By analyzing the tax legislation, some types of tax audits, which are associated with the use of state coercion by the tax authorities, were identified.

In this article, the author shows right position on the place of tax audits in the mechanism of state coercion in the tax law. It is determined by right autonomy (independence), and the interaction of these complex mechanisms of state coercion and tax control in relation to the subjects of tax relations.

Results of studies that we have seen in the article can be used to improve the structure of the institutions of "tax control", "debt and liabilities of the taxpayer", "fiscal responsibility", etc.

The author has assumed that there is evidence of state coercion in certain types of tax audit. They can be attributed to the form of prevention of tax offenses.

O. Lukianchykov
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Civil Law
Disciplines, Commercial and Labour Law,
H.S. Skovoroda Kharkiv National Pedagogical University

EMPLOYER'S LIABILITY FOR DAMAGE CAUSED BY A VIOLATION OF THE RIGHT TO WORK DURING EXECUTION OF A LABOUR CONTRACT UNDER THE DRAFT LABOUR CODE OF UKRAINE

The article examines the provisions of the draft Labour Code of Ukraine concerning the liability of the employer for damages caused by a violation of the right to work at the execution of the labour contract.

Author of the article identified the following shortcomings of the draft Labour Code of Ukraine.

1. Compensation for damage is provided only to persons sent to work at the expense of the established quota.

2. Compensation for damage is provided only in the amount of double rate of the minimum wage prescribed by law.

3. Employer is exempted from liability if the employee signs a labour contract.

4. There is no possibility to oblige an employer to conclude a labour contract with a person who unreasonably refused to hire him/her, except workers with quotas.

5. There is no obligation to provide an explanation in writing indicating the reasons for the refusal to hire.

6. There is no provided clarification what unreasonable refusal to hire means.

7. Improper use of terminology.

As a result of unjustified refusal to hire, a person loses income that he/she would receive if his/her it right to work was not violated. The essence of the liability of the employer is to reimburse forgone income in full.

All employees must have the right to get recovery for damages caused by the unjustified refusal to hire.

It is appropriate to provide the obligation of the employer to conclude an employment contract with a person who has been unreasonably refused to hire if the person puts forward relevant requirements.

Author proposed a classification of the unjustified refusal to hire, which should be fixed in the legislation.

O. Seletskyi
Lecturer,
Department of Labor Law and Social Security Law,
Educational and Research Institute of Law and Social Technologies,
Chernihiv National Technological University

AS FOR DETERMINATION OF THE LEGAL STATUS OF DIPLOMATIC PERSONNEL AS PARTIES TO SERVICE AND LABOUR RELATIONS

This paper examines the nature and specifics of the legal status of diplomatic personnel, explores some theoretical and practical problems in the field, provides suggestions to improve the relevant legislation.

Given the fact that in the legal literature the legal status of diplomatic personnel as subjects of labor law is scarcely explored, the purpose of the article is an in-depth analysis of the concept, nature and specifics of the legal status of this category of public servants.

The author found that the diplomatic staff carries simultaneously three legal statuses: general, special and individual. Diplomatic staff, as the rest of the citizens of Ukraine shall enjoy all the rights and freedoms enshrined in the Constitution of Ukraine and other legislative acts. The diplomatic staff is also fully covered by the Labor Code of Ukraine. However, the special nature and specificity of diplomatic work related to the implementation of state functions, the implementation of public authority and its social and public importance, complexity of the tasks of the diplomatic service necessitated legislative definition of specific requirements for professional skills and training of diplomatic personnel, additional guarantees of performance, and special conditions of the diplomatic service as a whole.

It is established that a person acquires the legal status of a diplomatic officer as a result of entry to a particular diplomatic post. This means that just as a person starts holding a vacant position, he/she is simultaneously endowed with certain rights and obligations of service. Granting the employee the powers, i.e. professional rights and responsibilities, and their implementation are the main substantive component of the legal status. To be the diplomatic office worker means to be able to implement the will of the state and to act on behalf of national authorities through diplomatic relations.

In addition, the article provides the author's definition of the legal status of the diplomatic service.

M. Toporkova
Candidate of Law Sciences,
Associate Professor at the Department of Tourism and Social Sciences,
Kharkiv Institute of Trade and Economics,
Kyiv National University of Trade and Economics

CHANGE AND TERMINATION OF THE CONTRACT ON HEAT SUPPLY TO RESIDENTIAL CONSUMERS

The article is devoted to the study of the order of the changes and termination of the contract on heat supply to residential consumers. The article describes the consumer's rights to change the conditions of the contract, the conditions of typical contracts, considers the provisions of regulations on this issue.

The article states that the procedure for changing the conditions of the contract is envisaged by the Civil Code of Ukraine. Change of contract or termination is permitted only with the consent of the parties, unless otherwise provided by law or provided by the contract. That is, introduction of changes to the current contract requires the consent of the parties and the proper execution of the agreement.

The author argues that the change in contract terms and termination of heat energy supply to residential consumers is an inalienable right of the consumer and refers to the fact that residential customers must enter into a standard agreement. If its terms are pre-defined and not subjected to change and approval, it violates basic principles of contract law.

It is shown that in delivering the heat energy to residential consumers, formation of contractual conditions must take into account the interests of each party. Formation of terms by one party and the imposition of such terms on the other party are grounds for termination of the contract or declaring certain its provisions invalid.

When contract of supplying of heat to residential consumers is terminated by the organization of supplying heat, the reference to the lack of technological schemes that provide the procedure for disconnection of the connected network of individual rooms, apartments, does not take away the rights of the consumer (user) to terminate the contractual relationship in the event of material breach of heat supply organization under the contract or expiration of its action.

T. Churylova
Candidate of Law Sciences,
Associate Professor at the Department of Justice and International Law,
Sumy State University

THE STATE REGISTRATION OF THE LAND LEASE RIGHT

"The game rules" in land lease sphere are set by the multiple statutory instruments, specifically Civil Code, Land Code, state registration of real property rights and its encumbrance act of Ukraine and other delegated legislation. The central part in land lease legislation takes special Land Lease Act of Ukraine.

Despite the legal basis in the land lease sphere, we cannot claim the difficult process of legal regulation is over.

The lease right arises from the moment of the legal registration of it as stated in Article 125 of the Land Code.

The need for legal registration of the lease right arose due to the changes made by the alteration of the Act of Ukraine to State Registration of Real Property Rights and its Encumbrance Act of Ukraine and other legislative instruments.

However, due to lack of the mechanism of realization of State Registration of Real Property Rights and its Encumbrance Act of Ukraine, the registration of the lease right was not carried out for long time.

On 1.01.2013 came into effect the State Land Cadastre of Ukraine, Order of the Cabinet of Ministers of Ukraine as of 17.10.2012 #1015 approval of the State Land Cadastre, Alteration to State Registration of Real Property Rights and its Encumbrance Act of Ukraine.

State Registration Service has the empowerment of state registration of real property rights and its encumbrance implementation and carries out unified state register of real property rights and its encumbrance.

Order of the Cabinet of Ministers of Ukraine – Approval of the Procedure of State Registration of Real Property Rights and its Encumbrance, which took effect on 12.02.2014, has made an effort to simplify the registration system and make it more suitable for users.

Specifically, the rules of state registration of real property rights provide the possibility of property registration by means of post office, registration of the lease right, extending or modification of the contract without obligatory registration of property right, if it was registered till 1.01.2013. The property right is registered simultaneously to the notarial act.

As a result, the government assists the improvement of registration system. Thus, the registration system is in need of further innovations, which shows imperfection, and therefore the gap between the system and the interests of those who use it.

O. Podtserkovnyi
Doctor of Law Sciences, Professor,
Corresponding Member of the National Academy of Sciences of Ukraine,
Head of the Department of Economic Law and Procedure,
National University "Odessa Law Academy"

ABOUT CONTRADICTION OF PROPOSED ELIMINATION OF COMMERCIAL COURTS WITH EUROPEAN STANDARDS

The need to reform the national judicial system today is caused by unbelief of society and foreign investors in the ability of Ukrainian justice to fully perform their function.

Prevalence of the system specialized justice in economic affairs in the world is driven by the need for the economy development and special attention of the states to stimulation of the prompt and professional resolution of certain categories of disputes. In fact, we are talking about economic justice, which may be based on a special competence in economic disputes in general or relate to one or more categories of economic affairs.

Thus, the experience of specialized commercial (economic) courts of Europe shows that their existence does not contradict the "European standards".

European approaches to legislative reform require applying the principle of proportionality, according to which the reasonable balance between the objectives of state influence and means to achieve them are required. Simplification of the judiciary shall not be a goal of the reform in itself, because it may lead to adverse events, when all the shortcomings of cases in the general court system will be "transferred" to review by the system of economic affairs. This will certainly worsen the economic situation, and destroy hopes for growth of economic activity in the country by increasing the terms of consideration of economic affairs, reduce the predictability of decisions of judges in commercial disputes, make impossible the unified approaches to the interpretation of specific economic legislation compared to the civil one.

I. Kravchenko
Candidate of Law Sciences,
Associate Professor at the Department of Administrative Law,
Procedure and Administrative Activity of Internal Affairs Agencies,
Dnipropetrovsk State University of Internal Affairs

FEATURES OF ACTIVITY OF INTERNAL AFFAIRS AGENCIES DURING THE PROCEEDINGS IN CASES OF ADMINISTRATIVE VIOLATIONS IN THE FIELD OF INTELLECTUAL PROPERTY

The purpose of writing of this scientific article is finding out features of activity of internal affairs agencies during the proceedings in cases of administrative violations in the field of intellectual property.

Traditionally, it is possible to divide proceedings in cases about administrative offences in the field of intellectual property into four stages: initiation of proceeding concerning administrative offence in the field of intellectual property; consideration of such cases; appeal of decision in the case; implementation of decision about imposition of administrative penalty.

The author underlines that internal affairs agencies of Ukraine are the basic subject of realization in cases of administrative violations in the field of intellectual property only on the first stage of such proceeding.

It is set that features of activity of authorized militia officers in proceedings in cases of administrative violations of intellectual property rights are associated with the basic features of the sample purchases, fixing existing evidence in the case, execution of the protocol on administrative offense.

The features of proceedings in cases of administrative violations in the field of intellectual property include the necessity of documenting the fact of violation of intellectual property right, evaluation of harm inflicted by administrative offence, establishment of victims.

L. Paliukh
Candidate of Law Sciences,
Senior Lecturer, Department of Criminal Law and Criminology,
Ivan Franko National University of Lviv

THE PROBLEMS OF CRIMINAL LIABILITY FOR KNOWINGLY UNLAWFUL DETENTION

The article is devoted to the consideration of problems arising in the interpretation of the elements of the crime under art. 371 of the Criminal Code of Ukraine "Knowingly unlawful apprehension, taking into custody, arrest or detention". The problems relating to the definition of types of detention, remedial procedures of which is protected by the rules of Chapter XVIII of the Special Part of the Criminal Code of Ukraine have been explored, in particular, in relation to the rules concerning the established by law administrative detention procedure.

In particular, the analysis of responsible branch of legislation regulating the procedure for administrative and procedural criminal detention has been made, the legal nature of this relationship has been considered. The author determines the kind of detention that is the object of protection of the rules of Chapter XVIII of the Special Part of the Criminal Code of Ukraine. The qualification of the offenses has been suggested.

The author has made a conclusion that the rules of the eighteenth Chapter of the Special Part of the Criminal Code protect only public relations for the execution of criminal procedure of detention. In the case of knowingly illegal administrative detention, appropriate actions should be qualified by the rules of Chapter XV of the Special Part of Criminal Code of Ukraine as crimes in the service activity and professional activity in the branch of public services.

