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CIVIL AND ECONOMIC LAW AND PROCEEDING

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FEATURES OF SPECIAL CASES THE EXCHANGE OF PROPERTY

This article discusses the features of the regulation of special case of an exchange of premises, such as the exchange of premises under a lease social housing, exchange of dwellings in the houses (apartments), owned by the citizens (the right of private property) and the exchange of dwellings in buildings housing cooperatives.

However, the most significant features are assumed to exchange premises belonging to the social purpose. Among these conditions (features) exchange of social housing is the first, setting higher requirements for its subject: the latter can only be flat or manor (single-family) residential building. Second, the different requirements for such conditions as sharing agreement it the family members of the employer.

As for the features of Exchange premises in the homes of the fund, they are as follows. First, there are features identifying the potential participants of the exchange of this tip of relationship. As for the features of Exchange premises in the homes of the fund, they are as follows. First, there are features identifying the potential participants of the exchange relationship. Second, the feature of sharing premises in houses housing (housing) of the cooperative is that it is possible for the conditions of admission to the cooperative person who instilled in connection with the exchange of building housing (residential) cooperative.

Thirdly, the exception to the general rule, established on the exchange premises in houses of the state or public (municipal) Fund, is that the refusal of the owner of a private house (apartment) in its agreement to exchange premises cannot be challenged in court.

Regarding sharing of premises in private homes (apartments), the use of which is carried out under a contract of employment, legal issues can arise only from the application of the legislation, due to the fact that in chapter 59 of the Civil Code of Ukraine «Rent (Roommate») among other rights the tenants right to exchange is not expected.

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STRUCTURE OF PROCEEDINGS IN CASES OF DISTRIBUTION OF MISLEADING INFORMATION

According to article 151 of the Law of Ukraine «About protection against unfair competition» distribution of misleading information is forbidden.

Effective execution by bodies of Antimonopoly committee of Ukraine of their authority in the sphere of protection of legal entities and consumers from distribution of misleading information is possible only thrue legislatively consolidated procedural rules which have to establish accurately obligatory procedural actions, regulate an order and ways of their execution. Procedural rules are means of implementation of material rules of law.

Proceedings in cases of distribution of misleading information is regulated by special normative legal acts such as Laws of Ukraine «On protection against unfair competition», «On protection of economic competition», «About Antimonopoly committee of Ukraine» and special subordinate normative legal act – Rules of investigation of claims and cases on protection of economic competition.

But the above-mentioned acts don't include rules that define the structure of proceedings in cases of distribution of misleading information. The analysis of above-mentioned acts shows that proceedings in cases of distribution of misleading information consists of such obligatory stages as stage of initiation of proceedings, stage of investigation of the case and decision-making, stage of execution of the decision. Such stages of proceedings as challenging the decision, checking of the decision and revision of the decision are optional stages of the proceedings.

At the same time procedural part of the legislation about protection against unfair competition is fragmentary and imperfect and needs a lot of changes and additions.

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PROSPECTS FOR THE INTRODUCTION OF CONSUMER BANKRUPTCY IN UKRAINE

Bankruptcy of an individual who is not a business entity is well-known abroad, but it is new to the national legislation. Most countries effectively using the procedure of consumer bankruptcy and help to resolve the issue of repayment of bad debts of the borrower to the lender. Therefore, the test questions are important for Ukraine.

Introduction individual bankruptcy really could resolve the question of the relation between the creditor and the debtor. Also, consumer bankruptcy could help avoid long-term, and in some cases life-long benefits of debt and help in getting the lender of its own money.

Since the financial crisis was started in Ukraine, deputies have made more than one attempt to legislate the mechanism of individual bankruptcy. The first steps were in 2009 and 2011.

The state should not be just an observer in this situation, it is obliged to intervene and help conscientious borrowers who have lost the ability to perform debt. As a result, new law on bankruptcy of individuals (so-called «consumer bankruptcy») will help the debtor to pay the debt and restore normal life and to the lender a guarantee of fair debt payments.

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DISTINCTIONS OF THE GUARANTOR'S RECOURSE CLAIM AGAINST THE PRINCIPAL

This article is dedicated to examination of distinctions of the Guarantor's recourse claim, who has fulfilled the guaranteed obligations. It's deduced that the Guarantor's rights on the recourse claim against the Principal and such claim value are conditioned by the contract provisions between the Guarantor and the Principal or other person, under request of which the guaranty is granted. Characteristic aspects of the procedure on determination of the Guarantor's resource claim value were examined. It's deduced that according to a general rule the Guarantor shall have a right of exoneration against a debtor relating only those amounts, which were actually paid by the Guarantor to the Creditor. However, in event of breach of the debtor's obligation to return relevant funds

as the recourse, the Guarantor shall be entitled to claim from the debtor a damage payment. Additionally, the recourse claim value may be determined by the Guarantee Agreement. Issues on value of the Guarantor's recourse claim against the Principal including remuneration of the Guarantor shall be settled in the agreement between the Guarantor and the Principal in order to avoid unreasonable enrichment of the Guarantor for the account of the Principal.

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WAYS OF DETERMINATION OF LEGAL NATURE OF CONDITIONS OF THE ECONOMIC AGREEMENT IN THE PERIOD OF SOVIET UNION

In the process of development and establishing of the institute of economic agreement approaches to its conditions, which comprise its content differed at every stage of its historical evolvement. Due to the fact that the concept of economic agreement was researched intensively in the period of the Soviet Union, we believe that the results of such researches influenced the notion of economic agreement and its conditions in the Ukrainian legal system and, therefore, they should be analyzed in more detail.

The scientists distinguish three periods of development of the institute of economic agreement in the Soviet Union. The first one is related to the initial attempts of separation of the economic and civil agreements. During the second period the concept of economic agreement was criticized and as a result only civil agreement was used in the sphere of both: private and economic relations. The third period is related to reappearance of the concept of economic agreements and this stage is also rich for the scientific researches of the issues of the place of economic agreements in the economic system of the Soviet Union.

As for the concept and classification of the conditions of economic agreements in the period of the Soviet Union, please note that the scientists of this period distinguished three groups of the respective conditions: essential, ordinary and casual conditions. The number of the conditions of economic agreement was bigger than the conditions of the civil agreements, which was determined by the sophisticated economic nature of economic agreements that required proper legal regulation.

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THE PROSECUTOR'S SUPERVISION AND JUDICIAL MONITORING MECHANISM TO ENSURE THE RIGHT TO INVIOLABILITY OF THE HOME OR OTHER PROPERTY

The article is sanctified to research of public prosecutions and judicial control in the mechanism of providing of human rights on inviolability of accommodation or other possession. A value is certain principles of inviolability of accommodation or other possession in modern criminal proceedings of Ukraine. The identified disadvantages functioning of directorate of public prosecutions and judicial control in the mechanism of providing of human rights on inviolability of accommodation or other possession after the Criminal-judicial code of Ukraine of 1960, by a certificate what it is possible to count negative practice of the European court on human rights in matters in relation to Ukraine. It was established that European convention about the protection of human rights and fundamental freedoms and practical worker of the European court on human rights in matters in relation to Ukraine became the basic ideologists of not only strengthening of judicial control but also all positions of operating current Code of Ukraine. It was analyzed a number of decisions of the European court is analyzed on human rights in relation to an aim and value of judicial control in the mechanism of providing of human rights on inviolability of accommodation or other possession. A conclusion is done that one of the main tools in the mechanism of this law is to ensure judicial review. Totality of judicial requirements, that is sent to and providing of human rights on inviolability of accommodation or other possession during realization of review, search, inquisitional experiment and inspection publicly of inaccessible places, accommodation or other possession of person, is certain.

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WEBSITE AS NOT-NAMED OBJECT OF COPYRIGHT

The article is focused on current trends in understanding of the website concept as a not-named object of copyright, specifying its key features, subjective composition and its role in the copyright domain of legal system of Ukraine.

The author analyzed modern scientific and theoretical approach to defining website in Ukrainian, Russian and other foreign legal frameworks.

It has been noted that in Ukraine there is no established legal definition for a website. There is a sub legislative definition that is subject to well justified critics.

Website does not feature specifically in the Law of Ukraine "On copyright and adjacent rights". There is a list of objects in Article 8 of this Law though, that allows for legal protection of a website.

It is defined, that general copyright requirements are applicable to a website. The website should be defined in an objective form. Website copyright follows after the website has been created.

