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SECTION 1
THEORY AND HISTORY OF THE LAW AND THE STATE; HISTORY OF POLITICAL AND LEGAL DOCTRINES

RELATIVELY-LAW ASPECT ANNECTION OF CRIMEA IN THE CONSTITUTION OF RUSSIA IN 1783 YEAR AND 2014 YEAR

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10 July 1783 year according to the article 3 of Kuchuk-Kaynargi Pact with Osman Empire and Russian Empire, Crimean Khanate gets rid of turkish vassality. It receives so-called "independence". Breaking the rule of this article, Russian power intervened in the Crimean khan's actions. It was imposition of the Russian power's will to him, using his political weakness and difficulties, which Russian side created for helping of Russian agents in its own interests. Manifest of April 8, 1783 Crimean Khanate was annexed and got in the constitution of Russian Empire. A new page was opened in the Crimean's history. In the beginning of March 2014 Crimea, which got into the constitution of Ukrainian Republic, was occupied by army of Russian Federation. Self-proclaimed Prime-Minister of Crimea S. Axionov announced about holding of Crimean referendum on 16th of March 2014. On the 17th of March 2014 year based on the results of referendum the Speaker of Crimean Parlament V. Konstantinov declaimed about acceptance of the Declaration of Crimean Independence and about creating Crimean Republic. A few days later the self-proclaimed Crimean power in Moscow with the President of Russian Federation V. Putin subscribed the Pact about accession of Crimea in the constitution of Russian Federation as a subject of Russian Federation. The hold and support of the referendum by Russian diaspora, which resides in Crimea and Russian army on peninsula broke Ukrainian law, the Constitution of Ukraine. Russian invasion of Crimea also broke the international pacts: articles 2-3 of Memorandum about security guaranties in association with accession of Ukraine to the Pact about non-proliferation of nuclear weapons of 5 December 1994 year, and articles 1, 3 of Pact about friendship, cooperation and partnership with Ukrainian Republic and Russian Federation of May 31, 1997. That's why the results of referendum in Ukraine were not accepted by the world community. In this time during the occupation of Crimea the laws of Russia are actively intervened on this land.

TARAS SHEVCHENKO'S IDEA OF THE «RIGHTEOUS LAW» AS THE ESSENTIAL DIRECTION OF THE DEVELOPMENT OF DOMESTIC LEGISLATION

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In the article Taras Shevchenko's idea of the «righteous law» was considered as the essential vector of development of domestic legislation. The semantic forms of the word «law» were analysed in the poetic works of Kobza-player. The special attention was given to research of the relationship Taras Shevchenko's ideas of the «righteous law» with the modern conception of legal law. Taras Shevchenko is an outstanding poet and artist who has done for the revival and formation of modern Ukraine no longer any political and public figure, was revived in the Ukrainian people's self-respect and self-public-legal existence, including by reflecting in his poetic creativity of ideas «righteous law». The word «law» in poetic works T.G. Shevchenko is used as the value of general social regulator of social relations, and legal – normative legal act of higher legal force. Taras Shevchenko dreamed of «righteous law» in Ukraine, that is, on the legal, equitable law, underlining the unrighteousness laws of tsarist Russia for serfs and oppressed peoples who were part of it. The Kobzar's idea of the «righteous law» is the domestic contribution to the global struggle for the need to establish the conformity of the law, first, moral standards, secondly, objective principles of law – the principles of justice, equality, freedom.

The «righteous law» in their meaningful sources intersects, coincides with the concept of truth, verity and justice in the law. In traditional universal concepts of «truth», «will», «justice», «law», by T.G. Shevchenko argues that the law adopted by the absolutist state power, should not be regarded as righteous, righteousness, because in its content it does not conform to popular notions about the legal establishment of the Supreme power. In his thinking, and the influence of natural-legal concept: the concept of «truth», «will», «righteous law» are considered them as components of natural laws, laws of social justice, designed to act in civil society and the state. Investing in the concept of «righteous law», the content of which is wider than the proclamation of equality, T.G. Shevchenko dreamed about the implementation of social equality and political freedom, legal legitimacy. «Righteous law» was the inspiration of our prophet. Such a law he tended to see the renewed Ukrainian society.

RELIGIOUS AND LEGAL RESTRICTIONS AS A MEANS IN THE MECHANISM OF RELIGIOUS AND STANDARD ADJUSTMENT RELIGIOUS RELATIONS

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The article is devoted to such general theoretical legal category as religious and regulatory issues and their impact on the regulatory mechanism of social and normative regulation of social relations. At present the state of the study of nature, essence and functional purpose of religious norms, and thus religious, legal restrictions as legal categories in modern jurisprudence has fragmented. In view of the above, the purpose of the article is to further develop the theoretical nature of religious and legal restrictions.

The author examines the religious and regulatory restrictions as a legal category, focusing on specific aspects: 1) the religious and normative constraints acting as external influences on religious interests of religious relations; 2) religious and regulatory constraints are information-directional, i.e. one that seeks to influence the behavior of the conscious believer for the purpose of change; 3) to subjective psychological level, religious and regulatory restrictions are negative means that do not contain positive aspects (e.g., religious dietary prohibition duty maintenance from certain actions, events of religious punishment, etc.); 4) religious and normative leverage religious relations, such as religious punishment, religious prohibitions, obligations, suspension that are attached to religious rules, regulations limiting gain value.

Examining the religious and regulatory restrictions as certain religious and normative facts, the author found that religious and normative constraints determine the religious and normative implications of specific behaviors and constraints determine the circumstances envisaged hypothesis of religious norms, religious obligations and prohibitions as strict religious rules of conduct subject of religious relations assumed disposition of religious rules and punishment – are characterized by the sanction of religious norms. In addition, the article states that religious and regulatory restrictions as a means of influencing the mechanism of regulatory religious relations aimed at: ensuring the overall development and functioning of the social system and its business units and decrease of arbitrariness or limit the implementation of subjective religious rights and abuse them in achieving faithful religious interests, needs or exercise of religious rites.

Given the research on the nature of religious and legal restrictions author provides a definition of religious and legal restrictions as set forth in the religious norms of deductions subject of religious relations of violations of religious and regulatory requirements, to meet the interest of other religious believer religious protect the public interest and settlement is not approval of religious conflict in general.

LEGAL AND ORGANIZATIONAL PRINCIPLES OF REALIZATION OF RIGHT ARE ON FREEDOM OF ASSOCIATION AS BASES OF FORMING AND DEVELOPMENT OF CIVIL SOCIETY IN UKRAINE

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The article is devoted the actual theme of the legal adjusting of basic principles of realization of constitutional human right on freedom of association. This right is base for forming and development of civil society in Ukraine. Marked, that society becomes civil only then, when in him a man is acknowledged a higher value, and the state creates terms and comes forward the guarantor of development of rights and freedoms of man and citizen. The system of organizations of civil society, which have the proper terms for activity and real participating in a construction and development of civil society, is the necessary constituent of democracy.

The determining duty of the legal state is noninterference both in realization of right citizens on freedom of association and in activity of association, except for limitations, set a law in interests of national safety and public peace, health protection population or defence of rights and freedoms of other people.

An author draws conclusion, that under a right on freedom of association it follows to understand acknowledged and assured Constitution, laws of Ukraine and international legal acts, which are ratified Verkhovna Rada of Ukraine, possibility of certain conduct of persons, in the field of forming of civil society which consists in voluntarily initiative to team up with other physical persons and/or by the legal entities of private right for realization and defence of rights and freedoms, satisfaction of public and private interests, in, social, cultural, ecological and other economic spheres.

PERSONAL QUALITIES OF A POLICE OFFICER AS AN ELEMENT OF PROVISION OF HIS LAWFUL BEHAVIOR

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In the context of the ongoing social transformation, which objectively consists in the transition to a new political and economic system, the trends of development of the personality of a police officer attract special attention. Despite a rather large staff of the system of the Ministry of Internal Affairs, the lack of qualified personnel should be noted, which explains the outflow of professionals from government agencies to private. Meanwhile, the low level of training of many police officers, their unwillingness to change, inability to take significant independent decisions should be considered as an even more dangerous phenomenon. The activity of most police officers is reduced to the execution of decisions of their immediate superiors. The mentoring institute which effectively operated earlier is actually destroyed today. And now, when a police officer must make responsible decisions in many situations, he cannot do this, which consistently has a negative impact on the level of law and order in society. Therefore, the position of the current situation requires from a police officer to form special personal qualities that could help motivate his lawful behavior.

The analysis of the personality of a police officer should facilitate the development of effective mechanisms for the development of his qualities

and traits to ensure due performance of professional duties.

The article analyzes the role of a personal factor in the work of police officers. A system of properties and qualities of police officers affecting the performance of their professional duties both positively and negatively is distinguished. A system of properties and personality traits affecting the creation of a professional portrait and formation of professional social type of police officers is described. The usefulness and effectiveness of real and alleged, regulatory and ethical requirements of society to the personality of police officers is investigated.

LEGAL REGULATION OF CHURCH-STATE RELATIONSHIP IN MODERN UKRAINE

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The network of religious organizations in the Ukrainian state is one of the largest on the continent, reflecting the significant presence of religious institution in society and devotion of our people.

It is also important that the church moved to a higher level of functioning. Almost finished forming its management structures. Believers are dealing with 350 religious centers and departments, and training church is made of 200 schools, whose numbers compared to 1991 increased by 8 times. There is a renewal of monastic life; as of 2012, Ukraine had 478 monasteries. In the field of philanthropy and charity work 386 missions, which is 10 times more compared with similar figures for 1992

Dynamics of quantitative changes in the confessional environment over the past two decades is a reflection of qualitative transformations in the religious life of the country: in understanding religions of their place in society; determining churches, religious organizations attitude towards the state and society; in relation to the dominant values in a secular society (political, social, national, legal, spiritual).

Despite the crisis of the Ukrainian Orthodox Church – related absence in society of church unity, proportion of Orthodox church institutions in Ukraine is practically not reduced, and public opinion polls show that the social base, which can ensure the growth of the Orthodox Church in the network the future is much wider than the existing indexes institutionalization operating in Ukraine Orthodox churches.

The basis of intensive religious networks, religious noticeable expansion of the spectrum was the inherent Ukrainian religious tolerance. The fact that representatives of the Ukrainian nation belong to one of national in respect confessional communities, confirmed by the results of public opinion polls.

Thus, we can say that in Ukraine, due to the consistent policy of the young state, to revive the religious life is a process of optimization of state-church relations.

«CHASOPYS PRAVNYCHA» – THE FIRST UKRAINIAN LAW JOURNAL, ITS ROLE IN THE FORMATION OF LEGAL OPINION IN GALICIA (dedicated to the 125th anniversary of the journal first issue publication)

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The end of the nineteenth century is characterized by the beginning of the formation of the Ukrainian Galician legal opinion and the processes of self-organization of Ukrainian lawyers. The first example of the above-mentioned self-organization was the creation of the first Ukrainian Law Society «Lawyer Club» by law students at Lviv University in 1881. The foundation and publication of law journal «Chasopys Pravnycha» in Ukrainian in 1889 was the beginning of the birth of Ukrainian legal periodicals and one of the crucial factors of the formation of national consciousness of Ukrainian lawyers in Galicia.

April 1, 1889 is a memorable date in the history of Ukrainian law, since the first issue of «Chasopys Pravnycha. A Month of theory and practice» was published on that day in Lviv. It was the first legal journal in our history published in Ukrainian. According to the publishers it should have been a kind of All-Ukrainian publication as the subscription and distribution were carried out in both empires – the Russian and Austro-Hungarian ones.

The history of the journal is divided into three periods: the first – 1889–1891, when the journal was published as a private edition, the second – 1894–1900 years when the journal came out as a body of Ukrainian scientific institution in Galicia – Scientific Society named after T. Shevchenko in Lviv, the third – 1900–1912 years when the journal continued to come out under the altered title «Chasopys pravnycha i ekonomichna» as the body of the Shevchenko Scientific Society, however, it covered legal and economic areas.

It was the attorney Kost Levitsky who inspired to establish and publish the journal. The lawyers Yevgeny Anton Gorbatchevski Olesnytskym became its publishers.

The research and theoretical orientation of the journal was determined by scientific articles of Lviv University Professors, particularly Olexander Ohonovskyy, Petro Stebelsky, Stanislav Dnistrianskyi and Associate Professor Mykhaylo Zobkiv who had considerable experience of scientific publications in the German, Polish and Croatian languages, including those in Vienna and Lviv law journals. The scientific and practical journal direction was primarily determined by the discussion in which the authors combined interpretation and comments on current legislation in the course of theoretical research.

IMPLEMENTATION OF PROBLEMS AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN THE CONTEXT OF THE RULE OF LAW

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The article describes the constituents of the problems of implementation and protection of human rights and freedoms in Ukraine, in particular: the notion that the sociolegal category and its nature from the perspective of philosophy of law, the reasons for the existence of problems of implementation and for the protection of such rights and freedoms in the context of the functioning of the rule of law as a principle of harmonious coexistence of modern civilization.

The scientific study of the problems of the rights and freedoms in the light of the rule of law are relevant to the current stage of development of the Ukrainian state, as it is today, when a person's life and health, honor and dignity, inviolability and security of the Fundamental Law of Ukraine proclaimed as the highest social value, realization of fundamental rights, freedoms and guarantees of human interests and citizens is a priority of the state, and the effective implementation of this task is possible only through a comprehensive and full implementation of the constitutional principle of the rule of law, for which today there are many problems which lead to difficulties in human rights.

In the Ukrainian realities rule of law is an independent legal mechanism that took formal legal recognition and practical implementation, and is intended to protect the constitutional rights and freedoms arising primarily from the principles of justice, morality, equality. This mechanism, among other elements, includes the Constitution and laws of Ukraine, which constitute its normative part.

So, the implementation of the rights and freedoms of man and citizen possible in the context of the basic constitutional principle is the rule of law, which in turn is fundamental in a legal state and means that the law has supreme legal force and that he should rule in the legal, social, democratic and independent state and civil society.

CONSISTING OF CRIMINALITY OF ENVIRONMENT OF WARRIORS OF SOVIET ARMY IN BEGINNING OF 50-TH YEARS OF XX CENTURY IN UKRAINE

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At the beginning of 1950th on territory of Ukraine the process of renewal of the national economy destroyed in the Second world wartime was mainly completed. At the same time the process of demobilization in the rows of the Armed Forces of the USSR passed relatively slowly. Reason that is why was aspiring of Stalin to the conquest of world domination. The table of contents in relation to the large contingent of servicemen required clear organization of military studies, providing of soldiery parts the sufficient amount of uniform and food, and

main is maintenance of high level of discipline in military subdivisions. However during the investigated period 1950-1953 marked not only single cases of violation of discipline servicemen but also their participating in criminal acts that was accompanied by application of weapon murders, robberies. The especially widespread in the environment of servicemen was remained by a drunkenness and hooligan actions. The analysis of reports about crimes, perfect servicemen territories of Ukraine, allows asserting that in criminal acts participated minimum 10 % of soldiers of the troops deployed on territory of Ukraine. Between the most widespread crimes hooliganism, task of bodily harms (including during mass fights), violation of military discipline (including wilful abandonment of location of military part), robbery and illegal exception of material values, exuded in locals, raping. In separate cases hooligan actions, the attempts of raping and fight resulted in murders. Relatively far of crimes perfect servicemen explained by the low level of discipline in many soldiery parts. Thus in a greater degree such phenomenon was characteristic for the subdivisions located in western and east districts. Reason in relation to the low level of discipline in part of military subdivisions was a specific situation that was folded in their completing by officer shots. On completion of battle actions in Second World War middle commander composition was presented mainly by the persons assigned for these positions for services in battle and in force of other reasons. In swingeing majority of cases they did not have the special military education, and thus levels did not could on a due to organize military studies, that reduced the level of discipline certain in troops.

