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THEORY AND HISTORY OF STATE AND LAW; PHILOSOPHY OF LAW

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SOCIAL BEHAVIOR AND THE IMPACT OF VALUES ON IT

In the article the following features of behavior are identified: (1) is a not an isolated action (action) and activity that goes on (or repeated) in time; (2) may find the realization of economic, intellectual and social spheres of life; (3) is in constant development; (4) is influenced by internal and external factors that are responsive to their development process; (5) aims to achieve a certain goal, which is in direct relation to the needs of the subject behavior; (6) is adjustable (management, control).

The nature of legal activity can be solved more accurately subject to the appeal of this "theoretical platform" where social influence is not a set of constraints and opportunities that enhance individual freedom. This interpretation assumes the role of the special value of ideal concepts enshrined in the cultural and symbolic examples that serve structural components of human personality.

The factors encouraging the participants to the social relations of social activity are social values. Legal activity is regarded as a kind of social activity, which is aimed at the implementation of legal values. This approach allows us to reveal the positive potential of legal activity and consider it as a value in itself and represents a necessary condition for the development of a democratic constitutional state.

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ABOUT IMPROVEMENT THE REGULATORY SUPPORT OF RESEARCHING BY UKRAINIAN EDUCATIONAL INSTITUTIONS

The scientific article is devoted to finding ways to ensure regulatory improvement researching by Ukrainian educational institutions. Arguments of scientists, examples of foreign practices were given, analysis of the norms of the Ukrainian legislation was held. Amending Certain Laws of Ukraine were given.

Transition Ukrainian educational institutions on the level of training of the scientific research institutions of higher education of the European level is possible due to the use of the mechanism of educational scientific industrial integration with investments of practical to the educational scientific sphere.

The formation of technological parks and other associations of companies, which are focused on developing innovative product and its implementation in practice, it was suggested. Common ways to facilitate these processes currently defined by the article 12 and Chapter 34 of the Commercial Code of Ukraine.

Within the funds of the regulating influence of the state on the activities of economic entities can provide unambiguous norms in the Laws of Ukraine "About education", "About higher education", "About special regime of innovation activity of technological parks", "About investment activity", "About innovation activity" and others. And it is on the development of such laws should be addressed prospects of further research in this scientific direction.

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INVOLVEMENT OF JUDGES IN THE PARTICIPATION OF ECONOMIC CAMPAIGNS OF THE WESTERN REGIONS OF THE UKRAINIAN SSR IN 1944-1953

In a lawful democratic country, the true independent and professional law courts undoubtedly play a leading and decisive role in legal security and protection of the rights and freedoms of a person and a citizen. Therefore, the building of the legal democratic Ukrainian state is impossible without a radical reformation of its legal system. Hence, the development of historical legal experience, both, as the positive, as well as, the negative, without doubt, will be useful for reformation tasks and further improvement of the Ukrainian judicial system.

After liberating the western regions of the Ukrainian SSR from Hitler's occupation, the political and economic campaigns: sowing and stockpiling, had been conducted annually by the communist and soviet authorities in villages. While these campaigns were being conducted by the soviet authorities, mobilization had occurred, especially of the legal workers, with their further division (securing), as the authorized representatives in the villages. Moreover, the soviet regime entrusted the judges to act "decisively and rapidly" against any violators, which had been identified during the economic campaigns. Laying of the responsibility for successful execution of agricultural campaigns upon the judges, made most of them leave the offices and court-rooms for long periods of time. Tasks, which were not connected with the implementation of the following campaigns, had to be performed by the judges only after the proposed party's political priority tasks had been executed.

The measures, which had been developed by the communist party actually represented an action program of the soviet party and the judicial authorities. Thus, the directive letter of the Justice Ministry of the Ukrainian SSR, dating June 25, 1947, written to the regional and public courts, stated that the February Plenary Session of CC SCP (b), in its agricultural renewal and development program, pointed towards the primary agricultural task – successful implementation of crop yield and stock-piling plan. The court authorities were obliged to actively participate in the implementation of this regulation, providing maximum support to soviet party authorities for successful completion of crop yield and state's fulfillment of obligations in regards to grain purchases. The cases against violators had to be reviewed in courts during a five to seven day period from the day it had been presented. Persons, which had been found guilty of stealing the crop from collective farms, were severely punished under the foreseen Decree of the Supreme

Board Presidium of the USSR, dating June 4, 1947, about "Criminal liability for stealing state and public goods".

During the implementation of the logging economic campaign, certain ministries and organizations had been engaged, in order to secure logging with appropriate standards and technical regulations and hold persons liable, who had permitted the violations of such conditions. For violating the standards of labor and collective duties and for nonfulfillment of mandatory logging program, the liable persons were held responsible according to article 58 of the Criminal code of the Ukrainian SSR. During the implementation of the following code, the Justice Ministry of the Ukrainian SSR suggested courts to administer the Decree of the Supreme Court Board of the USSR #14/13/y, dating July 23, 1948, about "The qualification of acts by persons, which had violated the logging labor duties", which stated, that the actions of such persons must be considered depending on specific conditions and presence of classified signs, according to s. 1 or s. 2 of art. 58 of CC of the Ukrainian SSR.

Therefore, during 1944-1953, the judicial authorities took active participation in economic campaigns. According to instructions of the communist party, the courts intensified the punitive policy in regards to this of other category of cases. In this case, the volume of the investigation of a case and validity of the verdict didn't matter at all. The main purpose was to frighten the population by severe punishment measures.

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DEVELOPMENT OF THE "TEMPORAL RULES FOR SOCIETY OF THE KERCH HARBOR PILOTS" FROM THE 25 OF NOVEMBER 1888

In the work the process of preparation and development of a "Temporary rules for the Society of Kerch-Yenikale pilots" from the 25 of November 1888 considers. In the article the work of the two commissions, created by Kerch-Yenikale mayor, in structure of the local specialists, and interdepartmental in S. Petersburgconsidered. In a commission at the governor of a town of Kerch and under his chairmanship the captain of Kerch quarantine port of rear-admiral Suxomlin, commanders of guard-ships, entered: by Kerch – captain of a 1 grade Telegin and Enikole of captain of 2 grades Sladkov, manager of Enikole by the pilot workshop of lieutenant commander Agishev and commander of harbor pilots of the Kerch channel of captain Solnzev.

In a commission at Marine Ministry, created at the beginning of 1886, the representatives of Department at State Advice and Ministries entered: Marine, Internal affairs, Finances and Ways of report, председательствование in her it was incumbent to the member Admiralty Advice, to the lieutenant-general Veselago. Thus, the main directions of their activities intersected. On the basis of archival materials the basic directions of their work and the problems, which arise during the work, were demonstrated. These problems were caused, in relation to the first of them, is the necessity to develop the most specialized of new rules for Kerch-Yenikale pilotage of society; and to the second – is the fact that creating a single location for all the pilots of the Empire, they had to consolidate not only the whole of domestic and foreign experience in this field, but also to take into account regional, geographic, international hydrographic features of work in the conditions of each definite pilot society.

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FORMATION AND DEVELOPMENT OF LOCAL GENERAL COURTS IN UKRAINE: HISTORICAL ASPECTS

Establishment and development of local general courts in Ukraine: historical aspect.

Since its independence, Ukraine has set its sights on building the state, the content and focus of which define the rights and freedoms and their guarantees, which necessitated the creation of an effective mechanism to protect them. Special places in the specified mechanism have local general courts, which have deep historical roots.

There were no local general courts as the primary link judiciary in Kiev Rus and Galicia-Volyn principality, because existing when courts were not separated from the administration, among them is not the case distinction judicial competence. While staying Ukrainian lands ruled by Lithuania and Poland, there was extensive, but disordered network of local courts, which resulted in the interweaving of their competence and the possibility of an alternative choice of forum for the parties. As a result of a liberation war of 1648-1654 were created new courts: centesimal, magistrates, town hall, dig and village courts and courts domenialni. Later in Ukraine were set up and operated by local courts, but the principles of organization and operation differ, which is primarily due to political fragmentation and the inability to building their own judicial system. During the national liberation struggle in Ukraine (1917 – 1920 years) a stable and efficient judiciary system was not created. In fact, the local general courts were successors to people's courts, which operate in the Ukrainian SSR.

Today local general courts are the basic unit of specialized courts for civil and criminal cases and cases on administrative offenses, are closest to the people, organized in their respective administrative-territorial units considered in the first instance (essentially) all civil, criminal proceedings, and within their administrative cases and cases of administrative jurisdiction. Further in terms of the ongoing judicial reform in Ukraine in order to reduce the burden on local general courts and strengthen their independence is acceptable borrowing experience of local courts in the Russian Empire on the results of judicial reform in 1864, namely the introduction of magistrates to consider simple cases collective and compulsory inclusion of judges of local general courts in the process of appointment to administrative positions and firing them. Also, the legislator should review existing in Ukraine subsystems specialized courts and further reform of the judicial system to take into account the historical experience of the existence of separate courts for civil and criminal cases.

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LEGAL IDEOLOGY IN THE SYSTEM OF JURIDICAL CONSCIOUSNESS

In the article the definition of legal ideology and its structure are elucidated on the basis ideology analysis. The role and place of legal ideology in the system of juridical consciousness have also been determined. According to the results of the research legal ideology is defined as a part of juridical consciousness, which determines the ideological orientation of ideas about perfect law and reflects valid legal order. Juridical notions, concepts and ideas, legal theories, doctrines, concepts and models, juridical values and goals, juridical ideals, juridical principles should be considered structural elements of legal ideology.

- juridical notions, concepts and ideas with helping of which citizens analyze legal reality, contain basic understanding of law and its role in the regulation of social relations;

- legal theories, doctrines, concepts and models that describe the current legal relations, and also serve as the means of impact on their development, improvement and approach to existing social and legal notions of appropriate legal organization and order;

- juridical values and goals that reinforce the most important for society regulative-axiological ideas, reflecting the key priorities of law development;

- juridical ideals, which reflect the desired in the society orientations of the legal system development;

- juridical principles that are the basis of legal regulation and determine the basic formal and material parameters of the system of law and legislation.

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LEGAL PRECEDENT AS SOURCE OF JUDICIAL RIGHT

In the conditions of modern integration tendencies ofbecoming the home legal system can not take place it isisolated. Especially it touches experience of the use of notpopular to the Ukrainian right instruments of the legaladjusting, such as a legal precedent. Presently there isrethinking of value of role of precedent as sourcesrights in those legal systems, the doctrine of that beforedenied possibility of existence of legal norms in other form, except an official normatively-legal act.

Without regard to that legal precedent as source in theaspect of judicial right in detail not investigated to Ukraine, inpractice the decisions of the higher specialized courtsundertake to attention the courts of the first and appellateinstance during the decision of that or other dispute. For thisreason expediency of research of legal precedent as asource judicial rights for Ukraine deserves the detailed consideration.

The modern legal systems of the world are characterized by dynamic and mutual influencedoes not walk around theseprocesses and our state that ran into the necessity ofresearch and application of precedent as sources of judicialright in the field of legal. A term "precedent" has many values. This term is used, foremost, in the context of legal precedent in anglo-saxonlegal family (countries of "common law"), legal precedent in legal family (countries of "continental right"), precedent practice of the European court on human rights examining a legal precedent as a source of judicial right itcosts to distinguish two aspects of this problem. In firstcase, a precedent must be examined as a direct source ofjudicial right, id est legal position on that it is possible torefer at an acceptance legally of meaningful judicialdecisions is properly executed. In second case, the questionis in influence of precedent, and mainby character of judicial practice, on the processes of lawmaking and law enforcement and also on forming of legal practice on the whole. N.M. Parkhomenko considers that on anoma thestage of confession of legal precedent can a disbalance thedistribution of power that will not answer basic principles ofthe legal, democratic state and will conflict with existentpermanent practice of creation of the state and lawmaking system the source of right.

Not having regard to that legal precedent as source ofjudicial right in Ukraine officially not, judges, makingdecision from difficult businesses, call earlier madedecision or to elucidations of courts of higher instances.Therefore to assert that a legal precedent does not work inUkraine, it would be wrong. However often on one question itis possible to find the opposite decisions of judges. And insuch case such decisions becomes an instrument for theground of "necessary" position. Of that if courtswill be

under an obligation to be oriented on concretepractice of higher courts, from it there will be a benefit only then, when higher courts will accept all decisions inaccordance with only position of, but not from certain persuasions.

For today legal precedent as source of judicial right inUkraine already you. In fact, coming frompositions of all codes of practice, under for theappeal second thought there is different application bycourts the same on law. It confirms existence inUkraine of legal precedent and reference to him

For the search of effective mechanism of application ofdecreets in practice in Ukraine assources of judicial right it follows to define their nature and tothe function that will give an opportunity to understand theirlegal construction. On this stage of development of the legalsystem of Ukraine a precedent: belongs to the sources of judicial right it is Decision of the European court on human rights it is Decision of the Constitutional court

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THE RIGHT TO RESIST: BASIC THEORETICAL ASPECTS

Revitalization of the socio-political processes and global changes in some countries for a short period of time requires appeal to such controversial issues as the resistance of the public authorities, civil protests, disobedience and rebellion. Complexity study these issues are enhanced by the fact that they are located at the intersection of legal, moral and political themes, and have special social exigencies.

The modern interpretation of the right to resist reflects the tendencies to appeal the right of peoples, in particular, the right to self-determination, distinguishing national and international understanding and underscores the special nature of such right. Should also done distinguish between two levels of research of right to resist: (1) the first is a debate about the natural law and legislative consolidation, partly focused on preventive and limiting properties of this right; (2) the second is updated at the time of social upheaval and legal concerns, including not only the evaluation of the events, but sometimes attempts to give retrospective justify and has risk of abuse, post-legitimacy of public authorities.

The right to resist is an individual (human) right. But it can be collectively implemented subject to the availability of legitimate targets in response to the illegal, unfair and violate human rights actions, decisions or acts of public authorities. Implementation of such right may has an active or passive form, expressed in direct or indirect actions. An important condition of the right to resist is the act of recognition and support at the national and international levels, the support from their own people may have different forms, both open and non-explicit.

If the abuse by government acquire a massive, systematic or extraordinary nature, and non-violent means of resistance exhausted or proved ineffective, such an extreme form of the right to resist, as the right to revolt may arise. The issue of the limits of the right to revolt and violent acceptable modalities of its implementation, as well as the possible development of a mechanism for its implementation is ambiguous.

It seemed that the theme of resistance and especially rebellion as a subject of research left in the past, however, the modern legal theory should be given more attention of these issues, given the increased relevance of the problems. In addition, it is advisable to fix the right to resist in the legislation of Ukraine, at the level of constitutional law as an additional constraint for the government.