K. Plieva
Candidate of Law Sciences,
Associate Professor at the Department of Pre-trial Investigation,
Education and Research Institute for Training of Specialists
for Units of Investigation and Criminal Militia,
National Academy of Internal Affairs

LEGAL STATUS OF WITNESSES ACCORDING TO THE NEW CRIMINAL PROCEDURE CODE OF UKRAINE

The article is devoted to the analysis of regulations of the operating Criminal Procedure Code of Ukraine in relation to legal status of such participant of criminal procedure as a witness. Determination of status of witness in a criminal procedure is a very important phenomenon, as exactly it is the basic carrier of evidential data. A witness belongs to the participants of criminal proceeding, who are instrumental in achievement of its tasks. Among impartial participants of criminal proceeding the special place is occupied by a witness. This feature is determined by his/her role and place in the process of proving in a criminal proceeding with the purpose of rapid, complete and impartial investigation and judicial trial. In addition, in accordance with positions of criminal procedural legislation, majority of impartial participants of criminal proceeding (except for those who perform only "technical" functions), may subsequently be interrogated as a witness (interrogation of complainant, interrogation of attesting witness) or in status, maximally close to the witness (for example, interrogation of expert). Rights, duties and responsibility of witness, according to the operating Criminal Procedure Code of Ukraine are investigated. Problem aspects of status of witness in a criminal proceeding are determined.

O. Polishchuk
Candidate of Law Sciences,
Assistant Lecturer at the Department of Criminal Law,
National University "Odessa Law Academy"

DISPOSITIVE REGIME IN CRIMINAL LAW REGULATION

Author maintains that criminal law has prescriptions of both private and public character which can be viewed as private and public basics in criminal law. Public basics prevail in criminal law regulation. Some of the Ukrainian Criminal Code provisions are of private character. This article is specifically dedicated to theoretical research of criminal law private basics as a dispositive regime of criminal law regulation, consisting of a triad of its components – principle, method and rule.

Dispositive legal regime has four main features such as i) it is imposed and maintained by state; ii) aims to legally regulate specific social relations (e.g. reconciliation and private lawsuit); iii) it is a combination of specific legal instruments, realized by granting subjective rights and imposition of legal obligations; iv) it directs social relations to satisfy the interests of some subjects by stimulating the necessary behavior and limitation of the unnecessary one.

Dispositive regime of criminal law regulation is based on the dispositivity principle, uses the dispositive method and such instruments as permit, prohibition and stimulation, and finally specific criminal dispositive norms. It aids in regulation of dispositive criminal-law relations which occur between free-willed and formally equal parties of criminal conflict. Such dispositive regime aims to effectively achieve the goals of criminal legislation by following its major principles.

Dispositive regime and dispositive criminal law regulation imply that parties of criminal conflict can discretionally either freely impose their own model of legal relation (rights and obligation), or choose the alternatively given in criminal code way of their behavior (realize their right or restrain of its realization as per personal will without any negative consequences).

P. Shapirko
Candidate of Law Sciences,
Director of Mykolaiv Institute of Law,
National University "Odessa Law Academy",
Honored Lawyer of Ukraine

JURIDICAL, LAW-ENFORCEMENT AND INVESTIGATIVE ACTIVITY: ASPECTS OF CORRELATION

The paper explores the place of investigative activity in the structure of legal activity. Author proves the necessity of separation of "juridical" and "legal" activities. The first one leads to those types of activity, which are determined by active laws and are usually executed by competent bodies. The second one is wider, as it includes all the types of activity in legal framework.

The investigative activity refers specifically to the juridical one, which confirms the need to improve its regulation. Investigative activity is usually considered as a special type of law-enforcement activity. However, it has a scope of unique features, which do not allow to include it in law-enforcement activity as a whole. Therefore, author proposes to attribute the operational investigation to the structure of law-enforcement activity, as it subjects to all its features.

From the standpoint of the theory of legal activity, we cannot consider investigative activity only as a juridical one, because it can be operated not only by competent bodies but also by the agents and informators, who may not have the authorities.

A. Berezovskyi
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Criminology and Penal Law,
National University "Odessa Law Academy"

"INDIVIDUAL AMNESTY" AS A MEASURE OF CRIMINAL AND LEGAL INFLUENCE: POSITIVE AND NEGATIVE ASPECTS OF REGULATION

The issue of legal regulation and amnesty in Ukraine for more than one decade is of concern among researchers and practitioners. Politicians do not leave this issue out of consideration as well. The events of recent years are eloquent evidence thereof: the law on amnesty is amended; certain categories of persons and, in fact, individuals are exempted from punishment under the amnesty acts etc.

The purpose of the article is to determine the positive and negative aspects of regulation and application of amnesty in Ukraine, introduced by the Law of Ukraine "On Amendments to the Law of Ukraine "On Application of Amnesty in Ukraine" re Full Rehabilitation of Political Prisoners" of February 27, 2014 № 792-VII.

Institute of amnesty in Ukraine was shaped by national traditions, which reflected the centuries of practice of responses to social, political and criminal processes. In fact, amnesty has kept all basic features as the institute of law, actually undergone no change, which is evidence of gradual genesis of legal regulation of amnesty, stability of prevailing traditions and the presence of a vast range of similar problems (unloading penal institutions of the State Penitentiary Service of Ukraine, political factors, adjustment or humanization of criminal policy etc.). Leading motivation for amnesty application in Ukraine is to overcome the problem of exceeding the limits of persons kept in penal institutions of the State Penitentiary Service of Ukraine, the observance of the rights of persons held there, political factors, the implementation of the principle of humanism in the criminal policy of the state.

Summarizing the above the author notes that "innovations" in legislation of Ukraine on amnesty provided by the Law of Ukraine "On Application of Amnesty in Ukraine" re Full Rehabilitation of Political Prisoners" of February 27, 2014 № 792- VII in the regulation of "individual amnesty" such as application of "full individual amnesty" can not be evaluated positively (at the same time, we do not assess the need to exempt "political prisoners" from criminal liability). We hope that this act will be a catalyst of formation of a new concept of criminal legal effect, based on the required communication and synthesis of natural and positive law (according to Y.M. Oborotov).

V. Dromin
Doctor of Law Sciences, Professor,
Head of the Department of Criminology and Criminal Executive Law,
National University "Odessa Law Academy",
Corresponding Member of the National Academy of Legal Sciences of Ukraine

DEINSTITUTIONALISATION OF POWER AS A CRIMINOGENIC FACTOR

In modern criminological and sociological works, criminalization of society is associated with increasing levels of crime and the extension of its influence on society.

This article discusses the criminalization of society, destruction of the institutional foundations of the functioning of bodies of state power and administration. The mechanisms of influence of criminal and economic processes in the activity of law enforcement bodies and public authorities are analyzed. It is concluded that the most favourable conditions for the misappropriation of the levers of economic and political power is the situation of imbalance of social institutions. Countering artificial deinstitutionalization of state power is the main focus in the prevention of crminalization of society.

Based on the above the author makes an overall conclusion that opposition to artificial deinstitutionalisation government is a priority towards stabilization of public relations and the main focus in preventing criminalization of society.

A. Bartsytska
Candidate of Law Sciences,
Associate Professor at the Department of Criminalistics,
National University "Odessa Law Academy"

TOPICAL ISSUES OF DETERMINATION OF THE TECHNOLOGICAL ASPECT OF CRIMINALISTIC TECHNIQUE

The research is aimed at determining the nature of the technological aspect of forensic techniques. The process of formation of the concept of technological progress in forensic science was studied using a historical approach.

At the present stage of development of criminalistics, the concept of "technology" is used in all areas of forensic research, it is therefore necessary to determine its nature and place in the system of methodical provisions of criminology. The introduction of technology in the system of concepts of criminalistics is not a formal definition of "new" concepts, substitutes for traditional forensic science, but the practical necessity of selection of scientific categories, guidelines to understanding gradually formed in different sections of scientific knowledge.

Technological aspect in the system of methodical provisions of criminology is the plane of the understanding of the laws on the implementation of consistent processes for the investigation of crimes.

Development of the algorithmic concept in forensic science caused the formation of a technological approach to the process of crime investigation. In the system of methodical provisions of criminology, technological approach is used to build model programs, investigate and implement them in the process of investigation of specific crimes. The principles of phasing and planning are the basis of technologizing investigative process that in a typical situation involve the formation of investigative tasks and programs of investigation, the investigative process of distribution of a system of interrelated actions and their planning for the initial and subsequent stages.

O. Annenko
Senior Lecturer,
Department of Criminal Legal Disciplines,
Kryvyi Rih Faculty of National University "Odessa Law Academy"
P. Zubakov
Senior Lecturer,
Department of Criminal Legal Disciplines,
Kryvyi Rih Faculty of National University "Odessa Law Academy"

CONSIDERATION OF CRIMINAL PROCEDURE PARTICIPANTS' PETITIONS BY AN INVESTIGATOR OR PUBLIC PROSECUTOR AT A STAGE OF PRE-TRIAL INVESTIGATION

The article is devoted to research of relevant theoretical questions of institute of petitions in criminal procedure of Ukraine, and also practical problems of the claiming of petitions, their considerations and resolution during pre-trial investigation. Determinations of concept of petitions, value of participants' petitions in criminal procedure for protection of their rights and legal interests and achievement of tasks of criminal trial as a whole is given. The considerable attention is paid to the procedure of consideration and resolution of petitions by the investigator, the public prosecutor, to a place and a role of the consideration by the investigator, the public prosecutor in application of estimate categories and concepts of the mechanism of resolution of criminal procedure participants' petitions in at a stage of preliminary investigation. The paper provides scientifically-proved offers regarding improvement of functioning procedural criminal legislation of Ukraine concerning researched questions, which have theoretical and practical value for successful accomplishment of tasks of criminal trial.

V. Formaniuk
Candidate of Law Sciences,
Associate Professor at the Department
of European Law and Comparative Law,
National University "Odessa Law Academy"

MAIN FORMS OF EUROPEAN INTEGRATION IN LAW

International law is universal in its nature. However, based on various criteria, it is possible to single out relatively independent segments in its composition, such as belonging to a geographical region. When it comes to Europe, it usually means European law.

However, the term "European law" is used in legal science in different meanings. Thus, in modern legal science there are three possible interpretations:

- a set of legal rules of national law of European countries;
- a set of r egulations established in the European Union;
- a set of regulations of international law guarding relations between states in Europe.

Therefore, in the scientific application there formed a new term – "law of European integration". Today, it is popular among researches, but not appropriately investigated.

Summarizing the content of the article, the author notes that the European Union must be defined as a supranational entity, which acts as a subject of international law of a special type. In this connection, the European Union law should be regarded as a specific piece of international law created by a special supranational entity.

H. Tsyverenko
Candidate of Law Sciences,
Associate Professor at Law Department,
Head of the International Office,
Alfred Nobel University

ON SOME QUESTIONS REGARDING PROTECTION OF HUMAN RIGHTS IN THE EUROPEAN UNION

The article studies mechanisms of protection of human rights in the EU. It analyzes basic stages in the development and establishment of the main EU institutions. Some historical examples of states' unilateral acts in the field of environmental protection are considered from the point of view of their consistency with rules and principles of international law. The author classifies these acts and expresses her view concerning the correlation between unilateralism and multilateralism in international law and international environmental law in particular.

Copyright legal aspects of global information on the Internet require immediate and comprehensive study throughout the world and particularly in Ukraine.

