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THEORY AND HISTORY OF STATE AND LAW

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THE ELUCIDATION OF THE ESSENCE OF LAW SOURCES

The author examines the law as a specific multidimensional phenomenon, as well as one of the social controls by using psychological, sociological, genetic analysis of its nature.

The concept of «source of law» includes three elements conventionally distinguished class of sources of law: 1) the way of human life – social source of law – double bisotsialna human nature, human society as a genetic source of law, and 2) the state – political source of law – the force that generates positive law and is necessary connecting link between the genetic basis of law and documentary sources, and 3) documents that contain the rule of law – formal sources of law.

The complexity of the system of sources of law is that the elements that constitute it, together, both natural and artificial means, as by objective, logical, and on subjective, arbitrary moments, both qualitative and quantitative characteristics, both substantive and the formal criteria.

Sources of law as a complex and multidimensional phenomenon to be classified into general social and formal-legal, since the traditional separation of all sources of law on the legal and material can not be considered as a source of human subjects of law-making.

Societal sources of law combine physical, social, political and ideological.

Formally-defined act established or authorized by the State in the form of documents and forms of expression consolidation law: regulations, legal traditions, legal precedents, regulatory agreements, acts of public associations, legal practice, legal doctrines, religious norms. This classification reveals the ways and means the origin of law in general and its formally-defined sources including.

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LAW-MAKING ACTIVITIES CONNECTED WITH DIFFERENT TERMS

In operation, carried out theoretical and methodological analysis of the topic «Actual problems of standard-setting bodies of state power and local self-government in Ukraine» Foreign experience of Rule-making activities of local self-government, rules governing their powers» in the current conditions with

the assistance of statistics and scientific publications last let. The study identified and quantified justified concrete solutions to the problem and identified trends in subjects' standards-related activities of the state power and local self-government.» The author focuses on the issues of disclosure of foreign experience of standard-setting bodies of local self-government.

Law-making activities connected with different terms. The article is devoted to the legal framework connected with different words. The author focuses on the disclosure of questions of the legal foundations of law-making activities connected with different terms. Imperfection of the existing regulatory framework, which negatively affects the quality of professional activity of state bodies and bodies of local self-government, and an insufficient theoretical elaboration of the problems of the departmental normative activity results in a need for a thorough and comprehensive investigation. The approaches of different scientists on the legal principles of the rule-making activity connected with different terms.

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DEVELOPMENT OF JUDICIAL AND CRIMINAL STATISTICS IN THE RUSSIAN EMPIRE

In the modern period of criminology, we can come to an unbiased assessment of historical and archival material. A detailed statistical study of crime and academic disclosure dependence between crime and social orders of the state was only possible from the late twenties of the nineteenth century, when they began to gather in a certain system of statistical information on traffic crime.

Most extensive analysis of statistics mid-nineteenth century is the work of «Statistical Review of Empire», which was W. de Livron. The publication contains a section «crime statistics», which provides all sorts of generalized information and analysis for separate periods from 1827 to 1872 years. In particular, we know that in the years 1860-1867 the first place according to the number of crimes belongs to thieves stealing and fraud. The following is a violation of the laws of the state-owned forests, which is also theft. What follows – the vagrancy. Then a very prominent place belong crimes against honor.

Since 1904 the Central Statistical Committee begins to prepare annual statistical collections and publish them under the name «Yearbook of Russia» and «Statistical Yearbook of Russia» (1911–1916). They contain detailed court statistics, supplied in individual provinces.

«Collection of statistical information ...» contain information about the judiciary places data on individual lineages crimes statistics about defendants. Some information about the crime of Yearbooks and Collections summarized by us and included in the tables.

These are also statistical information about the activities of military district, temporary military courts and regimental courts from «Statistical Yearbook of Military Army».

In this way, we have analyzed the development of the judicial and criminal statistics and the state of crime in the Russian Empire during the nineteenth – early twentieth century to the statistical and scientific works of the witnesses to these events.

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FORMATION AND DEVELOPMENT OF THE FINANCIAL INSTITUTION PROSECUTORS IN THE UKRAINIAN LANDS

In the article made a historical analysis of the formation and development of the financial prosecutor's office in the Ukrainian lands in different historical periods. Particular attention is paid to the law, **the structure and** staffing of financial prosecutors.

The article analyzes the activities of financial prosecutors in Chernivtsi Bukovina, Galicia, etc. When Ukraine was a part of Poland, Romania, Austria and other countries.

We need to emphasize the positive experience of the financial prosecutors which have not lost their relevance today.

The function of a prosecutor's offices were very different and interesting. Because they are periodically changed and complemented. The main functions of the financial prosecutor's were: legal defense, representation in courts the public interests, etc. Financial Prosecutor had the right carry out general supervision and control authorities.

The prosecutors have higher legal and economic education, experience in the prosecution, positive moral and professional qualities, etc.

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STRUCTURE AND FEATURES OF MARRIAGE AND FAMILY NORMS IN THE LAWS OF THE RUSSIAN EMPIRE IN 1832

Nowadays development of the Ukrainian family undergoes many new changes which are unusual for the mentality of our nation. Firstly, such transformation is connected with the globalization of the society, depreciation of the initial purpose of the family foundation, which was set by our ancestors, that is the respect of the married couple to each other, the respect between parents and their children, preservation of Ukrainian family values. In order to avoid the excess of the democratization of the family life and the bad consequences that can happen on this basis, modern scientists and legislators have to refer to historic sources. Those are good for taking the basic rules of improving family relationships and the Ukrainian family legislation in particular. History analysis gives an opportunity to state the fact of originality and unicity of the family law in Ukraine and considering the past mistakes to carry up future possibilities.

The Laws of the Russian Empire were enacted on the territory of Ukraine, which was under Russia guidance, in 1840-1842.

The norms regulating family relationships were in the first part of the Laws of the Russian Empire entitled "The Civil Laws". In the Russian Empire the family relationships were included into the subject of the civil-legislative regulation as the family law of this period wasn't regarded as the separate direction of the law but as the institution of the civil law. "The Civil Laws" consisted of seven books which were divided into the parts, the parts were divided into chapters and the chapters were divided into sections. Every section had one or several articles.

The first book of this section was regulating family rights and duties and consisted of three parts, the first one "About the marriage", the second one "About the union of parents and their children, about the family union", the third one "About the family tutelage and care".

Having analyzed the structure of the marriage and family norms in the Laws of the Russian Empire it can be stated that the norms were nevertheless classified but in a peculiar way. In general the structure of the norms corresponded to the overall rules of family norms systematization as it originates from the legal regulation of marriage relations, then it goes to property and moral relationships between parents and their children and ends with the items of tutelage and care. The Family Code of Ukraine of 2002 has the similar structure though its content is rather different.

