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Editorial address:
International Humanitarian University, office 202,
Fontanska road street 33, Odesa city, 65009, Ukraine,
tel. (048) 719-88-48, fax (048) 715-38-28, www.vestnik-pravo.mgu.od.ua

THEORY AND HISTORY OF STATE AND LAW

Andreienko O.L.,
Ph.D. student,
Lviv State University of Internal Affairs

INSTITUTE FOR SELF-HELP IN INTERNATIONAL LAW: HISTORICAL AND LEGAL RESEARCH

In the system of international law, as well as within each order, protection of rights and interests of its subjects if it is necessary can be carried out using coercion. The most important form of manifestation of coercion in international relations is the international legal sanctions play major role in the protection of international law, since through them the subjects of international law react on the international delinquencies.

In historical retrospect of international legal sanctions applied first in order of self-help. However in the formation and development of international relations, especially in the context creation of international organizations, approvals purchased collective (institutional) character. Under current international law, coercion in the international arena if necessary by comes true decentralized (one or more states, in the order of self) and centrally (using international institutional mechanism by international organizations). Each state as a sovereign subject of international law has the right to coercion. Since creating international organizations, state sovereignty is absolutely lost and not abandoned its original and universal right of coercion.

It is well known that coercion in international law has always been closely associated with the concept of force. However, the use of force in international relations, as the case may be lawful or unlawful in accordance with an international law. Since coercion in the legal sense is only permitted by international law to use force. Permitted use of force in international law is enforced tyranny.

The vast majority of the doctrine is both classic and contemporary international law agree that is the essence of self-help is the use of force. Power in international relations may have different manifestations: military, economic, political, financial, commercial, scientific, technical, cultural, ideological, informational. However in the context of self-help in addition to political and economic power also provides the possibility of coercive measures of a military nature. Latest in fact are the most dangerous among other coercive measures of self-help, through that as their implementation should occur only on legal grounds in terms of operating in a specific historical period of international law.

Bedrii M.M.,
Candidate of Law Sciences,
Assistant Lecturer, Department of law base of Ukraine,
Lviv National University nemad after Ivan Franko

CHASING THE TRACK IN UKRAINIAN COMMUNITY PROCEEDINGS (XIV-XVIII CENTURIES)

The procedural action of chasing the tracks originated in the pre-state society in the judicial practice of community courts. After forming the state, it was applied and developed by «verv» courts of Kyiv Rus and Galicia and Volyn state and later this investigative action was adopted by successors of these bodies – community courts. Chasing the track got its normative backing at the national level (in Ruska Pravda and Statutes of Grand Lithuania Principality) and the specification of the implementation features could be occurred at the local level (for example, Galician Charter of M.Buchatskyi in 1435).

In the case of a murder, a theft or another offence a victim searched for the tracks left by an offender. Then he called witnesses, close neighbors and strangers, and he headed for the place where the tracks led with this «numerous community». When the track led to some house or herd, the community court called the owner of the house to «divert the track» that is to refute the suspicions pointing atthe guilty person or his «track». When the suspect diverted the track, the victim went on as long as they found the guilty person. When the track led to another village, the community and victim called the village's representatives and demanded to give the offender or divert the track. If the village refused, it had to pay «tiatba» (reward) to the victim «sale» (hryvnya) to the community court.

When the track couldn't be led outside the village and the community didn't defend the wanted person, the track led from «the land» to «the land» or from the yard to the yard. The peasant diverting the track beyond his territory considered to be «rectified» and he wasn't brought to justice. If the villagers didn't want or couldn't divert the track, if they didn't want or give the offender, if they destroyed the tracks, the village or individuals owning real estate had to take responsibility.

Bernadskyi B.V.,
Candidate of Historical Sciences,
Associate Professor, University of Economy and Law «KROK»

ON THE REGULATION OF PROTECTION OF STATE SECRETS IN THE FIRST WORLD WAR

There was an increase rivalry of the great powers, which led to the improvement of legal regulation of state secrets in the early twentieth century. First of all it was defined by measures aimed at combating high treason and espionage. Thus, the Russian Empire was not a clear definition of «state secrets.» There was no a detailed list of information constituting a state secret also.

During the 1908-1914 years, these disadvantages were eliminated to some extent. However, the notion of state secrets has been reduced to the military component. To a large extent it was a result of the conviction of Joint Staff of all warring states in agility and short duration of the future war.

This rule-making fever in this issue coincides with the eve of the First World War. During the tension growing over those two weeks, opinion of the list of prohibited data varied and their list grew. The public also met these documents ambiguously.

The final document, which can be considered analogous to the List of information constituting a state secret was prepared in July 29, 1915, on the special condition that it was agreed with the Minister of Interior. He has covered not only military issues but also economic and political life of the country, including information that could discredit the government.

However, we must note that period of military secrets in Russia never got the finished appearance of a de jure. During the war the lawyers went after their German counterparts.

Without going into details, we note that the German jurisprudence has considered all the information of a military nature, which were unknown to the foreign country, to be military secrets.

Burukovska N.V.,
Candidate of Philosophy Sciences,
Senior Lecturer, Department of philosophy and social-humanitarian disciplines,
Kiev University of Law National Academy of Sciences of Ukraine

TO SOURCES OF UNDERSTANDING OF THE CONCEPT «CRIME» OF ANCIENT GREECE: PHILOSOPHICAL AND LEGAL ANALYSIS

The sources of formation and evolution of the concept «crime» during the Antic philosophy epoch which was often identified by Ancient Greek thinkers with violation of any moral standard and manifestation of asocial behaviour of the individual is made attempt to analyze in this article.

Also the author researched the correlation of two basic concepts for the theory of criminal law and process «crime» and «punishment» in their historical development. The special attention at the paper pays the measure of punishment for the carried out crime, which in the ancient world had been more harsh punishment than criminal act.

On the basis of the retrospective analysis of works of Ancient Greek thinkers (for example, Heraclites, sophists, Platon, Aristotel etc). did the conclusions about the characteristic ideas of Antic epoch: correlation of concrete legal systems with universal human values of justice and morals and improvement on this basis of category of social justice; often the identification of the positive law with a crime.

In general the antique period in the historical development of doctrines about the state and the law became the beginning of formation of law as independent jurisprudential scientific discipline and bases for modern understanding of such basic concepts as social justice, natural and positive law, crime and punishment etc.

Vasilenko M.E.,
Candidate of Pedagogical Sciences,
Lecturer, Department of law disciplines,
Sumy branch of Kharkiv National University of Internal Affairs

THE STRUCTURE OF THE PROFESSIONAL FEATURES OF LEGAL CONSULTING

According to the educational standards and curricula of «Law» discipline the future lawyers study the basic fields of law, history of their development in Ukraine and foreign countries, administrative, civil and criminal processes in jurisprudence, stowage of judicial documents from civil and criminal cases,

basis of organization and functioning of advocate, notarial, judicial and law-enforcement bodies in the process of professional preparation.

Every profession has specific features of objects, maintenance, instruments and terms of labour, which influence on requirements to mentality and body of a professional and define the semantic features of worker's readiness to this activity.

Therefore we need to highlight the scientific grounds in the sphere of professional analysis of legal professions to determine its requirements to professional preparation of students to consultative activity and in the sphere of defining the professional features of consultative activity of lawyers to clarify the maintenance of criteria of their readiness to this activity in the process of determination the structure and maintenance of readiness of future lawyers to consultative activity.

In general among the principles of legal advising the specialists specify on an impartial nature of advising, acceptance of independent professional decision keeping the borders of legal help between a consultant and a client, validity and frankness of the legal decisions accepted by a consultant.

The scientific and methodological approach to the organization and realization of legal advice bases on the related triad of conceptual, judicial and value models of advising.

One of the most important aspects of stating the tasks which are put in the scientific article there is defining the influence of professional knowledge and skills on success of consultative activity of lawyers.

Besides the knowledge a lawyer requires the skills in analyzing the proper information to determine legally meaningful circumstances and to distinguish the main part from second-rate one; to focus on in normative information and to find the legal framework for the problem solving; to analyze the norms of law and judicial practice; to find the alternatives of client's actions for achievement the aims; to explain client legal framework and possible decisions of his problem clearly, sensible and accessible; to foresee the positive and negative consequences of client's actions; to foresee the results of the consultations in case of correct and wrong perception the recommendations by a client.