METHODOLOGICAL APPROACHES TO UNDERSTANDING THE DOGMA OF THE LAW

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There are two approaches to understanding the dogma of the law. From the point of view of the restricted approach dogma of the law acts as the beginning of understanding the original law within a particular school of law. This understanding took its origin from the Roman dogmatic jurisprudence when dogma of the law was the result of a logical mental activity aimed at summarizing and systematization regulatory states. Dogma of the law performs the following tasks: the first, a description of the various legal forms that combine to create the right, the second, summarizing, external form is the principle of that govern a particular case, the third, definition of the category of legal facts, which are reflected in the norms and principles, receive their specific name and each such title, the fourth, systematic allocation of legal rules, principles, definitions, from the point of view of the restricted approach. From the point of view of broad approach dogma of the law understanding provides that the resolution of legal issues of dogma, we must focus not only on the law, legal principles and legal relationship in general, but to their specific manifestations: these legal relationships, these rule of law ets. Such essentially an extension of law gives dogma of the law connect into one jurisprudence and practice, the dogma of law becomes one of the elements of the legal system. Specific sign of a broad approach dogma of the right understanding is that connected inductive and deductive elements. Iinductive wording implies cases where structural components of dogma displayed of the laws in force and practice. Deductive activity consists in finding a common unit. Dogma of the law interacts with the actual legal reality, that is, the guidelines, the principles and tenets of expansions that is inherent in the legal field. This suggests that the dogma of law directly related to the actual, unique regulatory. On this basis can be

questioned in the statement that the basic element of dogma of law has a legal right to rule because it defines situations, which are subject to legal regulation, order, procedures such decisions, legal ways of dealing such legal cases. Right in dogmatic dimension acts as a set of facts.

From the point of view of broad approach dogma of the law can offer the following definition. Dogma of the law is a structural component of the right, which exists alongside the value and status characteristic of law is part of jurisprudence, legal practice and legal education is manifested in the form of positive law and legal categories and concepts.

SECTION 2
CONSTITUTIONAL LAW; MUNICIPAL LAW

CONSTITUTIONAL LAW SCIENCE

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The research process of genesis, evolution of constitutionalism as a science and its theoretical components are updated wide range of philosophical, epistemological and methodological issues related to the knowledge of general laws and structures of development of scientific knowledge. Powerful contribution to the development of these theoretical issues was conducted within the modern philosophy of science.

We said, in particular, the methodological value of concepts of science developmentof world famous philosophers of the twentieth century: K.Popper, T.Kuhn, I. Lakatos, P.Feyerabend, K.Polanyi and others that are not only developed but also significantly upgraded the traditional scientific understanding of this area. Therefore, it is no exaggeration to say that today, without consideration of analytical and scientific contributions cannot do any serious work on the methodology of constitutional law sciences.

A holistic vision of constitutionalism, followedto understand and explain the science of constitutional law based on certain conceptual precepts, which approximateto a number of basic units and divergeof long duration of its effect– the urgent requirement for the science of constitutional law, the answer to her desire to know the nature of their activities, through it – to know the nature of yourself. A possible variant of this review can serve as a paradigm approach.

This situation posit before constitutional doctrine and practice is quite complex and extremely important task: to develop the necessary theoretical, methodological and practical approaches to ensure system integrity, self-reliance and dynamism of the Constitution, on the one hand, and on the other – ensure the adequacy of the dynamics of social practice constitutionally established functional balance.

Today, the term “paradigm” is used in the sense developed by American scientist T. Kuhn in “The Structure of Scientific Revolutions”. The purpose of Kuhn’s work is to describe at least a schematic concept of science that arising from the historical approach to the study of the research activities. The scientist developed the concept of the progression of science, based on its history. He believed that science develops as a result of scientific revolutions, based on a paradigm.

We offer the following definition the paradigm of constitutionalism – a set of ideal pieces of constitutional reality (concepts, values, principles, ideasand practices) that are divided by society at the present stage of development of the state and form a definite vision of constitutionalism, and specific areas of solving the problem of constitutionalism.

FORMS PARTICIPATION OF PEOPLE IN THE PROCESS OF JUSTICE IN UKRAINE

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Legislator theoretically secured two forms of people's participation in the process of justice, Article 124 of the Constitution of Ukraine, "the people directly involved in the administration of justice through people's assessors and jurors, "but the actual implementation of these two powers become real people only with the adoption of the Law of Ukraine "On the Judicial System and Status of Judges" on 7 July 2010 and the new Criminal Procedure Code of Ukraine on 13 April 2012.

In this article the authors focus on the forms of people's participation in the process of justice – because people's assessors and jury, according to the current legislation of Ukraine. Particular attention is paid to the nature and Institute jury of lay assessors, the analysis in order to develop proposals for improving the legal regulation of their status and the ratio of these two institutions.

It is noted that a jury is duplicated institute "people's assessors", with minor changes in terms and a new name.

As a result, encouraged to develop and adopt a separate law "On the People's Assessors and Jury", which fix the legal status of people's assessors and jury with regard to the proposals, including: expand the range of offenses that would be subject to the jurisdiction of the jury, such as grave and especially grave crimes, involve members of the public who are professionals in any area of life to which the subject of legal proceedings; ensure passage 2-week law training before jury involvement in the case; maintain residency requirement jurors lay members for a period of 5 years; increase the amount of compensation to eliminate the threat of bribe people's assessors and jurors.

PROTECTION OF HUMAN RIGHTS AND FREEDOMS BY VERKHOVNA RADA OF UKRAINE

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Widespread in the scientific community is to determine that the provision of rights and freedoms – is the creation of the state of conditions for their implementation. Determining, in this regard, one of the concepts of advocacy, it may be argued that it is the activities of state agencies, local governments, collectively and individually civil society actors to prevent violations of rights and freedoms of man and citizen (legal entities) and with the restoration of the lawful status in this field.

Analyzing the given perspective, it is important to realize that the state in its relation to a person acting on behalf of not only society, but also on his own behalf as an independent and responsible member of such a relationship. In relations with

the national government is not limited to fixing legal rights. Proclaiming the rights and freedom of the individual, the state undertakes legal and moral obligation to ensure these rights are not only legal, but also organizational means. And as a man with his interests and needs proclaimed a core value, we ensure their rights and freedoms must be subordinated to social production, cultural, educational and ideological activities of the state, all levels of the state apparatus, all officials.

In every democratic state, rights and freedoms of man and citizen ensure by helping of relevant government guarantees. In Soviet jurisprudence state guarantees rights are usually divided according to different criteria, one of which – a division of their organizational and legal guarantees.

In general organizational safeguards the constitutional rights of man and citizen shall mean a systematic organizational activities of the state and all its agencies, officials, local government entities, NGOs and political parties, the media, and international human rights organizations in the field of law-making, law enforcement, legal protection in order to create favorable conditions for the use of real citizens of their rights and freedoms.

The role of the state as the main guarantor of constitutional rights and civil rights stems from the many articles of the Constitution. Central to the system of organizational and legal guarantees of human and citizen rights occupying authorities and officials of the government. The primary role among public authorities, to ensure competence in constitutional guarantees of human rights and civil rights in Ukraine, the Verkhovna Rada of Ukraine plays.

Thus, the Verkhovna Rada of Ukraine is the main organizational and legal constitutional guarantee of human and civil rights. New legislation and political positioning of the body fills with confidence in the future, though, leaves room for concern that the interests of certain political forces may, nevertheless, take precedence over state positions, which should manifest a single consolidated and strong parliament, which is the embodiment of self-sufficient legislative power in Ukraine. Science constitutional rights in this situation is to support Parliament in the exercise of human rights activities, serve as an important cause actual formation of the Verkhovna Rada of Ukraine effective safeguard cleared Ukrainian people rights and freedoms for everyone.

NORMATIVE LEGAL ACTS OF LOCAL GOVERNMENT: CONCEPT AND TYPES

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The signs of normative legal acts of local self-government are set in the article. Determination of the indicated acts is offered as official writing records, salient the external legal form of fixing of the norms of right, accepted directly by territorial mass or organs and public servants of local self-government on questions of local value or on questions of realization of the separate state plenary powers, passed to the organs of local self-government by laws the states that are obligatory for execution on territory of municipal education and provided with the measures of state compulsion.

Classification of normative legal acts of local self-government is conducted on such signs as the article of knowing, subject of acceptance, character of plenary powers(own or delegated), regulator character of act of and other.

By a certain specific in the order of acceptance and implementation the allotted acts that behave to regulative. A regulator acts are considered:

– accepted by the authorized regulator organ, in particular by the organ of local self-government, normatively-legal act that or separate positions of that are sent to the legal adjusting of economic relations, and also administrative relations between regulator organs or other public authorities and subjects of menage;

– other official writing record, that sets, changes or abolishes the norms of right, is used repeatedly and in relation to the indefinite circle of persons and that or separate positions of that are sent to the legal adjusting of economic relations, is accepted by the authorized regulator organ, and also administrative relations between regulator organs or other public authorities and subjects of menage, regardless of or this document is considered under the law that regulates relations in the field of certain, by a normatively-legal act.

THE REFORM OF CONSTITUTIONAL JUSTICE IN UKRAINE: THEORY AND PRACTICE

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This article is devoted to the problem of the Reform of constitutional justice in Ukraine: theory and practice.

The discussions about the legitimacy of a number of changes and additions to the Ukrainian Constitution, it`s low efficiency leave it relevant to virtually unanimous position of representatives of various sectors of national society on the need for continued reform of the Constitution. Thus 2014 marked a new stage in the constitutional process, with high expectations not only of the Ukrainian people but also of the international community.

Reform Strategy of the constitutional justice in Ukraine needs serious research and practical development, analysis of foreign experience and practices of state building as specialized and unspecialized constitutional justice in countries of different legal families.

Given here a brief analysis of the prospects for reform of constitutional justice in Ukraine indicates not only the necessity of sooner constitutional (legal) settlement of problems related to direct the activities of the Constitutional Court, but also the necessity of an integral of the change in settlement of legal philosophy and approach to business sub the objects of constitutional and legal relations that seems harsh, but necessary to protect the state and nation has been.

The consideration of herein conclusions can be used in the practice of the Constitutional Court, as well as the implementation of scientific development in the future, would solve a number of long-standing legal both theoretical and practical problems, which in turn will promote legal certainty in Ukraine as one of the key signs of the reality of the rule of law.

IMPLEMENTATION OF DECISIONS OF CONSTITUTIONAL COURT AS GUARANTEE OF RIGHTS FOR TAXPAYERS

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Ukraine has a very important and urgent remain problems with enforcement of the judiciary, including the constitutional jurisdiction. The problem of enforcement of the constitutional jurisdiction exists not only in Ukraine but also in many other countries in Europe and the world.

The article drew attention to the problematic issues of Implementation of the Constitutional Court by state and local governments and their officials obliged to act only on the basis and within the limits and in the manner provided by the Constitution and laws of Ukraine, and thus guided and decisions of the Constitutional Court of Ukraine on the constitutionality of laws and other legal acts and provide an official interpretation of the Constitution or the law.

The author of the manuscript Siharyova N.F. analyses scientific works of domestic and foreign scholars, practical guidance on the implementation of court decisions of the Constitutional Court, the European Court of Human Rights. She focuses on issues of legal liability for non-enforcement of the Constitutional Court of Ukraine. It is offered the ways of solving problems and directions of judgments enforcement in Ukraine. It is noted that the decisions of Constitutional Court of Ukraine are directly applicable for entry into force and do not require confirmation by any public authorities. The performance of all subjects of legal regulations set out in the court that entered into force, strengthen the authority of the state as legal.

SECTION 3
CIVIL LAW AND CIVIL PROCESS; FAMILY LAW; INTERNATIONAL PRIVATE LAW

DEVELOPMENT OF LEGAL REGULATION OF RELATIONS IN CIVIL CODIFICATION OF UKRAINE PERIOD SOVIET ERA

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This paper investigates the features of the legal regulation of the institution of representation under the law of Ukraine Soviet era.

Focus on the concepts of representation theory in Soviet civil law, including, as the foundation for the legal regulation of the twentieth century was the concept of "activity", according to which representation is defined as an activity or set of activities consisting in carrying out agreements and other legal actions by one person (the representative) acting within the authority on behalf of another person – the one who represents.

Absence of the Civil Code of the Ukrainian SSR in 1922 of certain provisions of the representation, resulting in what is recognized as the representative institution and an integral part of the result of the contract assignment.

The article outlines the reasons for the lack of regulation of commercial representation in the Civil Code of the Ukrainian SSR in 1922. Specific powers were also representatives of the Soviet state in its relations with other countries, which were to have trade missions.

It is concluded that the concept of the Civil Code of the Ukrainian SSR in 1922 reflected the approach to the interpretation of representation, as an activity, which was characteristic of the German civil scientists, despite the fact that scholars of the period have repeatedly emphasized that Soviet civil law does not echoed «exploiting rights». at the same time a "split " gave reason to include the legal systems of the post-Soviet countries (including Ukraine) to the Romano-Germanic law family.

It is proved that the Civil Code of the Ukrainian SSR in 1963 saw much wider representation, noting that the deal done by one person (the representative) on behalf of another person (the person represented) on the basis of authority, based on a warrant, law or administrative act directly creates, change and terminate civil rights and obligations of the person represented. Also saved charge-free presumption and provides the possibility of issuing a warrant legal entity.

The conclusions about the specificity of the legal regulation of contractual representation of the Civil Code of USSR 1922 and 1963.

THE CONCEPT AND CONTENT OF DAMAGES UNDER THE BREACHING OF CONTRACTUAL OBLIGATION (ABSTRACTS)

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In article explores the concept of damages under the content of the civil law. There have set the necessity of revision of the concept of damage in the Civil Code of Ukraine. A number of areas of improvement concepts losses, particularly in damages for breach of contractual obligations have offered. Among them.

In modern terms the damage should be considered as property losses (loss), which the person suffers as a result of the offense, including the failure or improper performance of contractual obligations. Damages for breach of contract is up the cash equivalent of the harm caused by his failure to perform or improper performance. This understanding allows qualified as a concept called content and form of economic (monetary) terms. At the same time, the concept of "real loss", which operates the current Civil Code of Ukraine in terms of complication of civilian traffic requires significant revision.