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SYNERGISTIC PERCEPTIONS OF STATE POWER

The article is devoted to the investigation of the process of self-regulation of state power, is intended to the study of state power through the prism of synergetics, describes the application of the principles of synergetics in the analysis of self-regulation of the legal relations within the state, is aimed at coverage of the ability to predict the future state power through the application of the provisions of synergetics. Status change of state power occurs by using self-organization as response to certain internal and external factors. Each of regulation of the legal relations within the state occurs by using self-organization. To ensure the favourable circumstances at the time of the regulation of state power takes into account the information about the conditions of existence of the state and characteristics of each element as of today, and also defined the goal for the attainment of which are certain changes. For the sake of successful achievement of the goals should consider the state power with the synergetic point of view and analyze the possibility to envision ways of their further development. Previously unselected parts of the research of state from the position of synergetics is the lighting of the effectiveness of regulation of state power, which gives the possibility to reveal the essence of the process of self-organization of the actions of its elements. The aim of this scientific article is reasonably prove that it's actually possible to overcome existing within the state problems and create conditions favourable for the further development of state power, by applying the principles of synergetics in the theory of state and law.

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CONSIDERATION OF CASES ON THE PROPERTY OF FOREIGN CITIZENS IN THE ORPHAN COURTS OF TAURIDA PROVINCE IN THE XIX – BEGINNING OF XX CENTURY

In this work the process of legislative support and practical activities of the orphan courts of Taurida province about the guardianship of property of the citizens from other states is considered. Specifies that in the end of XVIII – beginning of XIX centuries the bulk of foreigners, living and leading their affairs in Taurida province, were mainly citizens from Turkey. However,

by the end of the XX century citizens from other states – Germany, France, Greece, Italy, Switzerland etc. are met in the region increasingly. The question of the legal status of foreigners reflected in such important acts of the Russian state as: the Laws of statuses, the Charter about passports, the Charter of the customs, the Charter of foreign confessions, the Charter of the industrial, mountain Charter, the Charter of the corps, the Charter of the trade, the Code of the punishments, Charter on preventing and suppressing crimes, the Chapter of the detention, the Chapter of civil and criminal proceedings and in many other laws, including local, decrees and manifests of the czar, in the regulations (circulars and interpretation of various departments), and also in international contract. Foreigners were restricted in some rights, especially in the purchase of land and property, construction of buildings in the boundary regions. At the same time, their property and personal rights were preserved even in war. Related to the activities of orphan courts announcements in the foreign languages were published especially for foreigners, in publications, which were issued in Russia. The Ministry of internal Affairs solved of what publications to commit this work, and the decision stated the Minister.

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COURTS' MISTAKE BETWEEN CATEGORIES OF FREEDOM AND RESPONSIBILITY

The problem of judicial error, which is inevitably present in the work of the judges, occurs at the boundary between the need to implement the principle of judicial independence, and therefore guaranteeing a certain discretion on the one hand, and the need to achieve the main goal of justice – just solution of the legal conflict and also ensure the legitimacy of the judicial system of the state, therefore – in bringing to justice those representatives who are guilty of deliberate violation of the requirements imposed on them, on the other.

The purpose of this paper is the development of appropriate doctrinal provisions, which should help achieve a balance between values such as independence of the judiciary and the legitimacy of the state judicial system, which cannot be achieved in an environment where legal acts submitted to the assumption errors and violations of the substantive or procedural law.

It is concluded that in the case of discretion of a judge, a decision, made within the limits of discretion, cannot be taken in violation. In turn, if the judge went out of appreciation given, the spinning wheel higher judicial authorities exercised control decision can be reversed through the detection of violations of substantive or procedural law, the assumption of a judge during the

proceedings. But be grounds for judicial legal responsibility given fact can only if it is determined that the guilt of the judge in the form of intent or negligence. The most serious violations may entail criminal liability.

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THE ORGANIZATION OF LIGHTING AND HEATING IN THE PRISONS OF TAURIDA PROVINCE IN XIX – BEGINNING OF XX CENTURY

In the article questions of the legal and practical organization of lighting and heating in the prisons of Taurida province in the XIX – beginning of XX century are considered. Indicated, that this process was based on the instruction for the prison warden locks of 1832, decrees of 28 April 1858 № 33073 «About number of materials, which are issued for heating and lighting city prisons and landmark buildings»; August 4, 1859 № 34789 «About that to light the prison yards at night and not to take any storehouse; 5 September of 1877 № 57694 «About expenses of the cities on heating and lighting of the prisons». Usually prisons were heated by a wood and in the steppe regions of the province with reeds, only in Kerch, in the district of which there are deposits of coal, prison was heated by anthracite. Lighting of places of detention was made by means of candles, oil burners, and in the end of XIX – beginning of XX century kerosene lanterns of the native production of different capacity began to be used. The costs of heating and lighting of the prisons were entrusted on the city in which they were located. Herewith, for most of them these costs were too burdensome. The state in the second half of the XX century was forced to change this practice, allowing to lay a part of the amounts for heating and lighting of the prisons on a zemsky charges. Heating of the prisons was usually done by the contract method, when trustee committee has concluded a corresponding contract with the supplier. The supplier, in turn, was allotted a stood of the forest for procurement of firewood. Initially, the work at the furnaces is also blamed on the hackney people. But with the adoption of instruction of 1832, prisoners themselves sawed and cut wood were engaged in heating. By the end of the Russian Empire to transfer Crimea's prisons on steam heating and electric lighting were failed.

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AN EPISODE FROM HISTORY OF LOBBYING OF ABOLITION OF CORPORAL PUNISHMENTS FOR RURAL INHABITANTS WHO KNEW A DEED (1872 YEAR)

Purpose of the article is a reconstruction of actions about lobbying by some vowel of Katerynoslav province zemsky collection during next VII 1872 year sessions of abolition of corporal punishments for rural inhabitants who knew a deed.

The article of lobbying was abolition of corporal punishments for rural inhabitants, who completed the course of studies in folk schools and got the proper certificate from local teaching commissions. A purpose is an increasing in Katerynoslavsky province amount of rural inhabitants, who would get primary education. It is possible to say differently that purpose is fixing in to normatively legal act of interests of rural inhabitants, and recognition quantity of this socially legal group of population – wide circle of public. The subject of lobbying was the group of vowel from Katerynoslav district zemstvo. The object of lobbying was a department of folk education of the Russian empire.

The table of contents of relations of lobbying consisted in the following. A legislation of zemstvo legalized the actions of any interest groups which could be formed in the environment of vowel organs of local self-government actually, in relation to high – pressuring on the organs of legislative and executive power with the purpose of acceptance of legislative and regulatory legal acts which would answer interests of majority or those or other groups of population (p.2 XII.law from 1January 1864year and p.63 14.law from 12 June 1890 year). Taking into account, that suggestion of Katerynoslav district zemstvo was not supported only by two: Slovyanoserbske and Oleksandrovskoe, and its supporters, together with initiators, were four zemstva, it is possible to say, that the representatives of local self-government in a province to a certain extent realized a requirement in introduction of effective stimulus for distribution of deed in the circles of rural inhabitants. At the same time, such distributing of support of this question certifies a striking unevenness in matters of folk education on territory of province: some zemstva actively use the rights in this case, other – sickly.

After long discussions during meeting of Katerynoslav province collection (on October, 31 1872 year) such decision was accepted: ask about abolition of corporal punishments for all rural inhabitants which completed a course in the folk schools and got a certificate from local teaching advice (18 – after, 14 – against).

Conclusions: solicitor of Katerynoslav province collection about abolition

of corporal punishments for rural inhabitants, which completed the course of studies in the folk schools and got the proper certificate from local teaching advice, has all signs of lobbying of public interests, as a legal institute. Thus, it should be noted that actions from the side of deputy initiator's, for certain, did not have the coordinated character.