The required objective features of the website are: content and structure; design and software could be included also.

The author suggested considering website content in three aspects: as an integral object of the copyright, content as part of information technology, content as part of auxiliary information in HTML document.

Two categories of copyright subjects were suggested in the article depending on the phase of website development: when the website is under construction – author of the website (according to the order contract); for the functioning website – it will be its owner, to whom the copyright for the website was transferred from the previous phase (excluding case of licensing), and the arranger of the website, which uses copyright and complies with its requirements for each of the elements of the integral composition.

After analyzing key features of the website as an object of copyright, the author suggests defining website as a digital product created by means of internet applicable tools, which exists in virtual form, could have features of software, and intended for Internet applications to allow juridical and physical persons a direct access to its content.

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FEATURES OF THE MARRIAGE CONDITIONS REGULATION AND DETERMINATION

This article is devoted to the research of the circumstances, which are both mandatory and sufficient conditions for the registration of the marriage under the provisions of the current Family Code of Ukraine. It is reported that the reglamentation of the conditions of the marriage occurs through fixing principles in the Family Code of Ukraine, compliance with which ensures proper implementation of the right to marriage.

In Ukrainian law a list of impediments to the marriage is not clearly defined, although traditionally these include the circumstances defined in Art. 25, 26 of the Family Code of Ukraine as they have implications for the development of family relationships. These circumstances are considered to be negative, provided they prevent the marriage between a man and a woman who want to register a family unit in the body of state registration of marital status. It is shown that the conditions of the marriage are public, although the components are defined private sphere of man and woman who strive to create a family union.

The author conducted a comparative analysis of the marriage fixing conditions for Ukrainian legislation and that of the Soviet period and the relevant provisions of the acts of family law of other countries, including Russia, Belarus, France. Also the author explored the issue of regulation of parental consent as a condition of the marriage of minors. On the basis of the above mentioned the author argues that the marriage can only be valid by observing individuals positive and negative conditions which are imperatively embodied in the relevant provisions of the Family Code of Ukraine as general principles of the right to marriage.

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PROVIDING FOR PUBLIC NEEDS OR PUBLIC NECESSITY: SOME ASPECTS COMPENSATION LOSSES OF PRIVATE PERSONS

The article is devoted investigation of the order determining the amount and purpose for damages caused to private owners and the holders of property and moral rights that are violated as a result of restrictions on the right of private property for public needs or necessity. Individual coverage receive such questions as the circle of persons entitled to receive compensation, and the procedure for evaluation of the property, through which social goals to be achieved.

It should be noted that each country has its own legislative approach to compensate for losses of persons who are entitled to such compensation. At the same time, the procedure for determining the amount of compensation and appointment of persons from the property which has ensured social need or the need for Ukraine, in our opinion, not sufficiently researched and needs improvement.

At the same time, the procedure features and purpose of compensation to owners of property and the holder of the property rights to it during the procedure limiting the right of private property for public purposes or for reasons of public necessity not received detailed study of the works of local scientists.

As a result of the disclosure of the chosen topic were found a number of inaccuracies legislative procedure definition and purpose of compensation to persons whose property rights are violated to achieve social need or necessity. In this connection, the proposed approach: 1) identifying the persons who are entitled to recover damages incurred by them in the course of providing a public purpose, 2) delineation of categories of damages that must be refunded, 3) clarifying order expert assessment, through which social goals should be achieved.

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PROCEDURAL LAW AS A VECTOR IN DETERMINING THE MAIN OBJECTIVES OF CIVIL PROCEEDINGS AND TO ENSURE ITS EFFECTIVENESS

Defining the objectives of the civil proceedings system as fair, impartial and timely consideration and resolution of civil cases, and the goal – protection of violated, unrecognized or disputed rights, freedoms and legitimate interests of individuals, the rights and interests of legal entities, interests of the state, while CPC among the issues that the court decides when awarding judgments is determining the question of whether or not to satisfy a claim or to deny a claim (s. 5 of p. 1 of Art. 214). This gives some scientists reason to conclude that the court confined to only to check the legality of the alleged claims. However, left forgotten by legislator the execution by court of main lawful purposes – eliminating of conflict and legal protection of rights. So it is important the relationship between the purpose of procedural law and purpose of civil proceedings. Thus, which main objective should standing before the civil proceedings as regulated by the procedural law activity, and which will determine its effectiveness.

In view of the theory of procedural law by author it is concluded: first, the purpose of procedural law is to address and eliminate abnormal development of social relations, protection of social order, rights and legitimate interests of citizens and organizations; secondly, procedural law defines the procedure for the implementation by special state authorities to resolve the conflict; thirdly, the task of procedural law is to establish substantive relationship, achieving material (objective) truth, fair application of substantive law; fourthly, procedural law is intended to promote the efficient and equitable achievement of result which is established by the substantive law to be applied. Consequently, it was found that the main purpose of procedural law is solution (elimination) of conflict effectively and fairly to achieve result that provided the substantive law.

In turn, based on the analysis of opinions of scientists in procedural sphere author concludes that the purpose of civil procedural law is to stop tort and liquidation of its consequences by enforcing substantive law between the subjects of civil, employment, housing and family relationships.

It is noted that the civil proceedings governed by civil procedural law is a procedural activity. This activity should have its own main (primary) purpose, which characterizes it as a dynamic phenomenon. Given the identified main purpose of procedural law, it can be concluded that the main task of civil proceedings should be settlement (removal) of the conflict, i.e. termination of tort and liquidation of its consequences by enforcing substantive law between the subjects of civil, employment, housing and family relationships.

Additionally, defined by the author through the task of procedural law, the main purpose of civil proceedings requires

the legislator to establish such procedural regulation of civil procedural activity for this important task to be actually performed in every civil case that goes to the court. This condition and quality of performing of this main task will determine the effectiveness of all civil proceedings.

But at the same time, the implementation of the main objectives of civil procedure depends on how the courts have effective tools to ensure that task, that it is the quality of procedural rules including civil procedural policies of the state as a whole.

This purpose of civil proceedings requires from legislator to change the civil procedural law, by giving the court following powers: to go beyond the claim; to determine the proper way of protection of rights in the disputed material relationship; to take measures for submission to the court of necessary evidences needed to address specific categories of disputes; to determine addressed in the judgment of the court all original questions, which is likely to arise in the implementation of the court's judgment on a particular dispute.

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LEGAL SUPPORT OF DEVELOPMENT OF ECONOMIC RELATIONS IN THE SPHERE OF HEALTH IN THE CONTEXT OF REFORMATION

The article is devoted to legal issues of development of economic relations in the sphere of health protection in the context of reformation. The analysis of General and special regulations governing considered relations in healthcare, and the specifics of these relations, which are due to the fact that they occur in the social sphere of the economy, where the commercialization restricted by law; shall not be aimed only at profit related to meeting the needs of citizens to improve the state of health or its recovery, and sometimes salvation in their life that are the most valuable intangible valuables. It argues the need for further resolution of these economic relations, in particular, on the definition of their content, legal status of entities (communal non-commercial enterprises), the funds of the state influence on the activity of these subjects.

The article proves that in order to ensure development of economic relations in the sphere of health protection appropriate to the special legislation: 1) to identify the medical services as their contents and the main activity of communal non-profit enterprises, provide a more clear the definition of «medical care» and exhaustive list of types of free medical care to be provided by such enterprises to the population, and the list of paid medical services to the citizens for their account; 2) to secure the legal status of communal non-profit enterprises,

which has certain characteristics, with a view to distinguishing such enterprises with health institutions; 3) establish the grounds and procedure for the application of incentive funds of the regulatory impact of the state on the activities of communal non-profit enterprises to ensure their further effective development.

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STATE MANAGMENT OF CAPITAL CONSTRUCTION IN THE SOVIET PERIOD

Economic achievements demonstrated by USSR could not take place without proper state management of capital construction. Its emergence and development is held during the Soviet era. On the other hand, the last quarter of the last century was reflected by the accumulation of negative trends in the development of the national economy. The construction industry was no exception. Problems of not completed construction, violation of terms of its construction and low quality more acute rose before society. To a large extent these problems were due to the cumbersome, overly bureaucratic public administration system of capital construction. Transition economy of Ukraine, after independence, to market principles and the full state deregulation of capital construction has led to a significant deterioration of the building enterprises; reduce the volume of construction in our country. Thus, the experience of the construction industry management by public authorities, which have the economic competence, is important for understanding the directions of state influence in the modern period to ensure sustainable development of this industry.