The article examines concept of "culture of human rights" and defines present-day issues relating to its development in the Ukrainian society. Situation strikes at the heart of the principle of the universality of human rights and gives rise to two problems. Firstly, the narrower range of human rights within EU Law risks the creation of a two-tier system of protection in the EU Member States, between those areas covered by national law and those covered by EU Law. Secondly, it creates a gap in the implementation of the duties to protect and promote those rights in those policy areas where the Member States have delegated powers to the EU. Also the authors review its modern state, the prospects of its further development.

Intellectual property law is also included in to the scope of adaptation of Ukraine's legislation to EU legislation adopted due to the Decree of the President of Ukraine approving the Strategy for Ukraine's integration into the European Union. The convergence and unification of the rules of copyright in Ukraine with the relevant regulations of individual countries, groups of countries or norms of international conventions, universal values that are designed for their adoption of the national legal systems of most countries is a contemporary, or rather dictated by the economic realities of today. It should be emphasized and understood that the search for specific legal decisions abroad is not a whim of developers. The extent resolving of this problem depends on the level of adaptability of our country in the European and global economic and political space.

Yu. Kyrychenko
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Politology and Law,
Zaporizhzhia National Technical University

FREEDOM OF ASSOCIATION IN POLITICAL PARTIES: A COMPARATIVE LEGAL ANALYSIS OF CONSTITUTIONS OF UKRAINE AND EUROPEAN COUNTRIES

The most modern democracies enshrine the right to freedom of association at the constitutional level. However, many of them are characterized by the allocation of this common law and securing it as a special kind of freedom of association in political parties.

The basic laws of Azerbaijan, Georgia, Estonia, Latvia, Lithuania, Macedonia, San Marino, Serbia, Slovakia and France enshrine this right by means of special instructions that the right to freedom of association includes the right of the formation of political parties.

The constitutions of Albania, Andorra, Belarus, Bulgaria, Spain, Italy, Moldova, Germany, Poland, Portugal, Turkey and Hungary include provisions for the formation and activities of political parties in separate articles.

The constitutions of Armenia, Romania, Croatia, the Czech Republic and Montenegro provide this right in the rules on freedom of association, and in the other regulations.

In some European countries limits on the formation of political parties and participation in their activities are enshrined at the constitutional level. At the same time, the basic laws of Armenia, Belarus, Georgia, Moldova, Romania, Serbia, Slovenia, Turkey and Montenegro besides the foreseen limitations also restrict certain categories of citizens.

In view of this, we believe it is necessary to optimize the formulation of legal structures of articles 36 and 37 of the Constitution of Ukraine, joining them in a single article (Article 36). We also propose to distinguish the provision on the right to freedom of association in political parties as a separate article (Article 37), which will enable more detailed regulation of their activities. The proposed article would be consistent with Article 36 as general and special regulation.

The proposed Article 37 has to include Part 1, 2 of Article 36 and Part 3 of Article 37 of the current Constitution of Ukraine. At the same time, it is necessary to clearly formulate provisions on freedom of association in political parties and ban the formation and activities of organizational structures of various government and other bodies other than established in the current text of the Constitution of Ukraine. In part 3, article 37 of the Constitution of Ukraine, the term "shall not be permitted" shall be replaced by the term "prohibited", which we believe will significantly enhance this provision.

Therefore, we put article 37 of the Constitution of Ukraine as follows:

"Citizens of Ukraine have the right to freedom of association in political parties that promote the formation and expression of political will to take part in the elections.

Restrictions on membership in political parties are established exclusively by this Constitution and the laws of Ukraine.

The creation and activity of organisational structures of political parties shall be prohibited within bodies of executive and judicial power and executive bodies of local self-government, in military formations, and also in state enterprises, educational establishments and other state institutions and organisations. ".

O. Fedoriv
Postgraduate Student,
Department of European Law,
Faculty of International Relations,
Ivan Franko National University of Lviv

INSTITUTIONAL MECHANISM OF EU BUDGETARY RELATIONS

The article is devoted to an important issue of the current stage of EU development. The attention is given to the historical and legal aspects of formation of the institutional mechanism of EU budgetary relations, existing approaches to the notion of the EU institutional system and the EU budget procedure.

Regarding the notion of the EU institutional system, there are two approaches in the literature. If the institutional system in the narrow meaning is a set of ruling bodies with a special status which are foreseen in the core functional treaties of the EU, than in the broad meaning it also contains other bodies and organizations which discharge auxiliary, control and administrative functions.

Having analyzed the provisions of the Treaty on European Union, Treaty on the Functioning of the European Union and the main EU documents, the author concludes that three institutions constitute the institutional system of EU budgetary relations, namely: the Commission, the Council and the European Parliament. In order to improve budgetary procedure, it became necessary to reform the community budget, respectively to change the way it was designed and spent. The manner of setting and dividing the community budget has been changed whenever the circumstances called for it.

In view of this it can be inferred that not only have the two principal treaties and their amendments exerted an influence on the evolution of EU institution's budgetary powers, but also interinstitutional agreements as an instrument of cooperation between the Commission, the Council and the European Parliament.

T. Mudriak
Candidate of Law Sciences,
Associate Professor at the Department
of Criminal Law, Procedure and Criminalistics,
National University of the State Tax Service of Ukraine
N. Potomska
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department
of Criminal Law, Procedure and Criminalistics,
National University of the State Tax Service of Ukraine

INTERNATIONAL COOPERATION IN THE CRIMINALISTIC SUPPORT OF CRIMES INVESTIGATION

This paper states that the most important component of international cooperation in combating crime is the interaction between law enforcement agencies of different countries exercised by taking coordinated actions by various countries.

The author argues that an important form of international cooperation between states' law enforcement agencies is judicial cooperation in criminal offenses of various kinds in the fight against crime. It is noted that the effectiveness of such cooperation in this field depends on many factors, headed by the creation of effective legal mechanisms for international legal assistance and other forms of cooperation in the fight against crime.

Given the above, the author proposed the wording of international cooperation in criminal proceedings.

The proposed approach in the work allowed the author to conclude that international cooperation in criminal proceedings as an activity is an important area of international relations as it provides international and the internal order, contributes to the fulfilment of the purpose of criminal proceedings of states. Such cooperation is a specific activity of states conducted through their law enforcement agencies engaged in the investigation of criminal offenses affecting the interests of several states. Volume, the main directions and forms of such cooperation are defined by content and features of international and domestic crime and policies of different countries in the provision of legal aid in criminal proceedings, development of the legal systems of these countries, their degree of integration into international relations.

V. Poliakov
Postgraduate Student,
Department of Criminal Law,
National University "Odessa Law Academy"

ASSET FORFEITURE: ON THE WAY TO EU INTEGRATION

The article deals with the asset forfeiture as a type of punishment, in the context of types of property that are not a subject of confiscation by court decision. The author points out that due to social and political transformation forfeiture of assets should transform as well as any other phenomenon.

The article indicates that under the conditions of globalization processes amendments to the Criminal Code of Ukraine were made, so a special confiscation as a criminal law measure was established. Thereby the so-called double-track system of criminal sanctions (penalties and criminal law measures) was introduced. However, the current changes in this direction (the appropriateness of which is yet to be determined) indicate the clear pro-European course, aimed at harmonizing national criminal legislation with EU law.

In this regard, one of the problem (and still unresolved) questions remains an outdated in its content list of assets that can't be a subject of forfeiture by court decision which can be found in the Annex to the Criminal Code of Ukraine. It is also about its inconsistency with the modern application of criminal law.

The article focuses on the fact that some of the provisions of the list of assets that can not be a subject of forfeiture are not relevant in present circumstances and does not agree with the current regulatory acts. To resolve such contradictions, amendments to the list of assets that can not be a subject of forfeiture need to be done. At the same time, current changes that have occurred in the society and in the system of current legislation should be also taken into account.

Also the author proposes to update an existing list of assets that are not a subject of forfeiture by court decision and put it in the offered edition. These summarized provisions meet the requirements of the present time and facilitate application of punishment in the form of asset forfeiture according to the specific criminal act.

I. Izarova
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Justice,
Taras Shevchenko National University of Kyiv

DEVELOPMENT OF E-JUSTICE IN CIVIL CASES IN EUROPEAN COUNTRIES

The information and communication technologies and other technical innovations is an integral aspect of the modern world, which penetrates into all spheres of life. Experience in other countries shows that this leads to an increase in access to justice, simplifying procedures and speeding up the trial, as well as significantly reducing costs and expenses, which are essential factors in the development of an effective mechanism of justice. The introduction of modern information and communication technologies in the EU is relevant and integral part of the justice system. Study of this experience will contribute to the integration of Ukraine into the European Community, ensure effective cooperation in the field of civil justice, and improve the mechanism of civil procedure.

This article examines the main stages of the introduction of electronic justice in the EU, and analyzes the latest results – the Draft Strategy on European e-Justice 2014-2018 approved on December 6, 2013, which determines the general principles and objectives of the European e-Justice. The same strategy has set general principles and the ground for the next years of European action plan for development of e-Justice, which was approved on May 16, 2014 by the Council of the EU – the Multiannual European e-Justice Action Plan 2014-2018.

As result of our study, it is proposed to support and enhance research towards the implementation and development of e-justice in Ukraine. At the same time, it is claimed that the introduction of information and communication technologies and e-justice should be conducted consistently for a long time by introducing multi-pilot projects determined by the practical application of the most effective procedures that have to be appropriately implemented in the existing legislation.

LINK OF TIMES: CHAPTERS OF HISTORY

N. Atamanova
Candidate of Law Sciences,
Associate Professor at the Department
of Theory and History of State and Law,
International Humanitarian University

CONSTITUTION OF PYLYP ORLYK IN MODERN NATION-BUILDING OF UKRAINE

The peculiarity of the Constitution of Pylyp Orlyk lies not only in the fact that it has become "the first constitutional act in Ukraine", but also in the fact that it has realized the need for a legal fixation of at least three major traditions at the highest level: democracy, contractual relations between the authorities and people, set closer connection with the mentality and traditions of European nations, European and Christian values, postulates. Organic orientation of Ukrainian constitutionalism driven by its nature in the future in any case does not divorce it from the past. Complex and multifaceted process of state and law building in modern Ukraine, continuous search for the optimal form of government, controversial development of parliamentarism form the present that combines the past and the future, encourages scientific understanding of political and legal traditions that are out of the final part of our historical consciousness, contains opposition against manipulation.

Closer acquaintance with the Constitution of Pylyp Orlyk shows that at those times legal consciousness of the population, especially middle classes (ordinary Cossacks, peasant producers, craftsmen) was significantly higher than modern Ukrainians have, who has not recovered from being under the pressure of the totalitarian regime of Moscow. This is explained by a high level of education, as for that times, and old (since the princedom of Rus-Ukraine) democratic traditions. Such a conditional comparison gives reason to believe that the legal conscience of our citizens is low according to contemporary needs. Since the independence of Ukraine, unfortunately, still too little has been done and is being done for the legal education of the population, formation of its legal consciousness.

Only in case of sufficient level of legal awareness of the population it is possible to seriously consider building a civil society, political and legal doctrine of the Ukrainian state building, establishment of democratic principles in modern state.

Hence the Constitution of Pylyp Orlyk reflects not only legal organization of the state and legal traditions of the Ukrainian people, but also the changes in power relations. It is the Constitution of Pylyp Orlyk of 1710 that has established legal origins of many phenomena, including the modern Ukrainian national sovereignty, separation of powers, parliamentary system and other. Therefore, reference to the historical experience of the document is an appeal to political and legal ideas that constitute historical and legal basis for national political ideas, ideas that expresses the essence of the spirit of the Ukrainian people.