Vilchik T.B.,
Candidate of Law Sciences,
Senior Lecturer,
Department of organization of judicial and law enforcement authorities,
National University «Law Academy named after Yaroslav Mudryi»

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».

Voitovych N.P.,
Ph.D. student,
Lviv State University of Internal Affairs

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. Kistyakovskyi, 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.Kistyakivskoho, «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. Kistyakovskyi in the formula – the common good.

Thus, determining the nature of the state as a social organization of people, B. Kistyakovskyi 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.

Dashkovska O.R.,
Doctor of Law Sciences,
Professor, Head of Department of theory of law and constitutional law, National University «Law Academy of Ukraine named after Yaroslav Mudryi»

CONSISTENCY OF LEGISLATION AS A SIGN OF ITS CONSTITUTIVE

The essence of public power in a democratic state is the only source of power is the people who exercise power directly and through bodies of state power and local self-government. Its implementation in modern society is impossible without the acts of public authorities, local governments and their officials, which is an external manifestation of the exercise of authority, they reflected specific decisions representatives of public authorities to regulate certain public relations to achieve appropriate social, and in particular legal, consequences. The system acts with normative in legal science and practice is called legislation.

The legislation appears as a whole, organic, self-organizing systems only when the regulations are beginning to be seen in their relationships and hierarchy, as a kind of orderly integrity, trying to overcome their inherent conflict when it becomes possible to distinguish between the existence of the regulations of various types of bonds. Legislation is a system that must be integrating features such as flexibility, harmony and consistency of all elements. Thus between legal requirements are coordinating subordinate bonds. The first is a spatial ordering, consistent elements, their interactions across. The relationship of subordination governing vertical coherence of the components of the legislation, their interaction, manifested in the form of subordination.

Legal validity of a legal act determines the place which he occupies in the system of legal acts, the act of a lower void no conflict with the act, which has a higher legal force, cannot change or cancel it. In case of violation of these requirements, the legal act is declared invalid, the consequence will it change or cancellation.

So, all kinds of normative legal acts form a system based on hierarchical subordination. Due to the observance of the principle of hierarchical subordination provided formal logical consistency and coherence of legal norms. Each type of instruments is strictly defined level in the hierarchy of normative acts.

The general idea (there are other types of hierarchical systems) the hierarchy as «the principle of structural organization of complex multilevel systems is to streamline the interactions between levels in order from highest to lowest» on normative legal acts should be noted: (1) validity and social importance of each legal act depends on the place that is in the system of government authority that issued this certificate, the hierarchy of the relevant authorities; (2) acts of the lower must be in strict accordance with the regulations of higher bodies and should not contradict them, together , these acts must conform to the Constitution and not contradict it; (3) acts of higher and lower bodies should not substitute for one another; (4) the

most important public relations subject to legal regulations must be mediated only by law; (5) acts lower bodies may be amended or repealed only by those agencies that issued them, or higher than their bodies.

Komar M.S.,
Ph.D. student,
Department of theory and philosophy of law,
Institute of Law and Psychology National University «Lviv Polytechnic»

RIGHT TO A DECENT STANDARD OF LIVING IN THE HUMAN RIGHTS SYSTEM

A proper determining the place of the right to a decent standard of living in the human rights system is an important methodological issue in the study of nature and criteria for a decent existence of man and society as a purpose of the welfare state.

A humanistic approach to understanding human rights is the most characteristic of the modern domestic legal theory. The idea of human rights in the humanistic concept is derived directly from the idea of dignity. Fixing the human dignity as a personal subjective right and the constitutional principle leads to the recognition of equal dignity for all people and their equal importance for the society and the state, which results in the need to legally secure the human dignity, including by means of positive law.

The human right to dignity is specified in other human rights; their fixation, creation and implementation of guarantees for their ensuring and protection are ways for the state to implement human rights to a decent standard of living. The human right to a decent standard of living is in this context just one of many in the list of rights ensuring the implementation of the human dignity principle.

Within the welfare state theory recognizing man and his dignity as the highest values and decent human existence as a fundamental purpose – the practice of legal fixing and implementation of not only socio-economic human rights, but also generally of any rights, freedoms and responsibilities determining the legal status is regarded in terms of its ability to ensure the realization of the right to a dignified existence.

Understanding the place of the human right to a decent life in the system of human rights, when viewed in the context of the welfare state theory, acquires a specific interpretation. Legal recognition, fixing and implementation of the full range of human rights and freedoms are considered as a necessary condition to ensure a decent human life and as a purpose of the welfare state.

Manko D.H.,
Candidate of Law Sciences, Senior Lecturer,
Department of theory and history of state and law,
International Humanitarian University

TECHNOLOGICAL MECHANISM OF LAW AND ITS CORRELATION WITH LEGAL ACTIVITY

The article deals with the technological mechanism of law, in the context of the disclosure of juridical technique and technology as a basis for legal activities. It was researched by the distinctive characteristics of juridical technique and technology, and especially their relationship with legal activities.

Effective legal activity in the modern state is related to many factors, among them a special and decisive importance given to the juridical techniques and methods of it realization.

The priority of human rights and freedoms is an indisputable sign of the rule of law, and therefore imposes certain procedural requirements for the organization and relationships in a modern state. However, the functioning of legal subject authorized to perform legal work should be based not only on the «rule of law» and strict compliance with legal requirements in respect of the realization of their activities and results, but also the high level of «technological quality» of such operations.

At the same time, assessing the state of elaboration of these issues, it should be noted the lack of research in the field of legal technology. Accordingly, the study of the essence of the technology mechanism of law is an actuality direction of research in the general theoretical jurisprudence.

Technology Mechanism of law acts as one of the foundations of legal activity. It reveals not only the features of the order of creation of legislation, but also the requirements for authorized entities to solving legal problems. Technology Mechanism of law is a direction of the formalization of legal material, where legal technology contain a guide to using instruments of creation of law.

Novikova N.A.,
Ph.D. student,
Department of state theory and law,
National University «Odesa Law Academy»

INFORMATION IN THE LEGAL RELATION: PROBLEM OF DEFINITION

The article deals with the role which information plays in the legal relations in general and the state government in particular.

The administration of information is becoming more and more important. Information with its special features forms a new kind of relations, called informative-legal relations. Flows of information in the state are managed by media today which creates a new forth branch of power with strong influence on social relations.

Information had been understood as a message transmission until XX century. Now it is related to management and development. In ontological aspect information is not only a message but a possibility to transfer the message for processing in automatic system. In epistemological aspect information is data and it's using in legislation in this sense.

There are many different definition of information depending on the branch of science. Jurisprudence marks out some features of information which are important for law: a possibility to multiply usage of the same information; independence of information from its physical repository; a possibility of the preservation, integration and accumulation of information; systematization of information; quantitative determination; «undisappearance» of information in process of its usage.

Information should have an absolutely clear definition in order to be used in legislation.

Ukrainian legal doctrine and legislation has no precise notion of information. Legal doctrine and some state acts consider information as a fact or data that could be proclaimed or documented. Such notion ignores the fact that information may exist without documentation and that it is not only a static subject but also a data in process.

Ukrainian legislation has different notions of information in different documents. This situation creates many problems in legal practice and needs legislative regulation.

Popova N.O.,
Candidate of Historic Sciences,
Senior Lecturer, Department of intellectual property and civil-law disciplines,
Cherkasy National University named after B.Khmelnytskyi

UNITY OF UKRAINIAN LANDS IN THE UKRAINIAN LEGAL OPINION IN THE LAST THIRD OF THE XIX CENTURY

In our view, the idea of the unity of Ukraine to complete crystallization and politicization took place in several stages of their own development: 1) symbolic – from the early nineteenth century by the end of 1840, 2) organizational (or polemic) 1850-1870-ies, 3) Political-1880-1890s.