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HISTORICAL AND LEGAL BASES OF THE UKRAINIAN QUESTION IN POLAND IN THE SECOND PART OF 1920-TH

National and public policy Second Polish Republic in the 1920-th was determined by complex circumstances of the post-war treaties of Versailles and contained sharp contradictions, leaving unsolved the problem of new borders and minority rights. Particularly, Ukrainian question, remain keen.

The problem of a national policy of the Polish state and the Ukrainian question, in particular has been the subject of the analysis of Ukrainian and Polish researchers – Krakivsky S., M. Kuhutyak, S. Kulchytsky I. Solar, B.J. Tyshchyk, T. Brovarek and G.Hamunchak, M. Papyezhynska-Turek, R. Tozhetsky, etc.

In 1924-1925 in the government circles of Poland the fighting on the national Ukrainian question started between Democrats (endeks), Polish right-wing politicians and left-centrist forces. According to the endeks, any assignment for the benefit of the Ukrainians would threaten to security of the Polish independence. They were ready to agree only with the provision of certain cultural and national rights of the Ukrainians while preserving assimilation rate of the Ukrainian population.

After J. Pilsudski's supporters coming to power the ruling circles of Poland in the Ukrainian question resorted to the tactics of maneuver and more flexible means of incorporation.

Pilsudchykivs' program was designed to replace the compromised endeks' program with federalist of public policy of assimilation, which differs from the first one only by methods of implementation and had to spread the illusion of equality of nations and elimination of national oppression.

Ukrainian community in Poland after the 1926, hoped to change their situation in the country. Marshall, however, had no clear program on the Ukrainian question in Poland. J. Pilsudskiy believed that the Polish policy towards the Ukrainians, and the national minorities in the state as a whole, has to proceed primarily from the Polish interest.

The step of "rehabilitation", which was to regulate relations between the government and the Ukrainian population, was ratified in 1927, holding local government elections, which were held by the Polish-Ukrainian-Jewish lists. The elections were a success for the Ukrainians.

Changes in government policy on the Polish eastern states began with the appointment of G. Yuzevsky on the position of a governor of Volyn in June 1928. He presented, consulting with J. Pilsudski, the "Volyn program" that foresaw the entire region separation from Galicia.

For the isolation of the region the existence of the so-called "Sokal border" along the former Austro-Russian border was strongly supported. The defining was

the line was a governor at creating osadnytstva that had to become his mainstay in Volyn. However, among the local populations it caused the growth of national consciousness and national movement.

In the 20th the concept of "Poland for the Poles" became characteristic.

So, in the 1920-th Polish political circles continued the policy of national assimilation of the Ukrainians.

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LEGAL STATUS OF PROPERTY OF THE ORTHODOX CHURCH UNDER THE CODE OF LAWS OF THE RUSSIAN EMPIRE

The issue relating to the legal status of the property of the Orthodox Church is a specific subject of the present research. It has been recently especially actualized in the context of launching in Ukraine of the process of restitution of the ecclesiastical property nationalized by the Soviet authorities. Thus, the historical aspect thereof gains practical importance by enabling to determine the particular owner of the property as of the moment of its expropriation.

Despite certain legal incorrectness, we are operating the term "ecclesiastical property", and it is attempted in the present article to define both its essence and components. The Church is not an entity subject to regulation by secular laws; on the contrary, its institutional construction depends on the requirements of canonical laws. Ecclesiastical property per se is being identified upon its belonging to the person, but in the present case such a person is a legal fiction in terms of law. In the light of the above, there has been reached a compromise, whereby the ecclesiastical property is recognized under some Church institutions, owning legal personality but to some extent lacking procedural capacity. The above-mentioned Church institutions consist of bishop's houses, monasteries and separate churches.

The article outlines the issue on the types of ecclesiastical property. It is considered that the church (represented by its separate institutions) can hold title over sacred items, goods either sanctified during the worship, or not sanctified. The author analyzes the particulars of legal regime of different types of ecclesiastical property, conditions and ground for acquisition thereof, termination of property rights of Church institutions over ecclesiastical property, validity of bequeathing of such property or its transfer to lease.

Upon termination of patriarchal governance, Peter I introduced synod-

al governance instead and as a result, the Holy Synod acquired the status of the state administrative authority. The above led to an assertion that ecclesiastical property deemed as a part of a state property. In the present article the author challenges such an assertion and makes a general conclusion on that the property was indeed owned by institutional entities of the Orthodox Church, but at the same time featured some specialties determined by the laws at the moment. For instance, acquisition of real estate by churches and monasteries was not allowed without the consent of the Emperor, as well as any similar issues concerning the property of spiritual educational institutions had to be decided at the level of the Holy Synod.

In the course of preparation of the present article there were used the text of the Code of Laws of the Russian Empire (volume X), text of practical and theoretical commentaries thereto prepared by attorney-at-law A. E. Vorms and professor V. B. Yelyashkevych, educational and monographic literature on civil and canonical law.

CONSTITUTIONAL AND MUNICIPAL LAW

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THE PROBLEM DEFINITION OF MUNICIPAL LEGAL PERSONALITY OF FOREIGNERS IN UKRAINE

Scientific paper analyzes regulatory and theoretical research in the field of the status of aliens as members of local communities in Ukraine. The problem of the structure and composition of the territorial community as the primary subject of local government is still incompletely understood in our country, despite a number of scientists municipalisers involved in research in this area.

Problem of clear legislative definition of entities that can be full members of the local communities, and consequently – to solve all issues of local importance, is certainly relevant for Ukraine, especially today, when in connection with the aggravated situation in some regions, the primary task was relatively significant constitutional reform decentralization of state power and the transfer of the majority of powers from central government to the field. Given all the above, you should determine the composition of the territorial community as all individuals residing within it, regardless of race, nationality, color, wealth, social status, language, religious or other beliefs, as well as citizenship. Most acceptable establishment of permanent residence for foreigners, after which they must have the same rights at the local level with the citizens of Ukraine, including – and political rights. This practice is used in many countries of the modern world and complies with international standards in this area in particular – the European Convention on the Participation of Foreigners in Public Life at Local Level, adopted in 1992, and several other documents. These measures will help to ensure that persons who are not citizens of the state, but actually reside in its territory and make a significant contribution to the development of the territorial community may be more interested in it if they are fully integrated into the local community.

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THE CONCEPT AND CONTENT OF THE RIGHT TO JUDICIAL PROTECTION: MODERN VIEW

The article investigates the concept and the essential features of the right to judicial protection. The main focus is on the author that justice is now recognized as the most effective means of protecting the rights and freedoms of man and citizen, and therefore the level of judicial protection is an important indicator of the legal nature of the state and democratic society.

Justice is the most effective of all produced world practice, a way of protecting the rights and freedoms of man and citizen. The level of judicial protection is an important indicator of the state legal and democratic society. Increased number of legally protected rights in terms of the diversity of contemporary economic and social ties to the court imposes a special responsibility and increases its importance as a factor strengthening economic stability and guarantor of the rights and freedoms of man and citizen.

In state-legal mechanisms to ensure the rights and freedoms of man and citizen judicial protection played a leading role, since it is the most effective of all means – established international practice of protection of individual rights. The level of judicial protection is a key indicator of the state legal and democratic society. Through trial and judicial protection implemented one of the fundamental (constitutional) rights – the right to judicial protection. At the same time, we must recognize that today most people can not apply for protection of their rights by a qualified legal help that many of them, unfortunately, simply can not afford.

The degree of effective protection of violated rights exercised by resolving disputes about the law, is influenced by many factors. The most important of them are in two groups: the first is associated with bodies that resolve disputes, and the second – the procedure to solve them. By itself, the existence of such bodies and procedures in which they operate, is adequate only for distribution of powers between them, but failed to fulfill the above, the important task – to ensure effective protection of rights.

Currently, not only legal scholars but also practitioners, advocates point out the existence of certain deficiencies in the Ukrainian legislation, which is often not effectively implement the citizens' right to judicial protection.

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STATUS OF A CANDIDATE ON A JUDGE POSITION IN UKRAINE

The Constitution of Ukraine has made some adjustments on the requirements for candidates for the position of professional judges established by the Law of Ukraine "On the Status of Judges", adding age limit, Ukrainian language, increased duration of required work experience in the field of law. It should also be noted that the requirements for candidates for judges differentially depending on the level and type of court, the post for which the candidate claims. In particular, for candidates for the post of judges of the Constitutional Court of Ukraine, appeals, judges of the Supreme Court of Ukraine, the law provides for higher demands. Judicial candidate – a person who wishes to take up the post of judge, meets the requirements of the legislation passed special training, the qualification exam in the manner prescribed by this Law, and subject to the request the relevant authority of the appointment or election of a judge.

According to the Constitution of Ukraine, the Law "On the Judicial System and Status of Judges", "On the Constitutional Court of Ukraine", "On the High Council of Justice" Regulations of the Ministry of Justice of Ukraine and other normative acts in Ukraine may take the position of a judge in accordance with the procedure of appointment and election procedure. The procedure for appointment (election) for a judge differentiated according to the level and type of court, and depending on the position, which will cover the future judge.

The judge obliged the administration of justice to observe the Constitution and laws of Ukraine, to provide a complete, comprehensive and objective review of cases in compliance with the statutory time limits. That is a fair enough, should also be provided timely. The delay consideration of cases indicates failure of duty by the judge. In addition, the judge shall deal only with justice. Activities of judges should be made only in the judicial bodies to prevent abuse and bias in deciding cases. Law of Ukraine "On the Judicial System and Status of Judges" Article 54 obliges the judge not to disclose information that constitutes state, military, official, commercial and banking secrecy, secret deliberations, information about the personal lives of citizens and other information which he learned during proceedings in court and non-disclosure of which it was decided to close the hearing. Compliance conscientious and professional duties of a judge involves improving professional skills, systematic training.

Failure or improper implementation of the judge duties can lead to significant

changes in its legal position, even to the loss of the carrier status of the judiciary. For inadequate performance of these duties, the referee called to disciplinary action. Thus, the legal status of judges is holistic legal category that characterizes the entire spectrum of legal options as well as social and psychological qualities of the person entrusted with the function of judicial authority in the state. Business judge also require a person who holds the position of a judge, certain qualities and abilities, personality characteristics, assessment and which makes it possible to assess the professional ability of the judicial activity.

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PROBLEMS OF UKRAINE'S TERRITORIAL ORGANIZATION AS A SUBJECT OF CONSTITUTIONAL LAW IN UKRAINE

The article deals with the problems of territorial organization of Ukraine in Constitutional Law of Ukraine on the example of the main provisions of the book "Genesis of the territorial organization of Ukraine: Constitutional and legal aspects" by V. Kuibida and I. Zayats. The author states and proves conceptual, complex and fundamental character of research work, which in modern terms of the territorial integrity of Ukraine becomes actual again. The article deals as well with the legal conclusions presented in the book, including findings on the genesis and regulation of territorial organization of Ukraine concerning the reform of the administrative-territorial structure of the state.

This article analyzes the Constitution of Ukraine and the constitutional law regarding the definition of the basic principles and the principles of national security of Ukraine, describes the most important national interests, the structure and competence of national security. The article focuses on the basics of the authorities in the area of national security, limits of state intervention in human life, the consolidation of initial principles for legislation on national security. There is every reason to believe that the Constitution of Ukraine does not proclaim a random collection of natural resources, as some of the state property (the traditional civil law approach is not denied on constitutional and legal level), namely the national territory, of the earth's surface, as the property of the Ukrainian people.

The article substantiates that the national territory of Ukraine is Ukrainian property of the people, is a special priority owned a single complex object (state territory). The right to private, public or state ownership of the objects that are part of state territory of Ukraine is secondary (derived) character. Ownership of the Ukrainian people on the national territory is a primary (preferred), always present, inalienable and inviolable, fundamental safeguard national sovereignty. The constitutional principles of the inviolability of property rights are not absolute. Forcible alienation of property rights may be used in the public interest for reasons of public necessity.

ADMINISTRATIVE, FINANCIAL, TAX LAW

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GENERAL PRINCIPLES ADAPTATION OF NATIONAL LEGISLATION ON ISSUES OF EDUCATION, TRAINING AND RETRAINING OF CIVIL SERVANTS ACCORDING TO EU NORMS

The article is devoted to outlining and summary analysis of the general principles of adaptation of national legislation on training, retraining and advanced training of civil servants in the EU. In particular, the author determined the list of relevant principles (including the rule of law, democracy, humanism, openness, etc.) and revealed their contents.

It should be underlined that the nature, content and purpose of mentioned guidelines are really decisive, fundamental to the nature of the process of adaptation of national legislation on the training of civil servants for EU legislation to determine their general ideas as fundamental, guiding principles that define the priorities for its realization.

On the basis of the outlined principles adaptation of national legislation on issues of training, retraining and advanced training of civil servants with EU regulations and their analysis can be defined as the last basic principles, assumptions, characterized by versatility, overall significance, higher imperative and reflective material aspects and vectors Approximation of the training of EU law. And these principles are advisable to be classified according to their purpose into general and special. However, the general principles of adaptation of national legislation on training, retraining and advanced training of civil servants with EU regulations, in our view, should include the following: the rule of law; rule of law; principle regard to the situation of Ukrainian society; principle of science; principle of humanity; principle of democracy; the principle of transparency, the principle of consistency.

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STAGE OF THE PROCEEDINGS IN THE COVERAGE OF PUBLIC ADMINISTRATION UKRAINE MEDIA

In this scientific article in detail the content of the stages of the proceedings in the coverage of public administration Ukraine media.

Proceedings in the coverage of public administration Ukraine media consists of three stages. Let us consider in detail the content and features.

Stage of data collection, processing, creation and preparation for the dissemination of official information about the activities of public administration in Ukraine. Based on public contracts for coverage of official information about the activities of public authorities, the events in the country and abroad, observance of human rights and freedoms and the duties of man and citizen, environment and implementation of health and sanitation and preventive measures, education, popular scientific, cultural, artistic, sports and other information tailored to the needs of her population, information that contributes to a positive image of Ukraine in the world, as well as informational, social, political, artistic, educational and sports programs and programs children, adolescents and young adults. Public order cannot predict the production and distribution of television and radio programs that promote unhealthy lifestyle can negatively affect the moral and physical condition of citizens, contain elements of pornography, violence, violence, etc., and promotional information (except PSAs).