N. Voitovych
Postgraduate Student,
Department of Theory and History of State and Law,
Lviv State University of Internal Affairs

SUBJECTIVE RIGHTS OF MAN AND THE CITIZEN IN THE SCIENTIFIC INTERPRETATION OF BOHDAN KISTIAKIVSKYI

The article is devoted to the scientific interpretation of subjective rights and freedoms of man and the citizen by Bohdan Kistiakivskyi. He expressed support for the position that the state has no right to restrict or break the subjective rights of its citizens. The so-called civil rights and freedom of individual, and all opportunities arising on this basis should be inviolable for the state and inalienable from individuals except by the court order. The vision of the processes of historical development, philosophical nature and prospects of civil rights in the context of forming ideals of lawful state was investigated by the Ukrainian jurist.

B. Kistiakivskyi in his scientific work has provided considerable value to the analysis of the French Declaration of the Rights of Man and of the Citizen (1789), which became "a political revelation" that caused universal admiration and encouraged people to struggle for a new state regime and a new legal order. According to B. Kistiakivskyi, penetration into the inner meaning of the principles, embodied in the Declaration of the Rights of Man and of the Citizen (1789), leads to the belief that along with freedom from the state intervention in the sphere of personal or social life, and along with the right to participate in the organization and direction of state activity, there should be placed the right of every citizen to demand from the government to ensure normal conditions of his economic and spiritual existence.

B. Kistiakivskyi contested approach to understanding of civil rights claiming that their understanding in the form of reflexes (consequences) of objective law is only the supplement of the basic nature of these rights. He saw their place in the middle between objective law and subjective rights. B. Kistiakivskyi concluded that the process of personality formation by the society and the process of society formation by the personalities proceed simultaneously and are complementary to each other. Chronological and functional unity of these processes has led to the development of the system of civil rights. B. Kistiakivskyi argued that it was impossible to determine the concept of subjective law by legal dogmatic method, because a person as well as its subjective rights is a legal existence. Therefore, the subjective law, by conviction of B. Kistiakivskyi, should be comprehended via explanatory methods of the general theory of law. Denial of legal dogmatic approach in the analysis of subjective public rights, according to B. Kistiakivskyi allows recognizing them as the rights of man and the citizen.

Ye. Polianskyi
Candidate of Law Sciences,
Associate Professor at the Department of Criminal Law,
National University "Odessa Law Academy"

THE SOURCES OF ANGLO-AMERICAN JURISPRUDENCE: FROM ANCIENT ROMAN LAW TO FORMATION OF COMMON LAW

Legal doctrine of any state passes a long way of historical development. Government formations occur in certain areas, being subsequently replaced or absorbed by other public entities or cease to exist as a whole. Military expansions have always led to cultural and legal interventions in societies of conquered peoples, i.e. the law of the conqueror extended to the annexed territory. Even if such territories retained their legal autonomy, in any case they fell under the influence of legal traditions of the dominant state. Of course, there was also the opposite effect, which led to the gradual convergence of legal systems, but the degree of impact depended on several factors, including geographical distance of areas.

Thus, the statement that Roman law did not affect the formation of the common law should be considered unfounded. First, the Roman occupation of in English lands in I-IV centuries clearly shows the influence of Roman culture and rights on Anglo-Saxon society. Second, the spread of Christianity also brought elements of Roman culture, language and even the right to life to Anglo-Saxons. Thirdly, the Norman conquest established a cultural bridge between modern British peninsula and continental Europe though later the bridge was destroyed, during the heyday of Roman law recession in Europe, England was cut off by the Hundred Years War with France and other troubles. We can therefore conclude that Roman law influenced the future of English law both directly (in the period of Roman rule in the British Peninsula) and indirectly (through laws passed on the basis of Roman law in V-XI centuries). Subsequently, the connection was interrupted, English common law started independent and separate development, differences from continental European law only intensified in the course of time.

O. Kozoriz
Postgraduate Student,
Department of History of State, Law and Political
and Legal Doctrines, Law Faculty,
Ivan Franko National University of Lviv

FORMATION OF THE STRUCTURE OF THE POLISH STATE POLICE IN EASTERN GALICIA IN 1919-1921

The object of this paper is the Polish State Police in Galicia during 1919-1921. The purpose of the article is the study of the legal basis, the genesis, the internal structure and organization of the state police at Western areas.

The paper analyzes the process of forming the system of police authorities in Galicia in 1919-1921. Officially, the Polish state police was organized at the period of adoption of the Law "On State Police". In Galicia, formation of the structure of the State Police was held with approval of the Minister of Internal Affairs and Minister of Defense of November 12, 1919 "On the Inclusion of Military Gendarmerie and Military Police on the Former Territory of Galicia to the State Police". Law-enforcement agencies were built on a military model and were subordinated to the Minister of Internal Affairs. In terms of territory, the police was divided into districts, which included county commandant. Commissariats were created in larger cities. In the district teams were created investigative departments. Their basic objectives were prevention of crime and the disclosure of the latter. Law enforcement railway and water transport agencies were included in the state police. Major challenges faced by the Polish government in the creation of law enforcement at Western areas as part in the Polish–Lithuanian Commonwealth were the issues of inadequate funding, low moral and professional qualities of workers and the lack of candidates for service. The main attention is given to the counteraction of the Polish State Police and Ukrainian national movement and communist organizations.

N. Yatsyshyn
Candidate of Law Sciences,
Senior Lecturer, Department of International Law,
National University of the State Tax Service of Ukraine

LEGAL STATUS OF WEST UKRAINIAN LANDS AND THE UKRAINIAN MINORITY POSITION AS PART OF THE SECOND POLISH REPUBLIC (1918 1939)

The article examines one of the complex problems in terms of international law, the problem of defining the territory of the Polish state and its borders after World War I due to the inclusion of Ukrainian lands.

The legal basis for final inclusion of Ukrainian ethnic lands into Poland were two international documents: the Riga Peace Treaty (1921) and the decision of the Council of the Entente for recognition of Polish Eastern Galicia (1923).

The author states that even if we agree with the Polish interpretation of the Riga Peace Treaty of 1921 and consider that the inclusion of Western lands to the Second Polish Republic is not as annexation but a cession, it must be recognized that it was forced and did not meet the right to self-determination.

The study made it possible to conclude that Poland has failed to establish by using legal and political mechanisms such conditions which have been laid down in international standards and could lead to a real protection of minorities. The main reasons were: lack of close cooperation between international and national law, absence of effective control over the implementation of rules and responsibility for violations of international obligations for the protection of minority rights.

Poland's experience confirms that the mechanical reproduction of the previous state ethnic structure without the empowerment of minority rights leads to the ethnic hatred and tension in international relations.

The author highlights the urgent problems in modern Ukraine that must be solved taking into account the experience of Ukrainian-Polish relations in interwar period and modern EU standards in this area.

O. Parovyshnyk
Postgraduate Student,
Department of Administrative Law and Administrative Activity,
Yaroslav Mudryi National Law University

HISTORICAL ASPECTS OF ADMINISTRATIVE LAW REGULATION IN THE FIELD OF ENFORCEMENT OF RIGHTS OF DISABLED PEOPLE

Analysis of regulations of different times containing provisions on the right of the disabled and enforcement of such rights is very important for proper understanding of problems that appear in the field enforcement of the rights of disabled people.

The research of the development of regulations in this field helps to understand that health challenged people were treated as inferior members of society. Not always the state cared about the disabled. Initially, people with disabilities, i.e. health challenged people, were cared by the members of their family resulting in relation to such person as to the burden on the part of the family and society.

Thus, considering the enforcement of the rights of the disabled, it should be noted that the care of people with disabilities entrusted to the family can be referred to the first stage of formation of the rights enforcement of individuals in this field. The second stage includes the care of the disabled, which was entrusted to the church and charities. The third stage is characterized by the emergence of the state enforcement of the rights of people with disabilities, which started in the Russian Empire in XVII – XVIII centuries. During this stage, the charity did not lose its positions, but the state enforcement of the rights of the disabled began to form, stipulating the adoption of regulations that fixed the rights of these people. The fourth stage is characterized by the fact that the rights of people with disabilities began to be recognized as fundamental, fixed by the Constitution and recognized as the state duty. The final fifth stage of legal regulation in the field of the disabled rights enforcement is the current state of legal regulation, which brings the state enforcement of the rights of people with disabilities to the regulatory level and is constantly improving.

When analyzing the historical aspect of legal regulation in the field of enforcement of the rights of the disabled, it must be concluded that each of these stages has a large impact on the modern administrative regulation and certainly played a significant part in formation of the current legislation in this field.

H. Bahniuk
Postgraduate Student,
Department of Justice and Criminal Law,
National University of Ostroh Academy

HISTORICAL AND LEGAL ASPECT OF THE FORMATION AND DEVELOPMENT OF THE PRINCIPLES OF TRANSPARENCY AND OPENNESS IN CRIMINAL PROCEEDINGS OF UKRAINE

The article is an attempt to study the historical and theoretical context and the legal doctrine of principles of transparency and openness in criminal proceedings. The author analyzes the basic principles of transparency provisions of the criminal proceedings in Ukraine, in the European countries and Russia. It is indicated that a characteristic feature of Ukrainian procedural law has always been openness (publicity) of proceedings. On the positive side, even in the Middle Ages the institute of publicity of proceedings was not limited as in Western countries. A striking example of public proceedings were proceedings in the Zaporizhzhian Sich. A particularly important role was played by the common law, where the principle of transparency was the basis of customary process. Many customary rules were formed and received the degree of state law.

There were drawbacks. The first Soviet regulative acts of justice widely declared publicity but did not specify detailed rules for its implementation. And the basis of exercise of ideas of justice publicity was the principle of expediency. In the 1930s-1950s, the principle of transparency in criminal cases was often violated, which considerably contributed to making illegal sentencing. Rejection of opinions on how to guarantee publicity and independence of the court from the higher state bodies contributed to the lawlessness that took place at that time.

The paper also examines ways of creating a legal framework of principles of openness in the Soviet criminal trial. Summarizing the results of the study, the author concludes that the history of Soviet criminal procedure has demonstrated that consolidation of principles of publicity of judicial activity, even at the constitutional level, is yet not enough to consistently exercise it in practice.

Further development of ideas of judicial publicity requires not only improvement of the regulatory framework and practical application of the provisions regarding publicity of courts', but also deep scientific research in the given field. There are still many unresolved problems. Particularly debatable remains content, as well as bases of the concept of publicity.

TRIBUNE OF DOCTORAL CANDIDATE

Z. Yudin
Candidate of Law Sciences, Doctoral Candidate,
National University "Odessa Law Academy"

CONTRACTIVIZATION OF STATEHOOD: TRENDS AND PROBLEMS

In modern jurisprudence, political theory and sociology it has become the usual tendency to repeat the idea of a crisis of state sovereignty, which is the result of the increasingly expanding scope of international law and supranational (integrative) regulation. Such common statement of a question, on the one hand, has led to the recognition of the fact that modern states change the most substantially since the time of their occurrence, and on the other hand – has taken political and legal thought away from a critical understanding of the concept of state sovereignty.