First, be aware that actual losses associated not only with the destruction and / or damage to things, but also the destruction and / or damage to other property, other than items (defaults on contracts works, services, banking agreements, etc.).

Second, the category of "loss" (destruction, damage) and the "cost" of today do not cover all cases of damage and need a broader interpretation in practice.

Thirdly, we should overcome existing contradictions between the CC and CC Ukraine Ukraine in terms of conceptual approaches to training concepts of "loss", "loss of profit" (Civil Code of Ukraine), "not derived income" (Civil Code of Ukraine) on numerous occasions underlined in the legal literature and scientific works.

Fourth , it should be clearly understood that in the contemporary economy loss is not always associated with the loss of things , property, or costs or damage.

Fifth, in the structure of the actual damage should also allocate actual losses and future expenses that the injured party must do to restore their property, rather than remedy as described in paragraph 1 of Part 2 of Art . 22 CC of Ukraine and is subject to fair criticism from researchers.

Sixth, in the case of non- contractual obligations, should also take into account the existing differences between concrete and abstract losses.

Seventh, the definition of compensation should consider all cases where a person may be eligible for protection: abuse, challenge and recognize the law.

That said actual damages should be determined through concept that would on the one hand indicating their cash equivalent, on the other – the most widely covered all cases decrease assets and / or increase the scope of liability of property to the person harmed breach of contract. It appears that for this it is necessary to resort to the use of the term "value" that displays just the economy, not the natural character of the category of "losses" that can eliminate disputes related to its relationship with the concept of "harm". In addition, the designation of losses and increase or have any liability in connection with violation advisable to use the term "any property losses". We believe that it is a reference to the term most commonly allow to take into account all forms of damage (loss, destruction, damage, injury, etc.).

PROBLEMS OF REGULATING THE RELATIONSHIP BETWEEN SUPPLIER AND CONSUMER OF THERMAL ENERGY FOR SUPPLY CONTRACT HOUSEHOLD CONSUMERS OF THERMAL ENERGY

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In the article the problem of adjusting of relations is examined between the supplier of thermal energy and consumer by agreement of supply of domestic consumer by thermal energy and ways of decision of these problems.

The author argues that the main task of the legal regulation of public relations in the housing and communal services is striking a balance between the interests of the individual and the state, removal of social tension; achieve the ultimate aim – improving the quality of life of people. It is shown that the relations connected with the supply of thermal energy, have some specific features that predetermine the necessity of adjusting of them for the nearest prospect mainly the norms of civil law with possibility to applications of some imperative norms. Among the main features of this sector of economy, first and foremost, its special importance for providing of unimpeded and uninterrupted supply of domestic consumers of thermal energy, and also the monopoly position of the subjects of this activity.

Offered approach in process has allowed to the author to define the basic questions of problem of adjusting of relations between the participants of relations in relation to the supply of thermal energy arise up in the first turn for lack of balanced in a current legislation, that has plenty enough of norms that contradict each other for today. For overcoming of these problems it is necessary to bring norms over of current legislation to the necessities of time. An author considers in addition, that for providing of freedom of agreement and equality of sides in the civil code of Ukraine should be fixed peculiarities of the formation conditions of contract for the supply of energy and other resources through the connecting network, and the procedure of its conclusion.

THE ROLE OF THE SUPREME COURT OF UKRAINE IN THE SYSTEM OF JUDICIAL REVIEW

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To ensure the social, legal and democratic principle of building our country, in Ukraine and created a system of courts of general jurisdiction, which means carried justice. The highest judicial body of general jurisdiction is the Supreme Court of Ukraine.

Since at the present time there is a need to create a reliable and efficient detection, correction and prevention of miscarriages of justice, resulting in global and domestic science and practice of civil justice have developed such a system. In Ukraine it is the constituent elements appeal and cassation proceedings and review of judgments by the Supreme Court of Ukraine.

View the Supreme Court of Ukraine judgments is a form of procedural checks judgments made by the subordinate courts which have entered into force. The content and purpose of this procedural step is «back» value, that is used when it is not used or exhausted other means of

procedural remedies. This procedural step is an additional guarantee to effect a lawful and reasonable judgment. Review of the case by the Supreme Court of Ukraine is aimed at preventive way to influence, encouraging lower courts, prosecutors, public authorities, stakeholders abide by applicable law.

Judicial review by the Supreme Court of Ukraine is the procedural means to ensure their legality and validity, protection of rights and legal interests of citizens, legal persons and the state, and, consequently, the tasks and achieve the goal of civil procedure. It is a special kind of exceptional view, in which the CPC of Ukraine defined as a distinct stage of the proceedings. This view is only possible provided that the court decisions reviewed in cassation.

The value of this stage primarily manifests with features of judicial review by the Supreme Court of Ukraine: the subject of this review, the decision of the court after review in cassation. From this view depends ensure uniform application of substantive and procedural law and the rules of international obligations of Ukraine; procedural work of the court is directed to determine if there are grounds for reopening the Supreme Court of Ukraine; judgments have appealed on the grounds: unequal application of justice (courts) of cassation same substantive law that has caused the adoption of different content of judgments in such relationship or establishing an international judicial institution whose jurisdiction is recognized by Ukraine, Ukraine breach of international commitments obligations in dealing with the Court.

In summary, it should be noted that the Supreme Court of Ukraine is the initiator and developer of legislative proposals to reform the Ukrainian justice. His work greatly influences the general social processes in Ukraine – the development of democracy, economy, human rights, political and economic stability of the country.

Supreme Court belongs to the exclusive prerogative in making final judgments at the national level, the development of legal positions in complex litigation, directing the litigation.

METHODOLOGICAL FOUNDATIONS OF RESEARCH INSTITUTE OF NOTARY

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As for the composer is based on natural ability to implement their beliefs and ideals through musically literate when creating future musical work, so notary for the implementation of acquired his knowledge of law is the basis of the actions that he commits, putting legal material in documentary form. Objective first is a live process. In addition, each of which uses the arsenal of ways to achieve the result and that in the corresponding field covered very specific methodological principles. Science discussion that ensued around the major problems notarial law, found the lack of a more or less whole concept of research in this area. Existing research works are mainly descriptive and comment system applicable legislation and practice.

Knowledge of methodologies notarial activities are extremely important not only for scientists. It experienced practitioner notarial law is not simply apply the rule of law in the respective situation. In his work he handles a wide array of legislation find required standards, examines it, checks its validity, taking into account its relationship to other related rules, and only because it applies in accordance with the specific requirements of the situation. So that's why not only scientists but also not enough to practice guidelines on the application of a norm, it needs to know the

path, the way of approach to the knowledge of the rules and tools for its implementation.

Thus, the question of methodology research institute notaries are perhaps among the most important in terms of its significance for legal theory and legal practice relevant. This is because, depending on the nature of the ascending methodological principles underlying the legal thinking, the type of legal culture, given not only the scientific knowledge of law, but its practical implementation in real life plane.

That can be said about the concept of multidimensional institutionalization of national constitutional law. Instead, the formation of the theoretical and methodological foundations Institute notary, as part of the mechanism of extrajudicial protection of the rights and freedoms of man and citizen and its components requires proper institutionalization of comprehensive methodologies, or certain pattern of explanation in scientific knowledge.

In a variety of definitions of the category "methodology" in the philosophical literature and the works of other social sciences, including law, there are two approaches that differ in the amount invested in the concept called content. For one of these typical manifestations of narrowing the scope of the methodology, identifying it only with the methods by which is meant a set of techniques and methods for the study of phenomena and processes that are the subject of a science. In another approach to understanding the methodology of content included attitudinal, including ideological and possibly political guidance to the researcher, in certain situations that develop into categorical requirements. The combination of these approaches provides the most broad understanding of the methodology.

Thus, in the context of the research institute of Notaries topics we are interested in just the methods of scientific research, the methods of science rather than an activity.

NONVERBAL MEANS OF COMMUNICATION IN CIVIL LEGAL PROCEEDINGS

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Researches have proved that in the daily act of a person's communication, his words make 7%, intonation sounds – 38%, nonverbal interaction – 53%. Court and participants of process on in a certain case represent the system in which information transfer is carried out. Increase of interest of the transferring subject leads to the increase in losses of not apprehended information, but in general increases the volume of information acquired by the accepting subject. Meanwhile, in real life situations the lack of aspiration of subjects to establish the true facts and facts of the case is often observed. Therefore, the losses of information increase, and the decision on the case is irrelevant.

Valid (confirmed with the statistics of the judgments appealed, published in official sources) and latent irrelevance of decisions leads to the entropy of judicial system, to the so-called "justice illusions". Entropy – from Greek "to turn inside", "to retire into oneself" – is represented with the condition of system of justice in which it ceases to conform to the main purpose – rights protection, and focuses on its own purpose, exists for itself.

Research of a problem of efficiency of information transfer should be conducted in two directions: 1) means and forms of information transfer 2) the reasons of information losses during the communication and the ways of their elimination.

The world crisis of justice is related to the ex-

tremity of a linguistic paradigm of legal proceedings. Entropy of any system inevitably leads to destruction if the system doesn't start the mechanism of self-updating and modernization. In fact, entropy of judicial system is a marker, the evidence of the fact that a linguistic paradigm of legal proceedings just as the derivate of the positivistic understanding of the right, isn't sufficient, and the system is on the threshold of a new turn of its existence.

SECTION 4
ECONOMIC LAW; ECONOMIC PROCEDURAL LAW

TO THE ISSUE OF STATE REGULATION OF FOREIGN ECONOMIC ACTIVITY IN UKRAINE

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The article investigates the state regulation of foreign economic activity in Ukraine. Were determined the agencies, which have the authority in this area, investigated there powers and worked out the scheme, which shows, exactly which public authorities are authorized to regulate foreign trade in our country.

It was found, that in general the system of the state regulation of foreign economic activity is rather perfect, powers of the majority of the authorities are disjoint and are within the general competence of the relevant agencies.

Agencies, that are authorized to regulate foreign commerce, were divided to the main and subsidiary groups. The first group includes The Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the central body of executive power on economic policy (under which today must be understood Ministry of Economic Development and Trade of Ukraine), agency of revenues and fees (currently – Ministry of Revenue and Duties of Ukraine), National Bank of Ukraine, State service of export control of Ukraine. The second group includes the Antimonopoly Committee of Ukraine, the Ministry of Finance of Ukraine, the Ministry of Foreign Affairs of Ukraine, the Interdepartmental Commission on International Trade. Were proposed to fix the list of agencies of the main group in the article 9 of the Law of Ukraine "On Foreign Economic Activity".

ACCEPTANCE OF PRODUCT OIL SUPPLY AGREEMENT: STATE AND PERSPECTIVES OF LEGAL REGULATION

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Business agreement aims to establish precise and concrete mutual obligations of the parties to exclude the possibility of any ambiguity and uncertainty. Supply contract can be considered completely fulfilled only in the case when not only a supplier to supply its products in strict accordance with the terms of the contract, but the buyer, along with other duties timely and properly perform his main responsibilities under the supply agreement – will pay for the products and its established prices. Acceptance of oil has no doubt such features that do not allow us to apply the general rules of economic or civil law in the process. For example, one feature of acceptance of petroleum products is their acceptance only standardized and certified packaging (containers) and, as a general rule, in stock (in a special room, storage, etc.).

Legal problems of delivery and acceptance are oil under the relevant treaties did not find a proper display in the domestic scientific literature.

Structure of legislation in the sphere of acceptance oil supply agreement quite clear and represented acts of different levels: the Commercial

Code of Ukraine and a number of regulations, such as instruction on the admission, transportation, storage, release and accounting of oil and petroleum products to enterprises and organizations of Ukraine.

Economic Code of Ukraine provides the basis for constructing special legislation regulating the process of making oil contract in quantity and in quality. User is responsible to the general spirit of the modern economic legislation – the optimal combination of state regulation (establishing mandatory peremptory norms) and the initiative of the parties to resolve certain issues by mutual agreement (compromise) the parties to the contract. Excessive simplification of procedures for acceptance as goods (products) in general and oil in particular (an approach advocated by some representatives of science civil law), not bring anything positive, and will entail an increase in crime in the economic sphere, will reduce the confidence of partners to each other and in general market and unbalances without needing additional organization.

SECTION 5
LABOUR LAW; SOCIAL SECURITY LAW

THE NATURE OF THE ACT OF INDECENCY INCOMPATIBLE WITH EXERCISING EDUCATIONAL FUNCTIONS: A THEORETICAL AND LEGAL CHARACTERISTIC

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The article analyzes the nature and interpretation of the concept of the "act of indecency incompatible with exercising educational functions" by lawyers and judicial institutions. The results of the analysis suggest the following.

There is no commonly accepted definition of an "act of indecency" in the legal scientific literature. In the broader sense, an act of indecency is an "action violating the moral standards of a society", i.e. the ethical values that are prevalent in a society. According to the labor legislation of Ukraine, the employment contract can be terminated by the employer in case the employee exercising educational functions commits an act of indecency that is contradictory to the nature of his/her profession leading to the defamation of his/her roles and responsibilities incompatible with the continuation of the job (Art. 41 Sect. 3 of the Labor Code of Ukraine). At the same time, there is no comprehensive list of the acts that could be dealt with as indecent. In the issues of employment contract termination, the principal or the owner of the organization makes the decision based on his/her own evaluation of the employee's actions. The judicial authority decides whether the dismissal was justified.

In order to reduce the risk of wrongful dismissal of employees due to inaccurate and subjective evaluation of their actions, an amendment of the aforementioned Section of Article 41 of the Labor Code would be rational. Namely, it is desirable to replace "act of indecency" with "wrongful act". The education legislation provides for legal protection of the consumers of educational services from any discriminating or deteriorating actions on part of both teaching employees and other staff of educational establishments. Thus, it is considered rational to apply Art. 41 Sect. 3 of the Labor Code of Ukraine to all employees of educational establishments. It is proposed to amend the aforementioned Section as follows: "the commission of a wrongful act incompatible with the continuation of employment by the employee of an educational establishment".

THE RIGHT TO SOCIAL PROTECTION: INTERNATIONAL LEGAL FRAMEWORK

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Holding in Ukraine reforming various areas of law is constantly updated by the issue of bringing domestic legislation into line with international standards. This process may also directly related to the reforms of the social security system. The state's desire to improve legislation on social protection and bring it closer to the international community reaffirms the social orientation of public policy and describes Ukraine as a welfare state. In practical terms, this process is reflected in the establishment in law of minimum standards of social protection.

Global and international level the issue of social protection in the settlement rules of many acts. For example, some social security entities regulated by the Convention on the equality of citizens and foreigners and stateless persons in the social security number 118 Article 2 which states that any Member may make a commitment to carry out the provisions of this Convention in respect of one or several areas of social security, listed below, for which he has legislation which effectively applied within its territory to its own nationals.

Definitely, Members should conclude by the States and other appropriate administrative or financial transactions in order to eliminate potential interference with the payment of disability benefits, old-age and survivors' benefits, benefits in case of employment injury and occupational disease and help in case of death, eligibility for which is acquired under their legislation, competent persons who are nationals of a Member, refugees or stateless persons residing abroad.