The stage production (lighting) and dissemination (information products) on the activities of public administration in Ukraine. Coverage of the State subject in the media contributes to the legal culture of the population, prevents the development of legal nihilism and is responsible for the formation of national consciousness of society. Media Ukraine according to the legislation of Ukraine has the right to cover all aspects of the activities of state and local governments. State government and local governments are required to provide to the media full information on its activities through appropriate information services of state and local governments to provide journalists free access to it, except in cases provided by the Law of Ukraine "On State Secrets" do not do them any pressure not to interfere in their production process. The media can do their own research and analysis activities of state and local governments and their officials, giving her assessment comment. Rupture or mixing the contents of the official information that is published, comments or media journalist is not allowed. The right coverage and commentary on the activities of state and local governments, the events of public life in Ukraine is guaranteed by the Constitution and other laws of Ukraine, and not be limited by anyone.

Stage consumption information (information products) on the activities of

public administration in Ukraine. Consumers of news agencies are citizens, legal entities, state bodies of Ukraine and other countries that are under agreement with news agencies receive their information products.

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PARTICIPATION OF CIVIL SOCIETY INSTITUTIONS IN ACTIVITIES OF SECURITY SERVICE OF UKRAINE

The article investigates one of the most topical issues of the modern democratic state – the functioning of civil society, through its structural formations – the institutions of civil society in their direct relationship with the public authority – the Security Service of Ukraine in the implementation of the functions of national security of Ukraine.

Authors, defining the nature of existence and activity of civil society in Ukraine, explore theoretical approaches to structuring, and thus come to the conclusion that their direct involvement in the activities to ensure one of the most important, fundamental backbone non-ephemeral functions of a modern Ukrainian state – the state security functions security. Security Service for this function is immediate and direct and mandatory, while the institutions of civil society, the basis of the formation and existence of which have human rights, have the right to take part in its implementation within the limits stipulated by the current legislation of Ukraine. Analysis of the latter allows you to select forms of implementing the functions of national security in a dialectical relationship with the institutions of civil society bodies of the Security Service.

The authors conclude that in the framework of social control, undertaken by civil society organizations in order to increase the effectiveness of the security services in the performance of their direct function of national security, civil society has a function to promote public authority – the Security Service of Ukraine. This approach is also based on the structural characteristics of the logical notion of state security. On this basis, the authors also propose to make adjustments to existing legislation.

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THEORETICAL ASPECTS OF DEFINITION OF ADMINISTRATION OF VALUE ADDED TAX

The article is devoted to the theoretical aspects of the concept of the value added tax administration. It emphasizes the importance of understanding the essence of the process of administration of the value added tax for ensuring the successful implementation of the tax reform. The author defines the notion of administration, analyzes theoretical research on the definition of the concept of tax administration. Special emphasis is laid on legislative regulation of the process of tax administration in accordance with the norms of the Tax Code of Ukraine, as well as the mechanisms of the value added tax administration provided for by the law. Some drawbacks of legislative provision of value added tax administration are demonstrated. Also, a definition of the concept of the value added tax administration is proposed.

The process of administration of value added tax is one of the most difficult compared to other taxes and fees. For a proper understanding of the nature of this process must first give a clear definition of its concepts. From the analysis which is made we can define the notion of administering value added tax – is settled law activities of tax law relating to the implementation of complex administrative, organizational, executive and control measures for taxpayer registration for value added tax accounting of to determine the tax liability and the tax credit, the definition of the tax base and property tax, tax calculation, filing of tax returns, payment of taxes, the implementation of budgetary compensation, tax control and the use of incentives provided by the law to pay value added tax cost and implementation of other legal measures to ensure fulfillment of the tax obligation.

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CONCEPT OF PUBLICATION THESIS FOR THE DEGREE OF DOCTOR AND CANDIDATE OF SCIENCES

After its independence observed rapid development of a network of institutions engaged in the training of scientific personnel.

In recent years there have been significant changes not only in the statistics in Ukraine, but also in the legal framework. This especially applies to the requirements for publication of the results of the thesis for the degree of doctor and candidate of sciences, registration abstracts, order awarding degrees and the academic rank of Senior Scientist.

In this regard, it can be concluded that the applicants may be published in scientific (including electronic) professional journals Ukraine included in any international Scientometrics database. However, Letter of Ukraine to the aforementioned university is not legal act. It is informational and advisory in nature and are not binding.

We consider it appropriate to create a „single register of scientific publications in Ukraine", which shall contain the following information: name of the publication state and foreign languages, details of certificate of registration of state media, type, status and language of publication, period, type of publication for the purpose volume and frequency of publication, distribution field and category of readers, data on founder (s), information on the editor (including contact information); site publication, edition Mailing address, E-mail edition for scientific metric databases, publication date of entry to the list of professional publications Ukraine, the date of re-publication; the presence of a founder (co-founders) graduate school (doctoral) and specialized scientific councils; implementation of the Editorial Board of the internal and external review; availability of articles in English on the Web page of the edition; Information about the members of the editorial board of the publication (surname, first name, middle name, principal place of employment, position, scientific degree, academic rank), signed by the head and the seal of the founder (co-founders) periodical scientific professional journals. We encourage Ukraine to adopt MES order of operation of a single list of scientific publications in Ukraine. This register must be constantly updated according to the current legislation of Ukraine.

Considered requirements published results of doctoral dissertations and especially to graduate students have changed, but the period of study at the graduate and doctoral students has not increased (three-year job, four years on the job). In addition, the remaining obligation established by law or by agreement of the order to reimburse public funds.

We consider it necessary to increase the post-graduate studies in proportion to the minimum number of items.

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THE HISTORICAL DEVELOPMENT OF PRODUCTIONS ON THE OCCASION OF DECISIONS, ACTIONS OR PASSIVITY OF THE STATE EXECUTIVE SERVICE

Along with development of the law on executive productions took place development of legal regulation productions on the occasion of decisions, actions or passivity of the state executive service. To the purpose of complete and comprehensive study of the question of the historical development of the productions on the occasion of decisions, actions or passivity of the executive service we have to analyze the pre-revolutionary, Soviet and modern stage of formation of the institute executive productions, to appreciate faults legal regulation of this problem on the modern formation of renovation normative rightful base and move a proposal according to the direction of perfection of legislation regulating features of productions concerning decisions, acts or passivity of the state executive service and to find out changes of the action sphere of researching productions.

Analyzing Soviet legislation on executive productions, we can say that there has been made an important step of its development forward in providing legal proceedings guaranties for citizens of executive production.

A new stage in history development of the national legal thought was the adoption of the Ukrainian's Constitution from 1996. Directly in the article 55 of the Constitution of Ukraine provides for the right to challenge in court of the decisions, actions or passivity of public authorities.

So, legal regulation of productions concerning decisions, actions or passivity of the state executive service characterized by a significant development and renovation of the normative rightful base that allows to fill those gaps that existed prior to its adoption.

In such a way, the sphere of the legal regulation of productions in cases concerning decisions, actions or passivity of the state executive service in Ukraine changed from civil legal to administrative legal.

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PUBLIC POLICY IN THE FIELD OF PROFESSIONAL DEVELOPMENT OF EMPLOYEES

In this article the scientific principles of state policy in the area of professional development of employees. The concept, objectives and principles of the state policy in the area of professional development of employees is considered.

To investigate the state policy in the field of professional development of lawyers is typical definition of the concept, goals, objectives, directions and mechanisms for implementation. To determine the appropriate (optimal) goals should be borne in mind that the goal is both a product and a production factor analysis of government policy on the professional development of employees, and to identify and explain the differences between objectives and policy options. Distinguishing the category of "targets", "events", "criteria", it should be borne in mind that the purpose of the relationship is generally the result of the impact of public policy, and therefore it is reasonable to take into account the inherent goal formation patterns.

The author determined school state policy in the field of professional development of employees is a systematic, organized and purposeful activity of the public administration, which aims to create favorable conditions for socio-economic development, improving the competitiveness of business in the area of professional development of employees to meet their intellectual needs by applying legally-fixed system of measures.

However, the emphasis on the fact that the priorities of the state policy in the field of professional development of employees are defined: 1) government programs for economic and social development of Ukraine and the Cabinet of Ministers of Ukraine, which must take into account aspects of the professional development of employees; 2) state target programs in professional development of employees, developed and approved in accordance with the law.

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SCIENTIFIC EXPERTISE IN ADMINISTRATIVE AND JURISDICTIONAL ACTIVITY: THE BASICS OF ORGANIZATIONAL AND LEGAL REGULATION IN EUROPEAN COUNTRIES

The article reveals the basics of organizational and legal regulation of scientific expertise in the administrative and jurisdictional activities of the Federal Republic of Germany, the Republic of Austria, France, the Swiss Confederation, the Republic of Finland, the Kingdom of Sweden, the Czech Republic, the Republic of Bulgaria, the Republic of Serbia, the Republic of Slovenia, the Hellenic Republic, the United Kingdom of Great Britain and Northern Ireland et cetera. Found that in European countries, except Denmark, administrative torts were separated from criminal offenses, as reflected in the material and procedural laws apply administrative penalties. Unlike the countries of the former Soviet Union, no EU country has any single systematic code of administrative offenses. Administrative and legal systems of the countries of Europe have common trend of development of modern legal system in general. For all developed European countries are characterized by high importance of certain types of expertise that are not practiced in Ukraine, or not performed in all appropriate cases, or are not sufficiently objective and qualitatively, for example, the prevalence of political expertise, the essence of which is to mainstream socially significant problems in the mass consciousness; prevalence and qualitative performance environmental review direct and indirect impact of future investors objects on the environment, with the obligatory view of the public, long-term effects, cumulative effects. Experience of administrative and legal regulation of expertise activities in Europe varies depending on the country's legal system, the history of its development, political and economic circumstances. When the coincidence of situational fundamentals destination expertise in criminal, civil, administrative processes exist especially for perjury. In Europe, a common practice mutual systematic monitoring of expert laboratories, attracting administratively-jurisdictional body of experts in solving administrative disputes. For candidates experts meet high requirements, which become the basis for entering them in special registers. Establishment and maintenance of these registers provides not only the Ministry of Justice, but also the head of the administrative courts. Implementation of this experience in the domestic administrative and legal system should be based on our national strengths and weaknesses features.

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THE IMPACT OF THE STATE ON THE REALIZATION OF INFORMATION FUNCTION

In the article the author defined the influence of the form of the state at realization of information function of the state.

The forms of the state: Unitarian and federal, democratic and non-democratic, monarchy and republic were enumerated.

Arguments concerning optimal implementation of the information function of the state occurs in a unitary democratic republic were offered, Ukraine was presented as an example. The author pointed out the impossibility of implementing the information function of the state in countries with totalitarian and authoritarian regimes, and drew attention at the possibility, but with some complications in its implementation in federal countries.

The nature of the information functions of the state discloses in ensuring of person's and citizen's rights on access to information, transparency of information and so on, and, as it was already said, optimal for the implementation of the information functions of the state is a unitary democratic republic. This position was confirmed by the arguments, e.g. by totalitarian and authoritarian regimes there is a contempt of person's and citizen's rights and invasion into private life, in the monarchy power is exercised individually and without regard to the interests of the people, a federal state is characterized by considerable diversity in composition, but it can also cause needs in unified defining of the public policy and directing of the actions at the implementation of the information function of the state.

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ON THE QUESTION OF THE DEFINITION OF SUBJECT-MATTER JURISDICTION OF ELECTION DISPUTES RELATING TO THE ELECTION OF THE PRESIDENT OF UKRAINE

The article is devoted to separation and characterization of specific aspects of the definition of subject-matter jurisdiction of electoral disputes relating to presidential elections in Ukraine.

Subject under the jurisdiction of election disputes should be understood set of rules governing the distribution of powers of the courts to review certain parts of the administrative cases at the first instance, depending on the subject of a public law dispute or its subject composition.

The peculiarity of this procedural institute administrative proceeding is that all the administrative courts (local general courts as administrative, district administrative courts, administrative courts of appeal, the Supreme Administrative Court of Ukraine) depending on the type of case can serve as a court of first instance.

The competence of the Supreme Administrative Court of Ukraine referred consideration of administrative cases on the Central Election Commission of the results of elections (including the election of the President of Ukraine).

All other decisions, acts or omissions of the Central Election Commission, a member of the Commission may be appealed at the Kyiv Appeal Administrative Court as the court of first instance.

Just Kyiv Appeal Administrative Court at first instance jurisdiction over the case on appeal actions of the candidates for President of Ukraine and their agents.

District administrative courts hear cases:

- against decisions, actions or inaction of the district election commission on preparation and holding of presidential elections in Ukraine, as well as members of these committees;
- against decisions, actions or inaction of the executive authorities, local self-government, their officials and employees;
- for acts or actions electoral blocs, civic associations.

The competence of local general courts as administrative courts include the consideration and resolution of administrative cases concerning:

- refine the list of voters;
- acts or omissions of the media, news agencies, enterprises, institutions, organizations, their officials and officers, artists media and news agencies that violate the law on elections.

A controversial issue is the definition of subject-matter jurisdiction of the dispute regarding the decisions, acts or

omissions of the election commission and its members.

Thus, the legislator is not determined to which it is the administrative court may be appealed these decisions, acts or omissions: local general courts as administrative or district administrative court.

Conclusions. Consideration of electoral disputes relating to presidential elections in Ukraine is characterized by a specific order administer justice, which is reflected in the many procedural institutions, including rules on subject-matter jurisdiction.

As currently polling algorithm referring disputes relating to the election of the President of Ukraine, the subject-matter jurisdiction of an administrative court requires clarification and revision, which in turn will lead to legal certainty and facilitate more accessible understanding of the subject.

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IMPROVING OF ADMINISTRATIVE AND LAW SUPPORT OF ACTIVITIES OF COURTS GENERAL JURISDICTION

The author tries to define the main directions for improvement of Ukrainian legislation on activity of court administration in the courts of general jurisdiction. In this regard the author analyzes the current state of administrative-legal regulation of court activity. He finds out the main problems, existing gaps, collisions and lack of current legilsation which impede the court administration to fulfill its tasks related to organization and maintenance of Ukrainian tribunals.

The author insists on improving the legal regulation on maintenance of court administration within the courts of general jurisdiction. To achieve this goal the author proposes to define a legal status of the court administration in the courts of general jurisdiction and their personnel as public servants. Necessity to distinguish authorities between court chairman's assistants, chairmen of court administration and its structural subdivisions through coherence of the provisions of the following Ukrainian Laws On Public Service, On Judicial System and Status of Judges, Labour Code, Budget Code of Ukraine and other laws which allocate provisions on organization, structure and activity of court administration in courts of general jurisdiction is proved.