At the first stage of Ukrainian mostly on a subconscious level, purely intuitively identified themselves by ethnic lands within the two empires. It was not until 1840, in the second half of that on both sides of the border empires Ukrainian movement became politicized forms. Arrest Cyril Methodians and revolutionary achievements of Western Ukrainian not eliminated the idea of unity, but only re-actualized it became more obvious as the need to unite Ukrainian forces for joint struggle against empires. Now – on his second stage – the idea of unity was realized in the form of debate various ideological currents Ukrainians. Actually there was a kind of discussion of the major theoretical and practical components of the national territorial identity. To a large extent, the idea of unity depended Ukrainian national project, which became more pronounced with 1850-1870 he must assume that this relationship was mutually.

Finally, the idea of unity and politicize Ukraine crystallized in the «Brotherhood tarasivtsi» obviously – in M. Mikhnovsky. Brothers have seriously considered the Dnieper and Western Ukraine as a whole – the territory of a single Ukrainian-Russian people. Thus, the dissertation intelligence, based on previous achievements state legal opinion substantiated unity of the Ukrainian people and the Ukrainian ethnic lands. She believed that the single, spiritual, cultural, scientific, and later in the Ukrainian political space should be involved as Dnieper and Galicia, and, necessarily, Bukovina and Transcarpathia.

Trykhlib K.O.,
Ph.D. student,
Department of state theory and law,
National University « Law Academy of Ukraine named after Yaroslaw Mudryi»

GENESIS AND DEVELOPMENT OF THE TERM-NOTION OF «LAW»

Activization of integration processes in the world and particularly in Europe requires the elaboration of common legal standards, which must comply with contemporary demands of social development. An important component of this process is juridical terminology of different legal systems. Our research and analysis of juridical terminology we suggest starting with the most important for juridical science notion-term of «law».

Juridical terminology, particular aspects of general theory of the law's conception and hermeneutical questions were considered by various Ukrainian and Western scholars. The object of our investigation is the comprehensive study and analysis through the hermeneutical, logical methods, and also through the methods of linguistics and semeiotics the origins and the further development of the fundamental notion-term of «law».

The formation of juridical terminology and its evolution is a long and translational process, which originates as far back as in the Old Russian period of the state's existence and still lasts.

The origins of the notion of «law» go back to the pre-Christian epoch of archaic time. In the group of Indo-European languages (in Slavonic, Romanic and Germanic languages) the word «law» meant a normative system and the right side. The similar its meaning we find out in French, German, Spanish, Polish, Czech etc. The notion of «law» inherently had religion-ethical considerations.

In accordance with etymology, the notion of «law» dates back to the word «right» – «opposite to the left; just; upright (perpendicular) », which is the primary (original) meaning und the primary word form of «law». The word «law» in different languages has such primary meanings, as «upright» (hereof – «rule (reign) », «refer (route) ») and «the truth (righteousness) » (justice (true, right), truth/true, verity).

Through the linguistic analysis in the law-nomination occurs the objectification of natural, positivistic and integrative types of law understands (the conception of law). Thus, one of the first historical instances of integrative understanding of law is the legal phenomenon, which is represented in Slavonic linguistic modification by the term-notion of «law». That sort of legal phenomenon is the regulation, that guides the human behavior to (in the direction of) justice/right/truth.

Shalinska I.V.,
Ph.D. student,
Department of theory and history of state and law,
Lviv State University of Internal Affairs

ACTS OF «SOFT LAW» AND INTERNATIONAL RULE OF LAW

«Soft law» is new and yet unexplored phenomenon in the theory of state and law. Nevertheless the role of acts of «soft law» in the international and national rule of law cannot be ignored. That's why the theoretical research of the role of acts of «soft law» in the international rule of law is important and has practical value.

Recommendative, non-binding for the subjects of law character is one of the outstanding features of the acts of «soft law» among all other sources of law, which at the same time doesn't deny their legal character but determines special role of acts of «soft law» in the international rule of law.

The international rule of law consists of strictly defined at the legislative level sources of law which are: international agreements; international customs; general principles of law, admitted by the civilized nations; court decisions and the doctrine of the most qualified specialists in the field of public law of different nations as the subsidiary instruments for legal rules defining.

At the same time, non-binding acts of «soft law» can be transformed into acts of «hard law» provided that they are admitted and effectively enforced by the subjects of law during reasonable period of time.

Also almost every international agreement contains recommendative rules at least in its preamble. This part of agreement is targeted on outlining the goals and main directions of the co-operation of the member states of this agreement and thereafter is transformed into acts of «hard law» in the main part of agreement.

Transformation of the acts of «soft law» into acts of «hard law» in the international rule of law in some degree defines the acts of «soft law» as the forerunners of the international law making process and such tools, with the help of which the legislator can transform general tendencies and minimal standards into certain obligations for the subjects of the international law.

CONSTITUTIONAL AND MUNICIPAL LAW

Bed V.V.,
Doctor of Law Sciences,
Professor, Rector,
Carpathian University named after Avhustin Voloshun

THE RIGHT TO CHANGE OWN RELIGIOUS OR OTHER BELIEFS: COMPARATIVE-LEGAL STUDIES

Based on a common understanding of religious freedom as possible and guarantees of free religious self-identity, including the rights and opportunities for people to freely choose, profess, practice, propagate or modify any religion to have and enjoy all civil rights, regardless of membership or affiliation to any religion, equality of believers of all religions before the law, the absence of any discrimination based on religious principles and activities of religious organizations, religious organizations concerning relations with the state, respect for the rights of religious organizations, religious organizations concerned with the relationship, the author identifies key elements of law to religious freedom.

Alleged human right to change their religious or other beliefs include the freedom of religion, not all researchers. At a time when the church (religious organization) is separated from the state, the element loses its supposedly really important: it is right to profess any religion means the same and the choice of religion and the right to change it. However, this right becomes significant value in terms of religious tolerance, and especially – religious discrimination. There are many countries in which the development of the institute of religious freedom stoped at the threshold of tolerance. In these countries to practice religion in no way means the right to change the «state», «dominant» religion to another. This applies primarily Muslim countries and some European.

The right to freedom of conscience – the universal legal entity interacting with many constitutional rights and duties of man and citizen. Considered eligible in accordance with their characteristics due to both the spiritual world and with material and political facets of legal culture. Freedom of conscience has the characteristics of both private and public law. As one of the most important individual rights, freedom of conscience is one of the key positions in the hierarchy of basic human rights. The higher will be the level at which this right is, the basic principles of our state institutions will meet the most genuine democracy.

The author points out the right to change his religion or belief is enshrined in several international instruments on human rights. At a time when the church (religious organization) is separated from the state, the element loses its supposedly really important: it is right to profess any religion means the same and the choice of religion and the right to change it. However, this right becomes significant value in terms of religious tolerance, and especially – religious discrimination. There are a number of states, in which the development of the institute of religious freedom stoped at the threshold of tolerance. In these countries to practice religion in no way means the right to

change the «state», «dominant» religion to another.

One of the remedies proposed law is enshrined in the legislation of Ukraine prohibit any compulsion to determine its national religion (Part 2 of Art. 3 of the Law of Ukraine «On Freedom of Conscience and Religious Organizations»). With specified remedies is closely related to the concept of proselytizm.

Vikhliaiev V.V.,
Lawyer, jurisconsult of Classic Private University,
Ph.D. student, Institute of state and law named after V.M. Koretskyi
National Academy of Sciences of Ukraine

PROBLEM OF NOTION DEFINITION «MUNICIPAL ELECTION SYSTEM»

Nowadays there is no such a notion as «municipal electoral system»

The meanings of the notions include, firstly, they summarize the main information while researching our objects, secondly, they are basic for the further investigations.

We can't do anything without them in scientific research and in practice (for example, while electoral processes with the implementation of different kinds of municipal electoral systems).

The aim of our research is «municipal electoral system».

Because of the non-clarifying character of the notions, different descriptive non-relevant notions are used, which serve as methods: pointing out, description, explanation, making difference, comparison etc. All of them might be suitable, but while defining «municipal electoral system» one should use the rules determined by formal logicality.

As the defining the notion is a logical operation, with a process of clarifying the essence of the notion, one can't do away with the rules of logics.