Therefore, analyzing the above material should be noted that international standards in the field of social protection entails the following specific sub-sectors, which implemented the right to social security, as health care; assistance in case of illness; maternity care; invalidity; old age; assistance to survivors; assistance in the event of employment injury and occupational disease; unemployment benefits; family allowances. In order to realize individual rights to social protection in these cases, the United Nations and the International Labour Organization adopted a number of conventions and recommendations that detail the contingency, (social risk), the categories of persons eligible to receive support, and provide guarantees for the payment of pensions and benefits.

THE CONCEPT OF SOCIAL SECURITY LAW: THEORETICAL ASPECTS

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Conceptually important in the making of social security law is to determine the nature of this area of law as part of the formation of the conceptual apparatus industry.

In the scientific community focuses on the problems of legal regulation of social security, which directly influenced the development of the legal system. Examining the need "clearance" security and social relations in the new area of law and defining the essence of a new industry.

Understanding the concept of social security law during the period of the Soviet Union was

based on the fact that the rules of this branch of law designed to regulate financial support from the social consumption funds and social services of certain categories of people who need help because of their social status.

With the development of socio-economic relations is needed rethinking of the nature of social security law in the context of the new realities.

The emergence of social security law as a branch of law concerned with the formation of a large amount of legislation governing the security and social relationships;

Terms of relationship that covers security and social legislation reveals the essence, and therefore serves as a basis for determining the name of this area of the law, in this case, we support the view that the right to social security Optimal Title for examining our field of law as the basis of the industry rights lies with social security as a socio-legal phenomenon;

Based on a scientific approach, we consider it appropriate to clarify something doctrinal understanding of the concept of social security law, namely, in our opinion: the right to social security – a branch of law which is the body of law governed by applicable, protected by the state regulating socio- interim and other derivatives (procedural) of relations that arise between the subjects of social security law from exercising their right to social security.

THE LEGAL NATURE OF THE RIGHT TO EMPLOYMENT AS A LEGAL MECHANISM TO ENSURE EMPLOYMENT

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Legal regulation of employment consists of primary and indirect regulatory effect. For the former, in particular, is characterized by the following main points: a) consolidation of legal forms of employment, and b) the regulation of a variety of relationships that develop in this area, and c) establishing the legal facts, which binds the emergence, change and termination of the employment relationship and the employment relationship, and d) the regulation of the legal status of the promotion and employment, and e) the consolidation of legal guarantees for certain categories of workers, and others. Also, this group should include direct regulatory activities of the state in promoting and securing employment, which manages in the fields of labor and employment population organizes a variety of ways (e.g. by personal involvement of public authorities in this paper).

In general, prefer direct or indirect regulation in principle hardly appropriate. Both are equally important. Thus, an effective legal effect to the will of members of social relations in these areas suggests indissoluble bond, the interaction of direct and indirect effects. Direct organizational and legal impact on the state to establish a relationship of employment, as it completes and complements the factors of indirect effects. Conversely, indirect regulatory factors contribute to the vitality and effectiveness of direct regulation.

Therefore, even if the mechanism of regulation of employment shall mean a body of methods and tools to meet the needs of the economically active population in employment in order to receive salary or other remuneration.

In turn, the legal regulation of employment relations mediated by the ability to participate in these relationship entities those engage in them on the basis of the right to employment.

SECTION 6
LAND LAW; AGRARIAN LAW; ENVIRONMENTAL LAW; NATURE RESOURCES LAW

STRUCTURE OF NATIONAL ENVIRONMENTAL NETWORK

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The basic principle of creation, preservation and exploitation of environmental network is the providing of the integrity of environmental system functions of components of environmental network elements. In order to ensure the efficient embodiment of the mentioned principle it is necessary to define precisely the structure of environmental network of Ukraine, as well as the harmonization of basic principles of its construction with system-creating factors of the European environmental network. The national environmental network is evolving as a part of the latter. However, Ukrainian legislator lacks of consistency in respect of the list of structure elements of environmental network. Additionally exhaustive list of objects of environmental network, as well as criteria of including of components into the environmental network are not laid out by the current Ukrainian legislation.

The structure of national environmental network is composed of three types of elements, which are as follows: structure elements of environmental network, components of structure elements of environmental network, objects of environmental network. The legal regime of the object of environmental network is prescribed rather generally, therefore there is the necessity of reference to the legislation on nature reserve fund, as well as forest, water, land and the other environmental legislation.

The peculiarity of the national environmental network as the single territory system is the definition of separate geographically identified territory elements on the legislative level within the scope of General State Program of Creation of National Environmental Network of Ukraine for the 2000-2015.

In order to eliminate the inconsistencies between the basic laws regarding the definition of lists and titles of structure elements of national environmental network, the author makes her own propositions as to the excluding of recovery territories from its list and to take into consideration the titles of structure elements of environmental network, defined by the General State Program on Creation of National Environmental Network of Ukraine for the 2000-2015, which are as follows: natural regions, natural corridors, buffer zones. The mentioned titles convey its functional and environmental characteristics and are in accordance with the European Strategy of Preservation of Landscape and Biological Diversity.

Degraded, unproductive and radioactive polluted lands doesn't contribute to the preservation of landscape and biological diversity as the main purpose of creation of environmental network, therefore it is inadmissible to consider them as a components of structure elements of national environmental network.

IN RELATION TO REMOVAL OF MORATORIUM ON SALE OF EARTHS OF AGRICULTURAL SETTING

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The consequences of acceptance of requirements of MVF are investigated in the article. Some questions which touch abolition of moratorium on the purchase-sale of earths of the agricultural setting are analysed. By an author the analysed positions of authors and drawn conclusion on the investigated question.

A task to the article is research of legal nature of earths of the agricultural setting, their copulas and influence on the economy of country.

Reformation of the landed relations in Ukraine is carried out from 1991 year.

Many from the indicated requirements really are reasonable and positively will wag on the economic increase of Ukraine. But some of them can substantially influence on economic stability of the state and loss of industrial potential of Ukraine by the appropriation of state treasures by foreign investors among which agricultural lands have an important value.

It follows to accede to some researchers which analysed the possible consequences of abolition of moratorium on the purchase-sale of earths of the agricultural setting, in particular:

1) Buying up of considerable areas of the agricultural setting by financially-industrial groups that will have it the consequence of "dispossessing" of land of peasants and formation of foreign enterprises with the hired workers.

2) Alienations by the peasants of lot lands of the agricultural setting at price which is substantially below than economic reasonable.

3) Concentrations of considerable areas of the agricultural setting in property of financial institutions (commercial banks) in transition of mortgage earth in property of Mortgagee.

4) Origins of the phenomenon of "speculation" by lot lands, when the considerable areas of earths of the agricultural setting will buy up financial speculators with the purpose of their further resale at higher price which will result in the increase of cost of agrarian products and will entail inflation.

5) The out of control change of the having a special purpose setting and urbanization of agricultural earths.

Thus, if the indicated moratorium will be anointed, then it will become a not economic, but political decision, as there is a risk of the mass buying up of Ukrainian earths by foreign residents, and, as a result, a loss of the territorial independence.

THE ISSUE DEFINITION PURPOSE OF THE LAND CONCLUDING AN AGREEMENT EMPHYTEUSIS

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Conclusion of agreement emphyteusis in Ukraine does not have to date a popularity, although the benefits of this institution have long been known. But due to the fact that although the legislator and dedicated agreement emphyteusis individual chapters in the Civil Code of Ukraine and the Land Code of Ukraine, but many questions remained outside his attention and is unre-

solved. In particular, this affected the agreement emphyteusis, which is an essential condition for the definition purpose of land. As it turned out, the issue is not as straightforward as the correct definition of the purpose of land depends not only on the rights and obligations of the contract, but generally concluding the latter.

Land legislation contains a contradictory position on the definition of «purpose of the land». So its rules can be found such definitions as «land category», «main purpose», «purpose», «kind of use». If you conduct a study of this question, their value is reflected in the conclusion that all the land of Ukraine is divided into main purpose categories, based on the purpose of some land where within a particular purpose land carried a certain kind of use.

Also it should be noted that the agreement emphyteusis must be indicated not only the main purpose – agricultural land, which is invariability, since this category of land use at the conclusion of the treaty and it is an essential condition, but it should be noted the purpose of the or a kind of use of the land contained in its documents, since it affects the possibility of agreement emphyteusis.

ECOLOGICAL NETWORK: THEORETICAL AND LEGAL REVIEW

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The article reviews statutory and regulatory basis for regulating ecological network. The author emphasized on some aspects in the field of environmental protection. Theoretical basis for the understanding of the term “ecological network” is defined. The author made conclusions and recommendations for improving legislation.

The legal basis for the National Ecological Network is the law of Ukraine “On Environmental Protection”, “On the Nature Reserve Fund of Ukraine”, “Wildlife Protection Act”, “Plant Life Act”, the Land Code of Ukraine, Ukraine Forest Code and Water Code of Ukraine. Natural sites of international importance are established in accordance with international treaties of Ukraine, in particular the Convention on Wetlands of International Importance as Wildlife Habitats (1971), Convention Concerning the Protection of the World Cultural and Natural Heritage (1972) Convention on the Conservation of European Wildlife and Natural Habitats (1979), Convention on the Conservation of Migratory Species of Wild Animals (1979), the Convention on the protection of the Black sea Against Pollution (1992), the Convention on Biological Diversity (1994), Pan-European Biological and Landscape Diversity Strategy (1995), the Convention on the Protection and Use of Transboundary and International Lakes (1999).

The aim of the legislation is to regulate ecological network of social relations in the formation, conservation and rational, sustainable use of ecological network as one of the most important prerequisites for ecologically sustainable development of Ukraine, protection of the environment, meet contemporary and future economic, social, environmental and other public interests.

It is supposed to develop and approve other legal acts aimed at improving the economic mechanism relating to the protection and restoration of natural landscapes and conserving biodiversity.

The idea of establishment of ecological networks is integrated in the preservation of the environment, optimization of landscapes, wildlife conservation gene bank, creating an enabling environment for human life. In Europe it has acquired certain development and it is exercised in Pan-European Biological and Landscape Diversity Strategy (Sofia, 1995). At the international level, establishment of ecological networks is coordinated by program “Natura- 2000”, approved by 15 countries of the European Union. In case

of combination of protected areas of Pan-European Ecological Network "Emerald", the protection of biodiversity and gene pool of the species throughout Europe and the sustainable use of natural resources will ensure.

Establishment of ecological networks involves changes in the structure of the country's land by sorting out (based on the study of environmental safety and economic feasibility) the land parts to economic use categories which are going to be under special protection from reproduction inherent diversity of natural landscapes.

SECTION 7
ADMINISTRATIVE LAW AND PROCESS; FINANCIAL LAW; INFORMATION LAW

FOREIGN LEGAL EXPERIENCE REGULATION OF READMISSION

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Today Ukraine is in a greater degree examined by мігрантами quicker as the state of transit, but not eventual setting. Thus, threat of a force turning out from territory of Ukraine with further establishment of term of prohibition on an entrance not such meaningful for a foreign citizen, as he does not bind the further life to the stay on territory of our country. If it be impossible to use territory of Ukraine for transit in the direction of the state of the eventual setting such foreign citizen it will be simple to seek out other routes of the following.

Other business is the developed states of EU (Switzerland, Germany, Holland, row other), that is simply examined by мігрантами as the states of the eventual setting, in that they would wish to settle down for a long time. In this connection the prospect of application of procedure of a force return is always related to the crash of vital plans. The higher (on comparing to the analogical cases in Ukraine) level of refuses of foreign citizens, that is subject to a force return to cooperate with the competent public organs of states-members of EU for by the question of establishment to it persons, documenting and further return, is conditioned considerably these.

At the same time, on the estimations of experts, the average quantity of such persons in general case does not exceed 3-5% of incurrence of educed illegal migration in relation to that procedures of turning out are used or readmit.

However, exactly this category of foreign citizens is a most problem, mainly, because some approved effective methodologies of establishment of person and citizenship of person that is subject to a force return do not exist. In every case, as it was already talked higher, individual approach is needed a positive result is not assured here.

As experience of migratory departments of states-members of ЄС shows, without regard to efforts that is done there always are migration though and in a very negligible quantity, that did not succeed to be identified thus, and to turn to the state of their citizenship.

At the same time there is a row of general recommendations that can appear effective enough at establishment of face of foreign citizen for his further documenting. Recommendations in an equal degree can be applied to all forms of unvoluntarily return of foreign citizen – to the administrative turning out however taking into account the specific of this research, an accent it is envisaged to do exactly on the cases of readmit.

LEGAL ASPECTS COOPERATION BETWEEN LOCAL ADMINISTRATIONS AND LOCAL AUTHORITIES

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Making local authorities have considerable importance in the life of every citizen, as it is the close and familiar realities of residence in a particular region. The Basic Law states defined entities exercise of such power – a local state administrations and local self-government. However, it is different in the nature of legal authorities, because local administrations are executive authorities and local self-government – a public power communities. Constitutionalization of dualism local government raises the emergence of many problems both theoretical and practical levels. In particular, the problem of interaction in the context of separation and delegation of powers.

Among the forms of interaction between local administrations and local authorities most common and yet problematic, is the procedure of delegation. The Constitution of Ukraine provides that the powers of the executive branch may be granted local governments that directly councils.

Significant debate in the scientific community on the need arise consent process and delegating or possible unilateral action. Expressed opinions as mandatory implementation by local authorities of certain state powers transferred to them without their consent at the initiative of the original owner under the law, and the need for prior approval of such transfer with the municipal authorities. We believe that the agreement is necessary because reduced the scope of rights and obligations of one party and the other increases. After all, the Constitution stipulates that Ukraine is recognized and guaranteed by the local government, that last one is real and right and ability to function. Unilateral laying on the local public administration authority to local governments violates this provision of the Constitution of Ukraine. Local administrations should refrain from deciding to empower local governments with certain state powers in the event of objections relevant authorities implies the impossibility of objective exercise of these powers . In this case, local governments are entitled to by taking legal ruling to abandon giving them certain state powers unilaterally without giving objective reasons for such denial.

There are two approaches to solving this problem. The first is to abolish the institution altogether delegation of authority to local administrations and local governments operate each with its own set forth only for their areas of activity. The essence of the second – is to leave this institution, but fundamental changes, namely to amend the law "On Local Self-Government in Ukraine" and "On Local State Administrations" (leave the general rule about the possibility of delegating the authority to review and duplicate) and adopt a separate law on the delegation of authority, which contains rules that determine the powers that be and cannot be delegated (exhaustive list), the terms remedial order, alignment differences in the exercise of the powers delegated resource support, control and responsibility for implementation.

Based on the above, it must be concluded that the current mechanism of interaction between local administrations and local government needs urgent reform. There is an urgent problem exactly legislative differentiation status, powers and activities of local public authorities. It is necessary to amend the Constitution of Ukraine, Laws of Ukraine "On Local Self-Government in Ukraine" and "On Local State Administrations" and adopt a special law on the process of delegation of powers to local administrations and local authorities. After duplication within the specified authorities leads to inefficient operation and useless waste of public funds.