The author pays attention that it is necessary to improve provisions which regulate training of court personnel, appointing judges to the posistions of public service and the procedure of their promotion, internships for court personnel of the courts of general jurisdiction.

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STATE OFFICIALS WITHIN INTERNAL AFFAIRS AGENCIES OF UKRAINE

Based on the analysis of existing developments in the field of state service, the issue of belonging police officers to the category of state officials is researched; the essence of the concept "state officials within internal affairs agencies" is formulated.

The status of state officials found its expression in the Art. 9 ("Peculiarities of legal regulation of the status of state officials within state agencies and their apparatus") of the Law of Ukraine "On State Service".

The Article 16 of the Law of Ukraine "About Police" states that "police personnel consists of employees who serve within police departments, and who in accordance with the current legislation assigned special police ranks". Thus, the legislator refers so-called "personnel" to state officials, i.e. those officers who are assigned special ranks.

Nowadays, the urgent issue is implementation of the new Law "On State Service", where it is offered not to spread its power on the rank and files and officers of internal affairs agencies and other agencies, where special ranks are assigned. We believe that the withdrawal of the above mentioned persons from the category of state officials is not allowed. Because of the loss of state officials status rank and files and officers of internal affairs agencies are automatically deprived of the protection of the country and are deprived of the benefits.

Thus, state officials within internal affairs agencies are primarily citizens vested with the legal status, who work in these agencies, apparatus, units and departments on certain positions mainly with salaries from the state budget.

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FEATURES PROTECTION ENTITY'S LAWYERS IN THE ADMINISTRATIVE COURT

Attorney undoubtedly holds a special place in protecting the rights and interests of businesses in court. Problems of lawyers in protecting the rights and interests of businesses, professional rights and duties Attorney studied in the late XIX – early XX century. However, given the changes suffered by the legislation of Ukraine and its practical implementation, it would protect the rights of entities lawyers need thorough investigation.

The purpose of this paper is to study the theoretical positions and legislative acts, which define the protection of human entities lawyers, analyze their effectiveness at the present stage of economic development and suggestions for ways to improve their performance in terms of protecting the rights of economic entities.

Recently, the rights and interests of businesses often violated by the unlawful actions of officials of the state government. Lawyers making defense businesses are faced with the problem of how to correct delineation of the regulatory acts and individual action.

As a result, studies the role of lawyers in defending the rights of the entity before the court can conclude that, unlike other legal representatives, a lawyer in protection is more qualified and has the greater rights. The advantage of a lawyer to protect the rights of business entities is the professional realization of responsibilities in the implementation of this protection, and including reimbursement for legal assistance. The protection entity in a court advocate is more efficient and effective.

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LEGAL BASIS OF THE FUNCTIONING OF THE SINGLE STATE PORTAL ADMINISTRATIVE SERVICES

Active and dynamic development of information technology cannot avoid the area of public administration relationships with individuals, legal persons. It provides for new forms of organization and interaction of the public administration to citizens and organizations. This applies, above all, access to public information, participation of natural persons and legal entities in the decision-making process, the implementation of e-governance, e-government and e-democracy establishment.

The aims and objectives are to investigate the legal basis of administrative services in electronic form, as well as legal support for the functioning of the Single State Portal Administrative Services, which was created to provide administrative services in electronic form and to ensure access to administrative information services via the Internet. To outline the main problems in providing legal functioning of the integrated portal administrative services, and outline prospects for the development of electronic administrative services in Ukraine.

The quality of administrative services will depend on a proper legal support in this area. Also, the prerequisites for a high level of administrative services in electronic form should ensure information security, data protection, freedom of access to information and knowledge, transparency and openness of public administration, the activity of individuals and organizations in the formulation and implementation of public policy, control over activities of government agencies.

It should be noted that in general the domestic legal system is ready to expand the scope of electronic administrative services in Ukraine. The degree of legal regulation to ensure the functioning of the Single State Portal administrative services is quite high and, despite the presence of some minor problems, it can provide high-quality and efficient work. However, the solution requires a number of organizational and technical problems that are currently not allowed to start work this resource.

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LEGAL REGULATION OF STATE INFORMATIONAL POLICY IN THE FIELD OF E-GOVERNMENT

Change of the information imperatives of modern civilization, strengthening the information weapon significantly, affect the overall picture and direction for further development of the information society. Under such conditions the old cliche about information policy that is interpreted solely as providing an element led to actual failure of our country effectively confront a massive information war. So objectively formed a scientific problem on the need to develop new approaches to regulation of state politics.

Thus, the structure of regulation state informational policy reflects the main components of regulation, determined by group of relevant principles and is a multi-hierarchical system in which every element is interrelated with each other. Each structural element of the state informational policy is formed on the basis of homogeneity of social relations, and each of them we offer to state-level strategies to form a system-relevant documents that will determine the principles of operation of this segment of social relations, and will be based on the principles of the Concept of State Information Policy.

Therefore, keeping the logic of research all set of legislative acts that regulate social relations in the sphere of public information policy, we proposed to consider a model of legal acts, which consists of six levels. This would correspond to the continuity acts logical sequence of exposition and presentation of information and legal ideology, the correlation of all elements of the hierarchical system.

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CONCEPT AND ESSENCE OF ADMINISTRATIVE AND LEGAL MECHANISM OF ADJUSTING IN THE FIELD OF TRANSPORTATION OF CARGOES BY MOTOR TRANSPORT

Regulation of relations in the sphere of transport refers to the priority areas of domestic policy since the establishment of right stimulus for the development of the transport system is a major reserve the welfare of society and its economic potential in accordance with the directions of the state enshrined in the Constitution of Ukraine.

Freight traffic is one of the most important component of the transport system of Ukraine today. Their share in the total number of cargo transportation by public transport is about 70% as an important issue for the country is to improve its functioning.

The study leads to the conclusion that the object of administrative regulation advisable to consider certain branches of social life, including all transport, road transport and freight traffic as the sphere of road transport sub-sector, which are regulated by the rules of administrative law. Consequently, transport of goods by road serving the specific object of administrative regulation, which is crucial for the development of transport and the economy as a whole and developing a socially-oriented state.

In our point of view the administrative and legal regulation of freight traffic is focused on the impact of the state on public relations in the organization and execution of freight transport by road, the limits and nature of which is due to its nature of the industry, and that is to organize the effective operation companies that provide services to transport cargo in domestic and international traffic.

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PROBLEMS OF IMPLEMENTATION OF EUROPEAN STANDARDS OF DISTANCE LEARNING IN HIGHER EDUCATIONAL INSTITUTIONS OF UKRAINE

One of the priorities of Ukraine's integration into the European Union is the implementation and application of European standards in the field of education, in particular, the introduction of distance learning, which aims to improve quality and ensure access to education.

The implementation of European standards of distance education in Ukraine is based on sufficient legal framework that provides for the establishment of certain specific organizational structure for this process. And, unfortunately, the current state of distance learning at universities in Ukraine does not meet European standards. Distance learning has launched not only a large number of educational institutions, since the introduction of this form they encounter with a number of problems.

The problems include the lack of understanding of the essence of distance education, the problems of financial, technical, informational, methodological, social and psychological problems. To address these questions it is necessary to create a global information network of universities that provide services to distance learning and bring their experience to other universities. To solve the problem of staffing necessary to implement distance education system clock technical support to teachers through relevant online resources and links, create each university department of distance education and student services, to organize relevant explanatory and methodological seminars and courses for teaching staff.

In addition, appropriate and cost-effective is the introduction of distance learning for the second higher education courses and refresher training for specific short courses, business-oriented courses. Also, the initial implementation of this system is better to use a mixed form of training that involves personal presence of the student in the preparation of test, examination etc.

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GENERAL CHARACTERISTICS OF THE PUBLIC AUTHORITIES OF THE KINGDOM OF SAUDI ARABIA

High authorities include the head of state hereditary prince, the Council of Ministers, the Advisory Council, the High Council of Justice. However, the actual structure of the monarchy of Saudi Arabia is slightly different from the way it presented in theory. To a large extent the power of the King has Al Saud family, which consists of more than five thousand people that are the basis of the monarchy in the country. King in the exercise of management based on the advice of leading members of the family, including his brothers. On the same basis it built relationships with leading religious leaders. Equally important is to maintain the stability of noble families and religious families that collateral branch of the dynasty Saudidiv.

The President and the country's religious leader (imam) of two holy mosques attendant, while the prime minister, chief of the armed forces and the Chief Justice. The President has full executive, legislative and judiciary. His powers theoretically limited only by the rules of Shariah and Saudi traditions. King aims to maintain the unity of the royal family, religious leaders (ulema), and other members of the Saudi community.

The mechanism of succession formally established only in 1992, heir to the throne, appointed for life by the king, followed the approval of the Ulema. According to ancient traditions in Saudi Arabia, there is no clear system of succession. The government usually passes to the eldest in the family, the most suitable to serve the ruler.

Council of Ministers combines both executive and legislative functions.

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INTERACTION AND COORDINATION OF PUBLIC AUTHORITIES IN ENSURING THE STATE CONTROL IN THE SPHERE OF TURNOVER OF NARCOTIC MEANS AND PSYCHOTROPIC SUBSTANCES

In modern conditions, the role of public authorities in the tasks of ensuring the effective cooperation and coordination to ensure state control in the sphere of turnover of narcotic drugs, psychotropic substances and precursors. The Central place in the mechanism of interaction belongs coordination. In legal literature, the term "coordination" is used when talking about a mutually agreed joint activities of various bodies, organizations, institutions that take part in any activities. Let's note, that the state control in the sphere of circulation narcotic drugs is the activity of the authorized state bodies (officials) testing, monitoring, analysis of compliance with and enforcement of established norms, rules, standards and management decisions of objects which are subject to control in order to ensure the legality and discipline, with the possibility of identifying perpetrators and application of such objects enforcement measures, their attraction to responsibility for violations in this sphere.

The control in sphere of circulation of narcotic drugs is carried out by the State service of Ukraine for drug control, the Ministry of internal Affairs Of Ukraine, bodies of revenues and duties, Ministry of health of Ukraine, State service of Ukraine for medicines and other Executive bodies within their authority defined by law. Consider the forms of interaction on the example of the Ministry of internal Affairs of Ukraine and other state authorities, which ensure the state control in the given sphere. In the structure of the Ministry of internal Affairs of Ukraine operates the unit, the office for combating illegal drug trafficking of the interior Ministry of Ukraine. So, the Department on combating illicit drug trafficking, in cooperation with the security Service of Ukraine, bodies of revenues and duties, the administration of the State border service of Ukraine and GSN Ukraine implements measures on suppression of illegal import to Ukraine and export from Ukraine or transit through its territory of narcotic drugs, psychotropic substances and precursors and conducts on this issue interstate operations and, within its competence, interacts with subdivisions of the criminal police (police) other countries on the issues of crime investigation and the detention of drug house; jointly with the Department of the informational-analytical support of the Ministry of internal Affairs and its units shall organize and ensure the effective functioning of the interdepartmental automated

information system, constantly updating data banks investigation and preventive destination that combines information on persons crime categories, firms and organizations of any form of ownership, involved in illicit trafficking of narcotic drugs, psychotropic substances and precursors, or suspected of it.

Provides interaction with law enforcement bodies of foreign countries forming a single computer data Bank with the same functions of the information system; together with the personnel Department of the interior Ministry studies the needs of the departments for struggle with illegal drugs turnover in staffing, participates in the organization of their training. Carries out the analysis of the state of discipline and takes measures for its promotion among the personnel.

Within its competence, the Department on combating illicit drug trafficking participates in international cooperation on issues of organization of counteraction to illegal circulation of drugs, psychotropic substances and precursors and the problems of drug abuse. Assisting the competent authorities of foreign countries, who arrived in Ukraine for the implementation of operative-search and other activities related to drug trafficking. The head of the Department on combating illicit drug trafficking, in cooperation with the security Service of Ukraine provides when due hereunder interaction with state bodies on combating drug trafficking and drug addiction.

With this purpose, prepare necessary materials for consideration at the operative meetings of the Collegium of the Ministry of internal Affairs So, the forms of interaction of the Ministry of internal Affairs of Ukraine and other state authorities, which ensure the state control in the sphere of circulation of narcotic drugs, psychotropic substances and precursors is: 1) information; 2) consulting; 3) partnership and cooperation etc. Promising is the realization of synergies and coordination of state bodies on ensuring the state control in the sphere of turnover of narcotic in the following forms: (a) General analysis of the situation; identification and definition of tasks of cooperation; joint planning of interaction; elaboration of joint activities aimed at information support of interaction, mutual assistance available forces and means; identification, compilation and dissemination of best practices joint activities; analysis and results of joint activities.

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THE SYSTEM OF ADMINISTRATION OF EDUCATIONAL LEVELS IN UKRAINE ON THE EXAMPLE OF SECONDARY AND TECHNICAL AND VOCATIONAL EDUCATION

The article investigates the organizational and legal foundations of state administration of the systems of secondary and technical and vocational education.

The definitions of "administration" that are most often found in scientific literature were analyz ed. The concept of "administration" has three main meanings: administration as an activity with all inherent structural elements – aim, motivation, means, actions, results; administration as the influence of one system to another, which means task-oriented human impact on the object; administration as the interaction of objects of joint activities.

Ukraine has a developed and comprehensive system of secondary education, which according to main indicators was and remains at the level of international standards. The system of technical and vocational education is undergoing an influence which is controversial by its nature and outcomes caused by objective processes of development and modernization of society in general.

The organizational principle of education administration is a system of government bodies that provide administration of education system and educational institutions entrusted with the task of general education and technical and vocational training. Education administration is carried out at the parliamentary- presidential, government- central, regional and local levels.

Nowadays the improving of the system of education administration is carried out in the direction of state and public administration. In order to support this idea we considered the system of education administration of Kyiv.

Therefore, we believe it is necessary to confirm at legislative level the provisions that state that there is not only state administration of education but a state-public one too.

CIVIL AND ECONOMIC LAW AND PROCEDURE

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PARTIES IN THE COPYRIGHT AGREEMENT

The purpose of this publication is to provide a general description of the parties of contracts in copyright law of Ukraine.

The subject of this research is: international acts, legal acts of Ukraine and foreign countries and their practical application, scientific views, ideas and concepts of domestic and foreign scholars in the field of contractual relationships in the copyright law.

Methodological basis of the research consists of the following methods: legal comparative method; dialectical method; formal and logical methods; systemic and structural methods etc.

It should be noted that the research of problems of parties of contractual relations in copyright law of Ukraine is extremely important because it is directly related to the implementation and protection of the rights and interests of parties of these relationships.