Because of that, as the absolute majority of deputies as in Katerynoslav province collection so in other districts, made persons who belonged to the state of noblemen, can say, that the case of lobbying reconstructed in this article is proving the possibility of this socially legal group of citizens of the Russian empire to protect not only their group interests but also the public interests.

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THE FUNCTIONAL ASPECTS OF NATIONAL AND INTERNATIONAL LAW-MAKING: THEORY AND PRACTICE

The article focuses on the relevance of the chosen topic of the research devoted to the focused national and international law-making . However, it is stated that national and international law-making are interrelated categories, which resulted in the creation of national legislation and international legal framework. This was the basis for the assertion that it is reasonable to find out the role and importance of national and international law-making at the aggregate level, which involves the isolation of common functions for both national and international law-making.

First of all, tue attention is payed to the feasibility of isolating and to find out the content approaches to understanding scientific law-making function, based on which functions are allocated understanding of the concept of national and international law-making. The approaches of scholars regarding the allocation of certain functions of law-making, where studied which was a basis distinguishing characteristics and functions of national and international law-making, they are as follows the primary function of social relations at national and international levels, the function updates the regulatory framework at national and international levels, cognitive function of national and international law-making function gaps in national and international law, scheduling, forecasting national and international law-making function to ensure balance in national and international law-making between timely study, research, and taking into account the patterns of needs and interests of society, international cooperation and rapid response to changes in social relations by rapid update regulations, critical and analytical function of national and international law-making function consensual function harmonize national and international law-making.

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UKRAINIAN REVOLUTION 1917-1921 IN HISTORICAL AND LEGAL STUDIES: TERM, ESSENCE OF THE PHENOMENON, CHRONOLOGICAL LIMITS

The article deals with a comparative analysis of scientific achievements of Soviet, foreign and Ukrainian lawyers concerning the interpretation of the term «Ukrainian Revolution 1917-1921», nature of the event, its chronological limits. It is claimed, that in addition to the term «Ukrainian Revolution», researchers also used terms «liberation movement», «national liberation movement», «state-building» for the characterization of state and law-making processes during the revolutionary period 1917-1921, but most researchers consider these terms to be not correct. It is noted that M.Shapoval and F.Kolomyichenko used term «Ukrainian Revolution» for the first time in July 1917 and it became popular among scholars of diaspora. The term «Ukrainian Revolution» was also used by Soviet researchers in 1920s. Russian historians and legal scholars (V.Buldakov, I.Mykhaylov and other) don't wish to «accept» the term «Ukrainian Revolution», considering that it had no specific features and developed entirely in the mainstream with Russian revolution. Skeptical attitude to this term has some modern historians such as O.Mykhailiuk and historian of law O.Myronenko. According to latter, severe political mistakes of the Central Council, rushing from socialist orientation to monarchism with the help of German bayonets during Hetmanat of P.Skoropadskyi, further clumsy actions of Directory, political fluctuations of the «authorized dictatorship» in West Ukrainian People's Republic make it hard to argue about Ukrainian revolution 1917-1920 as a separate socio-political phenomenon. Thats why there is no reason in theoretical sense to talk about the phenomenon of «Ukrainian revolution». The majority of modern historians of law, including A.Zakharchuk, I.Zarits'ka, H.Hrabovs'ka, A.Ivanova, O.Kopylenko, Yu.Shemshuchenko actively use the term «Ukrainian Revolution» in their publications, because they consider that there was difference in the content of social processes in Ukraine and Russia. To their mind Ukrainian movement had two principles – national liberation and social liberation. Author emphasized that today the term «Ukrainian Revolution» can be regarded as established, and is widely used both by scientists and politicians.

CONSTITUTIONAL AND MUNICIPAL LAW

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SCOPE OF FREEDOM AND THE PROHIBITION OF THE RIGHTS' AND FREEDOMS' RESTRICTIONS: NATIONAL AND INTERNATIONAL LEGAL ASPECTS

The article is devoted to the analysis of the theoretical foundations of the concept of freedom in modern society and the restriction of rights and freedoms. The author emphasized on the problem of rights and freedoms realization in the conditions of equality of citizens. The examples of discrimination of human rights upon condition of equality of opportunities are given by the author. It is also considered how the principles of inalienability and firmness of rights and freedoms influence the protection of rights and freedoms. So the author proposes to implement to Ukrainian legislation the practice of the countries of European Union at this question. In particular, the legislation of the countries of the European Union has the amount of warrants about the formation of the equal conditions for the human rights and freedoms realization. That's why people with worse peculiarities have the same opportunities in the realization of their rights and freedoms as their «greater» fellow nationals. Within the given context it is estimated the effectiveness of the acting of principle of inalienability and firmness of rights and freedoms at the national and international level. The recommendations on improving of the effectiveness of the acting of this principle in the aspect of protection of rights and freedoms are proposed too.

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THE NOTION OF SOURCES OF CONSTITUTIONAL LAW: PROBLEMS OF DETERMINING

This article is dedicated to the research of main issues concerning the problems of determining the sources of constitutional law. There are different approaches to the understanding of term «source of law» in general legal theory, as well as it's correlation with the term «form of law». Nowadays these terms are generally used as synonyms,

though they have some difference in the substance. The notion of source of law as external objectification of the norm of law is proposed. So, the question of the source of law is strictly connected with a legal norm (which is often considered as formal approach to the understanding of source of law; for the purposes of this research we will not review the material approach, which includes those reasons that are out of legal field).

This means, that if we want to identify some source of law as the source of constitutional law, we need to find norms (which are recognized as compulsory rules of conduct) that regulate constitutional relationships. These relationships are generally recognized as the subject of constitutional law, which includes two main groups: 1) Connected with organization of state power; 2) Connected with legal status of human and citizen and his relationship with the state. So, if any legal norm regulates at least one of these groups, it can be considered as the source of constitutional law, and the only criteria that can help us to identify these sources are the presence of constitutional norms.

ADMINISTRATIVE, FINANCIAL, TAX LAW

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NATIONAL ANTI-CORRUPTION STRATEGIES AND PUBLIC PARTICIPATION IN CORRUPTION MANAGEMENT IN COUNTRIES OF CENTRAL AND EASTERN EUROPE

One of the important components of the formulation and implementation of an effective system for corruption management is the mutual work of the countries at the international level, including civil society in each and every country, as well as their participation in anti-corruption measures imposed by the United Nations, the Council of Europe, the Interpol, the International Monetary Fund, the World Bank and other institutions. The aim of the article is to summarize the best practices of civil society participation in the implementation of anti-corruption policy in the EU Eastern Partnership, in the definition of the role and capacity of NGOs in the development and implementation of strategies, and the consideration of the best practices from international experience to be adapted to Ukrainian realities.

In the considered countries of Central and Eastern Europe, excluding the Czech Republic, the adoption of the Strategies was the result of them being «pushed» by international donors. International organizations are, mainly, intermediaries in providing for public participation in the Strategy development. Formal procedures for public participation in the formulation of anti-corruption policies are being observed in almost all of the countries surveyed. However, they are not conducive to cooperation and trust establishment between the parties. «The new generation» of Anti-corruption strategies, is in general, more qualitative, and responds to criticism of donors and the public in regard to the need for priorities, indicators of success, deadlines, etc. The political will of the government is the main factor which determines the inclusion of the public in the development of anti-corruption policy.