Because of the not-understanding of the notions and the methods used for its definition, there is an artificially made-up discussion about the notions, dealing with the notion «municipal electoral system» in different meanings: narrow (electoral meaning), wide, objective, subjective, law-regulated, process etc.

In fact, different meanings of the notion with the help of the methods are used, give us the contents of the meaning, but do not reveal its essence in the aspect of definition.

Only the usage of rules of logics used for the above mentioned notion «municipal electoral system» will benefit for its conceptual status.

Volkova D.Ye.,
Assistant Lecturer,
Department of constitutional law,
National University «Odesa Law Academy»

NON-GOVERNMENTAL ORGANIZATIONS IN THE USSR: THE DOCTRINAL STUDIES OF TS.A.YAMPOLSKA

This article is dedicated to the constitutional study of the Ts.A.Yampolska's works on the constitutional status of NGOs. Ms. Yampolska was born in 1914, was the outstanding researcher of the Soviet times – Doctor of Law, Professor, Honored Scientist of the RSFSR. Based on a comprehensive study of her books, the provisions that can be used in modern Ukrainian by the science of constitutional law were found.

For the first time in the Ukrainian constitutional law science the author proposes to use some of the materials from the books about NGOs, that are quite old – issued in 1965, 1972 and 1984, during the years of the Soviet power.

The author has noticed, that the modern scientists ignore the Soviet period of the NGOs existence. But, firstly it is essential to understand the past in order to study the future. Secondly, some of the ideas and theories are still very up-to-date.

The author has studied the modern researchers on NGOs and the books of Ms. Yampolska. The article gives the results of the comparative analysis – what parts of these three books worth the contemporary researcher's opinion, and what parts may be skipped because of the Communist ideology.

Kulinich O.O.,
Head of law department,
State High Educational Institution «Zaporizhzhya National University»

SPECIAL (LEGAL) GUARANTEES OF CONSTITUTIONAL RIGHT TO THE EDUCATION OF HUMAN AND CITIZEN IN THE UKRAINIAN STATE: CONCEPT AND SYSTEM

The essence of special (legal) guarantees of the constitutional right to the education of man and citizen in Ukraine is analyzed in the article. It is noted that an important place in the system of guarantees for the protection of the rights and freedoms of the individual occupy precisely special (legal) guarantees. De-

spite the considerable researches in the public and legal science, it is still not developed a unified concept of the essence and the system of special (juridical, legal) guarantees, and all the more so specific guarantees of the constitutional right to the education of man and citizen. The classification of guarantees in general, which was begun by scientists of Soviet times, is disclosed by the author. Summing up the different positions of the scientists concerning the category of guarantees and special (legal) guarantees, the author gave his own definition of special (legal) guarantees of the constitutional right to the education of man and citizen. The normative and legal and the organizational and legal guarantees are highlighted in the system of special (legal) guarantees of the constitutional right to the education of man and citizen. The classification of the normative and legal guarantees depending on the form of objectification (constitutional and branch (civil, administrative, criminal, civil and legal, administrative and legal, etc.) and the content of the regulatory impact (material and procedural guarantees) is given. Normative and legal guarantees of the constitutional right to the education is defined as a system of legal rules and means established by the Constitution and the current legislation of Ukraine, with the help of which the realization, protection and defense of the constitutional right to the education of man and citizen are provided. It is shown that the normative and legal provision of the constitutional right to the education is guaranteed in Ukraine by the Constitution and the whole system of the current legislation (constitutional, administrative, civil, criminal, informative, etc.). It is emphasized that these special guarantees are fundamental, but only in conjunction with other guarantees, because only the relationship and mutual support can bring the highest result and quality.

Moskalchuk K.M.,
Head of law branch,
Assistant Lecturer, Department of civil proceeding,
National University «Odesa Law Academy »

STRUCTURE OF THE HUMAN RIGHTS' CONTENT

The article is dedicated to the general provisions of structure of human rights' content. The content is one of the three elements of the human right. So each human right consists of the object, the subject (subjects) and the content. It is very easy to figure out the subject (subjects), a bit more difficult to figure out the object of the human right (subjective right). The most difficult task is to formulate the content of human right.

For the first time in the Ukrainian constitutional and municipal law science the author proposes to distinguish two main approaches to the human rights' content: the descriptive approach and the integrative approach.

The descriptive approach is the simpler one. According to this approach, in order to describe the content of the certain human right it is enough just to list the possibilities the certain human right gives to its' subject (subjects).

The integrative approach is more complicated. According to this approach, in order to describe the content of the certain human right it is necessary to group the possibilities the certain human right gives to its' subject (subjects). They should be grouped in four groups. These groups should contain: a) the right the subject can use; b) the right the subject can behave according to; c) the right-demand (the subject of the right can demand the bodies of public power to do) and d) the right-claim (the things the subject of the right can demand the bodies of public power to do using the court decisions).

ADMINISTRATIVE, FINANCIAL, TAX LAW

Aksiukov S.M.,
Degree-seeking applicant,
Department of administrative law and proceeding,
National Academy of Internal Affairs

PLACE OF THE AUTHORIZED CENTRAL ORGAN OF EXECUTIVE POWER OF REVENUE AND DUTIES IN SYSTEM OF PUBLIC ADMINISTRATION

An author examines the issues of the day of public administration in the field of revenue and duties in the article. The features of legal status of the authorized central organ of executive power on revenue and duties, also his place in the system of public administration are examined. On results research the possible ways of improvement of the legal adjusting of legal status of this organ are offered. Reorganization of the authorized central organ of executive power of revenue and duties in a ministry resulted in a volume for this organ began to occupy some other place in the system of public administration and its legal status changed. In obedience to legislation, a ministry is the central organ of executive power which provides forming and realizing a public policy in one or a few spheres indicated by the President of Ukraine. Any ministry, as on the constituent of the system of organs of executive power has a lot of tasks implementation of which is not inherent for legal status of government services. Thus, the central organ of executive power is authorized in revenue and duties are the Ministry of revenue and duties of Ukraine will not only administer taxes and custom payments. It also will be possibility to form the policy of the state in the proper sphere. Such situation causes some remarks, because the Ministry of revenue and duties of Ukraine can get possibility to create a fiscal pressure, in separate industries.

Bodnarchuk O.H.,
Candidate of Law Sciences,
Associate Professor, Senior Lecturer,
Department of economic-legal disciplines,
National University of State Tax Service of Ukraine

ELIMINATING CORRUPTION RISK AS A KEY FACTOR IN THE FIGHT AGAINST CORRUPTION IN THE PENITENTIARY

The article examines the main issues of corruption risks that arise in the provision of administrative services to public authorities. It was determined that the main cause of corruption in the civil service is the corruption risks that affect their behavior, making it a «corrupt», highlighted the emergence and development factors. Particular attention is paid to factors that corruption risks that arise in the penitentiary. Among the most important causes and conditions conducive to the spread of corruption, moral decay scholars distinguish employees who despised the law. The main purpose of their activity is to get material gain. On the other hand, it should be noted that the level of social protection of the employees of the correctional system does not meet the established in the country's socio-economic status. Presently the penal system operating in an environment where there are no social benefits, long working hours, low wages does not match the scope and complexity of the work, the problem of logistics. Eliminating corruption risks in the personnel of the penitentiary system will eliminate the need for a criminal and penal laws should lead to improvement in their work, and this, in turn, limit the ability of prisoners with impunity violate the terms of penal and will promote the traditions of the prison subculture, and enhance the credibility of the employees of the penitentiary system population.

Velychko V.V.,
Senior operative agent in particularly important cases,
Department of state service in combating with economic crimes of
Internal Affairs Ministry of Ukraine

ADMINISTRATIVE AND LEGAL ASPECTS OF THE REPRESENTATION OF THE INTERESTS OF THE MINISTRY OF INTERNAL AFFAIRS OF UKRAINE IN THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION – INTERPOL

The article examines issues which related to the implementation of the individual tasks and powers of the Ministry of Internal Affairs of Ukraine in the framework of representation of the interests of our country in the International Criminal Police Organization – Interpol. Based on the content analysis of relevant current legislation highlighted features of the administrative and legal regulation of the National Central Bureau of Interpol in Ukraine and the staff. Approaches are presented and summarized by Russian and Ukrainian scholars of law to the determination of the legal personality of state executive power, in particular the Ministry.