In this publication current issues of parties in the copyright agreement are examined. The subjects of civil law and copyright law of Ukraine are analyzed. The problems of participation of minors in the contractual relations in the copyright law of Ukraine are highlighted.

The legal entities as the parties of copyright agreements in Ukraine are studied.

The state as the subject in contractual relations in copyright law of Ukraine is studied in this article.

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THE OBJECT OF THE LICENSING OF ECONOMIC ACTIVITIES

The article is devoted to analysis of the object of licensing and development of scientifically based criteria for classifying certain types of economic activities to those that are object of licensing.

The relevance of this article is not in doubt, because the licensing system in Ukraine, as in other post-Soviet states are still in the making and this process is quite complicated and contradictory. Law of Ukraine "On licensing certain types of economic activities" does not include criteria for classifying types of economic activities to those that have to be licensed. It is a significant shortcoming of licensing legislation because it does not set the parameters to be decisive in addition or change the list of activities subject to licensing, which means that the list can be changed arbitrarily. The excessive increase of such criteria can lead to unwarranted increase in activities that require licensing that will restrict the principle of freedom of establishment and the relevant constitutional right of everyone for business activity. In contrast, the intentional reduction of such criteria may adversely affect the quality of goods and services to be produced (provided) without licenses, lack of necessary controls may lead to injury to life and health of people, their rights and freedoms, security of society and the state.

The author has done serious work on the analysis of the legislation of Ukraine and foreign countries, as well as research in this area, the result of which are formulated the own authors criteria for determining of licensed business activities and respective proposals for legislation.

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THEORETICAL AND LEGAL ANALYSIS OF THE SUBJECTIVE CRITERION DISABLED CITIZENS

In the article the theoretical and legal analysis of the subjective criterion of disabled citizens, which is an organic combination of medical and legal aspects. Special attention is given to research current national legislation regarding the regulation of disabled citizens.

Category disabled citizens is a major legal instrument for the realization of individual rights in property and personal relations. It is given that under the law the possibility of capacity constraints citizen and especially the recognition of his incapacitated entail quite significant diminution of its capacity to exercise their rights and freedoms, the use of these procedures must be reasonable and must prevent abuse by stakeholders. For this purpose it is necessary to specify the capacity of the existing criteria and grounds for restricting the capacity of citizens and public recognition incompetent.

In recognition of the citizen incapable need just two criteria simultaneously discrepancy capacity – medical and legal. In turn, the legal test of capacity is a combination of two components: a) IP b) volitional. This criterion is often referred to as intellectual and volitional.

In conclusion, the author notes that the Civil Code of Ukraine regarding the regulation we studied the problems above has a number of shortcomings and contradictions that cause the observations and require further explanation and clarification, the main ones are: unfortunate wording medical disability criteria, using vague the term "chronic, persistent mental illness"; between application and volitional components of psychological criteria, along with the conjunction "and" conjunction "or" separating these interrelated spheres of the psyche; impracticability renovation capacity, has been limited due to the unfortunate wording of the requirements for this; predictability only preventive capacity constraints and the person does not take into account our proposals on the possibility of retrospective limit capacity of the person greatly complicate the defense of individual rights with non-psychotic mental disorders that significantly affect its ability to realize the significance of their actions, and (or) manage the period of the transaction already been made, with the possibility of recognizing the transaction null and void.

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THE RATIO OF COMPETITION LEGISLATION OF UKRAINE WITH THE PRIVATE AND PUBLIC LAW

The aim of the article is determination of character of current in Ukraine competition legislation from the point of view of his correlation with the spheres of private and public law. By separate scientists relations that arise up between the subjects of management in connection with an economic competition can be examined as either public or privately-legal. Taking into account the necessity of balancing of private and public interests in the conditions of market contentionness, a competition legislation is presented by norms by means of that there is realization of privately-legal and public functions.

Argued, that the norms of privately-legal character create terms for realization of principle of freedom of entrepreneurial activity through guaranteeing of realization of rights and freedoms economically weak side of process of market contentionness. Norms of public orientation form the rules of conscientious competition and sent foremost to providing of state interests in the field of development of competition relations.

It is set that in the material and judicial norms of competition legislation envisaged and adequately reflected private and public interests are reflected on the whole.

After results research is done conclusion about privately – publicly character of competition legislation of Ukraine.

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PLANNING AS A LEGAL FORM OF PROVIDING TRAINING REGULATIONS

The article is devoted to clarifying the purpose, content, basic principles and functions of planning drafting regulatory acts in the field of management.

Planning, like any activity, the system has its own objectives, the achievement of which it is directed. These include, in particular, the formation of an integrated, harmonious, coherent system of regulations, regulatory coordination of all regulatory bodies, ensuring the widest possible public to discuss the draft prepared by regulations ensure consistency of preparation, consideration and adoption of regulations, the creation of scientifically based regulations.

Among the principles of planning of project preparation should be made to RA unity as plans of each regulator creates a single system aimed, ultimately, at the effective implementation of the State Regulatory Policy. This unity is provided, including the presence of a clearly stated purpose State Regulatory Policy. In addition, continuous planning of project preparation regulations provided that the regulatory authorities approve such plans every year, but can make changes and additions in the event of such need. Flexibility as a principle of planning provides the opportunity for adjustments established parameters based on the transformation of the circumstances. It is on this principle and built mechanism amendments and supplements to the relevant regulatory activity plans.

It is important from the perspective of State Regulatory Policy set and content planning as one of the important mechanisms State Regulatory Policy. It should indicate that it is planning allows regulators to assess the current state regulation of certain economic relations, to find gaps, inconsistencies and other weaknesses, assess their scope and importance both for the state and for individuals and entities to determine the appropriate response.

The most important functions of planning of project preparation regulations should include scaling, the establishment of the regulatory impact of the depth, scope and areas in need, establishing the basic principles of regulatory impact, control functions which will filter out during the approval of the plan ineffective, inappropriate actions (set out in the draft regulations), the estimated scheduling that allows you to graphically set the value of certain needs (in business) and the resources needed to meet them, singing the dimension of necessity and possibility of the use of certain of legal regulation of economic relations, the function of motivating certain decisions (clear understanding of the motives of certain RA project preparation allows them to evaluate the necessity and appropriateness).

In general, systematic approach to the planning of the project preparation RA will form a clear idea of the content of the legal form and its crucial for effective implementation of State Regulatory Policy.

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PRINCIPLES OF ENFORCEMENT PROCESS AND THEIR ANALYSIS THROUGH THE ESSENCE OF EUROPEAN COURT OF HUMAN RIGHTS PRACTICE

This article is devoted to the analysis of the principles of enforcement process in the national legal doctrine and to the distinguishing of the main principles of enforcement process in Ukraine. The article contains an overlook of the studies devoted to the principles of enforcement process as well as own analysis of such principles.

As the harmonization of law enforcement practice with requirements established by the Convention for the Protection of Human Rights and Fundamental Freedoms is one of the main aims of the national legal policy the analysis of essence of each principle of enforcement process should be conducted with respect to the practice of European court of human rights. The compliance of enforcement process with the main principles of Convention established in the practice of European court of human rights will also assure conformity of main rights and freedoms of all entities involved in the enforcement process.

As a result of the conducted research principles of enforcement process were classified in general (constitutional) principles and special (branch) principles.

General principles of enforcement process have been determined such as: rule of law; legality; right of defense and humanism.

Branch principles of enforcement process have been determined such as: mandatory requirements of the state bailiff service; principle of legal certainty; timely execution of writs; sufficiently clear indication of the scope of discretion conferred on the state bailiff service; right to challenge the legality of bailiff service officials' actions; inadmissibility of imprisonment on the basis of inability to fulfill a contractual obligation and the inviolability of a minimum property necessary for the existence of a debtor-citizen and his/her family.

It is important to outline that the consolidation of main branch principles of enforcement process, their analysis through the essence of European Court of Human Rights practice and legal stipulation should be conducted in order to align national enforcement process with provision of Convention for the Protection of Human Rights and Fundamental Freedoms.

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PROTECTION SUCH FORGERY DOCUMENT CONTAINED ON SPECIALLY NOTARIAL FORMS

For the complexity of the process of falsification and counterfeiting facilitate diagnosis notarial special forms provided by a set of protective properties. This is achieved by introducing them to the security features, the use of special processing methods in their manufacture, some combination of methods and techniques of applying printing design and the use of special materials.

A set of specific security features in the document is a system to protect it from counterfeiting. The degree of protection of the document is its level of protection against forgery, which depends on the chosen protection system used and the number of security features that must provide a document from full or partial forgery.

An important issue is the differentiation of concepts such as "protection" and "special protection". Special protection against forgery of documents are: 1) special security (holographic security features, security thread, security fibers, etc.); 2) The special material used to manufacture certain categories of documents (special paper, ink, etc.); 3) The special technology of documents that prevent their forgery (special techniques of design, fabrication, finishing the document).

The system of protection against forgery of documents, in a broad sense, consists of the following types of protection: 1) legal; 2) organizational; 3) technical;

4) Forensic.

A special form of notarial document physical and chemical protection is reflected in the use of one of the varieties of colors termokolirnoyu reverse reaction.

Specify how forgery with special means of protection is a very important task of forensic investigation, as it enables us to build a pretrial investigation substantiated investigative leads on the crime and planned search operations to find a source of false documents.

On the basis of a method of manufacturing false documents is possible forgery prevention with special means of protection are known manner.

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CAPITAL CONSTRUCTION AS AN OBJECT OF COMMERCIAL LEGAL REGULATION

The article investigates the economic and technical features inherent in capital construction. Construction is a sector of material production which has the specific properties. Economic – legal regulation and enforcement of this type of business activity should take place with clear understanding and taking into account of this, because only under this condition can be achieved efficiency of state influence to ensure its sustainable development. Based on that identifies particular economic – legal regulation of the construction industry in Ukraine. The views of scientists who recognize the presence of concept of "capital construction" can be divided into three broad groups. First of them consider it as an activity: economic, economic – production, investment – economic, aimed at the construction of enterprises, buildings and structures. According to the second group of scientists, construction – it's work. On the third view construction is branch of material production. On the basis of philosophical definitions of categories of activity and work concludes that the category of activity more meaningful than the work and includes the latter as its component. It is proved that all views do not contradict each other and complement each other. The term "capital construction" is a multivalued.

Capital construction should be defined as sub-sector of the construction industry sphere of material production. From this understanding it is expedient to proceed for the purpose of optimizing both the macroeconomic and microeconomic levels. Other values can be taken into consideration when dealing with such problems only at the microeconomic level.

Despite the ways of organizing of capital construction its economic – technical features are the same and can be reduced to two groups (especially by results and characteristics of the process of achieving it, doing the work). Article substantiates a conclusion that public and private – legal means should be used in harmony with the specifications inherent to capital construction. Also provides the most appropriate of them to optimize capital construction.

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ORDER OF APPEAL DECISIONS, ACTS, INACTION OF DECISIONS EXECUTIVE BODIES IN COMPLIANCE WITH THE CIVIL PROCEDURAL CODE OF UKRAINE

It is necessary, that decisions' execution complies the law prescriptions. Breaching the law during court decision's execution can be the threat to breaching rights, liberties, interests of persons, making decision's execution impossible. It is the reason why consideration the order of appeal decisions, acts, inaction of decisions executive bodies in compliance with the Civil Procedural Code of Ukraine is current. The author globally analyzes the order of appeal decisions, acts, inaction of decisions executive bodies in compliance with the Civil Procedural Code of Ukraine and its elements: bodies, entitled to process the complaints, contents of a complaint, terms, subjects, whose decisions, acts, inaction are subject to appeal. The author draws attention on the problem of legislative gap of regulating the instance of court, that has to resolve differences, connected with appeal the decisions, acts, inaction of decisions executive bodies. It is proposed, that it must be the court, that has proceeded the case as the court of first instance. It is grounded, that government executor and officer of decisions' execution body are different subjects, whose decisions, acts, inaction can be appealed and this distinction is commonly justified. The tool of renewing rights, liberties, interests of persons are to be in compliance with their breaching. That's why, making decisions' execution body obliged to do some acts as the tool of renewing rights, liberties, interests of persons can be used if only decisions' execution body's inaction has been found illegal.

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ON THE QUESTION OF THE DEFINITION ESSENTIAL TERMS OF THE AGREEMENT EMPHYTEUSIS

Despite all the advantages of agreement emphyteusis, the legislator did not pay enough attention to important issues, namely, the conclusion of the agreement. This has meant that most of the citizens do not want agreement emphyteusis, trying to replace it with agreements that are similar in content and conditions. But with the use and disposal of agricultural land, there are many features, so in some cases the agreement emphyteusis is not only a significant advantage, and indeed the only possibility of transfer of land. Therefore, to determine the essential terms of the agreement emphyteusis, it was necessary to turn to approximate for the purpose and content of the institute. This institution is a land lease. Subject to the provisions of the basic Law of Ukraine "On Land Lease" was defined essential terms of the agreement emphyteusis on the basis of Chapter 16-1 Land Code of Ukraine and Chapter 33 Civil Code of Ukraine, which govern the study institution. In particular, they identified the following essential terms: the object of emphyteusis; term of the agreement; forms of payment, terms, manner of making and viewing, and the responsibility for its failure to pay; terms of use and purpose of the land, which passed under the agreement; maintaining emphyteusis of the facility; terms and conditions of transfer of land user; conditions for the return of land to the owner; to restrictions (encumbrances) on the use of land; determine the party who bears the risk of accidental damage or destruction of the object emphyteusis or part thereof; responsibilities; transfer conditions in the mortgage and making up the share capital the right to use someone else's land for agricultural purposes.

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PROTECTION OF WORKERS' LABOR RIGHTS IN BANKRUPTCY OF ENTERPRISE

The difficult at this time legal practice suggests that the managers, specialists placed specific requirements, the conditions under which they may be made of employment contracts or contracts.

It deserves an attention about the issue of termination of the employment contract with the head of the debtor. As to terminate the employment contract with the Head of the debtor and restore it to the position you must link with the causes giving raise its release. When it comes to the actions that violate the rights and interests of the debtor and creditors to intervene in the actions of the arbitration manager in the performance of their duties, it is hardly feasible to restore the former head of the debtor in the former post.

It is given the specificity of labor relations in the bankruptcy procedure is necessary to divide workers into two categories: those to be exempt due to redundancy or number of employees, and those that should be exempt due to liquidation of the company.