A characteristic feature of regulation of capital construction during the Soviet era was a common accountability of capital building to the government, which mainly acted as a customer and the executor of such works.

The first period in which took place the occurrence of capital construction as an independent phenomenon, held from 1918 to 1941. The state took control of construction work on construction contracts. Were created the union managing authorities of capital construction. Also were established legal foundations for public sector management. Creation of Narkomstroy of USSR in 1939 completed the process. The second period from 1941 to 1949 – the period of capital construction for the war and the restoration of damaged facilities. Were created: Main Department of Construction of mechanical engineering under the control of Council of People's Commissars of USSR, Committee on Architecture under the control of Council of People's Commissars of USSR. This process culminated in the creation of on the basis of Narkomstroya three commissariats that in the same year, were transformed

into the ministry: for the construction of military and military – marine companies of the USSR on the construction of fuel enterprises of the USSR; construction of enterprises of heavy industry in the USSR. The third period from 1949 to 1965 – further development of state management of capital construction. During this period, was created and received significant development the central managing authority – Gosstroy of USSR. Also been created Soviets of the National Economy where had been concentrated the majority of construction companies. The fourth period (1965-1985 years) – strengthening governance of capital construction and consolidation of multilink system of management of industry. During this period, has been formed a large number of Union, Union – Republican and Republican ministries, which often duplicated each other and formed a complex, inefficient management system, consisting of two, and often three or even four units. Fifth period 1985 – 1991 years – the period of simplifying of management of capital construction. Were eliminated a significant amount of Union ministries which were managed capital projects. Gosstroy of USSR in 19.08.1986 was transformed into the State Construction Committee of the USSR, 14.11.1991 eliminated. Multilink system management of capital construction was too complex, led to excessive bureaucracy and duplication of administrative functions. Despite the fact that the construction contract for capital construction was defined in the legislation of the USSR as a separate type of contract with only his inherent characteristics that distinguish it from other works contracts, it does not function as a means of legal mediation economic relations, and was only a means of specifying targets.

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FEATURES OF COMPULSORY INSURANCE OF CIVIL LIABILITY OF OWNERS OF VEHICLES IN UKRAINE (EXPERIENCE IN UKRAINE AND EUROPE)

The purpose of this article is to determine the main problems in the application of compulsory insurance of civil liability of owners of vehicles and methods to overcome these problems, also analysis of the characteristics of this type of insurance in the leading insurance markets in Europe.

With the emergence of the need for the introduction of this type of insurance face problems that require solutions, namely the lack of public confidence to insurance company, lack of responsibility of the insurance company for failure to fulfill obligations, insufficient explanatory information work and insurance culture.

Thus, to solve these problems it is necessary: First, conduct informational campaign, to reach the consumer per-

ception of the need for and benefits of compulsory insurance of civil liability of vehicle owners;

Second, the improvement of living standards, thus increase the level of solvency of citizens.

Thirdly, to reduce social tension and increase trust in insurance companies through the implementation of insurance liabilities.

An important feature of the European insurance market is the presence of direct claims settlement by compulsory insurance of civil liability of owners of vehicles. Such a system exists in many developed insurance markets, including in Belgium, Italy, France, Belarus, the Russian Federation. Feature of direct claims settlement is that unlike usual for Ukrainian insurance market process, compulsory civil liability insurance policy holders as the victim turns to «own» the insurer who sold it to the service. The insurer also receives compensation from the insurer's liability culprit in the event.

Therefore, it is the priority of the developed insurance market in Ukraine on compulsory insurance of civil liability of owners of land transport is an important means of insurance protection as the socio- economic and political significance and necessity reality with the development of the national economy. Ukraine – an important state for European road traffic. The state of economic relations, market transformation of the national economy of Ukraine's accession to international markets necessitate the development of the insurance industry, taking into account international experience and national characteristics. Moreover, given the current situation, the harmonization of national legislation with European standards settlement of this type of insurance is one of the areas of integration into the European space.

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PERSPECTIVES FOR PRIVATE SEZS INTRODUCTION IN UKRAINE

Perhaps the most notable trend of the special economic zones (SEZs) development worldwide has been the growing number of privately owned, developed, and operated zones. The key factor behind the rise of private zones is the realization that such facilities can be profitably operated on the part of developers, and that the burden such SEZs place on government resources can be reduced.

The entry of the private sector into zone development has also changed the range of facilities, services, and amenities available within zones. Recent trends tied to the increase in private zone development include the development of SEZs and industrial estates on an integrated rather than stand-alone basis, increased specialization of facilities catering to the unique needs of target industries and the

provision of a greater range of business support services and specialized facilities.

The article examines the legal framework for the establishment and operation of industrial parks in Ukraine, which are seen as the most probable format for private SEZs in the country. By the letter of law, any natural or legal person can initiate the establishment of an industrial park, but in practice their creation exclusively by the state is envisaged (as industrial parks are part of the "national projects" program). Moreover, analysis shows that present legal regime of industrial parks has inherited major shortcomings of the former special economic zones regimes, namely, selective approach to picking beneficiaries of the special treatment and principal reliance on incentives, which are likely to prove economically inefficient.

International experience suggests that the recommended approach is to adopt an industrial park model that incorporates, inter alia, following principles: a) promotion of private rather than public development of parks, as the former appear to be better economic performers; b) simplified regulatory environment within an industrial park, including a «single window» for obtaining all necessary governmental authorizations and permits; c) encouraging parks to compete on the basis of facilitation, facilities, and services rather than on the provision of incentives.

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RIGHT OF DEFENSE OF DEBTOR IN MORTGAGE LEGAL RELATIONSHIP (CIVIL LEGAL ASPECT)

The article is devoted researching conceptions of protection of civil rights and interests in the civil law of Ukraine, and also necessity of researching of protection of rights for a debtor in mortgage legal relationships.

Author analyses present scientific sources, and make conclusion that research of protection of rights for a debtor in mortgage legal relationships was not conducted, however it is actual.

In the article paid attention that traditionally in most researches an accent is done on the protection of rights for a creditor in obligation from violation by the debtor. In fact, the main problem in the previous periods of development of mortgage relations was that principal reason of failure to return of credit was an unwillingness of debtor to return it, because he did unconscientiously. At present day a debtor economically does not can execute his obligation.

Author analyses two basic conceptions of protection of civil rights and interests, which are presented in literature. By first conception right of defense is a part of equitable civil right, and realized at violation of other parts of civil right. From the point of view of other research-

ers, which researching civil legislation, right of defense is independent equitable civil right. As a result author joins second position that right of defense is independent equitable civil right.

Determining the right of defense by an equitable civil right for a debtor, author make a conclusion that the protection of rights for a debtor can be carried out by general methods of protection of civil rights and interests in court procedure by filing the lawsuit about invalids of contract, confession of right on a residence. In addition, court can decline lawsuit if there are not terms to appeal of penalty for the purpose a mortgage.

As the conclusion author makes about a necessity of researching of separate methods of protection of rights for a debtor in the mortgage relations.

LAND, AGRARIAN, ECOLOGICAL, NATURE RESOURCES LAW

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LEGAL FRAMEWORK OF ADMINISTRATIVE RESPONSIBILITY FOR INFRINGEMENT OF THE AGRARIAN LEGISLATION

The development of the law of administrative liability for infringement of agrarian laws are analyzed in the article. On the basis of existing legislation shortcomings in the legislative provision of administrative liability for infringement of agrarian laws were revealed. Trends of the law on administrative responsibility in the field of agriculture and the ways of improvement of legislation in the field of the study were disclosed.

In our opinion in the agricultural sphere several trends in the development of legislation on administrative responsibility are disclosed in the article. In particular, there are the following: establishing administrative penalties for infringements of agrarian laws alone of the Code of Ukraine on Administrative Offences, regulations, the development and adoption of legal acts providing for unlawful acts in the relevant area without establishing penalties for their commission.

To ensure the stability of the legislation on administrative offenses expedient to attract lawyers working in agrarian field to work on a draft Code on administrative offenses in the part of development of regulations on liability for infringement of agrarian laws. This will greatly enhance the quality of the new code and will avoid amending the articles on responsibility in the Code of Ukraine on Administrative Offences immediately after its adoption.