Particular attention is paid to the issues of coordination and cooperation between law enforcement authorities of Ukraine with the participation of the National Central Bureau. Attention is drawn to the duality of the legal status of the Ministry of Internal Affairs, which acts as the subject of the executive power in internal relations and as a subject of foreign relations in the implementation of the Ukrainian party representation in international organizations. Determined the subject of administrative and legal regulation of the offices of the Ministry of Internal Affairs of Ukraine's interests, the content of which is a specific kind of social relations that arise in the course of participation in the common action to combat crime, the organization structure and activities of Interpol, as well as its working staff. In these relationships are realized goals, functions, structural organization of a particular organ system – Ministry of Internal Affairs of Ukraine, acting as the National Central Bureau and its related entities in the fields.

The conclusion is that the legal and administrative activities from the new Ukrainian bureau Interpol reflect the functional purpose of the Ministry of Internal Affairs as the central body of executive power. Thus, in the representation of the interests of the Ministry of Internal Affairs of Ukraine in the International Criminal Police Organization – Interpol, actualized the main purpose of the system of internal affairs and functions conferred on the police state.

Volik V.V.,
Candidate of Law Sciences,
Deputy Head of Department
Head of branch in work with projects regulatory legal acts of the
Donetsk City Council

PROSPECTS OF DEVELOPMENT OF THE LEGAL PROVIDING IN THE FIELD OF PUBLIC TRANSPORT

The grant of services in the sphere of public transport in Ukraine, as well as in any other country, has certain regulation from the side of the state. Taking into account a large value for a city and society of public transport of adjusting from the side of the state of this sphere it must answer the necessities of society and have time after the changes of economic environment the proper enterprises function in which.

A public policy must be directed on organization of the proper legal providing of activity of public transport, creation of the proper terms, for bringing in of investments and organization state private partnerships, support of public communal transport. Foreground job of the state is passing an Act of Ukraine «About a public transport» in which basic directions of public policy will be fastened in industry of public transport, certainly subjects of public transport, the legal status and co-operate with the state and organs of local self-government.

The organs of local self-government must realize the plenary powers given them taking into account interests of society which they present. The local organs of self-government can develop a communal transport or attract for realization of transportations of enterprise of other patterns of ownership, carry out measures the comforts of transport streams directed on providing by the increase of parking places or their limitation and also on equipping with modern amenities of settlement by limitation of entrance in the center of city or introduction for it of pay, motive of transit cars, not sent through a city, but use detour ways. In addition, taking into account the necessities of every separate city the unique controller's centers of management a public transport must be created. Every separate society must be determined for this purpose, in what method it follows to develop an own public transport and depending on it to carry out the subsequent normative providing of that or other model of development.

Enterprises, which carry out the activity in the sphere of transportations a public transport, must answer the certain requirements of the state and organs of local self-government with the purpose of grant of effective and high-quality services, and also to co-operate with the organs of local self-government and adhere to the rules of grant of services.

Requirements in relation to quality and order of grant of services in the field of public transport change constantly and consequently dynamic it must be and a legislation which touches this sphere and it in same queue predetermines subsequent scientific developments in this direction.

Volokhov O.S.,
Candidate of Law Sciences,
Specialist I category Accounts Chamber of Ukraine

BUDGET TRANSPARENCY AS THE GUARANTY OF DEMOCRATIC DEVELOPMENT IN UKRAINE

Some aspects of the provision of budget policy transparency in Ukraine are investigated. The author suggests that the budget transparency in Ukraine shall be provided in accordance with the Article 7 of Budget Code of Ukraine and due to the provisions of several international documents, like the European Charter of Local Self-Government, the Lima Declaration of Guidelines on Auditing Precepts, the IMF Code of Good Practices on Fiscal Transparency and others. Despite the fact that some budget information is already open for population, the problem of budget transparency in Ukraine is still an obstacle to democratic development. The author analyzes the current legislation and finds out that several provisions of Ukrainian laws dealing with the public information access, the public procurement and the public financial control which shall be changed to improve the budget transparency. Special attention is given to the work of the Accounting Chamber of Ukraine and its role in heighten of the budget transparency. It is said that the extension of powers of Accounting Chamber of Ukraine by the way of budget income control, local budget auditing and public industries fiscal control may improve the budget transparency. Also the author suggests that there is a need in dissemination of the audit results information. In conclusion it is said that the main problem of budget transparency in Ukraine remains to be in the lack of political motivation of government in this area of legislation development.

Hulak L.S.,
Senior Instructor,
Department of administrative and information law,
Training-Research Institute of Law and Psychology
National University «Lviv Polytechnic»

THEORETICAL FOUNDATIONS OF LOCAL SELF-GOVERNMENT FORMATION

Achieve the goal of the most complete coverage of theoretical and legal aspects of the phenomenon of local democracy promotes the relevant social ideas and scientific theories (concepts) origin of local self-government. Idea of

local self-governments performs specific cognitive functions. It gives primary information on local self-government, reflects the substantial that is inherent in this institution in various specific historical periods are characterized by and especially for countries that recognize it. That is reflected in the ideas of general and specific elements of any model of local self-government in their dynamics. The scientific potential of the idea of self-disclosed together these theoretical constructions of basic legal concepts and categories that are most relevant and contribute to the design theories of the origin of local self-government.

The existence of the idea of local self-government bodies associated with the spiritual heritage (general self-governing idea, the doctrine of natural rights and the civil society, utopian socialists, representatives of other lines of thought), it absorbed the most valuable social achievements of mankind.

The ideological source of local self-government is the doctrine of natural law, which since antiquity an important ideological currents. Evolving from naive to fundamental ideas of science-based opinions and legal principles, natural law, of course, had a significant influence on the idea of local self-government. The essence of the theory of natural law is the expression of ideas about justice, embodied in the universal principles of freedom and equality.

However, it is difficult to imagine such activities in the state government, which was held contrary to the national interest, which expresses a state. Therefore, the content of self-government legislation in each country proves that it can only be so special, how special is each of the rights of almost two hundred of the world community. Sure in this view of life territorial collectives modern foreign countries can be only if scientific analysis of local government and self-government and establishment fundamental differences between them, although both systems are aimed at solving problems at the local communities.

Diorditsa I.V.,
Candidate of Law Sciences,
Senior Lecturer, Department of criminal law, proceeding and criminalistics,
Academy of Labour, Social Affairs and Tourism

IN RELATION TO DETERMINATION OF COMPETENT COURT AT CONSIDERATION OF SOME ADMINISTRATIVE DISPUTES

Judicial practice in administrative businesses testifies to the presence of errors of practical application of norms which behave to jurisdiction definiteness, so with the cognizance of disputes administrative courts. In same queue, errors of courts during the decision of this question and jurisdiction conflicts, which relate to the kinds legal proceeding, influence on the improper providing of

principle of availability in a court.

On our persuasion under a subject cognizance it is necessary to understand distributing of administrative businesses between administrative courts which operate as courts of first instance, depending on the category of businesses (subject of an action).

As a result of the conducted research from this problematic we are do the row of conclusions, in particular such.

To the county general courts, as to the administrative courts defendant, administrative businesses concerning decisions, actions or inactivity of state performer or other public servant of government executive service, in relation to implementation by them decisions of courts.

Administrative lawsuits to the organs of the Antimonopoly committee of Ukraine are examined administrative courts, as this committee is a public organ with the special status, the purpose of activity of which consists in providing of state defence of competition in entrepreneurial activity which answers the necessary signs of organ of imperious plenary powers.

Kondratiev A.Yu.,
Degree-seeking applicant,
Department of administrative and economic law,
Zaporizhia National University

LEGAL REGULATION OF STATE STATISTICS IN UKRAINE: PROBLEMS AND WAYS OF IMPROVEMENT

This paper attempts to systematize the main regulations governing the issue of state statistics in Ukraine, there are ways to improve the legislation in this area.

Emphasis on the fact that today the state statistics in Ukraine is developing in conditions of significant social, political and economic change, administrative reform, the transition to international standards for statistical reporting.

