

ABSTRACT&REFERENCES

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IMPLEMENTATION OF SEPARATE NORMS OF THE CONSTITUTION OF UKRAINE AS THE BASIC LAW

p. 4-9

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This paper considers certain implementation problems of Ukrainian Constitution statements as to implementation and protection of main rights and freedoms of Ukrainian citizens. There are considered implementation problems of right for education and medical services. The legality of reformation of educative and medical branches is analyzed.

Recommendations as to the legal support of reformation of aforesaid branches for their correspondence of constitutional norms are given. The problem of democracy implementation in Ukraine is considered. Based on the formation principle and peculiarity of bodies of state and representative power, implementation peculiarities of its delegated right and duties, it is offered to limit the right of Verkhovna Rada deputies for introducing changes and additions to the Ukrainian Constitution. Analyzing implementation features of democracy in Ukraine, it is offered to change the system of candidates' admission to the participation in Verkhovna Rada elections. At the same time there is substantiated a necessity to eliminate the majority system of election and chose the party one. Taking into account article 1 of the Constitution, establishing the social directionality of the Ukrainian development, based on the analysis of separate Laws, there is substantiated the non-observance of social norms of the Constitution by state power bodies. Thus, analyzing the statements of the Law of Ukraine "On the living wage", "On the minimal consumption budget", it is established, that the minimal living wage is corrected according to the present budget and not to requirements of the Laws, establishing the special order. There are analyzed separate statements of the project of the Labor Code of Ukraine that differ from the actual Code of the Labor Laws and don't increase socio-labor protection of workers, but on the contrary, worsen and make them socially depended on an employer that is rightless

Keywords: Constitution of Ukraine, legal norm, norm realization, human rights and freedoms, society, state, referendum, rights and duties

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THE CONCEPT OF THE PRINCIPLE OF RIGHTS AT THE DOCTRINAL LEVEL

p. 10-15

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The author establishes the essence of the concept of the rule of law at the doctrinal level. The author concludes that it is expedient to study the rule of law as a legal category, as a legal doctrine in the context of an integral part of the genesis of the concept of the rule of law at the doctrinal level. There is a historical periodization of the formation of the idea of the rule of law in the context of the construction of a modern rule of law. It is suggested by understanding the principle of the rule of law for doctrinal equality through the method of realizing the principle of the rule of law in the system of theoretical knowledge. The concept of the category of the rule of

law is defined on the basis of the provincial, traditional Ukrainian and foreign theoretical doctrine. The principle of the rule of law in the image of the law and the role of law in powers and suspensions; signification of legal rights and powers; legal rights and policies; legal rights and economics; relationship rights and morality; legal rights and traditions have been justified. Approaches to determine the substantive workload of the rule of law, which became the property of not only legal educational literature, but also monographs and dissertations, were stressed for the normal civil society. It is emphasized, that the principle of the rule of law is the basis, basis and guiding principles of a doctrinal understanding of the fullness of the concept of the rule of law in general. It is established that the issues, outlined today, are more than relevant, and therefore the prospects for their development are a dynamic phenomenon that requires attention, research and change, in accordance with the state and political and social mood of the society on an ongoing basis.

Keywords: principle, law, rule of law, principle of the rule of law, doctrine, doctrinal awareness of the principle of the rule of law

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PRINCIPLES OF PERSONAL DATA MINIMIZATION AND ACCURACY DURING THE USE OF THE DISTRIBUTED LEDGER TECHNOLOGY (BLOCKCHAIN) (ADMINISTRATIVE AND LEGAL ASPECTS)

p. 16-24

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The use of citizens` and legal entities` personal information is crucial for the protection of human rights at the current stage of society and information technology development. On the one hand, a high-quality system of processing and using this information can increase the level of citizen participation in government-making processes and assist on creating a human-centric approach in public administration, when the state will have all the necessary information to serve citizens (providing of all administrative services online, use of analytics to improve infrastructure, etc.). On the other hand, misuse and unauthorized access to personal data can lead to violations of citizens` rights, corruption and excessive bureaucracy in administrative procedures.

At the same time, approaches to the protection of personal data should be not formal, but purely practical. The state policy should be based on the solution of real problems, which often require a complete revision of the systematic approaches, in this case the infrastructure of the state registers.