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TAXES AS ONE OF METHOD FOR CALCULATION OF ENVIRONMENTAL DAMAGES

In modern conditions of social development the main priority, the national interests of Ukraine is saving and restoration of the environment, ensuring the environmental safety of human life. The pursuit of sustained economic growth without environmental requirements that long prevailed in the relations between society and the environment; put our country on the bound of environmental crisis. Therefore, both at international and national levels, the need to find in-

struments that would ensure coordination of economic interests with the laws of nature. State seeks not only to solve the socio-economic or political problems, but problems of environmental protection. Along with the protection of the environment from pollution necessary condition to solve this problem is to restore the natural resources and bringing them into the previous condition. However, in many cases, because of the damage caused to the environment to return natural resources to its previous state is impossible. In particular, it is not possible to plant cut trees or plants, recover naturally destroyed populations of rare animals etc. Therefore, environmental law formed compensatory mechanisms refund damages caused to the environment. The term «compensation» is interpreted as balancing something disturbed; catch, so the recovery is carried out not only through the steps to bring the natural resource in the previous state, but because of compensation for environmental damage in monetary terms.

Taxes are fully reflecting in value all the negative economic and environmental effects caused by environmental damage. The taxes contain predetermined amount of property damage caused to the environment by unlawful actions of individuals or entities. Often tax method of refund attributable to the activities of civil liability. According to P.D. Pylypenko, a false impression due to the fact that the tax is expected a property expression of damages, and the liability is reimbursement. However, all attempts to file a tax responsibility as a form of civil liability discord with the general grounds for liability for damage or property damage provided for in the article № 1166 of the Central Committee of Ukraine, concerning damage caused by the wrongful act or omission of persons or entities moral rights or property of the person or entity that should be refunded in full.

Tax liability is assumed in the case of damage to the environment, not the property of individuals or legal entities. That is why taxes even though their material nature, yet have different legal nature and can not be considered as penalties civil liability. They are sanctions proceedings in the environment, rather than a separate form of compensation civil (property) damage.

In modern terms the tax method is the only mechanism for determining the damage on most natural resources. For example, approved taxes to calculate the amount of damage caused to forests unlawful actions of entities and individuals. They calculated the amount that should be recovered in case of destruction or damage to forest plantations, natural regrowth and self-seeding on land designated for regeneration. The amount of compensation depends on the age (in years) forest crops, etc. and determined hryvna per one hectare. In particular, the destruction of forest species that are 5 years or less, the tax amounts to 17 918 UAH per hectare. Accordingly, if the damaged objects were 6 to 10 years, the refund increases to 23 188 UAH per hectare under the Resolution of the Cabinet of Ministers of Ukraine on approval before taxes for the calculation of the amount of damage caused to the forest, regulation of July 23, 2008. Dimensions sanctions for environmental offenses committed, that taxes are equivalent to the extent of the environmental economic and environmental damage. Environmental damage is encroachment on the environment and natural resources and environmental interests is determined by the functions that perform natural resources in the en-

vironment (sanitary protection, recreation, maintenance, etc.). Determining the specific amount of compensation legislator should consider specific features of natural resources, environmental and utility of consumer quality, character and nature of the offense. As an example, according to approved for the calculation of damages caused to the forest for each tree cut down which is do not bear fruit or damaged to the point of cessation of growth in diameter from 30.1 to 34 cm in the cortex at the neck of the root, the damage is 1449 UAH. However, for the illegal felling of or damage to the point of cessation of growth of fruit trees, boxwood, trees and shrubs of the family Cupressaceae, nuts of all kinds, etc. size is calculated by tax, increased 3 times.

Thus, taxes are expressed in value terms, the negative effects caused property damage to the environment. However, we believe that the tax method has several disadvantages. In particular, the tax responsibility is applicable only in a stable economic environment that is not peculiar to our country.

The disadvantage is the fact that the current environmental legislation focused primarily on compensation only economic damage, besides fairly estimated. The tax can not depend only on the species and diameter of a natural resource, its type and some other features. The tax should conform as much as possible the real value of environmental violations caused harm. Therefore, the unit, which must be based in the calculation of the amount of damage shall be non-taxable minimum incomes of citizens, which is 17 UAH and is fixed. Tax should not be installed in a fixed cash sum as harm caused to natural resources after a certain period of time such as a year, will no longer respond the market value of the product of the resource specified by normative legal acts in the national currency. Compensation should be reasonable, despite a convention display all the environmental consequences of the offense and be relevant, comparable with the necessary measures to restore the natural resource.

We consider that the unit of which must be based in the calculation of damage, should be a living wage. According to the Law of Ukraine On Living Wage, regulation of 15 July, 1999. «living wage determines the minimum amount of money required man to live in, is dynamic, taking into account inflation in the country». However, the amount of compensation determined as a percentage of the minimum subsistence level and take into account the possibility of a person in a given period to recover such damages would be adequate to the existing socio-economic conditions. Thus, the amount of compensation will always be tied to a particular market period and in each such period will be the same of incomes.

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FORMATION AND DEVELOPMENT OF ENVIRONMENTAL TAXATION IN UKRAINE

When Ukraine became an independent state, issues related to searching for new sources of budget revenues as well as sustainable use of natural resources emerged full blown. Social and economic development of Ukraine mainly depends on appropriate regulation of economic processes and establishment of an efficient national economy and, respectively, tax system. At present, issues related to the implementation, collection and legislative control of environmental payments are of great public interest.

During the years of Ukraine's independence, such items as the environmental tax name, taxpayers' composition, tax basis, procedures of funds distribution and their payment to the budget, etc., underwent changes. However, the legal essence of the tax remained unchanged and exhibits the following characteristics: 1) analysis of the formation and development of environmental taxation in Ukraine; 2) the environmental tax is payable only in the monetary form; 3) it is a mandatory payment; and 4) it has its designated purpose. At the same time, its legal nature is mainly distinguished by the fact that the environmental tax is of a compensatory nature. So, in spite of the fact that this payment is defined in the Tax Code as the environmental tax, we can speak about its non-tax essence. In support of this opinion, we can come up with the following argument. According to generally recognized criteria, a tax is a mandatory, unconditional and non-repayable payment on an individual basis. Unlike the tax, non-tax revenues (payments) are compensatory and refundable.

At the same time, it is worth mentioning that lawmakers substantially improved the fiscal role of the environmental tax in Ukraine by providing for a clear legal mechanism for collecting the environmental tax at the legislative level, establishing its principal components (taxpayers, subject and rates) and defining its concept.

CRIMINAL LAW, CRIMINOLOGY, CRIMINAL-EXECUTIVE LAW

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PUNISHMENT OF JUVENILES IN THE MECHANISM OF MEASURES UNDER CRIMINAL LAW

In this article the author analyzes the punishment of juveniles in the mechanism of measures under criminal law. Proposes a number of amendments to the Criminal Code of Ukraine, in which the system of punishment of minors acquire new qualitative in nature, allowing the courts in dealing with cases more humane treat this category of convicted as minors, really show the principle of humanism punishment. The problem of criminal legal action lately smartly cultivated in the science of criminal law. Expressed separate opinions on the types of measures of criminal legal action. But unanimously authors argue that these include penalties. Punishment as a means of criminal legal action applies to minors as a necessary measure of protection of society against crimes committed by juveniles for their correction and prevention of crimes. Unfortunately, the Criminal Code of Ukraine mostly built without the person of the minor. There are numerous examples where sanctions article of the Criminal Code of Ukraine pose problems for the use of practitioners. At a time when juvenile provides twelve penalties for minors – only six. This negatively affects the determination of punishment for juveniles. In adult individuals the choice is wider.

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ACCENTUATIONS OF PERSONALITY AS FACTOR OF DETERMINATION OF ILLEGAL BEHAVIOR

Today, in the conditions of complication of situation concerning the psychical health of population, the special anxiety is caused by a stake in all mass of psychical anomalies exactly of accentuations of personality. The making progress display of accentuations of personality especially causes an anxiety at the persons of young age. Accentuation of personality has a substantial value at forming of model of behavior of individual, here along with positive potential they can have negative potential (both relatively social adaptation on the whole and relatively concrete behavior acts), that especially topically in the

context of study of criminal behaviour. Combination of accentuations of character and temperament (at prevailing of the first) brings to appearance of specific types personalities over, basic which it is been from: demonstrative, pedantic and excitable. Each of the indicated types has the criminogenic specific which is determined by the orientation of corresponding potential to personality. Exactly in connection with the possible negative displays of accentuations of personality in behavior of man, which in certain terms and external situation can determine criminal behaviour, this variety of psychical anomalies must be in sign of criminologies and other researchers of criminal behaviour. The account of influence of accentuation allows deeper to study psychotic, personalities of criminal formed under their influence of feature, to study reasons and motivation of his illegal behavior, and, consequently, to define taking into account personality a criminal most effective criminal-law and other measures of affecting him.