To achieve the objectives of the participation of workers in the first meeting of creditors in such a competitive position should complement article 26 Law "On restoring the debtor's solvency or bankruptcy". Position that the employee representatives must be promptly notified of the bankruptcy process early and aware of creditors' claims and pointing out that improper communications from the debtor's employees are the basis for recognition of the first meeting of creditors' tender invalid. It should also require employers to provide employees (their representatives) the information indicating its range (for example: claims of creditors of the secured assets of the employer).

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LEGAL REGULATIONS OF THE SAFETY AND HYGIENE OF LABOUR IN THE POST-SOCIALISTIC COUNTRIES

The main tendencies of the legal regulations of safety and hygiene of labour in the post-socialistic countries are characterized in the article. As an example of the latest legislative acts of the mentioned countries, the main regulations of the institute of the safety and hygiene of the labour are found out, that is the interest for the national legislator.

One of the topical areas of modern science is the development of labor law concept of occupational safety and health and to make proposals for the improvement of national legislation in the field of international standards and legislative positive foreign experience.

The purpose of this article is to identify the main trends of the legal regulation of occupational safety and health in post-socialist countries.

Liability of the employer is increased for violation of legislation on safety and labor protection in recent years. At the same time attention is focused on the personal liability of employees for compliance with safety requirements, its cooperation with employers aimed at addressing the violations.

Taking into account the positive experience of legal regulation of occupational safety and health in post-socialist countries will contribute to the development of an effective mechanism to ensure the industry proclaimed in of the fourth part of 43th article of the Constitution of Ukraine the right of everyone to adequate, safe and healthy working conditions.

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CRITERIA OF A DECENT STANDARD OF LIVING FOR SOCIAL SERVICES

The article analyzes state social standard as the main criterion to ensure a decent standard of life of the individual in the social services. The necessity of the law on other criteria, compliance with which will ensure the provision of social services at a decent level. These are as follows: line number of institutions of social service needs of individuals; individual approach to determine the types and amounts of social services; humane treatment of persons exposed to the negative effects of social risk; legislative strengthening enforcement powers of social services.

The author noted that the formation of institutions of social services should not occur on a territorial basis, and based on the assessment and forecasting needs of the population in each region.

Proved the importance of identifying and adjusting the types and amounts of social services for a particular person, not only at the time of its recourse, as well as in the process of obtaining her social service.

The requirements of humane treatment of persons receiving social services as much attention, care and respect, avoiding moral and physical suffering, and prohibit use of medicines, plant physical restraint or isolation in order to punish or facilities for inpatient facilities social services.

A reasoned and feasibility of establishing responsibility for: 1) unlawful refusal to provide social care, maintenance is fully or taking illegal and unjustified decision to discontinue the provision of social services; 2) inhuman attitude of the person who suffered the negative effects of social risk. For each of the offenses defined sanctions that should be enshrined in legislation on social services.

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ABOUT THE LEGAL FOUNDING OF GRANT OF SOCIAL SECURITY TO FAMILIES WITH CHILDREN

This article deals with peculiarities of the legal founding of grant of social security to families with children, argued its social consequences – inability of employement of such a family member and / or the necessity of the increasing of the social charges, and also characterized the legal power subject – families with children.

This article analyses temporary disability as a potential social risk for families with children which leads to sudden appearance of the right to social security. Having summarized the provision of normatively legal acts, the author proves that a temporal disability is an independent, individual type of social risk and unconnected with emergence in a families with the children of right on social security.

The use of concepts "maternity" and "presence of child" and its scientific approaches are researched for denotation of the legal founding of receipt of public welfare families with children. Argued, that the concept maternity is more narrow than the content of the concept that does not embrace the cases of receipt social security: 1) woman, that does not have blood consanguinity with a child and purchased legal status of adopter, guardian and others like that; 2) father of child or other persons in case of actual realization by them to the care of child. Substantiated the imperfection of the legislative term "presence of child" for denotation of the legal founding of social security. It is paid an attention to the absence of instructions on the additional conditions of staying of the child in a family: the child's age, the presence of full valuable family, the actual supervision etc.

The author brings argues, that the legal founding of social security of families with children is a duty of education of the child. These are: the need for child care and / or maintenance of the desired benefits for the life that leads to the impossibility of a family member employment and / or is associated with increased social spending from the budget of the family or lack of family funds.

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THE CONCEPT OF TRADE UNION FUNCTIONS AND THEIR IMPORTANCE AT THE PRESENT STAGE OF MARKET RELATIONS

The concept of "trade union functions" is defined. Functional direction of the trade union's activity of in the market economy is investigated. Analysis of scientific positions relative to the system of trade union's functions is held. The list of functions of trade unions at the present stage is proposed. Evidence-based classification of trade unions is developed.

In modern conditions the trade unions play an important role as social regulators in society. Since independence of Ukraine legal regulation of the trade unions has undergone significant reform. This resulted in a change in the economic and regulatory framework for trade union activities. Unions lose some features numerous trade union rights and powers undergone some transformation, changed the legal form of the trade unions. All this makes the urgency of a qualitatively new understanding of the major functional activities of trade unions in the Ukrainian society.

Based on the above considerations, the logical conclusion is that among the main functions of trade unions is a function of two levels:

1) functions of the first level – protective and representation – that contribute to the existence of other functions of trade unions;

2) functions of the second level – organization and production, control and supervision, socio-economic, cultural, educational, consulting and function of international cooperation – which are derived from the functions of the first level.

The classification of functions of trade unions is quite content reflects the legal nature and content of the main areas of influence of trade unions on social and labor relations and must be taken into account in the improvement of modern Ukrainian legislation.

From our point of view the definition of legislative confirmation "function of trade unions" and a clear definition of the functions of trade unions will improve the legal regulation of trade unions, and therefore, more effective protection of labor rights and interests in the current development of market relations.

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THE IMPERATIVE IN THE EVOLUTION OF THE SUBJECT MATTER OF LABOR LAW

The point at issue of this article is the imperative regulation of labor relations, which constitute a "core" of the subject matter of the labor law. Hence, it is reasonable to reveal the subject matter of the labor law in its evolutionary dynamics in light of the imperatives, as there is an evident relation between the terms "evolution", "subject matter of the labor law", and "imperative". In this case evolution acts as a sign of logical summation.

The purpose of this article is to analyze scientific and practical problems of expanding the subject matter of the labor law, which are stipulated by the regulation of hired labor in Ukraine under the existing conditions of market economy formation. Taking into consideration the evolutionary dynamics of development of social processes, the subject matter of the science of labor law cannot be stable, as it changes in accordance with a certain priority of changes in the object thereof, i.e. depending on the social demands, which give rise to the evolution of the scientific cognition itself. A leading role in the definition of the "subject matter of the labor law" is played by the actual definition of this term.

In this context it seems to be important to study the paradigm of modern labor law, which is a system of fundamental notions, which allow understanding the labor law as horizontal relations. Furthermore, it implies not only "abstract legal forms", but also their subjective content.

Considerable changes in the terms and conceptual framework of the labor law resulted in the changes in the scope of labor relations. Legal definition of the subject matter of the labor law serves more effective regulation of labor relations. This is stipulated by the fact that the structure of labor relations in conditions of economy globalization, formation of the market economy of Ukraine, changes by means of "expansion" (development) of the labor law.

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THE REALIZATION OF THE EMPLOYEE'S RIGHT TO COMPENSATION FOR MORAL DAMAGE AS SUBJECTIVE LABOUR RIGHT

The formation of compensation for moral damages in labour law is important, which can not be overestimated. It promotes the formation of new types of labour relations, serves the cause of civil society, rule of law.

Compensation for moral damage – a complex social and legal problem. Its solution is a topical objective, as directly related to the legitimate rights and interests of employees.

Norms of labour law are now allow for the possibility of compensation for moral damage. However, labour legislation is not defined the concept of moral damage, does not contain a list of grounds on which individuals who have a right to compensation for moral damage, does not provide criteria for determination of the amount of compensation.

In accordance with Article 237-1 of the Labour Code of Ukraine the employer moral damage compensation is made to the employee if the violation of his legal rights have led to mental suffering, loss of normal life connections and require extra effort from him to organize his life.

In the specified article contains the list of legal facts which constitute which constitute the basis of the legal relations of moral damage compensation by the employer to the employee.

The right to compensation for moral damage should enjoy employees (citizens of Ukraine, foreigners and stateless persons who have entered into an employment relationship). Employers may be individuals for which should also apply rules providing for compensation for moral damage caused including unlawful guilty actions of employees.

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CAUSES AND CONSEQUENCES OF MIGRATION

Background is that international labor migration has become an important component of globalization in the world economy. The trend towards openness stimulates employment potential to the most effective use not only within national economies, but also beyond. International labor migration has both positive and negative effects, creating, and even so accumulating problems both in individual countries and in the whole of the international labor market. So, today, international labor migration is the subject of increased attention by States, specialized international organizations for the purpose of regulating international migration flows.

In addition, there are several major streams of international labor migration: migration from developing countries in the industrialized countries; migration of labor from the former socialist countries in the developed countries; migration within developed countries; migration within developing countries; migration to the industrialized countries to developing countries.

Estimates of experts outside of Ukraine today is between 2.5 and 5 million people of working age.

To assign pluses: improving the competitiveness of domestic producers by reducing labor costs; growth in domestic demand for goods and services by migrants; savings in training specialists. A number of disadvantages include: rising unemployment and the exacerbation of conflicts between residents and immigrants for jobs; outflow of foreign currency resources abroad; exacerbation of conflicts on ethnic, racial and religious basis.

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REPRESENTATIVENESS CRITERIA FOR THE PARTIES TO COLLECTIVE BARGAINING TO CONCLUDE OF COLLECTIVE CONTRACTS, AGREEMENTS

Taking into consideration the provisions of the Article 4 of the Law of Ukraine "On social dialogue in Ukraine" the Parties of the Collective Agreement on national, industrial and territorial levels are exclusively trade unions, their associations, employers' organizations, their associations and executive authorities. At the same time, only those trade unions, their associations, employers' organizations and their associations that meet the criteria of representatives, determined for specified level of social dialogue, are recognized as the entities of trade unions' and employers' party according to the Law.

The general and specialized criteria of representatives, described in the Law of Ukraine "On social dialogue in Ukraine", were analyzed in the article together with the outlining of the quantitative and qualitative criteria. Attention is paid to the problems, arisen during the procedure of representatives confirmation of the trade unions and employers' organizations on territorial level, the quantitative criteria for which is determined by the percentage ratio of the working population. This refers to the employment level established according to the methodology of the International Labor Organization. Information about this level is absent on the district and city levels, what makes the procedure of representatives confirmation of the entities with the corresponding status acting within the territorial-administrative unit and initiating the collective negotiations aiming to the conclusion of the collective agreements. The article offers amendments to the third part of the art. 4 of the Law of Ukraine "On social dialogue in Ukraine" concerning the determination of the quantitative criteria not according to the working population ratio but to the number of workers employed in enterprises, institutions and organizations.

Assessment of the correspondence to the criteria of representatives and confirmation of representatives of the entities of trade unions and employers' parties, performed by the National Mediation and Conciliation Service and by its authorities, does not contradict international acts. The above mentioned provision of the Law of Ukraine "On social dialogue in Ukraine" is not an interference to the internal activity of the trade unions and employers' organizations from each other's side and from the side of the government whereas the recognition of the executive organizations of employees and employers for the participation in Collective negotiations is implied by the acts of International Labor Organization, in particular, by the Convention of International Labor Organization No. 154 concerning the assistance to the collective agreements and Recommendation No. 163 concerning the assistance to the collective agreements.

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FORMATION AND DEVELOPMENT OF LABOUR CONTRACTS DOCTRINE

Article is devoted to historical and legal analysis of the institute of labour contract. Basic theoretical approaches to the definition and legal nature of labour contract are analyzed. Based on the study author provides independent opinions.

Current discussions about the features and functions of the employment contract, the ratio of its civil-law agreements on labor demand thorough study of the past that will allow it to find answers to contemporary questions, because the problem of the legal nature of the employment contract – historical, so recognizing the emergence of new types of labor contracts, it is necessary to get acquainted with the history of the institute of labor law.

Modern domestic researches of labor contract theory researchers pay attention to its significant differences from civil agreements on labor, emphasize deep social nature of the employment contract, which is manifested in its broader socio-legal sense. Having concluded an employment contract, the owner not only employs the worker, but also undertakes to provide certain guarantees, benefits, and participation in social welfare worker. N.B. Bolotina also highlights emerging trends in the employment contract under the new conditions of market relations in Ukraine. The scientist says that the form and content of the employment contract is largely moving away from the rigid administrative structures and it becomes more flexible and not stable.

In modern science of labor law Ukraine emphasis on legal guarantees of labor rights at the conclusion, amendment and termination of the labor contract, social and legal status of the employment contract turns in providing certain guarantees to employees, benefits provided by labor legislation.

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THE LEGAL PERSONALITY OF A FAMILY IN THE SOCIAL SECURITY LEGAL RELATIONS

Scientific conclusions set forth in this article are the author's attempt to justify his own vision of solving the sectoral debate on the issue: the family as a single entity is a socially competent person in legal social security, or only some of its members.

Based on the analysis and synthesis of a wide range of scientifically scientists concluded that the theoretical justification for copyright entity that has the right to social security – the family or family members, depending on the type of industry relationships and their structure as r 'object of study.

It is proved that under modern conditions is the necessary legal conditions for recognition legal capacity social security as a family as a whole and its members in particular. Family status becomes socially competent entity if: 1) social needs resulting from exposure to it (family) social risk is common and therefore impractical to implement social security for each of its members individually ; 2) social risk has undergone one of the family members, but its implications are significant for the whole family and give rise to a common social needs.

The capacity of social security family is from the date of registration of the fact of its creation (through marriage, adoption, etc.). Industry capacity of the family arises from the occurrence of the circumstances of social risk, which leads to the realization of the right to social security.

Family members acquire the status of socio-qualified for each person or group in particular in relation to legal entities – the main subject around which formed the legal construction of "family members". Industry personality of each member of the family is derived from the basic personality of the subject, but has its own time of the capacity – since they influence specific legislative and established social risk. That is: the death of the breadwinner (dependent), which generates insecurity financial entity or inability to perform vital functions. The legislation also established additional personality trait family members – their disability (physical, for health reasons or objective-social, because of the need to care of other family members).

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PENSION PROTECTION FOR PUBLIC NOTARIES

The right on social security is unique among human rights and freedoms, without which it is impossible to build a civil society. Important to ensure the realization of this right and in the present circumstances is it appropriate legislative solution. Implementation of human rights in the area of social protection requires that the state not only proclaimed the following law, but also has provided a mechanism to support them. Good guarantee of the right to social security, as well as several other rights declared in the Constitution of Ukraine. In particular, the constitutional right of persons to social protection provided pension benefits in old age under the conditions set by the law.