USING THE EXPERIENCE OF EU COUNTRIES FOR IMPROVED ADMINISTRATION OF VALUE ADDED IN UKRAINE

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The full European integration involves the hard way, hard work and real reforms that are not possible without the relevant laws. One of the most significant steps in this direction is to harmonize customs and tax policy, especially with regard to the administration of indirect taxes, as well as in the EU and in Ukraine is one of the key locations in the tax system. In view of this, the use of EU countries to improve tax administration in Ukraine is very important.

The aim of the research is to determine the main aspects of the regulation of VAT in the EU, which can be applied to the tax administration in Ukraine. Also, given the prospect of European integration, it is necessary to determine the main criteria to be met by the legislation of Ukraine on Regulatory VAT with a view to harmonization with EU legislation.

It must be emphasized that the EU is not achieved major progress in the improvement of the administration of indirect taxes. So with this in mind and considering the prospects of Ukraine's European integration, domestic tax legislation should take into account the positive experience of the EU and gradually through the process of harmonization of tax legislation of the European Union.

Non-application by a Member State provided for in Directive harmonizing measures is possible only in cases specified by the EC Treaty, and requires, on the one hand, justify the Member State the grounds of non-use guidelines, and on the other – permit the Commission to maintain or introduce national provisions on the regulation of a question. Regarding measures to harmonize tax provisions, the Member States are not eligible for non-use of such measures. Adopted or proposed for consideration of EU measures affect only the principles of the tax system and tax base interest rate is the most flexible tool determines the national government.

The above analysis of tax administration in the EU leads to the following conclusions. Due to the process of European integration of Ukraine , any attempt to repeal or change the VAT on its sales tax seem irrelevant , since VAT is a critical element in the tax systems of the EU and its collection provides relevant derectieves. However, despite the many challenges that remain in the implementation of tax administration in Ukraine, the legislative regulation of VAT requires changes to its improvement, as well as to harmonize with EU legislation, as it has been and remains a necessary condition for European integration, as well as objective needed because of the entry in the long term, the single economic space. Improving tax administration is possible by expanding the tax base, the abolition of unjustified tax exemptions and simplify the administration.

IMPACT OF LEGISLATION ON TRANSFER PRICING IN PROCESS OF TAX PLANNING

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Established in the early stages of the law on transfer pricing in practice there are many problems associated with both the imperfection of legal rules and their complexity for taxpayers. Therefore, research on the impact of legislation on transfer pricing for tax planning process is extremely important.

The author defines transfer pricing occurs and is used as an integral part of international tax planning. International Tax Planning – allowed by law reducing global tax burden individuals and businesses to improve their total income arising in all jurisdictions, foreign economic activity. International tax planning can be corporate and individual. The most common thing is corporate international tax planning, carried out certain members of the corporate group, including transnational corporations.

Specifies instruments of international tax planning enables transnational groups opportunities to optimize tax costs due to the absence and, perhaps, inability to complete the harmonization of tax laws of different states. Often the use of such features dictated solely namely the desire to gain tax benefits, rather than objective economic factors.

As a result the author comes to the conclusion that the transfer pricing legislation has a significant impact on the tax planning of the actors engaged in controlled transactions. Measures for the legal regulation of transfer pricing is justified as designed to protect the interests of the state and increase revenues. However, the current world of tax legislation of Ukraine is imperfect and need to comply with international standards.

IMPROVEMENT OF LEGISLATIVE REGULATION ADMINISTRATIVE RESPONSIBILITY FOR VIOLATIONS LAW OF CONSUMER PROTECTION

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The article is devoted to questions of improvement of legal regulation of administrative liability for violation of legislation on consumer protection.

Author determines today that a violation of consumer rights in Ukraine is a phenomenon quite common. Under these conditions, the need for updated significantly increase the level of legal protection for consumers and capacities of the administrative regulation that has been and remains effective lever combat crime in this area, largely determines the possibility of realization of consumers and protect their rights and interests, the effectiveness of the relevant legal guarantees.

Relationships in the area of consumer rights affect the vital interests of virtually the entire population of our country and require a comprehensive, full and objective justification for the necessary changes in legislation. Lack elaborated on the theoretical level, the existence of legal gaps and the need for comprehensive legal research on improving the legal regulation of administrative liability for violation of legislation on consumer protection led to the choice of the research topic.

The author focuses on the challenging issues of administrative liability for violation of legislation on consumer protection. Ways of improving the legal regulation of administrative responsibility in the study area. In particular, the improvement of the legal regulation of administrative responsibility for violation of legislation on consumer protection should be done by expanding the list of administrative offenses in legislation on consumer protection, a clear statement of law, to punish offenses listed, the definition of alternative punishments differentiation of penalties taking into account the aggravating circumstances such as repetition and the losses as well as a more detailed description of the objective of the relevant offenses.

PROTECTIVE ADMINISTRATIVE-LEGAL RELATIONSHIPS INVOLVING COURTS

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Prevention of violation of the law and protection against committing illegal acts is an important guarantee of administering justice.

There exist various approaches toward the definition of the notion "protective legal relationship".

Russian scholar V.I. Lieushyn defines protective legal relationships as such, that occur in the context of interaction of protective legal norms and offences. They are closely connected with the realization of legal responsibility stipulated by the sanctions for the security regulations.

According to L.O. Morozova, protective legal relationships occur as the result of individuals' misconduct and are the state response to that misconduct. The aim of legal relations is to protect the existing justice and punish the offender.

The basis for legal relationships in the court are the norms of the law. Work of the court is governed by the Constitution of Ukraine, Legislation of Ukraine, regulatory legal acts, international legal acts ratified by the Verkhovna Rada of Ukraine.

We consider that reasons for the occurrence of legal responsibility in protective legal relationships involving courts is an individual's misconduct and violation of the regulations that infringe on the established order in the court and impede its normal functioning.

Legal relationships in work of the court are also determined by the court decisions which determine the type and the extent of punishment for the defendant.

Protective legal relationships are aimed at suppression of the offences, restoration of the law, use of coercive measures to offenders, entailing certain restrictions for them. Protective legal relationships are closely connected with the legal responsibility.

The main characteristic features of protective legal relationships that occur in work of court: in their nature they are administrative since one of the parties in these relationship is a Subject (individual) empowered with the state authority as to the other party. In our case this Subject is represented by the court, which has the authority to consider and decide the case, to use the state coercion to the offender implying the adverse effects for a person, of both personal character (depriving of freedom or restricting it), and material (imposing fine, compensation for damages).

A PLACE OF AUTHORIZATION SYSTEM IN THE MECHANISM OF ADMINISTRATIVE REGULATION

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The article rates theory of determination the place of authorization system in the mechanism of administrative regulation and notices about lack of multi-purpose approach in jurisprudence to definition the object of administrative law. It's draw attention to administrative law change under the accrual of administrative regulation influence. There are three main approach to definition the object of administrative law in administrative law theory: 1. administrative law regulates exceptionally the administrative relations; 2. administrative law is a service law, which orientations to the servicing needs and interests of private persons; 3. administrative law is a semilattice law, which include administrative, service and law enforcement relations. Today the last approach is the most faithfull, because the administrative law full covers relations, which emergent, change and stop in sphere of the decisions of the individual administrative cases, rendering of administrative services (licensing services, registration services, patenting and so on), protection of injured rights (processing of complaints, litigation in administrative courts), coercive measure, accept a regulatory requirement in the case of private persons in the process of decision public economic affairs.

Authorization system as the object of administrative law include administrative, service and law enforcement relations. The article considers a common and specific relations features, which emergent, change and stop in authorization system field. These relations are preventive in legal nature and emergent on specific objects. Relations in authorization system occur on the initiative of private persons and legal entities and characterized by the presence of special permissive documents.

As a result it should be noted that authorization system is a complex of social relations, which develop between public authority and private persons and legal entities in light of issue of special permissive documents.

THE LEGAL STATUS AND FUNCTIONS OF THE NATIONAL COMMISSION ON SECURITIES AND STOCK MARKET OF UKRAINE

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The article discloses and describes the main principles, functions and legal status of the National Commission on Securities and Stock Market of Ukraine. The state of the organization of the National Commission on Securities and Stock Market of Ukraine. The state of implementation of the National Commission on Securities and Stock Market.

Organization of the National Commission on Securities and Stock Market of Ukraine is of great importance for the operation of a reliable system of relations in this area because it is one of the main actors in the relationship in the securities market. The current state of the organization and activities of the National Commission on Securities and Stock Market of Ukraine has its disadvantages. The existence of these deficiencies makes a number of factors. First, there is some lag functioning legal mechanisms. Secondly, there is a need to harmonize the quantity and quality of the elements of

the national legal system of the corresponding elements of the legal system of the European Union. That adaptation of Ukrainian legislation to the relevant international standards is analyzed.

Therefore, topical solution of issues related to the improvement of legislation on the tasks and functions of the National Commission on Securities and Stock Market of Ukraine.

ABSOLUTE TITLES OF SUBJECTS OF JUDICIAL FUNCTIONS IN ADMINISTRATIVE LEGAL PROCEEDING OF UKRAINE

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To the subjects of function of defending of lawsuit requirement in the administrative legal proceeding belong: plaintiff, his representative, third person with independent requirements, third person without independent requirements, and their representatives. To the subjects of function of protecting from a lawsuit belong: defendant, his representative, third person, without independent requirements, its representative. The indicated subjects are classified after a presence materially legal and judicially legal to interest.

One of basic signs of subjects of function of the personal defending of lawsuit requirements there is their volitional activity, which consists in a decision-making in relation to initiator of administrative judicial legal relationships and their development and completion implementation of court decision, accepted on their benefit. By the features of rights for the subjects of defending of lawsuit requirements legislatively certainly: a) increase or diminishing of size of lawsuit; b) waiver of administrative lawsuit; c) change of object or foundation of lawsuit; d) consent to replacement of improper side; e) bringing of solicitor is about security for a claim; f) impossibility to conclude business reconciliation – for organs and persons, certain the article of a 60 Code of the administrative legal proceeding of Ukraine; g) waiver of support of lawsuit requirements or shakedown of consideration of cases in a previous volume.

Protecting from lawsuit requirements in the administrative legal proceeding, as a judicial function, foresees legal possibilities of person to use all facilities are statutory in order that: to acknowledge an administrative lawsuit; to deny against a lawsuit; to attain reconciliation with a plaintiff (by the third person); to require implementation of the accepted court decisions; to execute accepted in essence spore court decision voluntarily.

Position of defendant represents his attitude toward lawsuit requirements, by confession of an action or denial against him. From here such decisions are acknowledged the absolute title of defendant.

Thus, used at Code of the administrative legal proceeding of Ukraine approach in relation to the parcel of land of persons which have different judicial functions in administrative realization, by equal rights and general duties, and next to it, selection of their special (special) rights, seems successful enough and clear, and also answers important principles of the legal proceeding – contentiousness and discretion. At the same time, expedience of improvement of the normative legal adjusting of rights for the subjects of judicial functions is not denied in the administrative legal proceeding, taking into account the renewed approaches and suggestions offered scientists.

ADMINISTRATIVE-LEGAL PROVISION OF THE RIGHTS OF CHILDREN WITH DISABILITIES IN THE FIELD OF HEALTH CARE IN UKRAINE

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One of priority directions of activity of the state is the health of man. The Declaration in the Constitution of Ukraine the right to free medical assistance was provided for the state's obligation to ensure duly realization of this right. Every child has the inherent natural and indisputable right to health. Under the health protection, the law understands the system of measures aimed at ensuring the conservation and development of physiological and psychological functions, optimal disability and social activity of a person with a maximum of biologically possible individual life expectancy. The state shall guarantee the child's right to health protection, free qualified medical care. However, the state of health of children in Ukraine is unsatisfactory, with a tendency to increase the incidence, prevalence of diseases and disability. One of the problems that occurs in the context of this task is the identification and implementation of administrative-legal analysis of medical support for children with disabilities, which is one of the most important and complicated tasks of the state policy in the sphere of health protection of Ukraine. Negative trends in the health care system in Ukraine began in 1990, so the preservation of life and health of every child, especially a child with disabilities takes priority.

TRAFFIC ORGANIZATION AS THE OBJECT OF ADMINISTRATIVE-LEGAL RESEARCH

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Today, security and comfort (convenience, the minimum time expenses and minimization of harmful factors for road traffic) of road network is ensured by a complex of engineering-technical, organizational and preventive and legal measures. The legal activities, in our opinion, are necessary basis for the implementation and functioning of other. In the vast majority, the relations, which are connected with ensuring of the security and traffic organization, are governed by administrative law.

The article is devoted to learning of condition of scientific research problems of the organization of road traffic. The approaches of the scientists in different branches of science concerning the legal factor of traffic organization is analyzed. The vast majority of works related to the questions of the road traffic organization are researches of socio-economic, organizational-administrative or technical processes. Along with this, the processes, which are associated with the organization of the road traffic, are made a scientific interest in the legal sense. The results of the analysis of a certain number of scientific papers that clearly indicate the organic link between the technical, mathematical research with the legal aspects of organization of traffic are proof of this.

The author focuses on the tasks of administrative and legal research of these relations. Public relations regarding the organization of the road

are the object of administrative-legal research.

Therefore, in the legal sense, organization of traffic is the activity on organization of social relations arising in the process of movement on the road network of the participants of traffic and cargo transportation by means of transport vehicles.

Conducting research in this field will help to identify new administrative and legal instruments that can be used in the organization and regulation of road traffic.

THE SPECIFICITY OF THE NATURE OF INFORMATION LAW IN THE CONTEXT OF BELONG THE BRANCH

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The formulation of the concept of area of the law is quite clear. Often, however, there is debate as to what area of law is only one side (outer manifestations) law, and the other party (the external manifestation) is the branch of legislation. Understanding of information law as law and information law as a branch of law is different. If information law as a branch of law is imagined as a set of rules governing social relations, information law as a branch of the law – as a set of legal acts that establish these relationships in the regulatory level. The author distinguishes between the concept of «branch of law» and «branch of legislation» on the basis of what is justified dual nature of information law, which acts as a branch of law and branch legislation simultaneously.

The author proved the independence of information law as a branch of the law and the complexity of information law as a branch of legislation. Recognition of information law as a branch of the law will strengthen its position in the legal system and provide a scientific basis in the implementation of information law.

The author's definition of information law as a branch of law is given. Information law – a branch of the national law of Ukraine, which contains a set of rules that govern the relationship information using the integrated method of regulation.

SUBJECTS OF ADMINISTRATIVE AND LEGAL REGULATION IN THE SPHERE OF CIVIL AVIATION OF UKRAINE

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Topical issue of administrative and legal regulation in the field of civil aviation of Ukraine. The study of this area is necessary and important because it needs further development at all levels, in order to improve national legislation and to meet the demand of the society in air transportation. It is indicated that administrative – legal regulation of civil aviation carried out through specially authorized state bodies, legal status is enshrined in the Constitution and other legal acts.