Thus, contractivization of law has not only domestic but also international legal significance. In fact, it does not distinguish between types and levels of legal systems, as it is a tendency rooted in the law, regardless of the form of its existence and expression. Transformation of state sovereignty, expressed in ever more visible shift of emphasis to contractual legal powers, is a direct and immediate continuation of this line of modern law. This line is expressed in the fact that all levels of law existence, all options for its actualization in legal systems, all options for its use anyway are determined by overt or implicit contracts that are concluded by the individual and collective actors, creating intersubject legal reality – qualitative state of the current legal and public life.

I. Hloviuk
Candidate of Law Sciences, Associate Professor,
Associate Professor at the Department of Criminal Procedure,
National University "Odessa Law Academy"

DEPOSITION OF WITNESS' EVIDENCE ACCORDING TO THE CRIMINAL PROCEDURE CODE OF UKRAINE OF 2012

The article is devoted to the research of regulation and practice of the Article 225 of the Criminal Procedure Code of Ukraine 2012 – "deposition". The author pays attention to the fact that provisions of the Article doesn't contain precise rules of taking a deposition, for instance: the procedure of consideration of the petition, as well as court ruling based on results of the consideration; the possibility to return the petition to the person; the possibility to refuse to accept the petition for consideration; the set of persons who may be simultaneously examined; investigative judge's actions in case of absence of the person who submitted the petition; etc. The author, taking into account the existence of procedural interest of the person who submits a petition, points out the soundness of the attendance in the court. Nevertheless, his absence shall not prevent the consideration of the petition yet there is no need for others to be present.

Based on the analysis of the foreign experience (USA, Germany, Kazakhstan) and on the decisions of the investigative judges some shortcomings of legal regulation and practice of the Article 225 of the Criminal Procedure Code of Ukraine of 2012, the author revealed particularly the conditions that make it impossible to depose witness or victim, as well as conditions that can affect credibility of testimony.

The author justified that filling the list of questions in the judge's decision circumscribes the procedural possibilities of the person who submits the petition since some questions on substantial circumstances of the criminal case may arise during the deposition.

It is proved that investigative judge, during the simultaneous examination, may examine only witness and victim.

The author draws a conclusion that the following changes should be made: the victim may submit the petition to take a deposition; to expand the range of cases in which deposition may be taken; to add the requirements to the content and form of the petition; the procedure and the circle of persons who may be present at the deposition; the cases in which petition may be returned.

A. Bondarenko
Postgraduate Student,
Department of Theory of State and Law,
National University "Odessa Law Academy"

FORMS OF REALIZATION OF HUMAN RIGHTS FUNCTION BY MODERN STATE: PROBLEM STATEMENT

Human rights function is the activity of the state on protection of the rights and freedoms of man and the citizen, approval of the rule of law and order in all spheres of public and political life. An important aspect of human rights activity is fight against crimes and criminality, performance of appropriate preventive measures.

Human rights function of a modern state can be realized in a variety of media and forms, which also causes some debate in the field of scientific research.

Having analyzed various opinions regarding the allocation of forms of realization of human rights functions, the author supports the view of V.I. Vyshkovska, who identifies the following forms: 1) localization (cessation of human rights violations); 2) liquidation (removal of threats in the implementation of law); 3) restorative justice (restoration of violated rights); 4) penalty (making perpetrators liable).

Thus, the process of implementation of the above forms of human rights functions of the state characterizes the essence, social purpose and role of government in society. In social, democratic and legal states, this function embodies universal, humanistic form, i.e. such forms that comply with democratic standards and national interests. The peculiarity of the modern state in the process of globalization is that it must work closely with civil society. Effective cooperation of state bodies with political parties, public associations, labour unions allows society to consolidate, strengthen forces of the nation to address social problems, monitor the activities of government.

V. Chervonenko
Degree Seeking Applicant,
Department of European Union Law and Comparative Law,
National University "Odessa Law Academy"

COMPARATIVE POLITICAL SCIENCE: METHODOLOGICAL VALUE

Modern law science and practice widely use methods of comparative law in the study of phenomena and processes of state legal reality. All this contributes to a better understanding of the scope and nature of the state legal impact on society.

This article is devoted to disclosure of methodological potential of the comparative state science and its significance for the development of a methodology of jurisprudence. Particular attention is paid to the knowledge and mastery of methods of carrying out a comparative study in the field of comparative state science, which makes it possible to answer many questions about the laws of the state development, about the mechanism of state power, about the principal institutions of the state, about the reasons for their emergence and development, about the specifics of their functioning, as well as to answer the question about the need to borrow some or other state institutions from various state systems.

Thus, for comparativists it is very important to master the technique of comparative legal analysis, which is designed in the course of research to direct scholars to the implementation and solution of very important and meaningful tasks.

O. Hordiienko
Postgraduate Student,
Department of Theory of State and Law,
National University "Odessa Law Academy"

SPECIFICATION OF LAW IN THE INTERPRETATION OF THE SUPREME COURT OF UKRAINE

The paper deals with the problem of the concretization of law. The main attention is focused on the concretization of the interpretation of law by the Supreme Court of Ukraine. We consider the importance of the Supreme Court as a guide for other courts. The examples of the lack of concretization in the interpretation of the Supreme Court of Ukraine are provided. The process of practical interpretation of the Supreme Court of Ukraine, and ambiguity of this activity are discussed. Interpretative activity of the Supreme Court of Ukraine regarding the decisions made in specific cases and review of the decisions of the lower courts are investigated. We consider the level of detailed findings of the Supreme Court of Ukraine today.

The article notes the value of preliminary decisions of the Supreme Court of Ukraine for the formation of jurisprudence. Recommendations for the concretization of the powers of the Supreme Court of Ukraine to ensure uniform court practice are provided. The author concludes that there are many points in an unspecified interpretation of the Supreme Court of Ukraine often expressed in the unclear regulations or decisions in individual cases, and the lack of powers of the Supreme Court of Ukraine to provide clarification on the guidelines in the application of the legislation of Ukraine.

Moreover, the author identifies the problem when lower courts cannot understand the essence of the law, which causes different or even incorrect application of the same law. Therefore, the author points out that today there is a problem regarding the correct concretization of the law, which probably can be removed by increasing the concretising powers of the Supreme Court of Ukraine.

M. Koreneva
Postgraduate Student,
Law Faculty,
Interregional Academy of Personnel Management

THE NOTION OF LEGAL RISK ADMINISTRATIVE ENFORCEMENT

The paper provides a general notion of risk, growing dynamics of risk, which is a statistical risk. The following are the object and the subject of risk:

The object of risk is managed system in relation to which decisions are made; its effectiveness and functioning are not exactly known in advance.

The subject of risk is understood as a person (individual or group) who is interested in the results of the management of the object of risk and is competent to decide on the object of risk.

Analysis of risk in contemporary legal literature found the following components: 1) elements that define (regulate, provide) protection of workers in the implementation of actions in terms of risk; 2) rules that provide for the emergence of risk in the performance of duties by the staff; 3) regulations, which include options for overcoming the consequences of risky situations.

According to the authors, the classification of risk is seen as a systematization of the plurality of concepts of risk on the basis of certain common criteria and characteristics that allow combining them in a single group.

Thus, the legal element of risk is the definition of the place and role of law in the value of risk, the importance of impact on its formation, the probability of occurrence and the possibility of applying the legal instruments to reduce exposure.

The basis of our grouping are: 1 – the sphere of human activity; 2 – expiry date; 3 – scale of effects; 4 – public importance; 5 – source of origin.

By the type of human activity it is possible to single out the following major risks: social risks; economic risks; war risks (terrorism risks); scientific risks; natural risks; legal risks.

The main legal components of the aforementioned legal risks are volitional acts of the state administration (laws and regulations), whose purpose is to control and reduce possibilities of adverse socio-political and socio-cultural consequences. Monitoring the performance is the duty of the state coercion authorities. They are also responsible for monitoring the practical implementation of regulations, i.e. practical reduction of social risks in all phases of operation of the state.

Law plays a prominent role in group of risks because it gives the state the relevant jurisdiction to ensure the safety and power to counter threats to society. However, the negligent attitude of the officials to performance of their duties can lead to levelling the efforts of the state (actually, it is its individualistic element). Therefore, this opposition is the responsibility of public officials as a form of administrative and criminal liability.

Objective of the study of risk in today's environment is to find the optimal balance between the level of legal risks in society and possible level of democracy in the country. In this respect, we can propose the study of risk as a trend in jurisprudence, which at the application level will study legal risk at different stages of the relevant legal framework of society in all areas of law.

The main result of this study is to provide effective quality methods reducing legal risks in society in both external and internal displays.

I. Shabas
Postgraduate Student at the Department of Commercial Law,
Kyiv National University of Trade and Economics,
Lecturer at the Department of Law,
Kyiv Cooperative Institute of Business and Law,
Senior Counsel of LLC "V. Shimanovsky
Ukrainian Institute of Steel Construction"

THE DEFINITION AND FEATURES OF ADMINISTRATIVE CORRUPTION OFFENCES UNDER THE LEGISLATION OF UKRAINE

The rules of anti-corruption law are being analyzed in the paper to determine the definition and identify the features of administrative corruption offences. The author compares the rules of the previous anti-corruption law and current Law of Ukraine "On Principles of Prevention and Combating Corruption".

On the basis of the mentioned comparison, the author makes a conclusion that the current Law more broadly covers the definition of administrative corruption offence and the phenomenon of corruption in all its forms, which allows preventing and counteracting it more effectively. Thus, the Law protects the social relations, which were not previously regulated.

In particular, the current Law expands the list of illegal actions which are considered as corruption as well as a list of persons who are responsible for their commission.

The author considers reasonable that the persons equated to persons authorized to perform the functions of state or local government also take responsibility for administrative corruption offenses, because undue benefit as a result of using official authority and related possibilities (as one of the special features of administrative corruption offenses) is a major element that provides the reason to consider the actions of persons who are responsible for commission of administrative corruption offenses as corruption, which often takes place as a result of misuse not only of state power.

At the same time, the author emphasizes that there are difficulties in the practical application of novelty about acceptance of such offers or promises of such benefit or provision of such offers or promises, by which may be understood also statements or actions of the subject of responsibility for corruption offenses which do not have features of corruption.

The features of administrative corruption offenses were researched and analyzed in this article, including general and special ones. The author contemplates the controversial issue of public danger and harm of administrative offences and substantiates the thesis of social harm of administrative corruption offences. On the ground of the features reviewed, the author gives his own definition of administrative corruption offences.

O. Shaposhnykov
Degree Seeking Applicant,
Department of General Legal Disciplines,
Faculty of Law and Mass Communications,
Kharkiv National University of Internal Affairs

THE CURRENT STATE OF ADMINISTRATIVE AND LEGAL REGULATION OF SOCIAL SERVICES IN UKRAINE

The article examines the current state of administrative and legal regulation of social services in Ukraine. It specifies that the current provision of such services is considered as one of the most important areas of social activity of the state. In this regard, the system of legislative support of social life develops every year and needs to be considered on a scientific level to identify the problems in this sphere and suggest improvement of legislative regulation.

Attention is drawn to the constitutional provisions relating to social services, analysis of the content of codified legislation on matters of social services.

It is claimed that an important role in the regulation of social relations play a specified laws of Ukraine. It is noted that the current system of laws and regulations in the provision of social services is not sufficiently large, which is primarily due to the relatively short existence of the institute of social services in Ukraine.

Attention is drawn to the fact that today in some laws of Ukraine focus on some aspects of social services. At the same time, there is no clear regulation of the manner and procedure of providing most of the services that are provided by Art. 5 of the Law of Ukraine "On Social Services" – as an example, it refers to the implementation of welfare patronage, social adaptation, providing psychological services and more. The problem, in the author's opinion, the above problems should be legally solved.