Regulations governing the state statistical records, in Ukraine divided into two groups: 1) general regulations-regulations that regulate the organization of the state statistical records in Ukraine in general, and 2) specific acts, ie acts regulating the activities of public authorities and non-governmental agencies in gathering, processing and dissemination of statistical data.

The analysis of the Law of Ukraine «On State Statistics», formulated the following proposals for its improvement: a) the mandatory submission of all primary statistical data available on this site organizations (legal entities) regardless of ownership, and b) the preparation and submission of official statistical information industrial, commercial, financial, banking, educational, medical and other socially important processes in Ukraine, and c) the relationship of statistical and accounting, and d) the need for system-

atic publication of statistical information in electronic media.

It is proposed to increase penalties relative to officials and citizens, business entities that are consciously pursuing their own goals provide false statistics for the resonance lines of the state of Ukraine.

Korovaiko A.O.,
Ph.D. student,
Department of administrative and financial law,
National University «Odesa Law Academy»

INTERNATIONAL LEGAL FOUNDATION OF PUBLIC ADMINISTRATION IN THE FIELD OF FOREIGN AFFAIRS

The guarantee of effective and coordinated operation (functioning) of «administration machine», further improvement and modernization of the public management mechanism in the field of foreign affairs directly depend on proper legal foundation. Besides national legal provisions, significant role in foreign policy regulation is played by international legal norms. It is necessary to admit that the issue of international legal base created for implementation of public administration of foreign affairs has not been studied to the full extent, requires modern and detailed look at it.

The field of foreign affairs in comparison with other fields is grounded on substantial international legal base. The latter consists mainly of international treaties, which form a wide system of legal documents. Thus, this research work can offer a distinctive analyses of such legal acts as the Charter of the United Nations of 1945, the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Vienna Convention on the Law of Treaties of 1969, the Helsinki Final Act of 1975, the Charter of Paris for a New Europe 1990 and many others. In addition, special attention was paid to the European Union and Ukraine Association Agreement, the signing of which will lead to creation of new framework for foreign policy organization and cooperation between Ukraine and EU in various spheres.

The international customs and their role in foreign affairs management were not set aside as well. This article investigates and discovers the significance of customs, the value of which cannot be overestimated as in several cases customs act as the only instrument of filling treaty gaps and solving organizational issues of public administration in mentioned field.

Korsun S.I.,
Candidate of Psychological Sciences,
Associate Professor, Senior Lecturer, Department of legal Psychology, National Academy of Internal Affairs

THE MECHANISM OF ADMINISTRATIVE AND LEGAL REGULATION PREVENT OF TERRORISM FINANCING

In modern conditions the issue of preventing terrorism financing belongs to the complex world problems and is very relevant. The threat of terrorism makes politicians, public figures and scientists look for the causes that contribute to this negative phenomenon. However, the efforts of the progressive forces of humanity are aimed at finding ways of overcoming and preventing terrorist manifestations. Among the ways to overcome terrorism one of the most effective areas is blocking financial flows that feed it, which means that the creation of effective measures to prevent terrorism financing. The problem of preventing the financing of terrorism is quite versatile and is unexplored and systematized. The study of this problem requires the allocation of certain components, to elucidate the mechanism of implementation of international standards within their conceptualization of administrative law. Based on the data is the systematization of the data, identify gaps in national legislation and the formation of the necessary legal conditions for the normal functioning of the administrative regulation to prevent terrorism financing.

Relevance of the study of this problem is caused by the fact that in our country the problem of combating terrorism financing barely explored and existing studies are in the field of criminal law. However, the mechanism of administrative legal relations that should ensure prevention of terrorism financing, barely explored.

Preparation and implementation of administrative law norms enables create an adequate system to prevent terrorism financing. In turn, the administrative law directly implemented through the mechanism of administrative regulation.

As a result of systematic theoretical analysis in the article was defined the mechanism of administrative regulation to prevent terrorist financing. In our opinion – is a complex organized system of tools and forms that are interrelated and interact with each other by providing the necessary conditions for a system to prevent terrorism financing.

Koshyn N.S.,
Ph.D. student,
Department of justice, Law faculty,
Kyiv National University named after Taras Shevchenko

THE ROLE OF GUARDIANSHIP AND CUSTODIANSHIP BODIES IN PROOF

According to Art. 45 of the Civil Procedure Code of Ukraine (hereinafter CPC of Ukraine) guardianship and custodianship bodies can take part in civil proceedings in two forms: 1. application for protection of rights, freedoms and interests of others 2. providing opinions in the case. Participation of data in civil proceedings raises a number of theoretical and practical issues, as detailed regulation no.

These problems include discussion on the role of guardianship in the proof. Many scientists do not include these bodies to the subjects of proof. The most controversial is a provision when it comes to the second form of participation.

All controversies can be resolved if the inherent determine guardianship and custodianship bodies in each of the forms of participation is subject of proof. Signs subject of proof are that 1) it is the subject of civil procedural law, which has material or procedural legal interest in resalt of the case, and 2) it has the duty of proof and has right on proof, and 3) uses evidence to confirm or refute their claims, objections, conclusion of the case in general.

Thus, the guardianship and custodianship bodies are subject to civil procedural relationship, namely persons involved in the case – art. 26, 45, 46 CPC of Ukraine. Have a procedural interest in resalt of the case. Since these bodies belong to the individuals involved in the case, then have a whole range of competitive right – the right to proof when guardianship authority shall submit a claim for the protection of others, they are procedural plaintiffs and have all the rights and responsibilities by proof that both plaintiffs and must prove the circumstances to which they refer to as the basis of their claims and objections. When these agencies submit opinion to the court, they must justify and prove loyalty to the conclusion. Also with this form of participation of guardianship perform assembly, an intermediate assessment of the evidence, have the right to examine evidence, to examine them. That the guardianship and custody have rights and responsibilities proof and uses evidence to confirm or refute their claims, objections, conclusion.

Thus, guardianship and custodianship bodies are subject of proof in each of the forms of participation.

Kkhasravi O.Z.,
Ph.D. student,
Department of administrative and economic law,
Economy-law faculty,
Odesa National University named after I. I. Mechnikov

DEVELOPMENT OF ADMINISTRATIVE LAW OF THE RUSSIAN FEDERATION

This article analyzes the emergence and development of the science of administrative law in modern Russia.

Special attention is paid to the analysis of scientific thought on the development of the science of administrative law. The main works in the study area.

The main attention is paid to the classification stages of formation and development of administrative law in the territory of modern Russia.

The stud proposed next classification of the main periods of the development of science of Administrative Law of the Russian Federation:

1. The primitive period (up to the prince);

2. Princely period (period of Kievan Rus');

3. Tsarist period (mid- sixteenth century – 1917);

4. The Soviet period (1917 – the end of the 80s of the twentieth century);

5. The modern period (early 90s – at today).

It is concluded that the science of administrative law – is the theoretical position and methodological basis to ensure the process of studying, researching, analyzing and developing proposals, recommendations and concepts on the legal regulation of relations in the field of organization and functioning of public administration.

Lysenko O.M.,
Ph.D. student,
Department of administrative and customs law,
Academy of Customs Service of Ukraine,
Head of Customs processing brunch,
Chernihiv Customs Ministry of income

METHODOLOGY OF DETECTION AND SUPPRESSION OF VIOLATIONS OF CUSTOMS LEGISLATION

The article highlights the extremely actual problem of administrative-legal support of law-enforcement activity of authorities of income and charges by the way of setting and review of issues of some methodological aspects of this

sphere of law-enforcement at the stage of detection and stopping of violations of customs legislation.

The questions about the formation of a unified, cohesive, integrated and wich based on advanced norms of domestic and international law methodological system of the challenges of the law-enforcement direction with the prospect of its further perfection of normative-legal framework and practical application, were analysed.

The state of scientific researches of this problem, during which revealed the insufficiency of theoretical and methodological developments of the system, structure due to the application by the income and charges of norms of administrative-legal regulation, aimed at the achievement of the goals and tasks of law-enforcement activity in the sphere of customs legislation, was reviewed.