Determined subjects and the range of subjects administrative – legal regulation of civil aviation. It is noted that the subject of administrative and legal regulation of civil aviation is a person,

group of persons, an organization which, according to certain legislative functions used methods of administrative regulation to ensure the realization of public interest in the field of civil aviation.

Determined that the system of entities that are currently in Ukraine carrying out administrative and legal regulation of civil aviation can be divided into three groups. The first group should include the executive authority – the Cabinet of Ministers of Ukraine, the Ministry of Infrastructure, the State Aviation Service and the Department of Aviation Transport Ministry. The second group – the authority of the legislature. The third group includes the President of Ukraine as the highest official who does not belong to any branch.

ORGANIZATION OF DOCUMENT IN COURT: CURRENT STATUS AND WAYS TO IMPROVE

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The article is based on the position of scientists investigated the understanding of the nature category «workflow». In the document it is advisable to understand the courts – the creation, processing and flow of information, which is fixed on paper or electronic media that is carried on the legal framework, which aims to streamline relations in the organization of the judiciary in general and the openness and accessibility of the administration of justice.

Document in court classified into two components: 1) the document, which accompanies the process of administering justice directly – automated workflow system; 2) document management as part of organizational activities internally, which is associated with the movement of documents on information, personnel, material and technical concerns and direct the organization and functioning of the judiciary.

In turn organization of documents in court – the distribution and consolidation of powers between the judicial staff employees to create, process and information flow, which is fixed on paper or electronic media that is carried on the legal framework, which aims to streamline relations in the organization of the judiciary in general and the openness and accessibility of justice, and control the court staff for the timely and proper performance of their duties.

In this article the author proposed to amend the Council Decision of Judges of Ukraine № 30 and ordered SJA Ukraine № 188 of 26.11.2010 approving the Regulation on automated workflow system to unify categories court paperwork in court, and exclusion of these categories of explanation: «Court», «judgment», «executive document».

LEGAL ASPECTS OF CREATING AND USING TEMPORARY SERVICE ZONES IN SHIPBUILDING

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The article investigates the mechanisms of creation and development of a practical application of temporary free customs zones of the service type in shipbuilding. Analysis of the research in this field indicates the absence of legal acts in the national legislation for the development of the shipbuilding industry and maritime complex in general.

In Ukraine the maritime industry determines largely and contributes significantly to the development of the country's economy. Therefore, the purpose of creating free customs zones of service type in shipyards is to attract direct investments and develop regions by creating an attractive investment climate. Free customs zones of service type play a large role in the foreign trade of shipbuilding and repair enterprises as an effective factor of increasing the competitiveness of the industry.

Since 1973, when the Kyoto Convention was signed, a free economic zone has been defined as a peculiar foreign trade enclave inside which the goods are considered to be outside the customs territory.

Free economic zones in the form of free customs zones of the service type are spread widely in many countries, and multinational corporations consider them as the territories contributing to receive superprofit. Industrial manufacturing enterprises with a special customs regime which make exportable or import-substituting products are placed in them. In addition, there they also receive and carry out the customs clearance for imported components, spare parts, materials, etc. for building and repairing ships.

These zones have tax and financial incentives and contribute to expanding integration of related industries involved in the project development, construction and operation of ships.

CHARACTERISTICS OF CERTAIN THE PRINCIPLES OF INSURANCE AND GUARANTEE DEPOSITS OF INDIVIDUALS

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This article is devoted to the principles of guarantee and deposit insurance. It is carried out analysis of the relationship of the insurance and guarantee deposits, makes suggestions on the classification principles guarantee and deposit insurance. The principles of security and insurance contributions include: the principle of parity of the state and other parties insurance relations and guaranteeing deposits of individuals, the principle of full and timely redress the insurer, the principle of formation and expenditure of insurance funds on a pro rata basis, and others.

The development of insurance business in Ukraine affecting a variety of factors, including availability of appropriate legislation, the political situation, economic performance, public policy, international obligations and so on.

The study of the principles of deposit insurance and guarantee individuals today is important because of the need to develop guidelines for the implementation of activities taking anti-crisis measures in the economy and the system of guar-

anteeing deposits of citizens, will strengthen the financial security and reduce the risk of default of deposits of physical persons encourage citizens to invest. Recognized international standards of the insurance market affect not only the well-known types of insurance (life, health, property), but also financial risks insurance, which is a type of insurance contributions (deposits) individuals. With the global economic development processes and our state must implement international standards for insurance, general principles and leading ideas that lie at the core insurance business as a whole and to guarantee and insurance of individuals' deposits in particular.

CONCEPT STATE COERCION IN THE AGRICULTURE OF UKRAINE

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"State compulsion" as a legal phenomenon was explored in different aspects of the works of Soviet, Russian and Ukrainian scientists, such as: V.B. Averjyanov, A.B. Agapov, S.S. Alekseeva, O.M. Bandurko, D.M. Bahran, E.O. Bezsmertnyy, K.S. Belskyy, Y.P Bityak, O.I. Galagan, E.S. Gerasymenko, E.V. Dodin, M.I. Eropkin, O.T. Zymy, V.V. Ivanov, A.V. Koval, T.A. Kolomoets, V.K. Kolpakov, A.T. Komzyuk, D.A. Lipinskyy, D.M. Lukjyanets, M.S. Maleyin, M.Y. Maslennikov, R.S. Melnyk, O.I. Mykolenko, N.R. Nizhnyk, D.M. Ovsyanko, L.M. Rosin, N.G. Salischeva, O.F. Skakun, V.D. Sorokin, O.V. Surilov, S.V. Tikhomirov, V.P. Chaban and others. V.I. Kurylo, O.P. Svitlychnyy, O.G. Bondar and others explored control in the agricultural sector of Ukraine in their writings.

The purpose of this paper is to study the notion of state compulsion and the application it by officials in agriculture, the definition of state compulsion in agriculture of Ukraine.

In legal literature special attention is paid to the investigation of public (state law) compulsion and its particular species. However, state compulsion is seen as an essential attribute of state-organized society. The researchers rightly point out that the government and enforcement are closely linked because the state cannot exist without compulsion, in addition to the modern era, it is the only source of law on violence. State compulsion is regarded as a special state reaction of the person of authority, for the offense; mental or physical state influence (bodies or individuals) to certain persons for the purpose of encouraging, forcing to perform legal rules.

Examining the issue of state compulsion, we must recognize that agriculture it is used in the person of authorized agencies and officials, which are the State Agriculture Inspectorate and its territorial bodies and officials – Chief Inspector of Agriculture of Ukraine, his first deputy and deputy chief state inspectors of Agriculture of the Autonomous Republic of Crimea, Kyiv and Sevastopol cities, first deputy and deputy chief state inspectors of Agriculture of the Autonomous Republic of Crimea, Kyiv and Sevastopol cities, senior state inspectors of agriculture of Ukraine, agricultural inspectors of Ukraine.

In accordance with the Regulation of State Agriculture Inspectorate of Ukraine for officials was entrusted with the following powers in relation to the application of compulsion measures in agriculture (not considering the imposition of penalties under the Administrative Code of Ukraine):

– to draw up an inspection acts, protocols on administrative violations and examine under the laws of administrative cases, to give binding instructions (instructions) and be submitted in accordance with legislation relevant to the inspection of materials to bring the perpetrators to justice;

– unhindered inspect in accordance with legislation institutions and organizations of all forms of property owned and used by businesses and

individuals, to conduct inspections on matters within the competence of State Agriculture Inspectorate of Ukraine;

– to receive in accordance with legislation of the central and local executive bodies, executive bodies of the Autonomous Republic of Crimea, local authorities, enterprises, institutions and organizations regardless of ownership documents, materials and other information necessary to carry out the tasks of State Agriculture Inspectorate of Ukraine;

– to apply to the prosecutors of the application for submission to the court to claim for compensation for loss of agricultural and forestry production and return of illegally or temporarily occupied land, the use of which term ended;

– to cause people, including officials, to submit oral or written explanations on issues related to violation of land legislation;

– to transfer to the prosecutors, the police and the criminal investigation acts checks and other materials of the act, which are signs of a crime;

– to conduct in cases, specified by law, photography, sound recording, film and video as an aid for preventing violations of land legislation;

– to prohibit exploitation of machines and other technical equipment for agriculture, if their condition does not meet the technical requirements of the regulations on the quality parameters of adaptability and safety, occupational safety and environmental protection, threatening the lives and health of employees and create the potential for accidents;

– to check in tractor-driver drive license and to stop machines for checking the technical state if there is evidence of their technical malfunction and more.

So, the state compulsion in agriculture is an activity of state inspectors of agriculture of Ukraine in the Autonomous Republic of Crimea, Kyiv and Sevastopol cities and regions according to their assigned responsibilities. In particular, it is a state supervision (control) over the use and protection of land, seed and seedling, quality of plant variety rights, safety of agricultural products, soil fertility, operation and technical state machine.

LEGAL COMPONENT INFORMATION SECURITY IN THE ELECTRONIC MONEY IN UKRAINE

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ERI information security at SBU

Systems of electronic payment instruments currently under development and formation. Just constantly improving mechanisms for protecting electronic payment systems from threats of various nature. An important element of information security systems of electronic money is legal and regulatory component that also needs continuous development in accordance with the requirements of today. Analysis of scientific literature suggests that the problems of the regulatory component of information security in the electronic money system in Ukraine is still not investigated and needs further scientific study. In view of the foregoing, the scientific analysis of the regulatory component of information security in the electronic money system in Ukraine is extremely relevant and important.

The paper investigated the basis of legal information security in the electronic payment system in Ukraine. Determined that the existing regulations do not fully solve the problem of information security legal system of electronic money in Ukraine. Thus, modern scholars point out the need for research on the theoretical and practical level issues related to support safety in the operation of electronic payment systems. Subject to the applicable legislation, the author specifies a list

of items the regulatory component of information security system of electronic money in Ukraine. Established that these elements are: legislation of Ukraine; other regulations; regulations of the National Bank of Ukraine; rules of the payment system; rules of electronic money. The characteristic of individual elements of the regulatory component of information security system of electronic money in Ukraine. Identified promising areas for further research of the studied issues.

SEED GROWING AS THE OBJECT OF ADMINISTRATIVE AND LEGAL REGULATION

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Legal basis of seed growing regulation are determined by the Constitution of Ukraine, The Law of Ukraine "On Seeds and Planting Materials", The Law of Ukraine "On Protection of Plant Varieties", and other laws, normative and legal acts adopted in accordance with them.

In Art. 1 of the Law of Ukraine "On Seeds and Planting Materials" the definition of seed growing as the sphere of crop production that secures growing of seeds and cultivated plants materials as well as certification and state monitoring while its turnover is given.

Relying on the basis definitions of legal regulation and its main features administrative and legal regulation in the sphere of seed growing has been defined as the whole set of key means of state influence on public relations such as legal relations, rules of law, clarification acts, legal norms usage for the purpose of ensuring protection of rights and legal interests of citizens, legal persons and the public interest of the state and society characterized by the presence of a specific subject, methods, types and stages of the influence on public relations to regulate them.

Thus, it can be stated that seed growing is the object of administrative and legal regulation and it can be defined as follows: system of social relations to implement complex interrelated organizational, scientific and agrotechnical measures aimed at the production, sale and use of agricultural seeds and planting material, forest, ornamental and medicinal plants governed by the rules of administrative law to ensure protection of rights and legal interests of citizens and legal entities, state and society in general.

SECTION 8
CRIMINAL LAW AND CRIMINOLOGY; PENAL LAW

PREVENT ILLEGAL MIGRATION AS A MEANS OF INSURANCE OF HUMAN SALE INTO SLAVERY AND SUBSEQUENT OPERATION

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Legal or illegal migration as the phenomenon, leading to an increase the population of certain regions multiculturalism States and leave their mark on the demographic and ethnic processes. Migration also adversely affect on the important economic, social processes. A striking example is the all regions of Ukraine bordering with neighboring countries. As a result there (especially in the big cities that are overcrowded) observed inability to meet the needs of migrants (economic, social, ethnic, cultural, linguistic, etc.). Which often give rise to ethnic conflicts, increased ethnic tensions. However, the more negative consequences for Ukraine as a state of law, is illegal immigration its own citizens to foreign countries.

The concept of illegal immigration provided by the international acts and applicable law as a crime. Illegal migration is closely connected with cross-border crime and organized crime affecting the domestic criminal situation in the country. This rare case where illegal immigrant gives himself to the "destination". In all other cases, the process of transferring migrants from one country to another, or across the border of a country is an organized process of criminal groups that in some cases cooperating with law enforcement, which is their income business.

Illegal migration is a national and international problem, which implies the need to regulate both the universal and regional levels. As the number of illegal immigrants is growing and their "final destination" as usually is a country advanced economies. Of these reasons, a restriction of movement is one of the necessary measures to safeguard man from slavery and exploitation. As one of the possible options for reducing illegal migration of women and children – is to reduce demand their in developed countries. It should prevent in their own country the activities of criminal gangs, which is professionally engaged of "delivery" migrants for exploitation.

We believe that one of the options for reducing illegal labor migration is the need for cooperation with the countries of the "third world". We propose to invest in various sectors of their economy, taking into account their geographical position and traditions of certain goods, etc.

ACTUAL PROBLEMS OF COUNTERACTION GAMBLING BUSINESS IN UKRAINE

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Since the beginning of market economy transition in Ukraine there has been the problem of gambling business counteraction. That causes damage to citizen's interests and prevents the government body to realize fiscal functions. One of the most dangerous crimes in the sphere, that has harmful influence on human's health and economical safety of the state is gambling.

This question has hardly ever been so actual as it is nowadays. Economical crisis in the state is a background factor of the fact, that makes unemployed and material unsecured people take part in underground gambling. A negative phenomenon of gambling, a pathological addiction to games of chance has being developed in Ukraine, as in many other countries of the world. Crimes in the sphere of gambling are rather new, as article 203-2, that foresees responsibility for participating in gambling has become legal only in January 2011. It is worth mentioning, that at first gambling occupation was qualified by article 203 of Criminal Code of Ukraine "Forbidden Kinds of Economical Activity Occupation". And only after corresponding changes in Criminal Code of Ukraine article 203-2 "Gambling occupation" was distinguished. Actually since that moment legal gambling has stopped its existence.

Separate aspects of the question of consideration were the theme of investigation of a wide range of national and foreign scientists, including Topchiy V. V., Fris P. L., Kovalenko V. V., Dziuba H. M., Toporetski Z. M., Hirnyk A. P., Aidemsky Y. V., Chernyshow H. M., Zhuzha O. M., Sevastianov R. A., Lapunina N. N., Litvinov O. M., Smirnova O. O., Panov S. L., Lohotkin V.D. The object of the author is to distinguish the main problems of gambling counteraction, connected with hiding and disquise of gambling under the title of different kinds of legal entertaining enterprises.

According to the law of Ukraine "Gambling Prohibition in Ukraine", activity is forbidden that is connected with organization, conducting and giving opportunity to access to gambling in casinos, on playing apparatuses, computer simulators, in bookmaker's offices, in interactive enterprises, in virtual casinos. This law provides restriction concerning gambling realization in Ukraine. On the basis of the constitutional principles of priority of human rights and freedoms, populations moral and health defense, prohibition of property usage that harms population and society.