D. Shvets
Postgraduate Student
Department of Labour, Agricultural and Environmental Law,
Ivan Franko National University of Lviv

SOME TERMINOLOGICAL GAPS OF NATIONAL LEGISLATION ON EMPLOYMENT

The article considers problems of legal regulation of promoting employment. One of the problems in achieving full, productive and freely chosen employment is imperfect conceptual framework used by the national legislator. The absence of national legal definitions of certain terms leads to the emergence of different approaches to their understanding, which in turn gives rise to difficulties in the practical application of the relevant provisions of the regulation.

The author analyzes the terms "providing employment" and "promoting employment". In particular, the author argues that they are different in their content and legal value.

The term "providing employment" can be used for legal regulation of government guarantees aimed at achieving full, productive and freely chosen employment. Instead, the term "promoting employment" includes the legal regulation of relations to attract able-bodied persons to employment within a legally binding form and to preserve and maintain the already formed employment. The term "promoting employment" can be viewed also in the broad sense, as uniting not only measures aimed at creating the conditions for coverage of certain legislated form of employment, but also a set of interrelated organizational, legal, economic, social and other activities that contribute to the preservation and further development.

The author emphasizes the appropriateness of legislative consolidation of both terms. Legal definitions of "providing employment" and "promoting employment" will clearly delineate the boundaries of legal regulation of promoting employment, particularly in view of the provisions of international legal instruments in the field of promoting employment ratified by Ukraine.

Based on the analysis, the author concludes on the need to improve the conceptual framework of the legislation of Ukraine in the sphere of promoting employment. The author conducted a legal analysis and proposed definitions of "promoting employment" and "providing employment".

O. Kolosova
Postgraduate Student,
Institute of Economic and Legal Research,
National Academy of Sciences of Ukraine

GUIDELINES ON STATE AID TO BUSINESS ENTITIES

The present article deals with the framework for reform of the national system of state aid to business entities, European guidelines and framework provisions. Detailed analysis of the new Law of Ukraine "On Government Aid for Business Entities" was carried out and it was rightly pointed out that it represents to a certain extent the guidelines and framework provisions in force in the European State Aid Law. Characteristics of each of the principles contained in the legal act were illuminated. This characterization included such principles as admissible and inadmissible aid, transparency of state aid schemes and publicity of information etc. Article presents a list of European guidelines, which are missing in the Law and, as a result, identifies deficiencies of legal regulation. The author claims that there is a need to introduce amendments to the current legislation on de minimis state aid, block exemptions regulations, which will enable to bring the legal act in accordance with EU regulations.

The author offered a number of proposals for changes in legislation which are directed at the settlement of above mentioned issues. In particular, the principles concerning block exemptions regulations, de minimis aid, horizontal aid and other European rules should be reflected in the Law of Ukraine "On Government Aid for Business Entities". The necessity of adopting a special act regarding the establishment of block exemptions regulations, which allows to grant aid without coordination of the European Commission, is proved.

O. Chernilevska
Postgraduate Student, Law Faculty,
Ivan Franko National University of Lviv

THE PLURALITY OF PERSONS IN COMMITMENTS AS A RESULT OF CAUSING DAMAGE BY AN EMPLOYEE

The article is devoted to commitments as a result of causing damage by an employee while performing job responsibilities. The author pays a lot of attention to the characteristics of such commitments, dividing them in two large groups – general and specific ones. It appears that there are the following specific characteristics of commitments as a result of causing damage by an employee. First, labor relationships, being built on such a legal basis as a labor agreement or appointment order, should take place between an employer and employee who caused some damage. Second, such damage should be caused by employee while he/she is performing responsibilities in accordance with his/her job description.

As the general rule says, in such commitments the employer is responsible for damage, being caused by his/her employee. However, after the compensation of mentioned damage the employer becomes empowered to get necessary repayment of his/her losses from the guilty employee (the right of regress). As a result, a complicated legal construction as regressive commitment occurs. Moreover, the analyzed court practice suggests that different types of plurality of persons might take place in these commitments. For example, if there are a few employees who caused damage while performing job responsibilities, it means that in this case passive plurality of persons was formed in a commitment. On contrary, two and more persons, holding right of repayment, create active plurality of persons, while in case of mixed plurality of persons both sides of commitment are represented by two and more persons.

O. Kalashnyk
Postgraduate Student,
Department of Civil Law and Procedure,
Kharkiv National University of Internal Affairs

ANALOGY AS A WAY TO OVERCOME LACUNAS IN CIVIL PROCEDURE

The article summarizes the approaches of scholars regarding the possibility of using analogy in civil procedural law. The author noted the possibility of using analogy in civil procedural law. The analysis of approaches of scholars as to the issue whether the public authority has the right to use the analogy of civil procedural law has been conducted. In this article, the author has noted about the possibility of using analogy exclusively by the courts. Author has cited a number of examples of gaps in the civil procedural law, which the court overcomes using the analogy of the law in civil proceedings.

The importance of analogy in civil procedural law in founding and eliminating lacunas is underlined.

The need for research on this topic is connected with its theoretical and practical significance.

V. Shvydka
Postgraduate Student,
Department of Civil Law,
National University "Odessa Law Academy

FORMATION AND DEVELOPMENT OF THE TENANCY AGREEMENT WITHIN THE TRIUNE LOCATIO-CONDACTIO

The article is dedicated to the analysis of tenancy agreement in Roman law. The author points out that the tenancy agreement derived and developed under the tenancy, which represented the triune system consisting of contracts on property lease, services and recruitment (outsourcing). The author attempts to define the concept of property lease (locatio-conductio rerum) – property rentals where the tenant (conductor) is provided with a certain thing for a temporary use by the landlord (locator) for a specified period for a monetary reward. As the author notes, the given agreement also provided for the hiring of chattel real, including houses and apartments, but Roman law didn't separate any independent tenancy agreement. Besides, lease agreement worked for those citizens who were unable to purchase any private housing and were inquilinus – tenants. The main feature of the property lease contract is the bilateral binding element, that's why the rights and obligations of the parties are corresponding. Thus, the author designates getting a reward as the fundamental right of the landlord; paying the rentage as the primary responsibility of the tenant; offering the tenant the belonging in time and in a suitable condition as the principal obligation of the landlord; provision of dwelling for sublease as one of the most important rights of the tenant. The emphasis in the article is placed on the grounds of termination of the tenancy agreement under the Roman law, provided by the author. The study of the famous sources of Roman law institutions such as Gaia, Institutions of Justinian, Digest, the works of Ulpian, Alphen, Paul, Labeo and other Roman lawyers, allowed the author to make a conclusion regarding the diversity of relationships that had evolved concerning renting habitation according to Roman law. The author concludes that the tenancy agreement was recognized by the Roman jurists, as evidenced by repeated references, examples in their works, as well as by obtaining legal protection and judicial protection (actio locate – by the landlord, actio conducti – by the tenant) of the parties of the agreement. The author notes that the legal foundations of the Roman law are not only relevant, but also turned out to be necessary for the system of civil rights in the legislation of dozens of countries including Ukraine.

N. Buzovska
Degree Seeking Applicant,
Department of Intellectual Property and Corporate Law,
National University "Odessa Law Academy"

CURRENT ISSUES ON PROTECTION OF COPYRIGHTS FOR PHOTOGRAPHIC WORKS

The objective of this article is to analyze the legal provisions and individual cases from the judicial practice of protection of copyrights for photographic works.

The article aims to provide recommendations to prevent actions that violate copyrights for photographic works and research evidence from cases involving protection of rights for photographic works.

The issue of protection of photographic works is very relevant in connection with the spread of the number of violations and the specific object of attacks. Due to the fact that this subject is quite complex and multidimensional, it is necessary to emphasize the need for further developments in this area, as these will be the subject of further research.

We believe that the analysis of legislation and court cases will be of interest to lawyers, human rights activists, lawyers and authors of photographic works in the case of a situation where it will be necessary to collect evidence base for protection of copyrights for photographic works.

V. Vitkova
Degree Seeking Applicant,
National University "Odessa Law Academy"

RIGHT TO MEDICAL CARE AND THE RIGHT TO DIE (EUTHANASIA)

Today, given the large number of diverse factors (integration into the world community, Ukraine's accession to many international organizations, etc.), an extremely topical issue is legislative consolidation of the right to euthanasia.

The right to life is fundamental, essential human right, which provides the physical existence of man as a biological being. The biological process of human existence can be divided into three phases: the birth of man, his life and death.

Only two stages – the birth and life – are appropriately settled at the legislative level in Ukraine. As for the legal regulation of death, the question still has not found a full reflection in the regulatory framework.

The purpose of the article is to analyze the issues of the right to euthanasia as well as capabilities and features of euthanasia in Ukraine. To achieve this goal, it is necessary to solve the following problems: study of the current state of scientific research and legislative development of the problem of euthanasia, elaboration of detailed recommendations and conditions of use euthanasia.

Summing up, it is necessary to recognize that solving the problem of euthanasia is necessary: its solution determines the fate of many terminally ill people, who have been or are constantly in hospitals, whose physical condition is diagnosed as an intermediate between life and death, mental state – as a state of deep despair, helplessness. We must remember that until this problem is resolved on a scientific level and regulated by law, these people have no choice; by law they are doomed to a slow and painful death. Prospects for further research are seen as a more detailed formulation of recommendations on the content of the relevant regulations.

M. Kachkovsky
Degree Seeking Applicant,
Department of Criminal Law and Procedure,
Education and Research Institute of Law and Psychology,
National University "Lviv Polytechnic"

CRIMINAL CHARACTERISTIC OF DELIBERATE INTRODUCTION OF DANGEROUS PRODUCTS AT THE UKRAINIAN MARKET

This article considers theoretical questions, related to the criminal characteristic of deliberate introduction of dangerous products at the Ukrainian market, responsibility for which is stipulated by art. 227 of the Criminal Code of Ukraine. The author has elucidated the latest works of scholars concerning the essence, purpose of criminal characteristic and its structure at the present stage of development of criminal science. Such components of criminal characteristic of the abovementioned crime have been analyzed in details: way of committing crime, place and crime situation, identity of the criminal, typical vestiges of a crime.

Typical preparation ways may be as follows: choice of ready dangerous products or purchase of the raw materials and equipment for its production; searching for places where the dangerous products will be produced or stored; searching for transportation means; searching for the copartners and distributors of dangerous products; execution of necessary documents. The abuse will be any paid or free supply of products for its distribution, Ukrainian market consumption during economic activity. The concealment may be as follows: destruction of dangerous products, raw materials or equipment; destruction of documents or their forgery; statement that the person did not know that the products were dangerous. Subject of criminal assault are alimentary or non-alimentary products which do not comply with the requirements (standards) established by the law. Traces of crime might be as follows: dangerous products; raw materials; equipment; packaging or marking elements; documents; finger prints, footwear or transport impressions.

K. Latysh
Postgraduate Student, Department of Criminalistics,
Yaroslav Mudryi National Law University

TYPICAL INVESTIGATIVE LEADS DURING INVESTIGATION OF VANDALISM

Typical investigative leads are significant instrument to explore the crime. Given the investigative practice, random search of evidence is ineffective. Much more efficient is the method of finding the program, which plays the role of the typical lead. A series of criminal cases were summarised and analyzed to determine the system of typical investigative leads in case of vandalism. The author demonstrates some examples from investigative practice and exposes particularities of detection of crimes. It is proposed five categories of these investigative lead in the paper. Investigation taking place in a situation "lack of information" and lack of time to make procedural and organizational decisions was analyzed. There were also examined the cases of limiting the possibility of obtaining evidence-based information by procedural means, though it was not always known to the witnesses of the crime. Finding location and detecting the perpetrators of the crime requires cooperation and coordination of actions of the most militia departments.