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PREVENTION OF VIOLENT CRIME PRISON: THE EXPERIENCE OF FOREIGN COUNTRIES

Violent crime, prison is not only one of the major problems of the penal system and crime prevention in Ukraine, it is a tool to extend the criminal behavior patterns in society by criminalizing its addiction to violent ways to resolve conflicts.

Preventing violent crime prison is directly dependent on the theoretical development of specific issues of this type of crime. One is the study of the positive experience of foreign countries in this area, its critical analysis for possible loan and implementing the national criminological system.

However, at this stage in terms of finding promising areas of prevention of violent crime in the penal Ukraine Exploration of the experience of professional attention paid enough.

The aim of the paper is a critical analysis of the experience of preventing violent crime in the penal foreign countries in order to determine the main directions of improving preventive activities in the context of national criminological system.

Analysis of foreign experience in crime prevention prison shows that Europe redirected towards activities ongoing cooperation with NGOs and citizens, which indicates the direction of humane execution of the sentence of imprisonment, but with a focus on enhancing the security of prisoners and society.

An entirely different approach is proposed in China and the United States. The constant increase in the number of people in prison is not helping to reduce crime in the country, not to mention the fact that the constant increase in the number of prisoners requires the state to

allocate additional funds for their maintenance, the construction of new prisons, increasing the number of prison staff and others.

It should be noted that even in states that have been considered, to prevent violent crime prison built in criminological system of each country, so this activity meets the general trends of crime prevention in general.

Promising in view of further research is to analyze the possibilities of borrowing criminological national system of positive elements to prevent the violent penal crime in foreign countries, and development on the basis of the analysis of promising areas to prevent the violent penal crime, to improve the effectiveness of preventing this type of criminality in Ukraine.

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THE HISTORY OF CRIMINAL LAW PROTECTION OF THE SECURITY OF INVESTMENT ON THE STOCK MARKET ON THE TERRITORY OF UKRAINE

Globalization of the world economy and the Ukrainian choice of integration with the European Community requires from the Ukrainian state to ensure an appropriate level of sustainable economic development and economic security.

Everything mentioned above presumes adequate investment climate in the country, the important part of which is the stock market. One of the tools of such provision is the criminal law of Ukraine. In this connection, the author of the article considers vital to study the problems of application of existing provisions of the Criminal Code of Ukraine, securing the stock market, as well as prospects of their reformation.

This article is devoted to the history and formation of criminal law protection of the security of the investment on the stock market on the territory of Ukraine. The author studies the sources of criminal law regulating legal relations in this field in Ukraine at various stages of history: in the period before 1917, the period of the Soviet state (from the October Revolution of 1917, before the start of economic reforms 90s), the period of the modern Ukrainian state . The article discusses in detail the formation of criminal prohibitions in the regulation of the stock market and securities turnover in the Criminal Code of Ukraine 1960 and 2001. Acting on the territory of the modern state of Ukraine.

Having study the issue the authors' summarizes that criminal defense investment security in the territory of Ukraine had been passing a long process of historical formation, which at different stages was determined by the peculiarities of the existing state system. Besides the author also emphasizes that the process of reforming Ukrainian criminal law in this area is carrying on, and the list of crimes in question is supposed to be converted into a separate group in Criminal Code of Ukraine – criminal offenses.

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THEORETICAL APPROACHES OF FORMATION AND DEVELOPMENT OF CRIMINAL LAW ON A PROBLEM OF SANITY

Constitutional law on freedom and security of the person implies that each citizen has an opportunity to be own master. The principle of free and informed consent on the intrusion into the human's health sphere is focused on the protection of this independence of the person. Quite often the individuals with mental illnesses are dangerous to life and health of other persons. Therefore compulsory medical measures can be applied. Rules of law and investigative jurisprudence relating to the isolation of individuals with mental illnesses in asylum, their treatment and protection are one of the most difficult issues that have become a subject of contentious debate nowadays1.

Ancient Greeks accumulating the wisdom of centuries had articulated the idea which is still relevant: Laws have to be fair. First of all it concerns the censure of criminal with psychophysical defects. The question about biological and social influence on human's behavior is urgent because flouting or underestimation of it complicates the originally scientific interpretation and justification of the Principle of the guilty responsibility which is inseparably attached to the Principle justice2.

The United Nations emphasizes that ethical, legal and medical guarantees of safety of the persons with mental illnesses have to be developed within the international community, in regional and national legislations; this includes different treatments, using the latest scientific achievements of the science providing modification of person's behavior during the implementation of compulsory measures of medical character etc.

In many countries the national legislation recognizes the possibility of governmental agency to intervene into the private life if it's forward to the protection of persons with mental illnesses, care-taken personnel (f.e. in medical institutions) on behalf of population's health and safety. It is also fixed in the Principles of protection of the persons with mental illnesses and improvements of mental health service (the UN, 17 December, 1991), Recommendations R (83) of 21 Committee of ministers of Council of Europe to the participating states on legal protection of the persons with mental illnesses who has been hospitalized forcefully (the Council of Europe, 22 February, 1983).

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THE INSTITUTE OF CRIMINAL OFFENSES IN THE CONTEXT OF THE INTEGRATION OF NATIONAL LEGISLATION WITH THE EUROPEAN STANDARDS

Approval the Concept of the Reform of Criminal Justice in Ukraine, adoption of the Criminal Procedure Code of Ukraine and submission to the Verkhovna Rada of Ukraine the Draft of Law of Ukraine from March 3, 2012 № 10146 «About modification to the Criminal Code of Ukraine concerning the introduction of institution of the criminal offenses» brought the problem of the introduction in criminal law of Ukraine the institute of criminal offense at the level when from it depends on not only the practice of application of law but the legal system of Ukraine in general.

There were summarized approaches, which are submitted in the scientific literature, to address issues of criminal misconduct. It was found that most experts in the field of criminal law tend to the development and adoption of the Code of Ukraine concerning criminal offenses as a separate statute. The part of supporters of the latter solving of the problem believe that the rules of proposed Code must resolve as organizational and legal question and also question of substantive and procedural law. It is also proposed to introduce to the system of justice the magistrates who, in particular, will be dealing with the consideration of the issues which concerning liability for the actions, which will be recognized as a misconduct.

The author concluded about the feasibility of predicting in the Ukrainian legislation of several types of illegal acts: administrative offenses, criminal offenses, crimes.

The delineation of such unlawful acts advisable to make based on such criteria as degree of harm caused by them to social relationship, type of the object of offense, subject of the jurisdiction, the severity and type of sanctions which provide for their commission, the person, who committed the offense.

So, the introduction of the institute of criminal offense is able bring together the national legislation about the criminal liability with the legislation of the European Union, however requires further work at the conceptual level based on achievements of modern science of criminal, criminal procedure and administrative law, and trends of humanization of legislation of Ukraine about criminal responsibility.

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CRIMINAL LIABILITY FOR OBSTRUCTING THE IMPLEMENTATION OF THE CITIZENS VOTING RIGHTS OR THE RIGHT TO PARTICIPATE IN THE REFERENDUM IN UKRAINE AND THE INDIVIDUAL MEMBER STATES OF THE COMMONWEALTH OF INDEPENDENT STATES: COMPARATIVE-LEGAL ANALYSIS ON THE EXAMPLE OF THE RUSSIAN FEDERATION AND BELORUSSIA

The article is devoted to the comparative-legal aspect features of criminal liability for obstructing the implementation of the citizens of voting rights or the right to participate in the referendum in Ukraine and the Russian Federation and Belorussia.

The author tries to fully and completely disclose the issue of criminal responsibility, which occurs in the case of a person of a crime under Article 157 of the Criminal Code of Ukraine. He refers to the same standards of foreign criminal law, which also provides for responsibility for a crime, the object of which is to attack the social relations that arise during the citizens electoral and referendum rights, to form the corresponding propositions implementation of positive foreign experience domestic criminal law, as well as to improve certain provisions of Article 157 of the Criminal Code of Ukraine.