Modern information technologies make it possible to implement large-scale changes in the business processes of collecting, storing and processing personal data of citizens. Moreover, such approaches make it possible to reduce bureaucratic burdens and minimize corruption risks. Distributed registry technology is a popular solution for improving the performance of government processes and enhancing eGovernment in the country. However, its application requires a proper assessment of the problem and its origins, as well as the outcomes that should be achieved

Keywords: Distributed ledger technology, Blockchain, personal data protection, reforms, legal tech

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PASSENGER RIGHTS: THE LATEST CIVILIZATION APPROACHES AND SECURITY

p. 25-31

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The article is devoted to topical issues of securing the rights of the passenger under the legislation of Ukraine. A comparative analysis of the transport legislation of Ukraine with that of the EU has led to the conclusion that not all passenger rights, which they rely on in the present civilizational context, are now legally enshrined. The extent of their provision is currently minimal. Oddly enough, the right to safety did not find its normative regulation either in the acts of transport and civil legislation, or in the Constitution of Ukraine. In the author's view, it must be at the forefront of such fundamental natural human rights as are relevant to human life and health. It should be the main criterion for the proper performance of the contract of carriage of passengers by the carrier.

The author insists that the legislation of Ukraine should enshrine the rights of the passenger, which constitute not only the content of the design of the obligation to carry the passenger, but also personal non-property rights, the exercise of which is correlated with the manner of performance of the contract of carriage of the passenger, depending on the technical features of the operation of different modes of transport. as is the case under EU law. These include the right to security, to non-discrimination, to mobility, to accessibility, to assistance, to guarantees of protection, to compensation in case of violation, to the availability of protection, to the right to be heard, to the proper application of national law.

These rights should receive regulatory support that formalizes a harmonious combination of legal, organizational, ideological, economic and social components. The legal regulation of certain legal guarantees, in particular the peculiarities of exercising the right of defense and the use of instruments of civil liability of the carrier for improper performance of contractual obligations and / or violation of the rights of passengers (penalties - compensation) can be applied differently by types of transport. But they have to be. Otherwise, it is possible to state the declaration of the passenger's rights

Keywords: *passenger, transportation, passenger rights, passenger rights protection, mechanism of rights protection, transport legislation, protection*

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LEGAL PRINCIPLES OF INTELLECTUAL PROPERTY PROTECTION IN THE DIGITAL SOCIETY

p. 32-37

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The article analyzes the conditions for the protection of intellectual property in the digital society, which is the result of the introduction of global security, and presents a rather innovative problem, not yet well understood in the domestic legal field. It is noted that the Western world has accumulated many problems in the information space, including criminal structures that use huge amounts of intellectual property around the world, from plans to launch new products of certain companies to the primary codes of their computers. We are discovering ways that criminal corporations, terrorist organizations, who use the latest technologies, and do so successfully, are using us, as we are constantly falling behind them with our means of protection and legal protection of intellectual property. Earlier, only digital intellectual property was pirated - music, videos, games and software, but today the digital world is changing. Attention is drawn to the fact that the legal foundations of intellectual property protection in the digital society are a legal perspective on the flip side of technological innovation and the consequences that threaten our interconnected and endlessly vulnerable world. Today, worldwide, there is a problem with technical, information and legal literacy. In a world full of gadgets, algorithms, computers, laptops, REID chips and smartphones, only a small fraction of people have any idea how these objects work. Legal protection of intellectual property is necessary both for the state, for the private sector of business, and for

education. The article notes that we need to increase the technical, information and legal literacy of the population, whose goal is to provide citizens with a basic understanding of how technology works, to prevent others from taking advantage of this technological and legal ignorance, and to harm people so that everyone a person has learned to write computer codes and resist technical (technological) crimes

Keywords: *intellectual property, legal framework, digital society, protection of intellectual property, the latest information technologies*

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THE PROBLEM OF WITHDRAWING FUNDS FROM INSOLVENT BANKS AND DEVELOPING PROPOSALS TO OVERCOME IT

p. 38-43

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In this article the author reveals the actual problems of the banking system of Ukraine in the current economic situation, in particular against the background of the massive reduction in the number of banks in the period from 2014 to 2016, a blow to financial stability. In addition, this article analyzes the main legislative changes, aimed at preventing abuse by banking system participants.