Typical investigative versions of the initial investigation of vandalism may be divided according to different criteria: versions of vandalism committed by the desecration of the subject of criminal assault and its leaving at the crime scene; versions regarding vandalism committed by damage, dismantling, destruction of the object of a crime; versions of the instruments of desecration of a crime; versions of methods and tools with the help of which took place damage of property in public transport and in other places; versions of the subjects of crime and their number.

T. Neshyk
Postgraduate Student,
Department of Justice, Law Faculty,
Taras Shevchenko National University of Kyiv

GUARANTEE OF JURORS' RIGHTS AS A TOOL TO ENSURE RIGHTFULNESS OF COURT JUDGMENTS

Jury trial, being a new organizational and legal form of criminal justice in Ukraine, implies implementation, within the litigation process, of certain changes, advanced legal practices and new culture of relationship associated with the functional peculiarities of such judicial institution.

The quality and results of jury's work in a court proceeding depend on the legal mechanism of the jury service support, as well as on the safety and immunity guarantees and pay rate of jurors. Unavailability of the appropriate mechanism of implementing the said guarantees for jurors entails impaired lawfulness and impartiality of jury-induced court rulings.

Today, local courts of general jurisdiction lack properly equipped jury-rooms, which could comfortably accommodate the whole body of the court in the process of advisement.

In author's opinion, a legislative resolution of the said problem would speed up the process of successful implementation of such form of trial. In the light of the above said, it would be reasonable to supplement the law of criminal procedure with the requirement as to providing jury-rooms with dining and recreational spaces and amenities, as well as with guarding of such rooms at the time when the jury is discussing there the facts of the criminal case and the judgment to be passed.

Furthermore, just as important issue is the principle of proper independence and immunity guarantee for jurors, which constitutes an indispensable attribute of a law-governed state and is one of the fundamental footholds of a democratic society. This principle is to ensure and safeguard the supremacy of law and the right of individuals to a fair trial.

The legislative provision that jurors enjoy the same independence and immunity legal guarantees, as those granted to judges, during the time when they discharge their judicial duties, is somewhat declarative inasmuch as the scope of authority of the governmental institutions which may bring judges to criminal or administrative responsibility does not cover any juror-related issues.

O. Popovych
Degree Seeking Applicant,
National Academy of Prosecution of Ukraine

INSURING PERFORMANCE OF CRIMINAL PROCEEDING PRINCIPLES IN LIGHT OF PROSECUTOR'S PROCEDURAL GUIDANCE IN THE CONTEMPORARY CRIMINAL PROCESS

The article is devoted to researching of the issue of insuring performance of criminal proceeding principles from the perspective of prosecutor's procedural guidance within the contemporary criminal process. In particular, the object of criminal procedural activity of this participant was thoroughly analyzed. Further on, considering the conclusions that are made, a direction of realization of prosecutor's duties is directly defined in the article, namely the fact that they are aimed at fulfillment of criminal procedure principles that are stated in Chapter 1 of Section I of the Criminal Procedure Code of Ukraine. Additionally, it is claimed that, firstly, the stated list of criminal procedure principles cannot be treated as exhaustive. Because of the fact that Ukraine admitted the practice of European Court of Human Rights, it also has virtually admitted the possibility of application and execution of the future main principles of the criminal procedure that would follow the interpretation and application of the European Convention on Human Rights and additional protocols thereof by the European Court of Human Rights. Secondly, specific principles of criminal procedure are related to its realization in the court proceedings, and the former does not connect to the procedural guidance fulfillment by prosecutor, namely: 1) access to justice and the binding nature of court rulings; 2) adversarial nature of parties, freedom to present their evidence to the court and prove the preponderance of this evidence before the court; 3) direct examination of testimonies, objects and documents; 4) ensuring the right to challenge procedural decisions, actions, or omission 5) publicity and openness of court proceedings and complete recording using technical means.

Basing on the aforementioned, each criminal procedure principle is revealed. It is realized within criminal procedural activity in course of fulfillment of the procedural guidance by prosecutor.

O. Pushkar
Degree Seeking Applicant,
National Academy of Prosecution of Ukraine

PRESSING ISSUES OF COMPLEX GUILT IN CRIMES RELATED TO VIOLATION OF SPECIAL RULES

Complex guilt issue in crimes that are related to special rules violation is researched in the article. In particular, the general definition of "guilt" term is given. At the same time, the point of view concerning the fact that within specific corpus delicti the "guilt" can be not only in form of intent or particularly in form of recklessness but it can be "complex" as well is indicated. It flows up from the actus reus features in some kinds of corpus delicti. Given this conclusion, the contemplation is proposed to the extent that it is necessary to consider so called "complex" guilt.

Concerning the crimes that possibly can include a "complex guilt", two main types of crime with complex guilt are specified in the contemporary educational materials. Thus, in first case, there are crimes with aggravating corpus delicti providing intent as to the deed and to the near consequences, and recklessness as to other possible severe consequences. In other cases, the "guilt" is provided only in relation to the deeds, which becomes felonious in case of socially dangerous consequences occurrence that has causal connection to the deed thereof (e.g. art. 286 of the Criminal Code of Ukraine).

However, there is a standpoint concerning the fact that the determination of crimes with complex guilt form shall be based on the other criteria, namely, firstly, in case when the law provides intentional attitude of the guilty person as to the deed where there is a possibility of recklessness of ensuing consequences. Secondly, considering the elements of actus reus, its legislative formulation – there is a statement of the necessity of precise specification of actus reus, which underlies the structure of corpus delicti and primarily specifies social danger of the occurred.

O. Savchenko
Lecturer,
Department of Criminal Law Disciplines,
H.S. Skovoroda Kharkiv National Pedagogical University

REGARDING THE RELATION BETWEEN SUCH CONCEPTS AS "EDUCATIONAL INFLUENCE" AND "SOCIAL AND EDUCATIONAL WORK" IN THE PENAL LEGISLATION OF UKRAINE

The effectiveness of the practical application of the law, including criminal enforcement depends on a common understanding and use of terminology for the regulation of social relations.

The purpose of the article is to study relations between the concepts "educational influence on persons sentenced to imprisonment" and "social and educational work of persons sentenced to imprisonment" in the penal legislation of Ukraine. The result is a statement of lack of uniformity in the understanding and use of these terms.

The Criminal Executive Code of Ukraine and Internal Rules of Penal Institutions, naming the same phenomena or processes operate on different terms. Instead of "educational influence" the Rules use the term "social and educational work" but actually "social and educational work" is replaced by "educational measures".

To eliminate confusion, first of all, we need to set the values of these terms which have been borrowed by the penitentiary science from the general pedagogy and psychology and adapted for their own purposes.

In the theory and practice of prison pedagogy and psychology of criminal law enforcement, educational impact on prisoners, social and educational work with convicts have a single purpose – correction and re-socialization of the latter. The difference between them lies in the fact that the educational influence from the perspective of the penitentiary science – a whole set of heterogeneous activities aimed at achieving the goal of punishment, and social and educational work with convicts – is actually "professional activities of educator".

The term "educational impact on prisoners" is a broader concept than "social and educational work with convicts" and covers the latter. Social and educational work with prisoners is one of the measures of educational influence on them, as enshrined in the Criminal Executive Code of Ukraine. Internal regulations of penal institutions replace these concepts, which complicates their theoretical understanding and practical implementation. Chapter XV of the Rules requires changes of the terminology to comply with the Criminal Executive Code of Ukraine, as the provision of subordinate legislation can not act contrary to the provisions of the law.

H. Tiurin
Degree Seeking Applicant,
Department of Organization of Judicial and Law Enforcement Bodies,
Yaroslav Mudryi National Law University

PROSECUTOR AS THE SUBJECT OF CRIMINAL PROCEEDINGS ON THE BASIS OF AGREEMENTS

The urgency of the chosen subject is caused by the fact that one of the most important innovations of the Criminal Procedure Code of Ukraine of 13.04.2012 is introduction of a special procedure of criminal proceedings on the basis of agreements. As one of the main subjects of these proceedings is the prosecutor, problems of definition of its role in criminal proceedings on the basis of agreements require detailed scientific research.

As problems of participation of the prosecutor in criminal proceedings on the basis of agreements were considered only indirectly, the purpose of this scientific article is filling of the theoretical gaps and definition of a role of the prosecutor in criminal proceedings on the basis of agreements.

The leading role of the prosecutor in criminal proceedings on the basis of agreements is defined by a number of the factors having general, as well as special character. The fact that procedural activity of the prosecutor acts as a generating factor of criminal trial belongs to the general factors, causing emergence of all other procedural functions. It is possible to refer need of acceleration of criminal proceedings which is assigned to the prosecutor to number of special factors. In aggregate, it causes a key role of the prosecutor in criminal proceedings on the basis of agreements.

The characteristic of this role should be based on the functional characteristic of public prosecutor's activity in the criminal proceedings, including activity of the prosecutor on the basis of agreements. Thus, it is necessary to note that the international standards consider activity of the prosecutor in the sphere of criminal justice within implementation of criminal prosecution. At the same time, the domestic legislator provides that procedural powers of the prosecutor in criminal proceedings of Ukraine are realized within implementation of the procedural management of pre-trial investigation. Thus, activity of the prosecutor in criminal proceedings on the basis of agreements should be considered within implementation of the procedural management of pre-trial investigation.

O. Faraon
Degree Seeking Applicant,
Department of Criminal Procedure,
National Academy of Internal Affairs

A CHANGE OF REPORT ABOUT SUSPECTING IN ASPECT OF THE ARTICLE 279 OF THE CRIMINAL PROCEDURE CODE OF UKRAINE

The article is devoted to the analysis of regulations of the operating Criminal Procedure Code of Ukraine and other sources in relation to realization of changes, in a written report about suspicion during pre-trial investigation in criminal proceedings by investigator, public prosecutor.

A writing report about suspicion, handed to the suspected, may remain without changes from point of both actual circumstances of criminal offence by a certain person and legal opinion concerning them; be changed; contain new suspicion. In the article 279 of the Criminal Procedure Code of Ukraine a legislator delimited judicial decisions on "changing previously notified suspicion" and "notifying of a new suspicion". However, having studies the essence of these concepts and problem of application in practical activity, the author comes to the conclusion about pointlessness of such division. In this connection, it is suggested to carry out a new report about suspicion according to the procedure, foreseen by the articles 276-278 of the Criminal Procedure Code of Ukraine, without calling it "new suspicion".

Consequently, the article 279 of the Criminal Procedure Code of Ukraine needs exigent revision and bringing of the proper changes, which will be instrumental in implementation of basic tasks of criminal proceeding.

O. Cheban
Degree Seeking Applicant,
Taras Shevchenko National University of Kyiv

GENERAL SOCIAL PREVENTION OF CRIMES COMMITTED BY HOMELESS PEOPLE

The article aims at analysis of subjects of combating crimes committed by the homeless at the state level. The author considers that it is unacceptable to use such term as "war against crime" in Criminology, as this statement does not reflect the activity of state bodies in this area. This term stipulates to talk about winners and losers, which is not permissible in law in general and in criminology in particular. It should be a force counteracting the other force – criminal one. The author believes that the fight against crimes committed by homeless people should be as follows: "crime prevention among homeless people + penalties for criminal acts committed by them".