The pension system of Ukraine is in a difficult position. Today's pension does not provide sufficient employment relationship between the employee contribution, which took place during his working life, and the amount of remuneration in old age. Therefore it is necessary to pay attention to improving social protection, in particular to ensure their appropriate level of pensions' provision.

The current legislation of Ukraine is trying to establish a clear perspective for social protection of different groups. However, non-compliance of certain provisions of the current legislation on pension's democratic norms of the European Union, imperfect regulation of social relations in the field of pensions led to a rapid deterioration in recent years the quality of the workers in different spheres of social life. Some problems found in the field of pensions notaries public, hence the relevance of the chosen research topic.

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REALIZATION OF THE RIGHT FOR INFORMATION BY THE SUBJECTS OF COLLECTIVE LABOUR RELATIONS

One of the current problems of modern science employment law nowadays is to develop of effective mechanism for the industry to ensure the right to information workers and employers and their representatives. The right to information under the labor laws of Ukraine has been the subject of research in the scientific writings national scientists only in recent years.

The right to information under the labor laws of Ukraine is both individual and collective labor law. As subjective labor law is part of the contents of individual and collective labor relations. The subjects of individual employment rights to information is an employee and employer, and subject to collective labor law information – labor groups, trade unions, their associations, the primary trade union organizations (in a case of their absence – representatives of employees), employers, organizations employers and their associations, bodies of social dialogue bodies dealing with labor disputes, government supervision and control over compliance with labor laws and executive authorities, local self-government.

The aim of this article is to study the mechanism of the right to information subjects of collective labor relations and suggestions for its improvement.

In collective labor relations right to information is implemented as a collective labor law. That is under Art. 28 Law of Ukraine "On Trade Unions, Their Rights and Guarantees" right of trade unions and their associations for information on labor and socio-economic development. According to the first paragraph of mentioned article labour unions, their associations are entitled to receive free information from employers or their associations, public authorities and local self-government in matters relating to labor and socio-economic rights and interests of its members and information on the operating results of companies, institutions or organizations. An important provision of the first paragraph of Art. 28 is to establish a deadline for providing such information not later five days.

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SOME ISSUES OF LEGAL REGULATION OF EMPLOYMENT IN THE USA

Problems of legal regulation of employment are very relevant in developed countries. This is due to the complexity of the situation on the labor market, increasing the proportion of workers hired labor, changes in their structure, processes of labor migration. In these conditions, the importance of the state in the regulation of employment. This finds its reflection in the legislation governing the provision of jobs for people who have lost their jobs. The main burden in this area lies just to the state: it provides employment, vocational training and retraining, logistics support people in need. Instead, find an optimal model of legal regulation of employment for Ukraine is the basis for the analysis of foreign experience. In this context, it is necessary to contact the USA achievements in this area, because the U.S. government for decades has an effective impact on the labor market, coordinating mechanisms liberal regulation of employment with providing relatively low unemployment. Thus, according to the December 2013 report, the unemployment rate in the USA fell to 6.7 % – to a minimum of 5 years.

Through the research, it is necessary to highlight the main features of the American model of legal regulation of employment: 1) legal security of employment based on the basis of general and special laws, 2) existing centralized system of employment as the Federal Employment Service and its representative in the state, and 3) except legal acts on mechanisms to ensure employment exercise significant influence specialized programs aimed at employment of certain categories of the population (the elderly, the disabled, women); 4) The material terms of unemployment benefits provided mainly normative legal acts of the states. In further research is planned to analyze the legal regulation of employment in other developed Western countries.

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NEGATIVE LEGAL CONSEQUENCES OF THE STRIKE MOVEMENT

Today there is a negative tendency to conduct strikes when the strike could have been avoided. This article dedicated to legal analysis of negative consequences of a strike for workers and employers.

Time of strike is not paid for workers. Time of participation of workers in an illegal strike is not set off to labor experience. Labor experience very important for workers, because in the future, if the workers have not a labor experience, they are not receive a pension and others social payments. In the project of the Labor code of Ukraine can be fastened such norm: "Time of participation of workers in an illegal strike not may be included to insurance experience of worker".

Participating in an illegal strike is considered violation of labor discipline. Organizers and participants of strike can receive reprimand after participating in an illegal strike.

Sometimes after participating in an illegal strike an employer begins more captiously to behave to his organizers (involve work on weekends and public holidays, transference of annual basic vacation on an uncomfortable for a worker period, move to another workplace etc.) with the purpose of non-admission of the second strikes. Such measures of employer cause sharp conviction. Employers should not pursue strikers.

Strike reduces productivity, destabilizes financial position, undermines the business reputation of enterprise and image of guidance. Strike causes difficulties in hiring new workers in place of striking.

A strike is a not panacea. The sides of collective labor dispute must go to the concessions for the sake of the social peace and stability.

CRIMINAL LAW, CRIMINOLOGY, PENAL LAW

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SENTENCING JUVENILES BASED ON THE SEVERITY OF THE CRIME

This article discusses the problematic issue of appointment of certain minor penalties. It is proposed to solve the problem by fixing the general rule that all possible to regulate the issue of appointment of minor penalties.

Improving of the criminal law regarding juvenile punishment is carried out to the proper implementation by Ukraine of the assumed international obligations in terms of ensuring children special care and assistance from the state of implementation of the provisions of the Constitution of Ukraine on recognition of human life and health, honor and dignity the highest social value, providing every person the right to the free development of his personality, as well as on the level of juvenile delinquency is a need for public policy to protect the rights of children who are in conflict with the law, according to the Concept of criminal Justice for minors Ukraine.

Providing realization of proposals to improve the juvenile penal system and the use of certain types of punishment to juvenile offenders is proposed to add to the Criminal Code of Ukraine of Sections 3, 4. 98 and set them as follows:

"3. Minor, depending on the severity of the crime, can be assigned the following penalties:

for a small gravity crime: a fine, community service, remedial work;

for a middle gravity crime: a fine, community service, remedial work, short-term arrest, arrest on the weekend, restriction of liberty;

for a hard gravity crimes: a long-term arrest, restraint of liberty;

for a hard gravity cimes, using physical force against another person, and especially grave crimes: imprisonment for a specified period.

4. Terms penalty of minors are set within the Articles of Part XV of the General Part of the Criminal Code of Ukraine. "

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A NATIONAL SPECIFIC OF CREATION AND DEVELOPMENT IS IN UKRAINE

In the early twenty-first century transnational crime in the economic and other spheres of society (global drug trafficking, international terrorism) was comparable to the activity of global geopolitical power centers of the world geo-economic subjects – multinational corporations, religious and cultural organizations and their impact on the global process in general. Criminal structures and subjects included in the current world order, which becomes the property of the criminalization of world commodity markets, the criminalization of international economic relations. In Ukraine, the criminalization of economic relations leads to the creation of a national model of transnational criminal organizations, which has its own peculiarities as in the context of historical development, and in terms of participation in economic processes taking place in the state.

Thus, the transformation of the national organized crime, turning it effectively into a significant segment of the national economy has their reasons and their own history. The main routes of transnationalization of crime should be considered criminal organizations transform into an entirely legal business structures, which, while not changing its criminal nature.

At the same presence in Ukraine meaningful legal transnational criminal segment ensures that possessing significant financial resources, criminals have turned into respectable businessmen who absolutely legally make business.

At the same time, a concern that in our country there is a large number of transnational criminal organizations from inception have legal status, and high levels of corruption forces them to change the vector to illegal activity, criminal, due to increased "control" of a law enforcement agencies, state and local governments.

Arguably, the current organized crime in Ukraine completed its evolution, has become a legal entity of the national economy, has proved its viability, has become the model for the creation of new criminal organizations which are embracing the traditional experience of transnational crime.

According problems transnationalization of crime are converted into the problem of institutional changes in the economy – legal system, that will prevent a legal activity in the economy as a result of low efficiency and low competitiveness of the criminal model of foreign trade.

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"AMERICAN CONCEPT" OF CLASSIFICATION AND CATEGORIZATION OF PERSONS SENTENCED TO IMPRISONMENT

Criminological analysis of foreign experience of classification indicates that American concept of classification is limited to narrowly directed classification of inmates according to "the degree of danger to society," sex, age grounds. However, the following classification procedure further is being complemented by the procedure of revision of safety category of every single convict, depending on his behavior in prison, training courses, degree of trust gained by him among the staff and the time remaining until the end of serving his sentence.

American approach reflects complicated criminological process of classification of convicts that starts with comprehensive study of the personality of convict during his stay in the Diagnostic Center, where he passes psychological testing of prisoners, the staff examines the crime, disciplinary history, criminal record, drug abuse, alcohol, conclusions probation officer, juvenile courts .

There is no general federal legislation on criminological classification of persons sentenced to imprisonment, but the Central system for monitoring prisoners essentially captures certain groups of prisoners based on criminological classification. There is the rule upon which before the transfer of convict to new camera or prison, the staff of the Federal Bureau of Prisons shall verify the data from the Central monitoring system.

The author proposed to test national penitentiary system with progressive mechanisms of classification of prisoners based on: first, comprehensive study of prisoners sentenced to imprisonment, their socio-psychological characteristics, determining personality type. Secondly, procedure of revising the category of persons sentenced to imprisonment in the process of serving the sentence; Thirdly, obtaining information about criminological informal (informal) classification of persons sentenced to imprisonment, and reflection of it in carrying out classification of prisoners in the process of serving their sentence.

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CHARACTERISTIC OF OBJECTS AND CONDITIONS COMMITTING CRIMES IN THE PUBLIC PROCUREMENT SPHERE

Based on the analysis of the investigative and judicial practices and literature discusses the features of the object and the conditions of crime in public procurement. Conclusions are made that the subject of crime in this area is the budget that is stolen using public procurement procedures and bank settlement operations.

In the structure of economic crime increasingly prominent place occupied crimes in the public sector. In particular, it is noted that the budget has become one of the most attractive of organized criminal activity, which includes dozens of techniques and methods of extracting money from the treasury.

The presence of two parallel current and correlative resources on its legal and shadow economies causes permanent "transfusion" of financial resources from one economy to another. This means that there always exist "black market" non-cash with a certain rate of exchange for cash or hard currency. On the one hand, there are entrepreneurs who want large amounts of non-cash redeemable for cash, and the other criminals of all sorts, seeking to cash received in the offense, wrap in bank money and be able to use them in the legal business. Such operations are usually masked by certain pseudo relevant agreements and relevant clearing transactions.

Summarizing it should be noted that there are some opportunities smooth transformation of funds from the legal economy in the "shadow" strongly determines economic crime. This creates favorable conditions for the assault on the budget with the use of procedures and public procurement, where they can act as both cash and cashless payment forms.

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ESSENCE AND TYPES OF MISTAKES IN THE CRIMINAL LAW

The problem of the legal mistakes was begun studying in detail by the Roman private law. In the Roman private law there was no a common theory of mistake, but each of the certain case was considered separately.

There is no special legal rule devoted to the problem of the criminal law mistakes in the Criminal Code of Ukraine 2001. Criminal Codes of Ukrainian SSR 1922, 1927 and 1960 yrs., as well as the Basics of the criminal law of USSR 1958 also did not contain any legal rule about criminal law mistakes.

There are many definitions of the criminal law mistake in scientific literature. Generally it is described as the "misconception" or the "misestimation" of a person regarding to juridical or factual circumstances of committed crime.

A mistake in the criminal law can be defined as the wrong conception of a person formed in his consciousness under the influence of incorrect perception of juridical or factual circumstances of committed crime.

Normally there are two types of criminal law mistake: a mistake of law and a mistake of fact. A mistake of fact may sometimes mean that, while a person has committed the physical element of an offence, because they were labouring under a mistake of fact, they never formed the required mens rea, and so will escape liability for offences that require mens rea. This is unlike a mistake of law, which is not usually a defense.

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CONCERNING UNDERSTANDING OF THE CATEGORY "CRIMINOLOGICAL CHARACTERISTICS"

This article is devoted to envisage the problem concept of "criminological characteristics", which contains general information on the characteristics of the particular type of crime. But at the present period of criminological science development it is lacked the common understanding of this category. Authors' views are different from one another, although not significantly. Scientific views on the definition of the constituent elements of criminological characteristics were analyzed. All the authors of the content of the studied categories have the list of its constituents that are proposed to determine within the criminological characteristics. In the understanding of the content of the scientists' views on criminological characteristics, they can be grouped into two major groups – those who offer a shorter list of constituents that contain indicators of mathematical nature, and those who offer an expanded list, in which determination and precautionary signs are added to the mathematical nature. The advantages and disadvantages of a narrow and a broad understanding of the constituents of the criminological characteristics are determined. Acquiring criminological characteristics as a set of certain statistical indexes that illustrate tendencies of criminal phenomena, we can construct a model of retrospective model of a certain type of criminality and build its advanced model. After considering the results of the quality indexes analysis that can be achieved by the studying the materials of criminal proceedings, court decisions, sentences etc., opinions of experts and other sources of information and their implementation with mathematical models, any determinants that are specific to a particular dynamics can be found. The proposed approach will be able to identify the tendencies that were observed in the past in a particular area of public life, and on the basis of the results of using the existing mathematical tools to construct predicted indexes for the future. And also to identify those segments that require the largest preventive influence and that are the least vulnerable to existing criminal threats.

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THE PROBLEM OF THE DELIMITATION AN ADMINISTRATIVE PENALTY AND A CRIMINAL PENALTY FOR CRUELTY TO ANIMALS

This article is devoted to investigation of administrative and criminal penalties for cruelty to animals and to solving the problem of its differentiation, which has a negative impact on the practice of appliance these standards. Author has analyzed existing in modern day legal science points of view different scientists who examined this issue. A conclusion is done about the necessity of alteration to the Criminal Code and the Code of Administrative Offences.

The need to amend the Criminal Code and the Code of Administrative Offences is due to the complexity of distinction between the cruelty to animals, which is legally provided by the article 299 of the Criminal Code of Ukraine, and the same rule, which is characterized as the administrative offence, which is legally provided by the article 89 of the Code of Administrative Offences of Ukraine.

There are no essential differences in these articles for its distinction in current editions these standards of law. Such situation creates the difficulties of application above-mentioned articles.

Therefore, it becomes necessary an alteration in the law and the new textual presentation of rules that adequately displays its content and its attribution to administrative offences in the area of environmental protection, use of natural resources and protection of cultural heritage.