The essence and main stages of work of authorities of income and charges to detect and prevent violations of the customs legislation, which allocated a complex of general and special methods for the implementation of the specified activities, were revealed. In particular, the general methods, the main goal of which is to create the preconditions for the introduction of an efficient mechanism of counteraction to customs misconduct, including political, legal, economic, historical, organizational, control, information and advocacy.

Special methods that prove or disprove and concretize the efficiency common methods and wich are applied by the authorities of income and charges in practice, classified by individual criteria (depending on the steps of their application, the subjects of the offence, the object of infringement violation of customs regulations, the subject of authority, etc) and distributed separately on organizational, analytical, search (operational) and procedural.

Malchenko Yu.I.,
Ph.D. student,
Department of administrative law and administrative process,
Odesa State University of Internal Affairs

INTERNATIONAL COOPERATION STATE SERVICE OF UKRAINE ON DRUG CONTROL

According to the strategy of drug policy until 2020, international cooperation in the field of drug trafficking is an important part of foreign policy interests.

The article deals with the problem of international cooperation of the State Service of Ukraine on drug control, including the legal nature of international and national legal instruments functioning services, and legal public health, national security, and a number of other issues.

In accordance with the international treaties ratified by the Verkhovna Rada of Ukraine one of the basic tasks of the State Service of Ukraine on drug control

is to provide interaction and information exchange with international organizations and foreign competent authorities in narcotic drugs, psychotropic substances, precursors and combating illicit trafficking and represent the interests of Ukraine in this area in international organizations.

Thus, the activities of the State Service of Ukraine on Drug Control play a significant role in international cooperation to combat drugs.

The main forms of Ukraine State Service on Drug Control in international cooperation: press conferences, international conferences, roundtables with the media to improve the work, discussion and exchange of experiences in the fight against addiction.

Author points out that international cooperation, with proper regulation of this institution can be assured to achieve the highest high levels of activity in the State Service of Ukraine on Drug Control.

Myskiv L.I.,
Candidate of Law Sciences,
Senior Lecturer,
Department of international law and comparative jurisprudence,
Kyiv International University

ROLE OF THE UNO IN THE FORMATION OF «INCLUSION» AS A PROCESS OF PEOPLES' SOCIALIZATION WITH LIMITED ABILITIES

World trends of the persons' with limited abilities socialization call forth every country to introduce the policy of «inclusion», the necessity of making changes in the national legislation and creation of a related infrastructure for persons with limited abilities. International organizations are the initiators of the world inclusive company. So, in the UN framework were adopted some international documents, which call the governments and give well-grounded recommendations concerning implementation of the «inclusion'' in society. In the article the author analyses the activity of the UN, where big role plays the Secretariat that includes establishments which have the power to introduce into life the norms of the normative acts of the UN. So, insuring the realization of the convention on rights of invalids and Universal plan of actions concerning invalids in the structure of the Secretariat of the UN exist next organizations: The United Nations Development Programme (UNDP) – organizes the help to the state-members in the sphere of development. The United Nations Children's Fund (UNICEF); The Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Relief and Works Agency for Palestine Refugees in the Near East (BAPOR); The United Nations Human Settlements Programme (UN-HABITAT); The United Nations Industrial Development Organization (UNIDO); The World Bank. The research discloses the essence of the activity of these organizations.

Mozharovska K.V.,
Head of law branch,
Assistant Lecturer, Department of civil proceeding,
National University «Odesa Law Academy»

HONOR AND DIGNITY AS PERSONAL NON-PROPERTY BENEFIT OF PUBLIC PERSONS

The individual's right to respect for his honor and dignity is an inalienable right that is inherent to person, regardless of their social status, financial status, professional activity, etc.

Moral rights of an individual took their place in the subject of modern civil law Ukraine, acquired the status of an autonomous legal institution.

The Constitution of Ukraine and the Civil Code of Ukraine among the most important moral benefits people called her honor and dignity, which is the «highest value» of the state.

Honor and dignity are an inextricable link between due to the fact that they are based on a single criterion – morality, but they are not identical. The discrepancy lies in the fact that after an objective of public property, which is assessed subjectively person and dignity – a subjective self-assessment, depending on its inner spiritual world.

Personal non-property right of the individual to honor and dignity of providing access and opportunity to use such intangible benefits as personal honor and dignity.

Personal non-property benefits are such benefits that are lacked of proprietary content, inextricably linked with the subject of civil rights recognized by society, and therefore protected by civil law.

Personal non-property benefits of public figure can be divided into two groups depending on the type of civil legal objects they are:

1) moral benefits, which can be subject to both civil regulatory and civil enforcement of legal, health, family life of public figure, goodwill, etc.);

2) moral benefits that may be subject only of civil security relations (honor and dignity).

Petrovska I.I.,
Senior Lecturer,
Department of constitutional, international and administrative law,
Law Institute, Carpathian National University named after Vasyl Stefanyk

LEGAL BASIS OF FINANCIAL MONITORING: NATIONAL AND INTERNATIONAL STANDARDS

The development of market relations and administration in Ukraine led to emergence and introduction to the field of legal regulations the new form of financial control as monitoring. The objectives of this article are: the definition monitoring activities, definition the legal framework of those activities, the analysis of existing rulemaking instruments, which regulate the procedure for Financial Monitoring of Ukraine.

The Law of Ukraine «On prevention and counteraction to legalization (laundering) of proceeds from crime and terrorist financing» defines financial monitoring as the set of activities performed by the subjects of financial monitoring in the area of prevention and counteraction to legalization (laundering) of proceeds illegally obtained, counter-terrorism, comprising of state financial monitoring and initial financial monitoring.

The object of financial monitoring is the activity of the asset if there is possible risk of using these assets to legalization (laundering) of proceeds from crime and terrorist financing, as well as any information about such actions or events, assets and their participants.

State financial monitoring is a set of activities undertaken by entities of state financial monitoring, designed to meet the requirements of the law on prevention and counteraction to legalization (laundering) of proceeds from crime and terrorist financing.

Financial monitoring system consists of two levels – primary and state. Entities of the primary monitoring level are: banks, insurers (reinsurers), credit unions, pawnshops and other financial institutions, payment organizations, members of payment systems, acquiring and clearing institutions, commodity, stock and other exchanges, professional participants of the securities market , the company asset management, postal operators and other institutions that conduct transactions with the transfer of funds; branches or representative offices of foreign business entities that provide financial services in Ukraine and other specifically identified entities.

Entities of state financial monitoring are: National Bank of Ukraine, the central executive body that provides shaping and implementing public policy in the area of prevention and counteraction to legalization (laundering) of proceeds from crime and terrorist financing (State Service for Financial Monitoring of Ukraine) Ministry of Justice of Ukraine, the central authorities to ensure public policy in the field of postal services (Ministry of Infrastructure of Ukraine) and economic development (Ministry of Economic development and Trade of Ukraine), National Commission on Securities and Stock Market, National Commission for the State regulation of financial Services Markets.

The Designated Authority in the field of monitoring is Public Service for Fi-

nancial Monitoring of Ukraine. It is the central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Finance of Ukraine.

International standards and measures against the laundering of money obtained through illegal activity are developed by the FATF (The Financial Action Task Force (on Money Laundering).

Pozniakov S.P.,
Candidate of Law Sciences,
Senior Lecturer, Department of economic-law disciplines, Law faculty,
National University of State Tax Service of Ukraine

THE PRINCIPLE OF THE RULE OF LAW IN THE ADMINISTRATIVE AND LEGAL ASSISTANCE OF SOCIO-ECONOMIC DEVELOPMENT OF HUMAN

Article is devoted to theoretical problems of administrative and legal assistance in socio-economic development of the person and the role of the principle of the rule of law in the practical legal adaptation of the PPP Government activity-promoting «public-service nature. Analyses the theoretical position «legal assistance» through the concept of «establishment» and «software» implementation of human rights and freedoms and its socio-economic development.

On the basis of the analysis of scientific literature is the concept of «administrative and legal assistance in socio-economic development of the person» in terms of: public-government activity as the totality of governmental, public management methods of influence on social economic relations, as well as administrative and legal exposure as the totality of methods of action of administrative and legal means in organizing activities of the officials of executive bodies, local authorities, public organizations, institutions and enterprises. Also the author revealed the role of the principle of the rule of law and the other principles of administrative law in «facilitating» human socio-economic development in Ukraine.