The author provides a rationale for the definition of the fight against crime; provides a definition of the fight against crime committed by the homeless; conducts analysis of subjects of fighting crimes among the homeless at the state level; describes the role of community and charitable organizations in combating triangle of subjects of crimes committed by the homeless people; generates suggestions for improvement of current legislation by identifying sources to fund a center for reintegration of homeless persons.

The author notes that in the fight against crimes committed by the homeless, people need to take complex measures: 1) law enforcement agencies have to arrest and deliver homeless persons and homeless children in institutions of social protection; 2) social care institutions for the homeless persons and homeless children have to bare social, psychological, rehabilitation and reintegration character; 3) non-governmental and/or charitable organizations should deal with cultural, educational, sporting and charitable activities.

Author concludes that a comprehensive approach should be used to combat crimes among homeless persons. Fundamental objective of the state should be the focus of social policy in Ukraine on elimination of determinants of crime. Therefore, the necessary steps are: creation of favorable social conditions of life for parents and children; further effective implementation of the state juvenile justice system; placement of youth leisure and other activities in this area.

Author emphasizes the need to expand regional network of existing social institutions for homeless persons and homeless children. It is also appropriate to provide corporate counsel for institutions of social protection of homeless persons and homeless children. The author emphasizes the active cooperation of social institutions for homeless persons and homeless children with the State Employment Service of Ukraine and its territorial offices.

Yu. Belskyi
Adjunct,
Department of Criminal Law,
National Academy of Internal Affairs

ON THE DEFINITION OF CYBERCRIME

This article is devoted to problem of the definition of cybercrime in Ukrainian national legislation. The author argues that terms, which are used in the Convention on Cybercrime and in Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, do not contain its legal definition as well as any of the national legal acts. There was a problem to proper understanding of the definition term of cyber crime for the correct understanding of the issue and proper qualification of crimes of this type. The author analyzes theoretical approaches to the definition of cybercrime. And turn attention to the contradiction and uncertainty approaches various scientists to this question.

Analyzed scientific approaches provide the following definition of such offenses: crimes committed in the information environment against information resources, i.e. in the sphere of computer information or using information tools. Under criminal law cybercrime is defined as the guilty socially dangerous act that is wrongful use of information and communication technologies, responsibility for which is set by law on criminal liability.

On the basis of this research, the author gave his own approach to the definition of cybercrime: cybercrime is a crime committed in the automated processing of information through computers or through computer systems, infriging social relations in the sphere of electronic information and other social relations in which the computer act as a qualifying feature (e.g. computer fraud or cyber terrorism).

Kh. Bosak
Degree Seeking Applicant,
Lviv University of Business and Law,
senior investigator of the Main Investigation Department,
Ministry of Internal Affairs of Ukraine in Lviv Oblast

PERSONNEL POLICY IN THE INTERNAL AFFAIRS OF UKRAINE – MECHANISM FOR IMPLEMENTING HUMAN RESOURCE CAPACITY

The article stipulates that the reform of the Ministry of Internal Affairs of Ukraine, the expansion of the process of its integration into the world community to provide active search for and implementation of new approaches in management, creation of a new model of Internal Affairs of Ukraine in accordance with the standards, guidelines and regulations. The globalization of international relations and development of integration processes in the interaction between states in health and the protection of fundamental rights and freedoms of man and the citizen contributed to the emergence of international cooperation among law enforcement agencies.

However, the experience of restructuring its operations accumulated by Ukrainian militia for decades is insufficient, because the seriousness and scale of today's challenges cannot be compared to the past, and their solution requires modern approaches and consideration of the current circumstances.

The author has formulated the definition of "personnel policy in the internal affairs" as pre-defined, purposeful activities of personnel policy for vocational guidance, forecasting and strategic of planning staffing needs, selection, training, retraining, placement and acquisition of qualified, professionally trained staff of structural units of internal affairs of Ukraine. The goal of personnel policy is to build highly skilled militia corps, stability of composition of employment service and servicemen and the optimal balance of strength.

Ministry of Internal Affairs of Ukraine, knowing that human resources is the main condition for the effectiveness of any organization, during the development of bodies of internal affairs of Ukraine paid attention to the development and improvement of human resources, directing and regulating these activities through the orders, instructions and directives. Throughout the existence of militia, the state took measures to improve the educational and professional level of law enforcement, however, the absence of long-term planning for the real definition of practitioners' requirements sometimes led to unjustified "comb-out" of personnel.

The issue of improving human resources, creating a powerful and capable renewed militia, becoming professional, politically neutral and authoritative institute of executive power requires completion of the Law of Ukraine "On Militia", the Law of Ukraine "On Bodies of the Internal Affairs of Ukraine" in order to raise the prestige of service in law enforcement agencies of Ukraine at the level of international standards.

N. Slobodianyk
Postgraduate Student,
Department of Organization of Judicial and Law-Enforcement Bodies,
National University "Odessa Law Academy"

ELECTIVE JUDICIARY AND ITS IMPORTANCE IN THE FORMATION OF THE JUDICIARY IN UKRAINE

The article is dedicated to the analysis of fundamental aspects of the establishment and development of a principle of electivity of judges in view of historical and retrospective analysis. It considers the influence of political and other factors on the effectiveness of the procedure on forming the judiciary by electing. The article analyzes legislative recognition and practical implementation of the procedure on authorization of judges under the provisions of Soviet law. It reveals topical problems, disadvantages and benefits within forming the judiciary by electing judges. On this basis, it outlines the main directions of new initiatives in the area of reforming the judicial branch and some ways of their implementation.

It is concluded that carrying out the judicial reforms, special attention must be focused on the fact that the procedure of selection of judges through elections as a form of people's has to be truly progressive and rational, and closely intertwined with guarantees of the independence of courts and judges and should not lead to complications of the judicial system .

I. Holubenko
Postgraduate Student,
Department of Civil Law,
Taras Shevchenko National University of Kyiv

TESTS AS CRITERIA FOR DETERMINING NATIONALITY OF LEGAL PERSONS OF INVESTORS IN PRIVATE INTERNATIONAL LAW

The research deals with the issue of tests as criteria used in private international law to determine the nationality of legal persons of investors.

Bilateral investment treaties have essentially relied on the following tests for determining the nationality of legal persons. Different criteria – in various combinations -have been used. These are the place of incorporation, the location of the company's seat – also referred to as the siиge social, real seat or principal place of business – and the nationality of ownership or control.

As has been explained in greater detail in the paper, each of these different criteria has its advantages and disadvantages. Most investment treaties use a combination of the tests for determining nationality of legal persons so that a company must satisfy two or more of them in order to be covered.

Also, the author provided the necessary recommendations to improve legal regulation of legal persons. Some changes in the drafting of clauses may produce significant effects on the defined and foreseeable scope of the investor's protection:

- Not referring to the laws of each contracting party to define company's nationality but choosing a single criterion that will be applicable to both contracting parties in the treaty;
- Always having at least two combined nationality criteria for companies, which shall be applied cumulatively: incorporation plus substantial business activities or head office plus substantial business activities;
- Defining the concept of substantial business activities (number of permanent employees; turnover; tax status etc.);
- Including a denial of benefits clause which would be "automatic" in its effects and also "comprehensive" in its application, i.e., prohibiting treaty shopping by both national investors and those of non-party countries; and
- Defining the content of control criteria. For example, establishing the level of participation required in order to have control, or significant influence, in a company or, in the case where the nationality of the ultimate investor in a complex investment chain is relevant, defining who that investor is.

SCIENTIFIC LIFE

Kh. Bekhruz
Doctor of Law Sciences, Professor,
Professor at the Department of European Union
Law and Comparative Law,
National University "Odessa Law Academy"

LEGAL PROBLEMS OF THE CIVILIZED CHOICE OF UKRAINE

The question of civilization choice for Ukraine is relevant and important in terms of its independence, territorial integrity and sovereignty. Being historically at the crossroads of European and Asian civilizations, it was the object of mutual influence during all its existence. This applies not only to stable factors of culture, mentality and psychology, but also such relatively "mobile" factors as ideology, politics, state, and law.

The round table "Legal Problems of the Civilized Choice of Ukraine", held on November 28, 2014 on the occasion of the 10th anniversary of the Department of European Union Law and Comparative Law of National University "Odessa Law Academy" discussed the trends of the last two decades, which appeared after Ukraine gained independence, integration and legal aspects of further development of Ukraine.

The author provides basic issues covered in reports of prominent scholars of legal science during the round table.

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L. Korchevna
Doctor of Law Sciences, Professor,
Head of the Department of Constitutional Law and Justice,
Odessa I.I. Mechnikov National University
O. Priieshkina
Doctor of Law Sciences, Professor,
Professor at the Department of Constitutional Law and Justice,
Odessa I.I. Mechnikov National University

RELEVANT RESEARCH OF ELECTORAL ENGINEERING IN UKRAINE[1]

Elections are a central element of the political process and defining characteristic of citizens' participation in the political life of democratic countries. They enable people to form a government and to monitor the performance of its functions, given adequate constitutional and legal support of democracy. It is known that the results of voting, representation of certain political forces in public authorities, and subsequently the direction of government policy depend not only on ideological orientations and preferences of voters, but also on the type of electoral system, legal technologies of organization and conduct of the electoral process.

In summary, the authors note that the reviewed monographic by M.V. Afanasieva "Electoral Engineering in Ukraine" is one of the first domestic scientific publications, which comprehensively considers constitutional and legal issues of electoral engineering using unconventional for legal science methodological approach. The monograph is theoretically and practically valuable and can be recommended to researchers, teachers, employees of public administration and local government, postgraduate students and students of higher educational institutions of political and legal training areas. Implementation of legislative proposals suggested in the scientific work by M.V. Afanasieva will improve the legal regulation of legislative and electoral processes in Ukraine.

[1] Review of the monograph by Afanasieva M.V. "Vyborch inzheneriia v Ukraini" [Electoral Engineering in Ukraine] (Odessa: Yurydychna Literatura, 2014. – 384 p.)

L. Nikolenko
Professor,
Head of the Department of Economic, Civil and Labour Law,
Mariupol State University of Humanities

NEW VISION OF THE INSTITUTE OF PRECAUTIONARY MEASURES IN THE ECONOMIC PROCEDURE[1]

In 2014, the publishing house "Feniks" released a monograph written by the Candidate of Law Sciences, Associate Professor at the Department of Economic Law and Procedure of the National University "Odessa Law Academy", lawyer Mikhail Yurevich Kartuzov "Predupreditelnye mery v khozyaystvennom protsesse: opyt Ukrainy I zarubezhnykh stran" [Preventive measures in the economic process: the experience of Ukraine and foreign countries].

The appearance of this work took place in a difficult period for economic procedural law in Ukraine, when the specialized proceedings faces attacks of some politicians who are trying to justify the need to totally simplify the judicial system, not taking into account its construction based on the constitutional principles of territoriality and specialization. It proposes the idea of unification of procedural rules, regardless of the subject composition and the nature of the procedural relations.

It should be noted that the monograph by M.Yu. Kartuzova is an interesting and meaningful work, so it can worthily occupy a prominent place in the library of a student, teacher, lawyer, scholar or a judge who is interested in the problems of domestic procedural law.

[1] Review of the monograph by Kartuzov M.Yu. "Predupreditelnye mery v khozyaystvennom protsesse: opyt Ukrainy I zarubezhnykh stran" [Preventive measures in the economic process: the experience of Ukraine and foreign countries] / M.Yu, Kartuzov. – Odessa : Feniks, 2014. – 248 p.