ISSUES LEGAL STATUS VICTIMS OF CRIME "DISCLOSURE OF A MEDICAL EXAMINATION ON THE DETECTION OF INFECTION WITH HIV OR ANY OTHER INCURABLE CONTAGIOUS DISEASE"

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The article deals with the problematic issue of the legal status of the victim of crime "Disclosure of information on medical examination to detect infection with HIV or any other incurable contagious disease". The relevance of this topic is that recently opened in the scientific literature rather broad debate on the need for respect for the rights of the suspect, accused, defendant and convicted, forgetting about the victim. Unfortunately, more prevalent in our opinion a negative trend when

members of the legislative, executive and judicial branches of our state, NGOs, and sometimes representatives of foreign states, for whatever reason, to look after the mass start only "heavy" fate of criminals: murderers, rapists, drug dealers, extortionists, thieves, etc. seeking, amnesties, pardons. A striking example of the implementation of such an attitude is, in our opinion, the infamous Law of Ukraine "On the humanization of criminal and criminal procedural law" № 270-VI dated 15 April 2008. Indicative of this article is the fact that the law on criminal liability, as opposed to criminal procedure does not even contain a definition of a victim of crime. In criminal law, the concept of the victim of the crime, is present only in theory, in turn, puts the victim role, not in the last place, though, as rightly stated in modern scientific sources, the problem of victims of crime in criminal law is complex and interdisciplinary nature and yet sufficiently developed. The author concludes that today in Ukraine there is no real legislative mechanism for state protection of rights and legal interests of citizens, victims of crime, we provide by law to waive sanctions in criminal law, to punish attacks on the person her life, health, honor, dignity, integrity, security, and other personal rights, freedoms and legitimate interests of the penalties of a fine and community service, replacing them with other types of punishment other than a receipt of state revenue. That is, by law to stop the practice, that "punishment for the crime" becomes in practice a kind of "tax" paid by the offender to the state for the commission of a crime against its citizens and for the actual failure state, Ukraine has its own law enforcement function that, even under with the general theory of state and law belongs to the basic constants of internal functions.

TYPES OF PUNISHMENTS FOR ARTICLE 197 OF THE CRIMINAL CODE OF UKRAINE AND SOME QUESTIONS IN RELATION TO THEIR SETTING

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The problem of assignment of appropriate punishment remains one of the difficult one and not fully developed one. The question of assignment the punishment concerning breach of duties in relation to storage or protection of somebody's property is not an exception.

Sanction of the Article 197 of the Criminal Code provides: 1) penalty up to 50 tax-free minimum incomes of citizens; 2) public work for a term of 120-240 hours; 3) corrective labour for up to 2 years; 4) imprisonment for up to 2 years.

It was found that during the period from 2003 to 2013 the courts often prescribed penalty (63.89%), then – the restriction of freedom (25%), public work (9.72%), and corrective labour was intended only 1 time.

Thus the problem of dualism of tax-free minimum incomes for criminal law applies to the analyzed crime. The author also found that public works are clearly underestimated form of punishment for breach of duty in relation to storage or protection of property. Instead it was proved that the corrective labour should be excluded from sanctions of Article 197 of the Criminal Code. It is noted that in most cases the imprisonment could be appointed without his actual serving (using Articles 75, 76 of Criminal Code).

Also it's noticed that actually highlighted problems are much deeper as they are related to the lack of certainty of criminal law, the absence of detailed and clear rules in the law, criteria for sentencing and etc. Therefore, the issue of penetrations for breach of duty in relation to storage or protection of somebody's property requires a deeper understanding and further study.

BIOLOGICAL SIGNS OF FACE OF MINOR OFFENDER AS AN OBJECT OF CRIMINALISTICS RESEARCH

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In the article the biological signs of face of minor offender are investigated as an object of criminalistics research, shown influence of these signs on efficiency of opening and investigation of crimes. On the basis of the points of view of scientists and practical workers expounded in scientific literature drawn conclusion that they: represent original appearance of man (characteristic to her features) in a material environment; represented in the material tracks left in place of commission of crime; used for authentication (group or individual) and are obvious and accessible for direct perception. Under the biological signs of face of minor offender it follows to understand the signs of his appearance, that have a capacity for a reflection in a material environment as tracks, (material) obvious and accessible for direct perception and authentication.

It is found out on results the studied archived materials of criminal realizations, this statistical Ministry of internal affairs of Ukraine, and also results of questionnaire of practical workers of organs of pre-trial investigation, which one tracks of crime, represent biological signs peculiar to the minor offender. By them are (exposures located after frequency in place of feasance of criminal offences minor from those, that appear mostly, to those that appear rarer in all): tracks of hands (fingers and palm's surfaces), tracks of shoe, tracks of teeth, lips and other skin canopies (brow, nose, cheek and others like that), and also different inscriptions (tracks).

The results of analysis of the archived criminal realizations in relation to minor testify that the feature of exposure of the tracks left by a minor offender in place of event is that 17-18 to the minor do not mainly accept measures in relation to the concealment of tracks of crime.

Self research of biological signs of face of minor offender gives possibility to set forth practical recommendations in relation to the use of this information for effective investigation and opening of the crimes accomplished by them.

THE CORRELATION OF CONCEPTS OF «TERRITORIAL INTEGRITY» AND «TERRITORIAL INVIOLABILITY» IN THE CRIMINAL LAW OF UKRAINE (ARTICLE 110 CC)

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The article is based on analysis of the concepts of «territorial integrity» and «territorial inviolability» existing in science of international and constitutional law, it is determined the relationship of these concepts to the needs of science and the practice of criminal law in Ukraine. It is established that territorial inviolability is a broader concept and includes the concept of territorial integrity. Both terms characterize the condition of the territory of Ukraine but distinct aspects. Territorial inviolability characterizes the condition of territory of Ukraine from the standpoint of external conditions, which is fully detected its social value. Violation of the territorial inviolability of Ukraine may have the effect of

violation of the integrity or other socially dangerous consequence for the territory of Ukraine.

The title of the Art. 110 of the Criminal Code should be amended in a way that violate the territorial integrity was only one type of violation of territorial inviolability.

Furthermore the disposition of art. 110 of the Criminal Code in need of such extension in which this article will guard not only from social-dangerous attacks on the integrity of the territory of Ukraine, but also from other social-dangerous infringements of territorial inviolability.

COUNTERACTION TO DRUG CRIME IN THE INTERNET: CURRENT CHALLENGES

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Scientific article is devoted to the range of problems of distribution of the virtual drug dealing in the network of Internet, to description of him basic displays, analysis of international experience in this question, and development of methods of fight against them.

Drug crimes present a considerable danger for society, pulling after itself not only a threat to life and physical health of man but also to psychological firmness of whole society. Now Internet-space offers not only the wide choice of drugs, their precursors but also gives the detailed information about the order of their making. Also, the major problem is distribution of "heavy" and synthetic drugs.

In Ukraine drug traffickers use the benefit of Internet for own profit much better, then state authorities do it, to control them. It creates the necessity to improve the way of fighting with a drug criminality in a network. It is possible, first of all, by making everyone, who is responsible for fighting with drug crimes, more competent in all details of work with worldwide network.

Also necessary for this are effective programs that will watch activity of criminals in a network and will create possibility to watch the place of their stay and motion. Undoubtedly, we need the improvement of national legislation in this field. For resolving this question it is necessary to appeal to the corresponding international acts.

Thus, the virtual drug dealing in the network of Internet is the very issue problem of the day and it needs the detailed research and creating immediate ways of fighting with this. Drugs are the negative phenomenon for development of both: the separate state and the whole world society. And a network of Internet is a good base for their distribution. That's why it is necessary to enter the effective methods of fighting against such negative phenomenon, as a virtual drug dealing.

TO THE QUESTION ON DEFINITION OF FINANCIAL FRAUD

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Development of the world economy and market relations led to an increase of the role of Finance. Involvement of cashless payments, distribution of banking and other financial institutions, emergence of international financial institutions, active use of new information technologies for financial transactions, etc. have led to increased manifestations of fraud in financial sector. Both public and private finance fall under the risk of fraudulent acts.

In their scientific works Ukrainian and Russian researchers provide different definitions of financial fraud.

We stand on the position that financial fraud should be considered in a broad sense and should not be reduced to a particular understanding of the offense. Financial fraud, we believe, is a criminological category, a phenomenon which has a number of features.

Among the features of financial fraud there are:

1) the sphere of assault – financial sector, that is economic relations concerning formation, distribution and use of centralized and decentralized funds;

2) specific subject of criminal assault. Typically, individual businessmen or officials of the economic operators who have necessary knowledge of accounting, law, etc.;

3) Financial fraud is a crime that mostly has complex mechanism of criminal acts.

Financial fraud is a criminological phenomenon, which constitutes criminal activity and is expressed in the system of penal and legal actions committed by fraud or abuse of trust in the process of formation, distribution and use of funds for the purpose of obtaining a pecuniary advantage.

INCEST AS ONE OF THE MOST ANCIENT CRIMES AGAINST SEX MORALITY

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The article under discussion deals with the notion of sex morality. Besides, it presents a primary attempt of its protection in the history of mankind. A particular emphasis has been laid on the incest as one of the most ancient, the most dangerous and the widest-spread crimes against the sex morality. The notion of incest, the reasons of its prohibition, its universal nature, as well as the ways of punishment for it and opposing to it, have been investigated in the article.

Unlike the modern human being, the primeval one had an absolutely different perception of the sex morality. There is no doubt, the system of various prohibitions (the so called "taboos) was the cornerstone of this morality. The violation of the latter taboos has been severely punished. Incest has been considered as the commonest, the most typical and the most dangerous deviation from the moral imperatives during the ancient times.

Incest prohibition is one the most ancient ones that had been existing for quite a long time. Besides, it has promoted the differentiation of a human being from among the animals, the creation of the present-day world and society. Marital and sexual relations between the closest relatives

were considered as a kind of criminal and legal limitations, and their violation might be easily associated with a crime against sex morality.

The sex morality has also been perceived as an inviolable component of the modern society on the whole, and it's every member in particular. It serves as the essence of being, as well as guarantees its future. Today we are the witnesses of various prohibited processes that take place hand in hand with economic, political, social, and legislative changes. The crisis of morality (including the sex one) is the ultimate result of such processes. The purchase of sexual services, the liberalization of homosexual marriages, the constant spouse betrayals, as well as other phenomena of the kind are not surprising any more nowadays. Unfortunately, these are the phenomena that are neither prosecuted by the law, nor perceived by the present society as something forbidden and unacceptable.

Thorough attention should also be paid to incest which is an extremely dangerous phenomenon, though there exists no criminal liability for it. However, it is one of the reasons for numerous felonies. Taking into consideration the above mentioned factors, it is expedient to presume that investigation of incest has always been and will always remain very important. Furthermore, the primary task of the nearest future is to consider this phenomenon on a new level.

NATURE OF PUNISHMENT

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The article is devoted to the nature and content of such criminal legal category as "punishment". The approaches of various scholars on the definition of punishment and its typical meaning. The author focuses on revealing the content of the concept of "punishment", with a focus on legal definition as well as scientific.

Research and analysis of the concept of punishment, its legal nature is paramount, because without it it is impossible to understand the meaning, direction, purpose, warning and educational value. As previously noted, punishment is an expression of corporate (social) relations that arise between the state and the offender, so the penal acts can be attributed only to those acts that alter, destroy or threaten the interests of the state and society.

Therefore, in order to punish members of society, each state establishes the legal acts (the Code) for specific acts, the commission of which is prohibited by the threat of punishment.

The peculiarity of the research concept of punishment is that its definition prescribed by law (Article 50 of the Criminal Code of Ukraine). Criminal punishment as a concept in the criminal sense expresses the basic provisions that govern society and the state, applying to persons found guilty of criminal offenses, sanctions, determining their meaning and purpose, principles of purpose and fulfillment.

The problem of punishment, its concept, content always were the focus of national science of criminal law. Uncontested, regarding the concept of punishment, content, objectives, features dozens of points of view expressed.

The punishment on the one hand is the measure of state coercion used by the court to the person who is guilty of a crime and convicted for causing deprivation or limitation of certain of his rights and freedoms (penalty), on the other hand – set by the State in the public interest to achieve useful result. Thus coercion (punishment) – a means by which the desired result is achieved.

SECTION 9
CRIMINAL PROCESS AND FORENSIC SCIENCE; FORENSIC EXAMINATION; OPERATIVELY-SEARCH ACTIVITY

INVESTIGATION TRAFFICKING FOR LABOR EXPLOITATION INVESTIGATIVE TEAM

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In this scientific article the current legislation of Ukraine that regulate the interaction of the investigator and the operational unit in the investigation of crimes, including trafficking for labor exploitation. Emphasized that one of the key conditions of the effectiveness of disclosure and investigation of trafficking is permanent investigative team .The relevance of this topic is that the current situation in Ukraine on trafficking for labor exploitation reflects the situation in many countries, because law enforcement agencies are increasingly noted the spread of this type of crime analyzed the latest materials trafficking investigations that were in the proceedings of the Interior Ukraine in 2012-2013, and the information contained in the annual report of the International Labour Organisation states that citizens of Ukraine threatens a significant risk of human trafficking for labor exploitation both internationally and domestically. Because law enforcement urgent question of methods of investigating crimes related to trafficking for labor exploitation .Also concluded on the presented material. Given that crimes related to trafficking for labor exploitation, relating to complex crimes as investigative team formed to improve the efficiency of the internal affairs investigation in criminal proceedings. Initiative in creating the investigative team has come from the most qualified investigator who is investigating the proceedings on crimes related to human trafficking. At the opening of proceedings under Art. 149 of the Criminal Code of Ukraine, the investigator shall immediately refer the submission to the heads of the Interior to accept the decision to establish investigative team . The presence of the taking of evidence and establishing appropriate circumstances and must be a legal basis for the establishment of investigative team with the appropriate fixing of the Criminal Procedural Code of Ukraine.

PROBLEM OF THE USE OF DNA ANALYSIS IN THE INVESTIGATION OF CRIMES

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The article reviews the features and possibilities of using modern molecular biological methods of research in the investigation of crimes. Attention is focused on the need to develop a legal framework in the field of DNA analysis, especially with regard to databases designed to investigate crimes. Analyzed the prospects of opportunities in Ukraine DNA analysis in combating crime and carry out social functions.

Requirements of today pose the task of investigating authorities to implement the system evidences the increasing capabilities of modern forensic examinations. One effective means for proving the involvement of the suspect to the crime is the method fingerprinting in biological examination or DNA analysis of the research microtraces at the cellular level. This allows us to identify the offender in the wake of blood, saliva, semen, epithelial cells, tissues and parts of the human hair.

The presence of significant advantages of this method in the investigation of criminal offenses with fast and totally excluded from the circle of suspects implicated in the commission of the crime, to identify perpetrators of crime with a high degree of confidence in the reliability of the evidence in the case in court.