External experts were involved in establishing anti-corruption policy in Eastern Europe at the early stages of its development, which guaranteed the quality of the Strategy, trust confidence and further cooperation between the parties (e.g. the Czech Republic). Also during the development of the Strategy the results of external monitoring of previous policies applied in the development of the current one were used. During the monitoring and implementation of the policy, experts were involved as consultants of the coordinating authorities (e.g. Poland), as well as being part of the monitoring groups, wish the amount of authority and resources to the success of the Strategies.

Ukraine needs the best international experience in supporting their National anti-corruption strategy. It applies in the creation of coordinating and monitoring bodies, as well as ensuring the third sec-

tor participate in the process, and goes beyond the limits of formal involvement. Also the implementation and evaluation of policies, such as monitoring system, the up-to-date policy review and the implementation by the third sector of its inherent functions are of great importance. The strategy should apply coheresivel between priorities, goals and objectives and have a clear connection between the objectives and the state budget. Ukraine must decide on a system of indicators for monitoring success and have a flexible and at the same time clear schedule for the implementation of the Strategy.

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ENCOURAGEMENT AS METHOD OF PUBLIC ADMINISTRATION IN THE FIELD OF FOREIGN AFFAIRS

Formation and implementation of foreign policy provides an advantageous position in the international arena, contributes to international cooperation and positive interaction between states. Thus, a significant role for the management consists in direct coordination of the state functions, solution of several policy problems, promotion of the maintenance of interaction between public authorities and provision, support of stable organizational order. Achievement of such object is often dependent on the proper servants' understanding and diligent performance, servants' responsible attitude concerning obligations imposed on them, which, in turn, can be ensured by implementation of means of material and moral motivation – encouragement.

Encouragement as method of state administration has been studied by such famous scholars as V.B. Averyanov, S.S. Alekseev, V.V. Kolpakov, S.V. Kivalov, D.A. Kozachuk, V.J. Malinowski, K.Y. Miller, S.G. Stecenko etc. However, their scientific developments regarding incentives in public administration are general, this method of influence in various spheres and branches of state management has certain peculiarities and differences. Particularly widespread use of the method of encouragement is in the state management of foreign affairs. However, application of this method of influence in foreign affairs in the science of administrative law was covered generally and requires comprehensive study and analysis.

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DEFINITION AND TYPES OF MECHANISM ADMINISTRATIVE AND LEGAL REGULATION OF CHARITABLE ACTIVITIESIN

This scientific article author proposed definition of «means of administrative and legal mechanism regulating charities « and singled out features that fully reveal the mechanism of administrative remedies legal regulation.The author shows the author's definition of the term «administrative remedies mechanism of legal regulation of charity» – a collection of related controls (methods and techniques) through which public administration affects social relations arising in the field of philanthropy to the observance of the rule of law, ensuring philanthropy and availability of a charity, the rights and obligations of subjects of charity. Singled out features of the mechanism of administrative and legal regulation of charities are: 1) is a complex multi-system regulators, ie, methods and techniques of exposure, and 2) they are identified and procedurally legislative regulated, and 3) apply the system of public administration (government agencies and local governments) and their officials within the scope specified regulations, 4) the purpose of their application and use are: first, to ensure the availability of charity and a charity, and secondly, the implementation of the rights and duties of subjects philanthropy, and thirdly, perform control functions to implement charitable organizations and philanthropists philanthropy.

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THE DEFINITION OF «FINANCIAL SYSTEM» AND ITS STRUCTURAL COMPOSITION

Creation of the perfect financial system is one of the main conditions for the functioning of the economy. Building efficient and effective financial system is a difficult task, whose implementation requires a long time. Experience has shown that the formation of the financial systems of developed countries occurred within 50-100 years, a process of improvement continues today.

The term «financial system» is dynamic itself. Its contents are changed and

refined due to changes in the social system of the state, but also on the development of financial science.

This structure of modern financial system is the basis for the structuring of Ukrainian finance and of financial legislation. In this regard, the issue of differentiated areas and parts of the financial system is essential both in theoretical and in the rule-making and enforcement aspects.

The need for the state of various economic instruments in the management of society has led to the need for active learning and discussion in the financial, economic and legal literature content of such economic categories as finance and financial system.

The transformation of Ukraine's financial system by strengthening the functioning of a market-based economy requires a study of the nature and structure of the financial system of our country.

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ABOUT MEMBER OF DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS

The development and establishment of Ukraine as a democratic, social and law state requires reform and improvement of the legal regulation of public service, and in particular, the order of responsibility of public servants. The introduction of effective and efficient disciplinary civil servants remains a priority in the establishment of a fundamentally new institute of the civil service in Ukraine. In this respect, an important place is given to the question of the participants engaged in disciplinary proceedings against civil servants.

At present, the issue of disciplinary proceedings against participants of civil servants are not specified by the legislator, which often leads to undue expansion of their authority in the disciplinary process. The above leads to the relevance of the chosen theme of the article, which is the need to identify system and power of participants of the disciplinary proceedings against civil servants, examination of theoretical problems in this area and develop scientifically based ways of its improvement.

By analyzing positions of scientists and legal material, the author formulates his own position in relation to participants of the disciplinary proceedings against civil servants and procedural powers. Emphasized that the detailed classification of participants mentioned procedure facilitate justice and rule of law in the exercise of disciplinary proceedings against civil servants. The article provides suggestions of amendments to the current legislation in the civil service.

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CONTENT AND STRUCTURE OF THE INFORMATIONAL RELATIONS

The article deals with the content and structure of the informational relations and problems of the establishment of the uniform definitions are defined.

Generalizing offered approaches to understanding of the informational relations we have came to next conclusion: informational relations are public relations between individuals, legal persons, associations of citizens, public authorities, concerning free gathering, use, distribution, and storage of information that is necessary for execution of their rights, freedoms and legitimate interests, execution of tasks and functions, as well as they are regulated by different branches of law.

It has been generalized, that the structure of the informational relations includes subjects, objects and content, as a set of rights and duties.

It has been specified that scientists try to identify object of informational legal relations other than information (informational resources or informational funds).

It has been proved that issue of the improvement of the legal regulation of the informational relations is urgent. It is connected not only with the development of the democratic transformation in the state and activity of the native and foreign social and democratic institutions in the research of abovementioned topic, but also with the concrete disadvantages of the valid norms of the domestic law.

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DEFENSE PLANNING IN UKRAINE: CURRENT SITUATION AND FUTURE PROSPECTS

The current legislation of Ukraine stipulates that defense planning is an integral part of strategic planning and the management of public resources in the sphere of defense, is carried out within the legal deadlines to ensure the necessary level of defense of the state through the substantiation of prospects of development of the Armed Forces of Ukraine and other military formations with re-

gard to the nature of the real and potential threats in the military sphere and the economic possibilities of the state, with specific actions, executors and deadlines for their implementation.