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THE "FOOTPRINT PATTERN" OF HUMAN TRAFFICKING

The article is devoted to particularities of investigations of human trafficking cases. The content of one of the main elements of criminal characteristics of such kind of crimes – "footprint pattern" – was identified and disclosed.

The author notes that in the environment of transformations in the society the studies of the human rights and freedoms, and the enforcement and improvement thereof, have gained special urgency. At the end of the 20th century independent Ukraine have acutely encountered the most painful of the problems in the contemporary world, the "white slavery" crime. It should be noted that human trafficking is ranked third by its profitability after drug trafficking and arms smuggling.

A far as the main victims of human trafficking are women and girls, this notion is mainly viewed as "women trafficking" or "sexual trafficking". But any person may become victim of such crime, irrelevantly of gender or age. The urgency of the research issue is conditioned by the needs of the practice of combating crime and forensic science in comprehensive study and solving problems connected with the methods of investigation of human trafficking. The importance of scientific research of this subject is caused by the fact that the research of the subject will allow to suggest methods for combating this group of crimes which would be relevant to current level of scientific development.

It is proven in the article that the forensic characteristics of human trafficking is a system of data (information) on forensically significant characteristics of human trafficking which represents the consistent connections between them and serves for formation and verification of investigative leads in investigation of such crimes.

The content of forensic characteristics of crimes should include only essential, forensically significant, typical, interdependent attributes of crime conditioned by practical necessity. That's why, in our opinion, the forensic characteristics of human trafficking should include the following elements: a) ways of human trafficking; b) "footprint pattern" of human trafficking; c) information on the identity of a criminal; d) information on the identity of a victim.

The "footprint pattern" of human trafficking is a complex of abstracted information on typical tangible and ideal tracks, the attributes, environment of committing of such crimes which are indicative for specific ways of human trafficking and being in correlated interdependence with the identity of a criminal and the identity of a female victim.

It is practical to study the typical "footprint patterns" of human trafficking with classification thereof by ways of

recruitment of victims and ways of trafficking them through the state borders of Ukraine. Generalization of judicial and investigation practices shows that the ways of recruitment and the way of trafficking them through the state border condition very versatile interrelations with the activities of trades and reflect the tracks of contacts with objects surrounding them.

The analysis of the "footprint pattern" of human trafficking contributes to identification of correlation interrelations of such element with other structural elements of the forensic characteristics of the researched crimes. In consideration of that, the "footprint pattern" enables to form leads of the ways of human trafficking, as well as the leads about the persons committing such crime.

CRIMINAL PROCEDURE, CRIMINOLOGY, INVESTIGATIVE ACTIVITY

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THE POLITICAL ASPECT OF THE CRIMINAL JUSTICE PURPOSE UKRAINE

The article discusses the political factor influencing the content and purpose of criminal procedure in Ukraine. The aim is to determine the content of political influence in a crisis for the system and the appointment of the criminal process. For example, one of the laws, which was adopted during the crisis in 2014, and defined the procedure for resolution of production, for which offenses were related to events that took place during the peaceful assembly, analyzes their respective fair. We consider the situation in which, depending on the crime scene in almost identical circumstances affecting the qualification and punishment, one person shall be punished, and the other from him released. It is noted that in these circumstances the criminal proceedings, despite the issues of justice, must implement the provisions of its own law and the content of the above laws. It is given the above question about the content of the impact of such events on the political purpose of criminal procedure in Ukraine. In the end it is concluded that the criminal process is inherently must implement the will of the legislator regarding the content of criminal relations, despite their qualitative assessment. Only qualitative performance indicator purpose of criminal proceedings in such cases related to political events is to match the procedures for the application of criminal law rules of criminal procedure and criteria of equity, efficiency, etc.

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GAPS LEGISLATIVE REGULATION OF HOUSE ARREST AS A RESTRAINT IN CRIMINAL PROCEEDINGS

The article presents the characteristics of house arrest as a preventive measure; are the reasons for and the means for its application, and order fulfillment; analysis of the practice of foreign countries on the use of house arrest; commented on the positive and negative aspects of such preventive measures and recommendations for its improvement.

According to the Criminal Procedure Code of Ukraine preventive measure in the form of house arrest is a novel of modern criminal procedure legislation of Ukraine, which should provide additional guarantees of the rights and legitimate interests of citizens at the stage of criminal proceedings.

However, some issues implementing regulations applying house arrest in modern law enforcement practices were not reflected either in solution and acts of law, or in the scientific literature. Due to the recent introduction of house arrest as a preventive measure, the mechanism of its realization in life are not sufficiently researched and requires deep research and analytical development.

The article stipulates that the house arrest – a more humane precaution compared to detention, it is a progressive introduction to Ukrainian legislation. The main positive quality of such preventive measures is that the person is not feeling the pressure of a hard, both during detention. However, there are definite legal regulation, procedure and conditions for the use of this type of preventive measure. Therefore, the paper proposes to adopt a law on "House Arrest", which clearly define who and how should oversee the conduct of a person placed under house arrest as oversee correspondence, negotiations (including telephone and via e-mail), a personal meeting certain person.

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FEATURES OF WAYS TO COMMIT OFFICIAL CRIMES

Almost all scientists called the method of committing crime central, dominant element of criminalistic characteristic.

The method of committing official crimes – is due to objective and subjective factors to conduct official at the time and after the crime, which is aimed at achieving results through self-serving use of power and official authority.

Formation method of committing official crimes is mainly influenced by the situation of the crime, the scope of the power and authority vested in a person. A criminal tries to use the factors contributing to criminal activity, either through their job opportunities to change the factors and conditions of the company, institution or organization in the right direction for self.

Another of the features of the method of committing official crimes is that they tend to act as an a criminal act, and sound system of criminal acts that are committed over a long period.

The method of committing official crimes quite varied, as committed in the various fields of officials as to form an exhaustive list of possible ways these crimes is virtually impossible, because people have their characteristic commits an active search of new and emerging opportunities for committing crime. However, the most common method of committing official crimes are: use of budgetary and extra-budgetary funds, disposal of material resources and other financial opportunities for personal selfish ends; unlawful use of violence in the work of any officials, but especially in law enforcement; unlawful use of weapons or special tools or omissions in the real possibility of their duties; failure to take all necessary measures for the proper performance of their duties; provision of bank loans and loans without the obligation to return them; falsification of documentary audit, audit falsification of tax returns; making false information in the state register, etc.

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SECURITY FEATURES AS THE MAIN AREA OF ACTIVITY JUSTICE BY PARTICIPANTS' PROTECTION

This paper investigates and examines the function of protection as the main activity of participants in proceedings of the defense. Privacy advocates a set of rules governing the relevant procedural relations and as a function of the criminal justice system.

The availability of protection in criminal proceedings is a necessary feature of the rule of law and civil society, "allegations of criminal trials is the name of the state, the defense is made on behalf of the people and is a factor in excess of the absolute right, without giving legal to turn into a police state.

It should thus distinguish the concept of "defense in criminal proceedings" and "the defense in a criminal trial. "In the broadest sense of" defense in criminal proceedings" is divided into state protection, legal, judicial and assistance of – a lawyer and defend itself imply any violation of opposition and limitation of rights, freedoms and interests of the individual in criminal proceedings. In this sense, the subject of the right of defense is the victim and who is seeking damages (protection from crime), and the defendant, and to deny the charge (protection from prosecution).

The term "protection" used by the legislator to refer to activities is to ensure the rights and freedoms of man and citizen, without regard to its role in the criminal process; prosecutors, investigators, police, protect citizens from abuse, also carry protection in terms of health and eliminating hazards.

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COVERT INVESTIGATIVE (SEARCH) ACTIVITY IN CRIMINAL PROCEEDINGS

Ukraine is the democratic, legal state in which a human, his life and health, honour and dignity, inviolability and safety are the greatest social value, rights and freedoms of human are determined by maintenance and orientation of activity of the state.

The new Criminal Code of practice of Ukraine entered new concepts concerning procedural and investigative actions. In marked new Criminal Code of practice of Ukraine procedural activities include a special range of investigative (detective) actions and secret investigative (detective) actions, and defined a new subject of criminal procedural activities – operative subdivisions (Article 41).

Secret investigative (detective) actions according to the article 246 of Criminal Code of practice of Ukraine is the kind of investigative (detective) measures, information about a fact and methods of realization of that are not subject to disclosure, except as provided by this Code.

The subjects of organization and realization of secret investigative (detective) actions are: investigation judge (except for statutory cases (Article 271, 272 of Criminal Code of practice of Ukraine), investigator that conducts pre-trial investigation, prosecutor that carries out judicial guidance to pre-trial investigation, leader of organ of pre-trial investigation, operative subdivision that executes commission investigation on realization secret investigative (detective) actions.

The aim of realization of secret investigative (detective) actions are a search and fixing of fact sheets, that is used in finishing telling on the pre-trial and judicial stages of criminal realization, also for the search of persons that disappeared obscurely or hide from the organs of pre-trial investigation and court, or avoid serving of criminal punishment. The search of objects, documents that can be used in criminal realization as proofs also provided realizations of secret investigative (detective) actions.

An investigator, prosecutor, can make decision about realization of secret investigative (detective) actions, and also, in statutory cases, investigation judge after the solicitor of public prosecutor or after the solicitor of the investigator concerted with a public prosecutor.

In part 3 Article 246 of Criminal Code of practice of Ukraine is set that an investigator is under an obligation to report to the prosecutor about a decision-making in relation to realization of certain secret investigative (detective) actions and got results. Accordingly a prosecutor has a right to forbid realization or stop further realization of secret investigative (detective) actions.

Expansion of possibilities of investigator in relation to the receipt of information about a crime and criminal due to the use of events of operational search activity for the criminal process of Ukraine follows to consider the progressive step of legislator, sent to strengthening of the law-enforcement function of the state. Introduction of institute of secret investigative (detective) actions is only a progressive step.

INTERNATIONAL LAW AND COMPARATIVE LAW

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ADAPTATION OF THE UN CHARTER TO THE CONTEMPORARY REALITIES OF INTERNATIONAL RELATIONS

The UN Charter, formulated more than fifty years ago, does not reflect the new situation in the world after nuclear weapons, which poses a threat to destroy all life on earth. Does not display it also radically altered the political situation in international relations. This necessitates the development of a new concept of international security, which would get reflected not only purely military guarantees, but such guarantees as tangible economic, environmental and political. Naturally, these realities of international life require changes in the activities of the United Nations, and thus improve its Charter. In the international legal aspects of adaptation of the UN Charter to the contemporary international relations can be realized by adopting amendments or very complex manner in accordance with Art. 108, or by developing an additional protocol, as was the case with the 1949 Geneva Convention on the protection of war victims. It should be noted that the amendments to the UN Charter and the process of adoption will cause weakening of the binding of this document sui generis, as part of the state can not accept the amendments and delay the process of approval. Some provisions of the UN Charter would be recognized only part of the state. Therefore, in our view, it is necessary to go through the adoption of the Additional Protocol to the United Nations Charter. As for the member states of the protocol it will work and supplement the provisions of the UN Charter, States that refuse to participate in this document will fully execute the current Charter.

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INTERNATIONAL LEGAL STANDARDS OF PROCEDURAL CHILD RIGHTS

This article is devoted to comprehensive analysis of international agreements and national legislation on procedural law. It is concluded that the child have general and specific procedural rights. The author distinguishes principles of civil proceedings involving the child.

Modern development of legal reality shows about unflinching influence tenets of international law on the formation and development of national law in all spheres of public life. This maximum up the question of the evolution of law due to the necessity of cooperation of the international community to promote a measure of the minimum standards of normative regulation, one of the priority targets which are children's rights.

To summarize this study, the following should be noted: firstly in cases in civil proceedings involving the child, courts should be guided by the principles enshrined in the Convention on the Rights of the Child 1989. Secondly the analysis postulates of international agreements and civil procedural law demonstrates the possibility of distinguishing general and specific procedural rights of the child; thirdly, specific procedural rights of the child in person depends on the age and the objective criteria. Singling out specific rights of the child requires a thorough investigation of their content, which is promising guideline for further research.

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ORIGINS OF EUROPEAN TRADITIONS OF TAX

Ukraine's aspiration to be a full member of the European Community should be provided not only the desire and some economic potential, but also a willingness law: an appropriate level of legal culture, justice, law and so on. There should be a clear understanding of the nature and trends in the European Union, about the expectations that exist in it in relation to potential participants.

In this regard, the study is a useful historical and legal analysis of international experience in various fields, but especially in those that allow secure dynamic development and economic development.

In the study of European tradition tax must be considered in determining the continuity of compulsory areas of law. Ignoring this fact hinders the progressive development of the law, can not effectively conduct activities to improve the law and codification. The development of law is impossible without continuity. It is an essential element of it. This objective law of development rights exist regardless of socio-economic system, social structure and so on.

The general principle of tax policy and lawmaking becomes generally gradual harmonization and unification of the tax laws of the member states through the adoption of directives.

When trying to integrate Ukraine into the European Community should be taken into account the factors and trends shaping European law and especially its rules in the field of taxation, including the fact that, despite the existence of two branches of European law, each of which has its essential features, the formation of contemporary European Law decisive impact has the western legal tradition, and should be taken into account in our state.

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STATUTE OF THE WORLD CUSTOMS ORGANIZATION AS A KIND OF SPECIAL INTERNATIONAL CONTRACT (SUI GENERIS)

The increasing role of international organizations is one of the characteristic tendencies of international law. Under these circumstances, a special weight gaining expertise on specific theoretical and practical aspects of their international legal status. Certainly, these issues are legal nature of the constituent acts of international organizations – their statutes.

Special legal nature of the constituent acts of international organizations find its confirmation in the practice of international law, and particular in the Vienna Convention on the Law of Treaties, which applies to any contracts which is the constituent act of an international organization without prejudice to the relevant rules of the organization.

The World Customs Organization is the key element of international cooperation in the field of customs, and its legal status determines not only the basic functions of the organization, but also the nature of the subjects of international customs cooperation relations. Its Constitutive Act (Statute) is the Convention establishing the Customs Co-operation Council adopted 15 December 1950, which did not change its name even after in 1994 the Customs Cooperation Council renamed the World Customs Organization.

The article shows the correspondences of the Statute World Customs Organization concept of international agreement contained in the Vienna Convention on the Law of Treaties of 1969, and are conformity with the characteristic features of the constituent acts of international organizations which are in the doctrine of international law. Analysis of the content and structure of the World Customs Organization's Statute and revealed a number of features that are caused by the specifics of international law customs relations.

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