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VALUE CONCEPTS OF «LEGAL AID» AND «LEGAL SERVICES» IN THE JURISPRUDENCE AND LEGISLATION OF UKRAINE

The article deals with current trends in the use of concepts «legal aid» and «legal services» in the jurisprudence and legislation of Ukraine. Based on the analysis of different scientific perspectives, international documents, as well as applicable laws of Ukraine in article were made the following conclusions. The definition in the law of legal aid at the level of international, constitutional and industry legislation did not provide certainty in the application of the concepts of «legal aid» and «legal services». The

provision of legal aid advocacy should be seen as a kind of professional activity and legal services – as a kind of business activities that have other persons to whom the legislation of Ukraine gave the right carry out such activities. The right to legal aid in the context of the rights and freedoms of man and citizen acquires legal status. Legal services do not acquire legal status in this context. Therefore, in the Ukrainian legislation proposed for the institute advocacy of use of the term «legal aid».

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INTERPRETATION OF THE ESSENCE OF THE STATE IN THEORETICAL HERITAGE B.O.KISTYAKIVSKYI

Scientifically and theoretical heritage of Ukrainian state adeptness, sociologist and philosopher of law B. O. Kistyakivskyi was the subject of a deep and comprehensive study of domestic scholars mainly during the last twenty years, which meant a full edition of his major works in Ukrainian.

Preparing to print his essays on the methodology of the social sciences and the general theory of law, issued in 1916, and protected in February the following year as doctoral thesis in Kharkiv, a scientist placed in this book chapter XI «The state and identity», in which, according to his words he developed the idea of

pre-publication. It starts with such an unattractive characteristic of this phenomenon: «The state even in the present times is fear and trembling». In the minds of many, the government is somehow ruthless despot that stifles and destroys people. State – is a monster, a beast – Leviathan, as it was nicknamed by Hobbes, which absorbs people completely, without a trace. B. Kistyakovskiy, focusing on clarifying this important issue, specifies the contents of the following questions: «But whether the state is created and exists to oppress and exploit the individual person? Is it real, that the features of the public life which are listed above are so familiar to us is an essential and integral sign?» And without any reservations «We should respond most strongly negatively to these questions». The basis for this claim was the scientific belief that the real objectives and goals of the state «are to exercise solidarity interests of the people», because through the state help we can achieve what we want, what is the most precious and valuable to all people. In this sense, according to B.Kistyakovskiy, «the state itself is spatially and internally fully comprehensive form of organized solidarity among the people.» Building these conceptual positions of Ukrainian state adeptness

modern scientists write: «In fact, all cultural humanity lives in public unions. Cultural human being and the state – two concepts that complement one another». It is clear that people create, protect and defend their state not only for mutual abuse, oppression and extermination. In other case the states will fall apart and stop their existing. Never state could not survive for long just by violence and oppression. The era of reform started and the country is going on the way of realization of its true objectives and the true purposes «All these tasks and goals of the state briefly accumulated by definition of B. Kistyakovskiy in the formula – the common good.

Thus, determining the nature of the state as a social organization of people, B. Kistyakovskiy not absolutized role of the state, but argued that it was implemented using state goals that are relevant and are valuable for everyone. Contributing to the growth of solidarity between members of a particular society, the state ennobles a human, raises it, gives an opportunity of development, achievement of its goals. This concept is raised to the level of scientific formulas, he said, «it succinctly expressed goals and objectives of the state» and hence it's essential purpose.