However, by analyzing such positive steps of the potential improvement of Ukrainian legislation in the sphere of defense, we do not agree that the term forward planning is subject to removal from the legal field. The subject of the right of legislative initiative proposes introduction, in our opinion, more successful, than exists at present, a norm that the defense planning is an integral part of national strategic planning on the definition of objectives, directions, priorities of development of the security and defense forces, objectives, activities and time of their implementation, as well as the number of personnel, weapons, military and special equipment, volumes of material-technical, energy, financial, information resources, food, land and water areas, communications, funds and property for the purpose of achievement of necessary level of ability security and defense forces. But, despite this, which would not offered to a complete definition of the defense planning, it has always been, is and will be an integral part of future planning. Therefore, at the normative level implicitly require the existence of the definition of strategic planning to understand, part of which a whole is its component and what other parts of the components of this whole.

Summing up the proposed article should be the first to agree that a positive step on the way of building a legal state with the desire to create a strong army is the existence of proposals for legislative improvement of the defense sector of our state. But any legislative changes should be deeply meaningful to build on the achievements of the already acquired experience in the settlement of defense issues, security issues in the military sphere. Prospects for further research of the author in this scientific direction will be aimed at deepening the study of issues in the field of defense planning and national security.

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REGULATORY AND LEGAL FRAMEWORK TO COMBAT INFORMATION OFFENCES IN UKRAINE: STATUS AND PROSPECTS

Nowadays, the legal information in Ukraine settled a large number of legal acts of varying validity – the Constitution, laws, decrees, regulations, international treaties and agreements ratified by Ukraine and so on. Even a cursory analysis led to make a conclusion of their inefficiency and the inadequacies of contemporary realities. Urgent task for researchers is to develop legal principles to combat information offences in Ukraine. Because there is no legal frame-

work formed in this area. In addition to the relevant articles of the Criminal Code of Ukraine, On Administrative Offenses Code, etc., providing legal responsibility for committing all kinds of information offenses, in the state any legal act is not taken, which was assigned to concepts and categories in this area, a standardized list of information of offenses, their general characteristics, directions, prevent these types of offenses, organizational and functional structure of performing such activities and so on.

The aim of the article is to identify the main ways of improving the regulatory and legal framework to combat information offences in Ukraine.

To achieve this, the author posed the following problems:

- to analyze the regulatory and legal framework to combat information offences in Ukraine;

- to offer basic ways to improve the regulatory and legal framework to combat information offences in Ukraine.

Analyzed state regulatory framework to combat violations of information in Ukraine and expressed the author's position on the need to improve the regulatory and legal framework for combating offenses of information in Ukraine through adoption system (package) regulations: Concepts offenses against information in Ukraine – Fight Strategy information on violations in Ukraine – state target programs to combat information offenses in Ukraine in the relevant sectors of society or to specific types of crime information («State Program to combat computer crime in Ukraine», «The government programs to combat electronic fraud in Ukraine, «etc.).

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CLASSIFICATION OF PERSONAL DATA AS A NECESSARY ELEMENT OF THE INTRODUCTION OF EFFECTIVE COMMUNICATION IN SOCIETY

In modern conditions strengthen and enhance the role of information telecommunication technologies in society in all socio- political, socio -economic and other processes occurring in the world, are extremely important the problem of creating an effective mechanism for guaranteeing privacy, whose implementation is provided, among other and the quality of the legal regulation of relations on personal data.

Actuality of these research fueled active legislative work towards building an information society, 9.01.2007, the adopted Law of Ukraine «On Fundamentals of Information Society in Ukraine in 2007-2015», 01.06.2010 Law of Ukraine «On Personal Data Protection» 06.07.2010 , the Law of Ukraine «on Ratification of the Convention on the protection of Individuals with regard to Automatic processing of Personal data

and the Additional Protocol to the Convention on the protection of Individuals with regard to Automatic processing of Personal Data regarding supervisory authorities and transborder data flows», 20.11. 2013 Law of Ukraine «On Unified State register of demographic», 02.2013 were registered three bills on the improvement of the institutional system of protection of personal data (registration number 2282, 2282-1 and 2282-2).

In the context of the problem raised it is impossible not to note the latest scientific research by M. Kosinski, D. Stillwell, T. Graepel that has showed that with the help of the already chosen algorithm of analysis person's «Likes» in Facebook and other social networks it is possible to automatically identify and accurately predict a range of highly sensitive personal data of any user of these networks.

The model, which is proposed by the American scientists, uses dimensionality reduction for preprocessing the Likes data, which are then entered into logistic/linear regression to predict individual psychodemographic profiles from «Likes», with accuracy indications around 90 percent.

The model correctly calculates sexual orientation, ethnicity, religious and political views, personality traits, intelligence, happiness, use of addictive substances, age, gender and even can calculate personal data of other people, such as parental separation.

The development of technologies of the analysis of personal data, which is accompanied by a sharp increase of the number of social networks users, which contain the largest databases of personal data, including sensitive, puts the primary task for scientists to develop a new security mechanism for privacy.

Given the above, in our opinion, the analysis of domestic and foreign legislation, the development of science and technology, allows to say that to ensure security of privacy in the context of circulation and processing of personal data, it is necessary to adopt legislative changes intended to: 1) the distribution of the concepts of circulation of personal data and processing of personal data, 2) the introduction of classification of personal data on: 1) general personal data, 2) special personal data 3) sensitive personal data.

Based on the above, we formulated a proposal to improve the conceptual apparatus of the Law of Ukraine «On Protection of Personal Data».

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ADMINISTRATIVE AND LEGAL REGULATION OF MEDICAL SERVICES IN UKRAINE: IMPROVING CATEGORICAL APPARATUS

Formation of Ukraine as a state of law, improving the administrative and legal regulation to provide adequate health care to citizens, eliminating inconsistencies in the legal provisions of the legal regulation' health services objectively need to be improved categorical apparatus used in the framework of administrative and legal regulation of public health protection.

The aim of the article is to study the theoretical problems of doctrinal and legal definition of «medical care» and «medical service», formulation of proposals relating to improving the categorical apparatus used in the framework of administrative and legal regulation of medical services.

The methodological basis of the article is generally scientific and special-scientific methods of scientific knowledge: comparative legal method, system-structural method, logical-legal method, theoretical and prognostic method.

The main conclusions of the article:

1. Current state of legal regulation of public health protection objective requires improvement categorical apparatus used in the framework of administrative and legal regulation of medical services;

2. Medical care is a special kind of social – significant activities – medical activities carried out by special subjects and it is aimed at providing health services;

3. Medical assistance has the following features: 1) medical care provided by persons with medical education; 2) health care aimed at the prevention, diagnosis, treatment and rehabilitation of patients; 3) medical assistance , as is usually a long time;

4. Until medical assistance has the following features: 1) it is aimed at salvation and preservation of human life, 2) it carried out by persons without medical education, 3) it is provided to the person who is in urgent condition;

5. Medical services – activities of special subjects which aimed at protecting the health of consumers of medical services;

6. Taking into account the criterion of separation of legal relations on the public – law and private law, it seems urgent to investigate the possibility of separating public health services on public – law medical services and privet – law medical services.