CRIMINAL PROCEEDING, CRIMINALISTICS, OPERATIONAL INVESTIGATIONS

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DEVELOPMENT OF THE LEGISLATION OF UKRAINE TO ENSURE HUMAN RIGHTS IN CRIMINAL PROCEDURE AT THE PREJUDICIOUS STAGE

It is the review of the main stages of formation of the criminal procedure of Ukraine on the basis of published sources, their role in the formation of modern law and some aspects of the new Criminal Procedure Act.

The adoption of the new Code of Criminal Procedure of Ukraine and its practical implementation have made significant changes to the criminal provision of participants of the criminal process that was not been fully explored by science and proven in practice. For example, rights of some participants in the new criminal procedural law were considerably expanded and the rights of other members were not even prescribed in a separate article.

The author examines the historical stages of development of criminal procedure in Ukraine, giving them a description and highlighting major events and important legislative acts, then concerns the modern period.

The article of I. Babenko is based on the researches of domestic scientists, the experience of international human rights organizations and the practical aspects of the Code of Criminal Procedure of Ukraine 2012, identifying some problematic aspects of its application.

A lot of attention is paid to the analysis of legislative acts at different stages of the criminal procedure that helped to ensure the rights and interests of persons who fall within the scope of the criminal procedural relations. The author tries to highlight the regulations of legislation aimed at expanding the principle of adversarial criminal justice system, the rights and interests of both the accused and the person who has suffered from a criminal offense.

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EMERGENCE AND DEVELOPMENT OF IDEA OF INVESTIGATIVE EXPERIMENT

Relevance of article is caused by that one of the most important bases of criminal proceedings is the presumption of innocence which assigns burden of proof of charge and a denial of the arguments given to protection of the suspect or accused to the charge party. Thus the investigator has to not only collect proofs, but also carry out their inspection and an assessment by production of investigative actions.

In many cases objective check and an assessment of the obtained evidence are possible only when carrying out investigative experiment which allows the investigator to check by practical consideration the data received during the investigation, correctness of the hypotheses and conclusions, and also to recreate an event picture in full taking into account an interconnection, various details and features.

The problem of investigative experiment represents great theoretical interest and has great practical value for many generations of lawyers. At the same time, investigative experiment was for the first time fixed in the Criminal Procedure Code of Ukraine of 2012 (Art. 240) as independent investigative (search) action.

In article the main stages of development of investigative experiment as independent procedural action are considered, the points of view of scientists on considered procedural institute are analyzed.

In the manuscript of article it is noted that investigative experiment already long time is used in practice of work of investigators and has procedural fixing as independent investigative action. At the same time, the theory of investigative experiment is in continuous development and is subject to further studying and improvement.

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PROBLEM ASPECTS OF LEGAL REGULATION OF THE SECURITY ASSURANCE OF THE PERSONS DISCHARCHING SPECIAL MISSION DISCLOSING CRIMINAL ACTIVITY OF THE ORGANISED GROUP

It is highlighted the problem of the legal regulation of the security assurance of the persons that discharge special mission disclosing criminal activity of the organized group. The legal acts concerning security assurance of the persons that discharge special mission disclosing criminal activity of the organized group are concerned. There were compared norms of the Code of Criminal Procedure of Ukraine 1960 with the norms of the Code of Criminal Procedure 2012 concerning the assurance of the security of the participants of criminal procedure. Due to the great number of the by-laws there were discovered problems of the application of laws and the problem of the definition of the legal status of the person discharging special mission disclosing criminal activity of the organized group at the legal regulation of the security assurance. It was defined that some of the legislative acts contain statements and terms that are not clear enough. Variety of normative acts and a great number of juridical information need certain order and organization in the system allocation of the legal material, as well as convenience of its implementation.

We came to a conclusion that in order to improve the implementation and make the application of the legal acts bringing to regulate relations in the sphere of the security assurance of the persons discharging special mission disclosing criminal activity of the organized group more effective it should be structured and regulated in a special manner. This task may be solved with the help of the systematization of the legal acts that regulate the procedure of the assurance of the personal security, even if it is possible at the expense of the changes of the divisions of the Code of Criminal Procedure of Ukraine concerning the security assurance of the persons assisting in the criminal proceedings.

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PROTEST ACTIVITY OF COUNSEL IN CRIMINAL PROCEEDINGS OF UKRAINE: CONCEPT, PURPOSE AND FORM OF ITS MANIFESTATION

Today criminal procedure of Ukraine is based on the principle of competition, accompanied by an increase in procedural opportunities counsel at the pretrial investigation and trial stages of criminal proceedings. In connection with the reform of the criminal justice system, professional requirements become more stringent, since the scope of rights that were given to the defense, to even the possibility of opposing parties to provide their legal position.

Justice - is a process of struggle, in which the parties «play» by the rules of honesty, integrity, competence, professionalism, actively reaching an equitable result, regulated by law. One manifestation of the activity of the defender - a lawyer in criminal proceedings is a protest.

The forms of protest activity counsel in a criminal trial may be the motion, application, claim denial (note, protest), complaint, inquiry, withdrawal, defending speech cue. Each of these forms of protest activity has its own value and is certain content for certain events, decisions, existing violations of human rights and so on.

Conventionally, the use of these forms can be divided into two groups: 1. Forms of protest activity to implement the rights of the defendant. 2. Forms of protest activity aimed at redress client. Some forms may belong to both groups at the same time as the criterion for this division are the specific life circumstances change color reaction legal counsel.

All of the above forms are important and effective because the number and the legislature an appeal entitles defense counsel to apply some of them to one and the same situation, and ask the court to appeal the decision, act or omission of the investigator or prosecutor.

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LEGAL AND CONTRACTUAL REGULATION OF CRIMINAL-PROCEDURAL LEGAL RELATIONSHIPS

Considered the problem of the relation of the legal and contractual sides of one of the key institutions of the criminal-procedural legislation of Ukraine – criminal proceeding under the agreement, which is the principle of freedom of action of the parties, has law-making character under the agreement. Considered as legal fact and as a democratic form of law at the same time.

With the adoption of the Criminal Procedural Code of Ukraine was further elaborated mechanisms to improve democratic institutions in the criminal proceedings, in particular because of the relationship on the basis of agreements between the victim and the suspect.

Regulatory and contractual regulation of criminal legal proceedings in criminal procedure proceedings have not been investigated. The conclusion of agreements on the principle of freedom of action allows investigators, prosecutors, judges' decisions closer to the expectations of the parties. The use of contractual regulation due to natural necessity as society in general and individuals in keeping the balance of rights , duties sides of criminal legal proceedings and most optimal implementation of the criminal proceedings.

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PROBLEMATIC ASPECTS OF CIVIL DEFENDANT STATUS AS A SUBJECT OF PROOF IN CRIMINAL PROCEEDINGS

In the article the features of a legal status of a civil defendant, as a participant of the evidence.

Determined that the civil defendant in criminal proceedings may be natural or legal person who, by virtue of the law shall bear civil liability for damage caused by criminal acts (omissions) of the suspect, accused or a deranged person committed a socially dangerous act, and to which a civil suit in the order established by the present Code.

Specifies that among more practical and effective rights of the civil Respon-

dent on participation in the process of proof in a criminal case, have the right to object to the claim, the right to give explanations on the merits of the claim, the right to submit petitions, including the issues of the collection, validation and assessment of the evidence officials, leading the process.

As a result of research the following conclusions: envisaged by the criminal procedure code of Ukraine the rights of the civil Respondent on participation in the process of proof in criminal proceedings and the level of implementation show that today, despite enshrined in the Constitution of Ukraine and in the new Criminal procedure code of Ukraine the principle of competition, and there is the problem of equality of all participants of criminal proceedings. Logical and necessary to amend, namely to define clearly, since when a person acquires the status of a civil defendant, what rights and responsibilities endowed with exactly the civil defendant and not contain provisions on the rights and obligations of other participants of criminal proceedings.

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TACTICS SOURCES OF INTERROGATING A SUSPECT WHICH ARE BASED ON NONVERBAL COMMUNICATION KNOWLEDGE

Some issues related to the sources of tactics of interrogating a suspect that are based on the knowledge of nonverbal communication are researched in the article. Some issues related to the sources of tactics of interrogating a suspect that are based on the knowledge of nonverbal communication are researched in the article. The conceptual aspect of the research in question is exposing false information during a suspect's interrogation by an investigator that has been possible due to applying some up-to-date nonverbal communicative tactic methods. The research conclusions are proved by specific results of the conducted criminalistics experiment.