It is set that principle of supremacy of right in the administrative and legal assistance of socio-economic development of man directs activity of official persons of public government bodies through the norms of legal law and maintenance of public guarantees to assist self-realization of rights and freedoms of man and citizen with the aim of socio-economic development. Publicly-imperious activity from an assistance to socio-economic development of man must be directed and limited to the clear scopes of the constitutional mechanism of providing of rights and freedoms of man worked out in science with establishment of necessary intercommunications of corresponding legal norms and necessities of practice of publicly-imperious legal relationships in the field of a menage.

Sydoruk R.A.,
Ph.D. student,
Department of administrative and financial law,
National University «Odesa Law Academy»

THE CONCEPT AND FEATURES OF TAX LEGAL RELATIONSHIP

Category tax legal relationship is the key to teaching tax law as part of the financial and legal science. The dynamic development of tax law generates a need for a detailed analysis of the legal nature of tax legal relationship as a special type of public relationship.

In legal theory the legal relationship are central. In the relationship is the implementation of the law and observed the value of law as a basic social regulator. Most scientists agree with the definition of relationships that it is social relations regulated by the law, whose members are endowed with appropriate subjective rights and duties.

With regard to the definition of financial relationships that include tax legal relationship, we can define the financial relationship as economic and legal public relationship, regulated by rules of finance that are authoritative and property in nature and express the public interest. The most common is the view according to which in the literature are the following features of financial relationships: they arise from the financial activities of the state, have a material nature, one of the subjects is always a State, characterized by the nature of public.

Regarding the definition of tax legal relationships in literature there are different approaches. This issue remains one of the most disputed. Taking into account the above-mentioned interpretation of tax legal relationships, we can define them as follows: tax legal is a powerfully-proprietary social relation regulated by rules of tax law, provisions which are expressed in categorical form, and members of these relationships have counterparts of rights and duties relating to taxes and protected by force of state coercion.

Tax legal relationship has the common features of relationships and specific features of financial relationships, and individual characteristics:

- they occur in a specific area of financial activity;
- tax legal relations regulated by rules of tax law, which is reflected in the norms of tax legislation;
- provisions of tax law expressed in categorical form;
- tax legal relationship is imperiously-property, so they are organically combined aspect of authoritativeness and character of the property.

With the development of economic, political, tax legal relationship are changing, so it is the question of the proper settlement of the relevant relationships.

Skoromnyi Ya.I.,
Degree-seeking applicant,
Department of administrative and financial law,
National University of Bioresources and Use of Natural Resources of Ukraine

ORGANIZATION AND LEGAL FUNDAMENTALS OF IMPROVEMENT OF PROVISIONS OF ADMINISTRATIVE SERVICES IN THE AGRICULTURAL OF UKRAINE

The appropriateness of the theory assessing the quality of administrative services, new methods of quality management of administrative services, innovation in to the activities of subjects providing these services for developing the institutional and legal framework of improvement of administrative services in the sphere of agriculture in Ukraine are grounded.

The aim of the article is to determine the institutional and legal framework improvement of administrative services in agriculture in Ukraine, using the theory of structural quality assessment of administrative services and the practical results of its implementation.

Within this article the focus on the second component of the provisions. They are to improve the subsystem administrative services in the field of agriculture, deliberately using organizational and legal framework for improving the overall system of administrative services.

We believe that there is an objective need for research primarily doctrinal approaches to defining the essence of the concept of «quality of administrative services» and determining the quality criteria.

In this article, based on the proposals, some general conclusions were made, some of them are:

1) implementation of specific technologies in the analysis of the impact of executive bodies and local authorities to provide administrative services, including in agriculture;

2) using classical tools of quality control and new tools of quality management in the provision of administrative services, which requires the development of specific guidelines for staff of relevant oversight bodies, including the control of agriculture.

Stukalenko O.V.,
Candidate of Law Sciences,
Associate Professor,
Senior Lecturer, Department of applied economics,
Odesa Finances Institute Ukrainian State University of
Finances and International Trade

SEPARATE QUESTIONS ARE IN RELATION OF THE PROBLEMS OF REFORMATION OF THE SYSTEM OF THE TECHNICAL ADJUSTING OF BUILDING INDUSTRY IN THE CONTEXT OF EUROINTEGRATION

The article is sanctified to determination of problems of reformation of the system of the technical adjusting of building industry of Ukraine in the context of eurointegration.

Attention is accented on that, firstly, transformation processes related to the increase of connections between it stimulate international legal subjects and direct the legislation of Ukraine sdws activation and improvement of co-operation of national legislation with the legislation of EU. And it in turn, will allow to the Ukrainian enterprises and other subjects of menage, that work with the internal building market of EU, more effectively to use potential and possibilities of this market. Secondly, at the use of legislation of EU in a building sphere in the system of state mechanism and determination of ways of his reformation, it follows to take into account the national features of the legal system of our state, and it will allow to elect the most acceptable to Ukraine variants and formulate suggestions in relation to perfection of scientific soil for forming of Ukrainian legislation. Thirdly, it is necessary to carry out the «revision» of the Ukrainian technical standards in relation to building products taking into account European development of economy of Ukraine and coming to a head necessity to accept the new adapted norms in the sphere of the technical adjusting of building industry.

Usikova O.V.,
Ph.D. student,
Department of administrative, economic law and financial-economic security,
Sumy State University

PRINCIPLES AND TASKS OF MANAGEMENT IN THE LABOR SPHERE

Today the question of tasks and principles of public administration in the field of labor is one of the least researched in the theory and practice of administrative law.

The article exposes a concept of the state administration, state administration in the field of labor, management principles in the field of labor and task of public administration in the labor field. Contains various approaches to determine the tasks of public administration in the labor sphere that depends on a sphere in which it is (in particular in the field of employment of population, labor protection, wages, social pension provision and others like that). The primary tasks of the public administration in the field of labor is creation of socio-economic development of the state, labor market development, providing of functioning of government bodies, that supervise in the field of employment, wages, labor protection, control over safe working conditions, responsibility for violation of labor legislation of Ukraine and others.

It should be noted that principles of state administration in the field of labor as a rule are not considered. However, as well as the other type of government activity, the management in the field of labor has his own legislative base, that is a basis of its implementation. Contains various principles of managements in the field of labor, that are fixed in Ukraine Constitution and Ukraine Laws «About wages», «About a labor protection», «About employment of population» and in other normatively-legal acts.

Yashchuk K.V.,
Adjunct,
Department of administrative law and process,
National Academy of Internal Affairs

PROCEDURE FOR BRINGING TO ADMINISTRATIVE RESPONSIBILITY FOR OFFENSES IN THE FIELD OF WILDLIFE

The author reveals the procedure of bringing to administrative responsibility for offenses in the field of wildlife.

It is noted that the features of the proceedings in cases of administrative offenses in wildlife of Ukraine are: – proceedings can be both conventional and simplistic, and provides a protocol determines the content of the precautions and procedure for their application, the rights and obligations of participants proceedings, the order of proceedings, facts and circumstances that prove – terms of cases on administrative offenses in wildlife of Ukraine is short and is usually 15 days after receiving bodies (officials) authorized to hear the case, the appropriate protocol on administrative offense cases and other materials – arise from the need to resolve disputes about the right of the application of administrative responsibility, including warnings, fines, confiscation, deprivation of hunting, suspension of the license (permit) for a specific activity, revocation of licenses (authorization) for certain types of activity – due to the implementation of said proceedings is decided by which decided legal conflict, namely the decision to impose administrative penalties for administrative misconduct committed in the animal world, or to close the case – subject to the jurisdiction dealing cases of administrative offenses in wildlife are regional, district in the city, city and city-district courts, the central executive body that implements the state policy in the field of veterinary medicine, veterinary police, fisheries authorities, the central body of executive authority responsible for implementing government policy in hunting, the central executive body that implements the state policy of state supervision (control) in the field of environmental protection, rational use, restoration and conservation of natural resources.

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