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ON THE RELATION BETWEEN THE CONCEPTS OF CREDIT AND FINANCIAL INSTITUTIONS

Integration processes, globalization as objective realities of the modern world, rapidly penetrate into the financial sector of Ukraine's economy. These processes contribute to the development of market relations, distribution and widespread use of new information and telecommunications technologies. In such circumstances, special importance is further harmonization of national legislation regulating the financial sector, with European legal standards provide financial services.

In the article the basic legislation for the banking concept of «credit institution» and «financial institution», on a clear definition of which depends on the effectiveness of regulations governing their activities.

To this end, the author analyses the individual national laws, namely the Law of Ukraine «On Financial Services and State Regulation of Financial Markets» from July 12, 2001, Chapter 71 of the Civil Code, the provisions of Directive 2006/48/EC explores the European Parliament and Council «The development and implementation of credit institutions» from June 14, 2006, which is one of the major normative – legal acts banking Community law governing most of the institutions of the EU banking law.

Based on this analysis the author draws conclusions and provides suggestions for improvement of the Law of Ukraine «On Financial Services and State Regulation of Financial Markets», which define the concept of «credit institution», «financial institution».

According to the author, to encourage the development of electronic money market in Ukraine, it is necessary at the legislative level to resolve issue electronic money not only banks, but also operators of electronic money, which make the necessary changes in legislation to allow card payments in Ukraine.

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ADMINISTRATIVE LEGAL STATUS OF MINISTRY OF FINANCE OF UKRAINE

Realities demonstrate those deep changes which take place in social, political and economic life of country today. It is no doubt possible to assert that they relate to all without an exception major institutes society, but they have a special influence on processes which take place in the institutes of financial control, that stipulates actuality of theme of this advanced study.

In Ukraine a managing organ in the system of central organs of executive power in the field of realization of single public financial policy is Ministry of finance of Ukraine, which does not play a leading role in the management of the state a financial credit sphere, in determination and realization of financial policy. The considerable spheres of economy and finances are not controlled Ministry.

For the improvement of work of Ministry of finance of Ukraine it is needed to carry out the following: legal status is Ministry of finance of Ukraine must be determined by passing an Act of Ukraine «About Ministry of finance of Ukraine»; a necessity is a decision of role of Ministry of finance in the sphere of development and realization of public economic policy, macroeconomic prognostication; to accept a separate legislative act which would regulate the financial checking system in Ukraine, would determine the functions of parliamentary financial control, function of financial control, in the system of executive power and state property management, function of financial control, in the system of local self-government.

On the whole, realization of the above-mentioned suggestions will be able really to promote the role of Ministry of finance of Ukraine as a central organ of executive power which must pursue a financial policy of country.

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THE BASIS OF THE FORMATION OF INFORMATION IDENTITY

In the article author searched a basis to undermining of information identity as core concept of state information policy. The definition of identity is defined, the different types of identity is divided. Author formulates an important thesis about necessity multivariate discourse which responds to pluralism of science points of view about law nature of information society. Is proved, that information identity conception has an ability to unite a different sides of law information reality, be serve as a core of geo information space, make a common anthropic discourse and direction of information policy – building human oriented information state, realization of state information function and forming of civil society.

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ACTUAL PROBLEMS OF COUNTERACTION OF CORRUPTION IN PUBLIC PROCUREMENT

Since ancient times the issue of fighting corruption was important. The first mention of this phenomenon occurs in the time of King Hammurabi who ruled the Chaldean State.

In his first law disclosures the meaning of corruption.

The concept of corruption in public procurement doesn't have a clear determination today.

The problem of corruption from the position of administrative law in the Soviet time and during the years of independence Ukraine has not been comprehensively investigated.

There is an urgent need to study the problem of corruption in public procurement and identifying ways to prevent and avoid corruption of government officials.

Legislatively fixed principles such as transparency and availability of information during the procurement procedures. They affect the whole system of public procurement, as provided by the large number of participants in the competition and accordingly increase contention.

Corruption causes great losses to the economy of the state and undermines the authority of the state. For the fight against corruption requires the presence of a clear regulatory framework and an effective system of control of the public procurement system.

Measures to prevent the perpetration

of corrupt actions should be linked to and operate within the system concept debarment corruption.

It's necessary to build the integral structure of the state and municipal procurement, the elements of which will perform planning, the need for clear substantiation of pricing policy, placing orders, execution of a contract for the supply, analysis of results and action to eliminate errors, discrepancies and gaps in the existing legislation of Ukraine.

Provide free access of participants to participate in the bidding, which have the ability to provide high-quality goods, services or perform work at a reasonable price.

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HARMONIZATION OF CUSTOMS LEGISLATION OF UKRAINE ACCORDING TO INTERNATIONAL REQUIREMENTS AND STANDARDS

International norms and principles are confidently included in Ukrainian law enforcement practice. It, in same queue, puts before legal science the package of questions in relation to correlation of international and national legislation, and also in relation to application of international requirements and standards in activity of public administration.

The analysis of materials of legal practice shows that a question of application of international requirements and standards is not only theoretical but also practical, problem of activity of custom organs. Especially brightly they appear in the field of regulation of foreign economic activity. Entering of the Ukrainian state is possible into European Union more become actualization these questions.

Research of the basic international requirements and standards, founded international institute in the field of custom affairs allows coming to such conclusions and generalizations:

- on this time in Ukraine insufficient level of introduction of international requirements and standards in relation to custom affairs which complicates the operative analysis of external economic document.

- on the modern stage of development of international trade there is an increase of amount of foreign trade operations and complication of functioning of custom sphere which predetermines the necessity of introduction of compatible principles of organization of custom affairs;

- to the basic problems, functioning of custom sphere belong optional (recommendation) character of most international documents, low level of acceptance of recommendations, improper implementation them in a national legislation on questions of custom affairs;

- the important factor of improve-

ment of custom affairs at national level is activation of international cooperation of custom organs with the purpose of exchange necessary information for the exposure of violations of customs regulations, and also introduction of the unique standards, realizations of custom affairs, which foresee standardization of custom business and its simplification which is initiator and carried out international institutes;

- in spite of variety of international standards in relation to custom affairs, on this time of Kyoto convention is the unique international document which requires from Ukraine accordance of national customs legislation to the international standards in a custom sphere;

- taking into account modern alteration of outer economic space, permanent growth of amount of business contacts of the Ukrainian and foreign businessmen, formation of commercial organizations, with participation of domestic and foreign participants, appearance of foreign shareholders and joint-stock companies, and also marking growth of transnational criminality, appearance of new calls and threats, safety of the state on the custom border of Ukraine it is expedient to bring a domestic customs legislation over to the international requirements and standards, implementation international norms in the Custom code of Ukraine with the purpose of the effective providing of custom safety. Consequently, one of necessary constituents of providing of efficiency of this process in Ukraine there is strengthening of its collaboration with international institutes, in particular WIO, by the European economic commission of United Nations (EEK OF UNO), Centre from simplification of trade procedures and electronic business operations (SEFAKT OF UNO).

Of principle positions, which touch international requirements and standards in relation to custom affairs enable to talk that freedom of foreign economic activity must be considerably limited the state which stipulates a presence in it of external economic relations and adequate them custom for safety forms, are expounded, as an arbitrary conduct in the field of custom relations can result in negative or heavy consequences.