Suggestions were also made to improve the legislation of Ukraine regarding the development of effective mechanisms to prevent the withdrawal of funds from the banking system of Ukraine, as well as to hold them accountable for these actions.

The relevance of the research topic is due to the fact that the effective functioning of the banking system is one of

the most important components of sustainable development of the country's economy. The development of social and political events causes the emergence of new legal relationships, which in turn create the grounds for the emergence of new types of legal responsibility and the application of new response measures.

These reasons necessitate a thorough analysis of new legal relationships in the field of banking, detailed clarification of their content.

The author conducted a thorough research and analysis of legislation, doctrine and case law in order to find out the causes and possibilities of cases of withdrawal of funds from the banking system of Ukraine. Based on the above analysis, the author has developed proposals to improve the legislation of Ukraine on the development of effective mechanisms to prevent withdrawal of funds from the banking system, as well as to hold accountable for these actions.

Thus, the author investigated the problems of the banking system of Ukraine in the current economic situation, as well as made proposals to improve the legislation of Ukraine

Keywords: banks, bankruptcy, withdrawal from the banking system, insolvent banks

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SEPARATE DISCUSSED QUESTIONS OF STANDARTIZATION OF AUTHORITIES OF A HEAD OF THE PRE-TRIAL INVESTIGATION BODY

p. 43-48

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The paper is devoted to studying the modern condition of normative-legal regulation of authorities of a head of the pre-trial investigation body. It is noted, that the effective support of realization of criminal proceedings by the pre-trial investigation bodies, declared in art. 2 of the CPC of Ukraine, is impossible without departmental control functioning. According to the actual legislation, realization of such control at a pre-trial investigation by an investigator in criminal proceedings is entrusted to a head of the pre-trial investigation body. It is stated, that the Ukrainian legislation on organization and procedural guidance of a pre-trial investigation needs correspondence for avoiding contradictions, actual for today. Attention is accented that CPC has no foundations, at which a head of the pre-trial investigation body is entrusted to be informed about pre-trial investigation materials that brings an uncertainty element in the work of an investigator.

Such statement is explained by the fact that it is not clear, when and which criminal proceeding is possible to require for studying; how many time is needed by a head for studying it; what decisions may be made according to results of such studying. According to the system analysis of the statements of part 3 art. 40 of the CPC of Ukraine and part 2, art. 312 of the CPC, it is stated, that they don't correspond to each other. At that art. 40 of the CPC of Ukraine is general and art. 312 of the CPC of Ukraine is special, so the last one is priority. A conclusion was made that legislative gaps as to standardization of authorities of a head of the pre-trial investigation body have the negative influence on the law enforcement activity. So, they must be solved by introducing correspondent changes and additions in the CPC of Ukraine and departmental normative-legal acts, regulating the activity of a head of the pre-trial investigation body, and it concerns both organizational aspects and his/her procedural activity

Keywords: head, pre-trial investigation body, departmental control, authorities, investigation subdivision

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SPECIFICS OF SEARCHING CRIMINAL OFFENSES RELATING TO DOMESTIC VIOLENCE

p. 49-55

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Detection specifics of criminal offenses, connected with domestic violence, is actually standing not only at the Ukrainian, but also on agenda of worldwide lawyers, and emphasized at the highest international venues, among

them, in particular; officials is the Council of Europe. The urgent problem is not only the detinization of this type of crime, but also the elaboration of comprehensive mechanisms for detecting and fixing offenses, related to domestic violence in order to effectively punish offenders and take preventive measures. Besides, it must be noted on preparing a list of indicators for accounting for cases of domestic violence and gender-based violence by central authorities, as well as improving mechanisms for identifying, documenting, responding, investigating cases of domestic and gender-based violence against women and girls, and bringing those responsible to justice. The involvement of the public society, including their interaction with law enforcement agencies, in reporting cases of domestic violence offenses and developing preventive measures to combat these crimes is also important in identifying the crimes area, related to domestic violence. Regarding the activities of law enforcement agencies, attention should be drawn here to the national police, as the main body, charged with implementing enforcement policy in this area. An important condition in the sphere of prevention is their development and transformation, in accordance with the current challenges of the time, an example of which is the project of the national police «POLINA»

Keywords: domestic violence, diagnostic techniques, accounting indicators, national police, psychological assistance

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