In the modern theory of criminalistics in Ukraine, in interrogation tactics in particular, the subject in question has not been covered well. So it is relevant and necessary for interrogation practice. In this respect it is worth noting that scientific works of other authors do not resolve the problem of the suspect interrogation tactics based on knowledge of nonverbal communication. The author investigates the issue of tactics of the suspect interrogation the source being knowledge of nonverbal communication in two tactical aspects. The first aspect is that the investigator has to apply nonverbal communication while interrogating the suspect. In these conditions, the investigator has to know how to analyze media of every kind of nonverbal communication. The second tactic aspect

deals with the issue of using specific tactic means such as tactic actions, tactic inaction, tactic methods, tactic operations, and tactic combinations that are based on knowledge of nonverbal communication. At the same time, tactic actions of the investigator have to be: 1) developed on the basis of understanding meditation processes in the respect of prediction the consequences, 2) relevant to interrogation situation, 3) strictly planned, 4) well arranged, 5) implemented on one's own or with participation of others, 6) short-termed (lasting about 17 seconds or more), 7) conducted in the place that is not familiar to the suspect, 8) fulfilled in physical actions that normally have to be accompanied with words but are not (principle of silent films), 9) based on natural talent and gained artistic skills, pantomimic and mimic aspects in particular, 10) go with use of different objects that are a) related to circumstances that are being proved (for example: objects that look like the ones that were stolen), b) means of fixation the process and results of investigator's actions (the form of interrogation protocol, a pen etc). The author describes specific tactic methods of suspect interrogation that are based on nonverbal communication awareness. The process of investigation was accompanied by a criminalistics experiment with 70 participants.

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INVESTIGATION SITUATION AND THEIR IMPACT ON DEVELOPMENT TACTICAL OPERATIONS

Considered are the problems of research of influence of investigative situations on the formation of tactical operations. It is stated that the criminal investigation situation carries a certain managerial influence on any tactical operation, so consider this circumstance allows to increase the efficiency of the developed operations. It is proved that in the process of preparation and adoption of decisions on the conduct of tactical operations, assessment of the existing situation has a Central place. Research criminalistic situalogiya open up new prospects and opportunities for the successful formation of the scientific concept of tactical operations and its implementation into practical activities.

The author proves that between investigative situation and tactical operation there is a deep genetic link, is that the tactical operation is formed in a particular investigatory situation, depends on the hiring of means and their contents. Draws attention to the fact that at the beginning of the investigation before a Prosecutor not, there is a task which requires a solution, and the situation with a high degree of uncertainty. This creates

the need to influence the situation, manage to obtain different situation with a greater degree of certainty. Impact may be aimed at the elucidation of any one element of the offence or one of the information components. Influence can also be in other forms, be aimed at identification of several signs of crime, i.e. have the character of a tactical operation.

This understanding of the current state of theory investigative situations reflects its methodological significance for forensic science in General and to clearly define the place of this theory in the system of forensic science. As have shown results of research, the situational approach is characteristic for all sections of criminalistics and in each of them investigative situations is of special importance for a more in-depth analysis of the patterns, which are studied, development of forensic recommendations adapted to the particular activity.

In the study of the specifics of the system, «investigation of the situation tactical operation also must conclude that the relationship tactical operation and investigative situation is reciprocal and has a two-way, multi-level and dynamic character. In particular, decisions on the feasibility of a tactical operation are made on the basis of an assessment of investigatory situation. In the future the structure and orientation of the tactical operation is determined by the nature of the investigation of the situation, which has developed to a certain stage of the investigation. The complex procedural and not procedural actions and policies that determine the structure of a tactical operation can be changed depending on the situation.

It is proved that the criminal investigation situation is constantly carries out a specific managerial influence on any tactical operation. Knowledge and to consider this circumstance allows to increase the efficiency of the developed tactical operations. Therefore, the procedure of preparation and adoption of decisions on the conduct of tactical operations, assessment of the existing situation has a Central place. In other words, an investigative situation conditions the conduct of tactical operations, which in turn are the tactical means to influence the situation, aiming to change for the better. Thus, the tactical operation performs a specific tactical solution to the investigation of the situation.

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COURT'S INITIATIVE IN THE RESEARCH OF EVIDENCE AT THE COURT TRIAL

The article deals with the issues of the court's initiative in research of evidence at the court trial. The article examines the norms of the Criminal Procedural Code of Ukraine of 2012 that regulate the initiative activity of the court concerning verification of evidence at the trial in contemporary criminal process, as well as the norms of the Criminal Procedural Code of Ukraine of 1960 and the doctrinal approaches of various scholars to determination of the court's role in the research of evidence in criminal proceeding. The author also analyzed such categories as: «activity of the court», «passivity of the court».

The article surveys the models of criminal justice system. One of the important issues of this article is the role of the adversarial process. This process means that each party is responsible for putting its own case: collecting evidence, interviewing witnesses and retaining experts. The author emphasizes that in the court the parties have to present their own evidence and attack their opponents' evidence by cross-examining the witnesses of the opposite party. Both parties can call only those witnesses, who will advance their cause and both parties are permitted to refute the credibility and reliability of the testimonies of witnesses for the opposite party. The role of the judge is limited to that of a referee ensuring fair play and that the rules on procedure and evidence are followed. It is often compared with a battle with each party fighting their own corner.

In the article it is stressed that the court is still an active participant of the court trial and that fact in some cases contradicts the principle of equality of rights of the parties (the prosecution and the defense) in the adversarial criminal process. The author makes an offer to specify some restrictions for the court activity aimed at parties' due activity in court the court trial, because activity of the court doesn't always correspond to the principle of equality of rights to the parties. The author emphasizes that the current manner of regulation of these problems requires certain amendments and supplements.

INTERNATIONAL LAW AND COMPARATIVE JURISPRUDENCE

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STANDARD FASTENING STATUS OF MODERN OPERATIONS OF UN PEACEKEEPING

The UN Charter Chapter VII enshrined in international law that govern the actions of the United Nations and Member States regarding threats to peace, breaches of peace and acts of aggression. In fact, the UN during operation «Desert Storm» from further participation in it, which has moved to cease combat phase of Iraqi aggression usunulasya and anti-Iraq coalition was formed out of the UN-led. After recognition of the fact of aggression by the Security Council and the legality of the use of force to stop it is the basis for further UN action. The normal course of events is possible only after an agreement or agreements with members of the United Nations to transfer the disposal of the Security Council necessary armed forces. In this case, the agreement does not exclude the willingness of any state under the control of the Security Council and in contact with the UN Secretary General to assume the burden of leadership and primary responsibility for the operation. In this regard deserves strong support for the idea of «reanimation» of the Military Staff Committee or the creation of any body able to «advise and assist the Security Council on all matters relating to the military needs of the Security Council» (Article 47 of the Charter UN).

Thus, increasing the effectiveness of the United Nations is essential to international peace and security and its creation, and its operation should be based on amendments to the UN Charter on the institutionalization of the new realities of international relations and the development of general principles of UN activities in specific areas not covered by the Charter of. In our view, it is necessary to draw a clear distinction between the types of peacekeeping activities regulated in the UN Charter and UN actions governed by resolutions of the General Assembly and the Security Council. Establishment of an international framework for peacekeeping operations-one of the challenges facing the international community, given that the role of such operations in the XXI century will grow. Everything mentioned suggests that the practice of moving towards recognition of the special nature of peacekeeping operations and the fact that such operations are not regulated by Chapter VII of the UN Charter.

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RELIGIOUS ORGANIZATIONS IN INTERNATIONAL RELATIONS (IN EXAMPLE, THE WORLD COUNCIL OF CHURCHES, THE RUSSIAN ORTHODOX AND ROMAN CATHOLIC CHURCHES)

This paper deals with the dynamics and influence of religious organizations in international relations on the example of the World Council of Churches, the Russian Orthodox and Roman Catholic churches. Identify areas of their operations internationally, including the maintenance of peace and stability, human rights, combating globalization and others.

It was established that the World Council of Churches as a member of international relations promotes Christian unity and the establishment of harmonious relations between religions, acts to overcome religious differences.

It is emphasized that the international activities of individual churches, and religious associations can have two main areas: peacekeeping and ecumenical.

First of all the content of peacemaking activity is to prevent the use of the church for the purpose of aggression. Second, the churches and the associations of churches contribute to overcoming the contradictions between faiths in the political sphere, helps unite believers of all religions to promote peace and stability in the world.