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PARTICULAR FEATURES OF PROVIDING RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN BY POLICE OFFICERS

Study of providing those specific rights aimed at mastering the content of the constitutional rights and freedoms as well as the skills prevent torn down specified rights by the police the ability to provide effective human rights in the performance of official duties. Human rights are protected by international human rights and national legislation. Legal protection affects all aspects except

for exceptional legal action. In fact, the constitutional rights of freedom and civil rights are a key element in the functioning of law enforcement agencies. Because they are required not deprivation to respect human rights in the performance of their duties, but the active protection of said rights. More effectively the law enforcement activities in a democratic state ruled by law and the law of that state deposits keep and ensure human rights. In practice, the effects of civil torn down, political and economic rights by the police may be different. But undeniable is that these torn down undermining public confidence in the police of side population lead to the aggravation of tension in society that impede the effective operation of the judiciary, lead to the isolation of the internal affairs from the population, causing criticism from the side of the public and the media as well as contribute vise organization of executive authority.

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PRESUMPTION OF INNOCENCE IN THE TAX LEGAL RELATIONS

Presumption of innocence – is the provision, according to which the defendant is presumed innocent until his guilt has not been proved in accordance with law. The presumption of innocence is a category that is recognized by international law.

Ukrainian law presumption of innocence enshrined in the Constitution, but as a category that belongs to the criminal justice. The Current Tax Code of Ukraine does not have such rules. However, similar rights are the provisions of Art. 62 of the Constitution of Ukraine are applicable to the tax law that is beyond the presumptions provided for by the Tax Code.

Ukrainian legislator defined alternative mechanism to protect the rights of taxpayers. Rendered by a competent financial authority (for example, the State Tax Service about liability for tax offenses), decision is unanswered proof, but does not restrict the person called to justice, the right to voluntarily pay penalties.

Voluntary implementation of individual solutions of financial authority to impose sanctions does not mean that person is guilty, because guilt that person has not been subject to judicial review. The presumption of innocence embodied in the norms of tax legislation so controversial that in fact there is every reason to believe the presence of presumption of guilt subjects the taxpayer. One of the reasons, for example, is that the burden of proof of innocence – No evidence of wrongdoing in the actions (or inaction) in administrative appeals procedure making tax imposed on the taxpayer, not the appropriate tax authority.

Increasing the weight of the presumption of innocence in Ukrainian legislation is an important step in its development, and to ensure the rights and freedoms of social relations. Implementation of this category should be implemented through regulatory consolidation principles that emphasis by author.

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LEGAL ADJUSTING OF PRIVATE GUARD ACTIVITY AS SERVICE BUSINESSES IN RELATION TO PROVIDING OF SAFETY OF PHYSICAL PERSONS AND GUARD OF RIGHT OF OWNERSHIP

The scientific article is devoted by the necessity of the administrative and legal adjusting of guard activity. The features of status of subjects of non-state guard activity are examined, namely private guards, criteria to their selection for realization of guard of rights and property of physical and legal persons.

With inuring on October, 18, 2012 Law of Ukraine «About guard activity», organizational and legal principles of realization of economic activity in the field of the grant of services in the guard of property and citizens, set limits of activity of private guard structures are certain. In particular, from now guard private structures that have corresponding licenses of Ministry of Internal Affairs got a right to apply tear gas, official dogs if necessary, on the consent of customer of services in a guard to examine territory, houses, apartments, property, that guarded (a century of a 9 Law of Ukraine is «About guard activity»).

By the law of Ukraine «On guard activity», clearly certainly, that the subjects of guard activity, specialized guard subdivisions can in the order set by a legislation, in accordance with a list that is envisaged by resolution of Cabinet of Ministers of Ukraine from 11.02.2013 № 97, to acquire right of ownership on the special facilities, and also pistols, revolvers, cartridges to that are equipped by rubber or analogical on the properties.

Without regard to absence of authorities for a shooting-iron this law, gives sufficient possibilities to the personnel of guard to provide the proper implementation of obligations before the customers of guard services.

However, want to mark that at legislative level it is necessary to set the rules of the use of power methods of influence. Labour of workers of guard must be skilled as labour is dangerous, certain measures of social and legal defence of workers of guard. A law must define equal right and duties workers of public and non-state guard institutions and enterprises, avouch for the Ukrainian citizens, that to work in guard

structures will be sufferet exceptionally professionally prepared, tested medical and professionally suitable persons. There must be the decided question of regulation of the use of the technical rigging, use of facilities of signaling, official dogs, measures of access, use of the video systems of supervision private guard structures control, as to the means of prophylaxis.

LABOUR LAW; SOCIAL SECURITY LAW

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STAFF OF INCOME AND FEES

The article focuses on the main approaches to understanding the meaning of the term «personnel» and provides a list of individuals who belong to the staff of the revenues and fees.

Peculiarity of any system of social control is manifested in the fact that people are its subjects and objects at the same time. Without a human resource such system would constitute a formal structure, a set of abstract legal status and schematic relationships. It is no coincidence in the Law of Ukraine «About State Service» figures office staff state agency, authority of Autonomous Republic of Crimea or its staff as a separate department or a public servant in that organ or its apparatus that ensures the implementation of public service leaders in government, authorities of the Autonomous Republic of Crimea or unit of its authority. It is responsible for documenting entry into the civil service, its passage and termination, personnel selection, planning and organizing activities for improving the professional competence of civil servants, as well as perform other functions provided by this Law and other regulatory acts. This service is formed in each state bodies, bodies of Autonomous Republic of Crimea or its apparatus. Position of HR specialist introduced to staff of a public authority at the rate of 35 persons per one specialist of staff service. The staff service subordinated directly to the head of state service in state government authority (chief of staff) and in the case of absence of the position of chief of staff – to the head of a state authority.

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COLLECTIVE LABOR DISPUTES, ITS NATURE AND SIGNIFICANCE IN UKRAINE

In Ukraine a legal base is created for adjusting of relations in relation to the decision of collective labour disputes. The special organs which have the proper plenary powers in this sphere are formed. Foremost National service of mediation and reconciliation, formed in accordance with Law of Ukraine, belongs to such "About the order of decision of collective labour disputes (conflicts)" By a decree by President of Ukraine from November, 17 of 1998r., what is a constantly operating organ for an assistance the settlement of collec-

tive labour disputes (conflicts). There is a necessity of improvement of order of decision of collective labour disputes, conflicts, by acceptance unique was codification normatively legal act, that called to regulate all spheres of social labour relations. The institute of collective labour dispute, conflict, found fixing in the project of the Labour code of Ukraine, however decided is a far of problems. Debatable and not decided are yet quite a bit questions, in particular: determination of general and excellent signs between concepts collective labour divergence, collective labour dispute but a collective labour dispute, analysis to the conflict stage of decision of labour divergences, realization of guarantees, is for the participants of organs establishment of legal mechanism of implementation of decisions of conciliatory commissions and labour arbitration, improvement of grounds and order of confession of strike, illegal, and also clear determination of law consequences of illegal strikes. The analysis of practice of decision of labour disputes rotined in Ukraine, that individual labour spores are concentrated on the judicial order of their decision, and collective labour spores, opposite, the extra-judicial order of settlement of labour disputes and deprived possibilities of consideration have only in a court. As labour spores decide instances and courts of different jurisdiction, a legislative base in relation to questions, related to the labour spores, is not systematized; there is a necessity of reformation of the system of decision of labour disputes for Ukraine.