PERIODS OF FORMATION OF JURY SYSTEM IN UKRAINE IN THE LATE XIX – EARLY XX CENTURIES

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The jury law has been chosen the criterion for periodization of the history of the jury because it shows the qualitative changes in the progress of this institution. The study of jury law which was in force on the territory of Ukraine in the late nineteenth – early twentieth century has identified four periods of the institution functioning:

I period – from November 20, 1864 until May 9, 1878 – was characterized by evolutionary development of the institute of jurors, since the Legal statutes of 1864 which enacted the jury system in the Russian Empire were in fact acting in their maiden form;

II period – from May 9, 1878 until July 7, 1889 – became a crisis for the jury system, as a chain of socio-cultural, legal and political reasons led to significant limitations of the jury competence;

III period – from July 7, 1889 until March 4, 1917 – brought general positive changes in functioning of the jury, improved trust of both public and the government in this judicial institution and therefore we can state onset of the next stage of evolution of the jury;

IV period – from March 4, 1917 until January 17 (4), 1918 – became the second period of the jury crisis due to historical events that eventually led to its termination.

The analysis of formation of the jury system in Ukraine in the late XIX – early XX centuries and detailed study of law and practice in each of the abovementioned periods allow us to see both positive and negative aspects of the subject institution, to identify weak points that need to be addressed more carefully and accordingly improved, and to obtain the necessary conclusions required for proper functioning of the jury in modern Ukraine.

MATERIAL TRACES WHEN INVESTIGATING TAX EVASION

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The article is devoted to topical issues of crime investigation in the field of taxation. Material traces of tax evasion are considered. It was found that the material traces of committing tax evasion always be well documented. In most cases of this crime, these tracks are not erasures, etching or other corrections of this kind, and belong to the group of fake intelligence.

Depending on how the offense, the type of unpaid tax, areas of economic activity where the crime was committed, the information about it can be contained in various documents and be expressed in a different form. It is noted that the material traces of tax evasion revealed in documents containing financial and economic activity and tax calculations, such as accounting documents and reports and documents relating to the economic substance of financial and business transactions. To point out that the main carriers of the material traces of committing tax evasion is the primary documents, because they are the basis for the accounting of business transactions and record the facts of business transactions.

It is noted that in them the above documents outward signs of committing a crime under Art. 212 of the Criminal Code of Ukraine, of course not contain. These features are in the content of documents in the form of distortion or falsification.

It is concluded that the study of the material traces of the crime to determine the presence of the fact of a tax offense reveal his method and mechanism for criminal actions, time, place, range of persons concerned and a number of other circumstances of the crime. The specificity of the detection material traces of tax evasion is that in this work and for this type of crime is important not only and not arithmetic or normative document analysis, whether or not on it or in it financial or technical counterfeiting, and to determine the economic content operations, information contained in the documents.

TYPES OF LEGAL LIABILITY IN THE MODERN CRIMINAL PROCESS IN UKRAINE

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Article is devoted to the content of civil, criminal procedural, administrative and criminal liability in the criminal process. The article states that criminal liability should be provided procedural criminal offenses that occur within their respective relationships associated with the failure of a party to the criminal proceedings of duties having public danger, which requires criminal prohibitions. Draws attention to the fact that the positive disciplinary liability should be an obligatory element of procedural mechanism. To ensure the effectiveness of retrospective disciplinary action, a fair trial, to prevent encroachment on the independence of the prosecutor and the substantial limitations on the powers of the investigator, careful attention should be paid to the implementation of a remedial order such liability. The main theoretical propositions, which were obtained in the study are: approval of unconditional existence in the modern criminal trial procedural responsibility occurs within the criminal legal proceedings by application of sanctions under the

rules of criminal procedure law, torts in criminal proceedings has such violations participant provided rules of criminal procedure law, contained in the action part of offenses committed during the criminal procedural legal and property damage caused to persons or entities.

SUBJECT QUESTIONING IN CRIMINAL PROCEEDINGS FOR MISAPPROPRIATION OF VEHICLES MADE BY THE MINORS

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Present research is devoted to the analysis of the investigator's actions on the inquest preparation stage in such criminal offenses as vehicle misappropriation by the minors precisely the subject of inquest activities determination. In particular the characteristics and classification of the circumstances under article 91 the Code of Ukraine to be proved to in criminal proceedings, as well as the circumstances under article 485 of the Criminal Procedural of Ukraine to be established to in the criminal proceedings against the minors.

Author has summed up the results of investigative and judicial practice research and consultations with the experienced specialists about the inquest preparation in such criminal offenses.

The author proposes a list of questions designed to fit all possible situations that are composed in various stages of the pre-trial investigation. In particular, they can include: interrogation of the minors suspected in misappropriation of a vehicle that is made after the identification and review of the stolen vehicle; interrogation of the minors suspected who held up the discovery and inspection of the subject crime; interrogation of the minors detained by police officers or citizens on-site parking a vehicle during an attempt to commit a criminal offense; interrogation of the minors detained by the police or citizens while traveling in stolen car (motorcycle).

MOTIVE FOR THE CRIME OF CRIMINALISTICAL CHARACTERIZATION OF THEFTS, PLUNDERS AND ROBBERIES COMMITTED BY JUVENILES

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The article is devoted to the motive of the crime as part of criminalistical characteristics of thefts, plunders and robberies committed by juveniles.

One of the elements of criminalistical characteristics of thefts, plunders and robberies committed by juveniles is a person of the offender and that in its study should focus on considering the motives of committing these crimes.

The motive is the most problematic institution of criminal proceedings. Investigation and Litigation characterized by poor quality motive establishment of criminal acts and simplistic explanation of the causes of crime.

Motives for juvenile crimes differ from motives that are committed by adults, especially, due to the age and social status indicators.

According to the data obtained during the investigation of criminal cases and juvenile surveys, specific motivation minors are: lack of experience, influence others, tendency to imitation, the desire for self-care and effort to get rid of adults (parents, teachers), incorrect assessment of specific life situations, especially in the interpretation of concepts such as friendship, respect, courage, honesty, and so on.

Based on the findings of criminal cases, analysis of normative legal acts and scientific views can be noted that establishing motive of committing a crime is one of the key points in the commission of the criminal proceedings in the juvenile as a whole and in the investigation of theft, robbery and robbery in particular.

Clarification of motives helps improve forensic characteristics of thefts, robberies and robberies committed by juveniles and forensic measures of prevention.

PLEA BAGRAIN – ADVANTAGES AND DISADVANTAGES OF THE NEW CRIMINAL PROCEDURE INSTITUTE

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With the adoption of the Criminal Procedural Code of Ukraine 2012 in the national legal system many new institutions were introduced, including agreements in criminal proceedings. Widely spread abroad, this legal phenomenon is unusual for the national criminal justice system.

The purpose of this publication is to explore the advantages and disadvantages of procedural form of the plea bargain, especially its content and meaning to the criminal process in Ukraine.

This problem investigated by such scholars as M. Havronyuk, D. Lukyanets, L. Holovko, I. Zhehulov, V. Nor, M. Shumylo, V. Honcharenko, A. Portnov, O. Volobuyeva, M. Pohoretskyy etc.

Author tells the history of the plea bargain. It is said, that nowadays, the current law system provides 2 types of deals in criminal prosedure – mediation and acceptance of guilt, other words, the plea bagrain. In the author's opinion, it will be appropriate to introduce changes to the Criminal Procedure Code of Ukraine, and to predict the possibility of a plea of guilty in the proceedings with the victim, and only after that to secure the mediation agreement between the victim and the suspect / accused. Thus, it would be appropriate to allow concluding an agreement on the recognition of guilt after approval of guilty act by the court. Author considers that, it is necessary to make appropriate changes to the Criminal Code of Ukraine, which provide lower punishment than is required by law, not only by the court, but the prosecutor, in order to eliminate conflicts and contradictions.

Despite a significant number of gaps and conflicts, the implementation of the plea bargain is a positive step in the establishment of an effective system of human rights protection in criminal proceedings, as well as establishment of the modern model of criminal procedure that complies with the European requirements and standards.

SECTION 10
JUDICATURE; PUBLIC PROSECUTION AND ADVOCACY

SOME ASPECTS IDENTIFICATION OF ADVOCACY BY LAW OF UKRAINE «ON ADVOCACY AND ADVOCACY ACTIVITY»

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In this paper we conducted a legal analysis of the concept of «advocacy», which is enshrined in the Law of Ukraine «On Advocacy profession and Advocacy practice». Based on this concept, which consists of protection, representation and other forms of legal assistance, we disclosed issues of relations between the lawyer and the person requires representation of judges. Also highlighted in this attempt to resolve these relations in accordance with the Rules of legal ethics amended in 1999 and the Attorneys ethics edition of 2012. An attempt to partially disclose the problem of the possibility of rejection attorney representation or defense of a client when the client pleaded guilty. In our opinion, should pay attention to the lighting activities lawyer and compared it with the work simple lawyer. Interesting in our opinion was the previous Article 40 of the Rules of legal ethics in which states that the customer may at any time and for any reason (or no for each item) to terminate the agreement with a lawyer unilaterally. In the new Rules of legal ethics in the art.32 is a supplement on the fee and the possibility of payment in the event of termination of the contract by the client. Another interesting issue to uncover problems advokytskoyi activity is to represent the essence of which is to ensure that the rights and obligations of the clients in civil, commercial, administrative and constitutional justice, other government agencies, to natural and legal persons , rights and responsibilities the victim in cases of administrative violations, and the rights and obligations of the victim, civil plaintiff, civil defendant in criminal proceedings. This means that the representative has the ability to carry out the will of another person in the implementation of its legal rights and interests, but within the knowledge and competence of the representative. Analysis of the nature of species advocacy, value concepts with practical implementation leads to the conclusion that most of the types of advocacy can perform simple and lawyers who do not have the status of a lawyer. It would be nice to carry on the legislative level, a clear separation between lawyers and lawyers with lawyers' testimony which haven been don yet in order to separate the powers, functions and scope of each of them. This way we will know exactly what jurisdiction belongs to whom. In our point of view also it would be good to detail work of a lawyer that he can also perform some duties on the cort.

FEATURES OF PROSECUTORIAL ACTIVITIES FOR THE PROTECTION OF FOREST RESOURCES

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In accordance with Part 1 of Article 1 of the Forest Code of Ukraine under forest should understand the type of natural systems, which combines mainly wood and shrub vegetation with appropriate soil and herbaceous vegetation, fauna, microorganisms and other natural ingredients that are interrelated in their development, affect each other and the environment. It is a great national asset Ukraine.

Wood plays a significant economic, ecological and economic role. According to the purpose and placement of forests Ukraine serving mostly water protection, safety, hygiene, health and other functions and address the needs of society in forest resources.

The total area of forests and forest land to other categories of land – 10.8 million hectares, of which are covered with forests – 9.7 million hectares. Forest of the country is 15.7%. For 50 years the forest cover has increased almost 1.5 times, and the wood stock – in 2,5 times.

Stock of wood in forests is estimated at 1.8 billion m3 within.

Forest resources as one of the main components to ensure human life to be protected.

Legal protection and use of forests in Ukraine is provided by the Constitution of Ukraine, the Forest Code of Ukraine (Ukraine LC), the Law of Ukraine "On Environmental Protection", "On Flora", "Animal Kingdom", "On the Nature Reserve Fund" Code of Ukraine on Administrative Offences (hereinafter CAO), etc., orders and decrees of the President of Ukraine, Cabinet of Ministers of Ukraine, subordinate regulations.

The issue of legal regulation of forest resources is the subject of research Y.S. Shemshuchenko V.I. Babenko, O.V.Holovkina, A.A. Matviytsya, N.R. Kobetskoyi, O. Kobets and another scientists.

According to Article 4 LC Ukraine to Ukraine's forest are forest areas, including protective plantings linear type, area of at least 0.1 hectares and all forests in Ukraine, whether on land which categories they are growing, and regardless of their ownership, are forest fund and Ukraine are under state protection.

To the forest fund are not green areas within settlements (parks, squares, boulevards, etc.) that are not included in the prescribed manner to the forest, some trees and groups of trees and shrubs on agricultural land, homestead, cottage and garden areas.

According to Article 1 of the Law of Ukraine "On Environmental Protection" task of the legislation on environmental protection is to regulate relations in the sphere of protection, use and reproduction of natural resources, environmental safety, prevention and elimination of the negative impact of economic and other activities on the environment, conservation of natural resources, genetic stock of wildlife, landscapes and other natural systems, unique natural areas and objects related to the historical and cultural heritage.

Forest legislation is part of the environmental legislation and formed on its general principles, taking into account the specific ecological relations, resulting in the forest.

State control over the observance of the rules, regulations and other legal acts of forestry with environmental legislation on conservation, protection, use and reproduction of forest resources, in accordance with Articles 28, 29 of the Forest Code of Ukraine, carry specially authorized central executive on forestry and environmental protection in the area of forest relations and their territorial local authorities.

According to the Decree of the President of Ukraine № 1085/2010 of 09.12.10 "On the optimization of the central authorities" central executive authority on forestry is the State Agency of forest resources of Ukraine, and central executive body for environmental protection is the Ministry

of ecology and Natural Resources of Ukraine.

According to Article 34 of the Law of Ukraine "On Environmental Protection" task control in the field of public relations is to ensure compliance with the legislation on environmental protection by all state bodies, enterprises, institutions and organizations regardless of ownership and subordination, and citizens.

HISTORICAL ASPECT OF BECOMING LEGAL BASIS OF TRAINING PROSECUTOR IN USSR

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Today in the prosecution Ukraine paid much attention to the improvement of the right to practice basic areas of the prosecution, including updated legislation, industry legal documents regulating activity in certain areas of the prosecution. Ensure compliance of the constitutional functions of the Prosecutor's Office of Ukraine, of course, depends on the training of prosecutors, which is one of the most important areas of staff management in the prosecution of Ukraine. The range of tasks which include the organization of continuous learning – training and skills development.

Creating appropriate conditions for full and comprehensive development of professional competence of prosecutors impossible without studying the historical experience of the legal framework of advanced training in Soviet times. The relevance of the chosen topic is also due to the fact that effective reform is usually carried out on the basis of historical experience. The historical aspect makes it possible to focus on the positive and negative achievements in shaping the legal basis of the modern model of training of prosecutors.

The author conducts research historical aspect of becoming a legal framework of advanced training of prosecutors USRS. What will help to improve the legal framework for a unified system of training of prosecutors and investigators and integration into the national system of continuous and systematic training.

Concludes that an analysis of the historical experience of the legal framework of training prosecutors and investigators to draw conclusions, in particular, the process of the legal framework of training prosecutors and investigators match depends on the development of regulatory support of the prosecution as a single centralized system and of professional development in all spheres of the economy of the Soviet state. Given the nature of the construction and development of the Soviet state, the formation of new legislation, government, shows that proper attention given legal framework for the establishment of skills development only after 1947. During the formation of a unified legal framework for the training of prosecutors and investigators prosecutors broke the biggest growth process of education and the quality of the job descriptions of the prosecution.

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