Determined that the primary objective of its foreign activities of the Russian Orthodox Church has prevent processes of secularization, globalization, the crisis of family values, norms traditional morality. Internationally, the Russian Orthodox Church operates independently and as part of associations. It interacts with the public and political structures, collaborating with international organizations of the UN system.

Determined that the current major efforts Diplomacy of the Roman Catholic Church efforts aimed at upholding the independence of church and peace and justice in the relations between states. The Holy See is a party to a number of multilateral and bilateral agreements, however, the main instrument of regulation of its political relations are concordats. Representatives of the Holy See with defined terms of reference put to work at the United Nations and its specialized agencies.

Emphasized that the basis for the cooperation of the Orthodox and Catholic Churches is the protection of traditional Christian values.

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INTERNATIONAL TERRORISM AND PRIVATE MILITARY AND SECURITY COMPANIES: THE PROBLEMATIC INTERNATIONAL LEGAL ASPECTS

The article analyzes the main international legal mechanisms to the fight against terrorism, examines the causes of terrorism relationship with the activities of private military and security companies. The reasons of the international community's involving private military and security companies in the fight against terrorism are systematized. The necessity of international legal regulation of private military and security companies in the fight against terrorism has been substantiated.

The United Nations (here and after – the UN) is actively involved in the fight against international terrorism. Testimony to the determination of the international community to eliminate this threat is the fact that the UN and its agencies have developed international legal instruments that allow the international community to counter terrorism and bring terrorists to justice. Since 1963 under the auspices of the UN have been developed 13 international conventions, including against the Taking of Hostages, bombings and terrorist financing.

September 8, 2006 the UN General Assembly adopted a global counter-terrorism strategy. This strategy is in the form of resolution and the accompanying Action Plan is a unique tool to improve the fight against terrorism at the national, regional and universal levels. First all UN member states to develop a unified strategic and operational approach to the fight against terrorism , which includes a wide range of measures, ranging from strengthening state capacity to combat terrorist threats to better coordinate counter-terrorism activities of the UN system.

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REALIZATION OF POLITICAL RIGHTS AND FREEDOMS OF CITIZENS BY THE INTERNATIONAL LEGAL ACTS: THEORETICAL AND LEGAL DISCOURSE

The article is devoted to human rights that have a global character, the degree of development and security which due to the efforts of the international community. Investigated the implementation of the norms of international law, which depends on the features of the national legal system. The emphasis on the importance of control provisions of the international treaties and laws. Principles and directions of cooperation in the sphere of human rights, which give the international community a way in the world order of the next Millennium. On the basis of generalization of the experience of use of international legal instruments of the countries of the world, the author brings their positive and negative aspects of compliance with international legal standards on human rights. The formation of the modern model of the European system of protection of political rights and freedoms under the European Convention on human rights and fundamental freedoms. Noted that the bodies of constitutional jurisdiction, not considering the issue of a political nature. Attention is focused on the organ of constitutional jurisdiction, which is not competent to decide on the constitutionality of a Treaty, since such a procedural form of activity is possible only at the stage of signing contracts. The main international legal guarantees for the subjective constitutional political rights and freedoms of man and citizen. Found contradictions and gaps in the content of the provision in the Constitution of Ukraine regarding the fact that the existing international treaties are part of national legislation of our state, requires clarification. Based on the analysis of relevant theoretical and practical provisions given to proposals to ensure the rights and legitimate interests of citizens in the enjoyment of their political rights and freedoms.

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LAW PROVISION TRANSFORMATION CUSTOMS UNION IN THE COMMON MARKET OF EUROPEAN UNION

The article is devoted to analysis of the legal mechanism of transformation of the Customs Union into the Common Market. It is argued that forms of economic integration cannot always be equated to the stages of economic integration, because States can choose a particular form of economic integration which best suits their interests. The author indentifies the starting point for European economic integration with the inception of the Organisation for European Economic Cooperation (OEEC). Despite the fact that OEEC introduced a rather loose form of collaboration, it promoted increases in trade turnover by gradual reduction of tariffs and trade restrictions. Special attention is paid to positive and negative delimitations of integration in the evolutionary stages of economic integration. Negative integration includes the abolishment of direct and indirect trade barriers, and can be used in the process of Customs Union building, but in order to transform the Customs Union to the Common Market it is necessary to use tools, offered by positive integration, such as approximation and harmonization of law. Also, it shows that the role of the Court in this process cannot to be underestimated.

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LAW MAKING IN INTERNATIONAL LAW: TO THE ISSUE OF DEFINITION

In the article the issues of international law making are considered, some its characteristics and features analysis is done. The author is concentrated on the distinction of such similar terms as "international law making" and "international norms making". In the author's opinion the international system in general and the international law order in particular need more clear regulations of international law making processes. In this regard the most important task is to definite the notion of international law making. The scientific works analysis showed that this term is considered in different ways. In the most broad sense the international law making

process includes all the stages of law norm forming: from the moment when the international society understands the necessity of law regulations of some international relations to the moment when the international law norm is fixed in an international law source. In a stricter comprehension it's possible to definite international law making as international norm making. In the stricter sense the international law making reduces to the process of international law norm fixation in international customs and treaties. It's obvious that the international law making understanding influences on the subjects range and the juridical instruments of the process. That's why the precise definition of the concept is so important. The author tried to give the notion of international law making in the strict and the broad sense. She also did the comparative analysis of general theoretical juridical studies and international law studies concerning the law making comprehension as in her view it can be useful for the international law making theory progress. It's needed to say that in the general theoretical law studies they distinguish the concepts of law norm forming and law norm making that can be used in the researches of international law making process.

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THE CONTRIBUTION OF THE PEACE AND TRUCE OF GOD TO THE DEVELOPMENT OF COLLECTIVE SECURITY

The Peace and Truce of God (Pax Dei and Treuga Dei) were the medieval introductions aimed at bolstering peace among the Christians. The Peace of God meant the ban on the use of force against clergymen and the property of the Church, as well as against all the unprotected and the most vulnerable. The Truce of God meant the time limit for the ban on hostilities; the so-called 'Olympic truce' of the Antiquity may be called its predecessor. Both were declared by the Church and supported by it.

The Peace of God and the Truce of God may be considered to have been a contribution by the European Early Middle Ages to the development of what we now call forms of collective security. These concepts served as the means to establish security of the Christian community and were aimed at assuring greater unity thereof with the view to comply with the respective commitments of peace maintenance and to oppose offenders. The community members were to effectuate compliance with the undertakings under the Peace of God and the Truce of God by means of enforcement. Due to those features the undertakings arising from the Peace of God and the Truce of God may be regarded as a form of collective security undertakings devised for Christian communities. It was individuals that these undertakings lay

binding on, and individuals were also considered to be the source of threats that the Peace of God and the Truce of God had to eliminate. The concepts of the Peace and Truce of God provide us with an example of how the particularities of undertakings for security were determined by specific features of social relations. They also prove that Christianity was most helpful in appreciating the great value of the idea of peace, though this tendency did not preclude the instrumental use of the idea for the sake of political goals. In times of the Crusades the Peace of God became a tool to secure internal peace within the Christian coalition and thus served as a means to provide for the success of the campaign.

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ORGANIZATION OF AMERICAN STATES: 65 YEARS OF ACTIVITY

The article is devoted to the results of the work of the Organization of American States. The Organization of American States is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April 1890. The author explores the key issues of the evolution of the organization and examines its achievements in the field of international legal regulation.

The author examines the Charter of the OAS, Inter-American Conventions, Inter-American Democratic Charter, Declarations, Resolutions, Treaties, Agreements and other Inter-American documents.

The article is dedicated to formation and development of regional legal system and effective mechanisms established on the basis of the Inter-American Conventions: Inter-American Convention Against Corruption; Inter-American Convention Against Racism and All Forms of Discrimination and Intolerance; Inter-American Convention to Prevent and Punish Torture; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; Inter-American Convention on Human Rights; Inter-American Convention on Transparency in Conventional Weapons Acquisition and other.

Also, the author examines actual cooperation of States in protection of women's rights: gender equality, economic, social and cultural rights; access to justice; education and health; Inter-American System of Human Rights; cooperation with the International Criminal Court; activity of the Department of Democratic Sustainability and prevention, management, and settlement of conflicts, by using the mechanisms established by the inter-American system. The author distinguishes current and future directions of activity of the Organization of American States.

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