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LEGAL REGULATION OF LABOR CONTRACTS AS A FORM SUSTAINING WILL OF THE SIDES

In the labour law of Ukraine in the legal regulation of labor relations, the terms «termination,» «termination of contract» and «dismissal» are used.

The term «termination» shall include all grounds for termination of employment, labor law and provided a basis as events such as the death of the employee (in connection with the death of an employee is excluded from the list of employees, the employment contract is terminated).

The term «termination of contract» applied only to cases where the contract is terminated at the initiative of either sides and it means the termination by unilateral will of the employer or the employee, and at the request of the trade union body.

The term «dismissal» meets the technical design procedure has terminated the employment relationship. However, the term «liberation» is also applied to all cases of termination, if it is only an employee and means the same thing as the term «suspension» in relation to the employment contract. Dismissal of an employee (except in the case of death of

the employee) is also the termination of the employment contract defines the procedure for termination of employment of an employee.

Termination of the employment contract is valid only if the following conditions are met:

1) on the grounds provided by law termination;

2) according to a certain order of dismissal for a specific reason;

3) is a legal fact of termination of the employment relationship (Order of the owner, the request of the employee, the act of a third party – the court, the draft board).

Grounds for termination are those circumstances determined by law as legal evidence for termination. Labour legislation of Ukraine provides the only common grounds for termination of employment contract (Article 36 of the Labor Code). For some categories of workers in the legislation established a number of additional grounds (Article 37, 41 of the Labor Code and other Acts). Grounds for termination are classified by subjects and divided into general, applicable to all employees and applications that apply only to certain categories of workers defined by law. The grounds for termination must be distinguished from removal. The term «suspension of work» does not mean termination of employment with the employee and their suspension of legislation envisaged in exceptional cases, usually without payment of wages during that time. With the removal of the employee from work temporarily perform their work functions. Exceptional cases of suspension from work of employees defined in article 46 of the Labor Code and other legal acts.

Thus, the legal regulation labor contract extends for an indefinite amount of employment, regulating behavior by means of contracts, the application of labor law, which is designed for a particular situation, relationship, which is intended to provide a single order, the stability of the legal regulation of the employment contract, takes into account certain legal situation.

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SPECIFICS OF THE JUDICIARY IN UKRAINE: THEORETICAL AND LEGAL ASPECTS OF SEPARATION OF POWERS

Characteristics or even mandatory element of modern democracy and legal state is the separation of power's branches. In Ukraine, this system at the constitutional level provides separation of powers into three branches – legislative, executive and judicial. Proper implementation of the principle of separation of power is carried through system of checks and balances, which is a set of forms and methods of the mutual influence of one branch to another. Due to this such institutes are used as: impeachment of president, dissolution of Parliament,

the recognition of legal acts unconstitutional, distrust to Cabinet of Ministers. That is, each branch of government has some leverage over the other.

Participation in formation of one of such branch to another is one such means of influence. In particular, both branches of power are involved in the formation of the judiciary – the legislative and executive, firstly the President of Ukraine appoints a person to the judge's position, and for lifetime – the Parliament. Personnel support plays important role in shaping the judiciary. Parliament of Ukraine identifies issues of personnel policy through legislative activity and parliamentary control.

Labour relations include elements of occurrence, duration and termination. Labor Relations Judges starts after a number of procedures (training at the National School of Judges, exams, etc.).

Direct implementation by the judges of their professional activities are associated with such government agency as the State Judicial Administration.

Thus, in Ukraine there is a system of division of power in the branches, what describes it as a constitutional, democratic, legal state. The challenge of the state is to ensure judiciary branch by highly skilled, professional judges.

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SOME ASPECTS OF THE USE OF THE TERM «DISABLED PERSON» AND ITS INTERPRETATION

The article emphasizes that today often the concept of «disabled person» is replaced or is identified with other terms, which leads to confusion in the conceptual framework of social welfare. Noted that such a situation complicates the legal regulation of legal relations in the sphere of social security for disabled people, which creates barriers to adaptation of the disabled in society. As a consequence, conducted the study to analyze the interpretation of the concept of «disabled person» and the clarification of the question of the adequacy of its use in relation to persons who have a physical or mental disability. During the implementation of the scientific paper presents a historical overview of the emergence of the concept of «disabled person», are legislative approaches to its definition, a review of the international legal instruments of the chosen direction, based on the analysis of both national and international legal acts defined uniform interpretation of the category «disabled». It is proved that the question of the adequacy of the use of the term «disabled person» in relation to persons with physical and mental disabilities is, first of all, the ethical problem of contemporary society, and not legal. The conclusion is made that the term «disabled person» is the most adequate for determining a person with physical or mental

disabilities, which gives the opportunity to cover all persons who have «atypical signs of» a physical or mental plan. It is established that the most reasonable interpretation of this concept is to define assigned to the Laws of Ukraine «On fundamentals of protection of the disabled in Ukraine» and «On rehabilitation of disabled people in Ukraine». Offered it to recognize the unique and such that fully disclose the essence of the definition of «disabled».

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NOVATIONS IN THE SPHERE OF PENSION PROVISION OF JUDGES

Increasing level of social security of judges, in particular provisions of pensions of judges, was always one of the prior way of orientation of social policy of state. Lot of attention of this question at legislative level proves this.

One of the guaranties of judicial independence is material and social security of judges while being in position (salary) and after reaching pension age (pension) or after retirement (monthly permanent alimony). Mentioned guarantee is aimed on supporting standard of living of working judges and judges who are already retired because of reaching pension age or because of termination of office.

Pension provision of Judges is one of the measures of social security of citizens, which guarantees them proper standard of living. However, amendments, which were made in 2011 because of pension reform, limited rights not only of all citizens, but also of judges in the sphere of pensions. These amendments didn't changed the right for pension of judges, but set limited accrual base for pension and other types of social security.

Despite of Decision of the Constitutional Court of Ukraine dd. June, 3.2013 the important pension guarantee of judges` rights renewal, is supplying of the above mention Decision provision executing and non-admission of narrowing or limitation of their rights in future.

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LEGAL REGULATION OF SOCIAL SECURITY DISABILITIES IN UKRAINE

The relevance of issue chosen predetermined the need to develop and implement models of social adaptation of persons with disabilities in society. These models should meet the needs of people with disabilities in accordance with local conditions, traditions and resources available. The article is devoted to the problems of implementing the right to education and the right to labour of persons with disabilities. The current state of national and international legislation on the legal provision of training and employment of disabled persons is received further development. The author draws attention to the fact that the Ukrainian government takes care of the disabled by taking the law in this sphere. Disability Discrimination Issues and Cures crisis in this area are found. Ways to overcome the crisis of social adaptation of persons with disabilities have been proposed. They are: 1) identification of the main tasks of rehabilitation of the disabled, the types and forms of rehabilitation; 2) the necessity of structural and organizational support for social policies towards disabled persons and children with disabilities; 3) promotion of public organizations of disabled people to the realization of the state policy in this area.

CONTENTS

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