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## ABSTRACTS

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**Hotsuliak Y.** *The category of the legal existence in Plato`s doctrine. – P. 4.*

The article discovers the main characteristics of legal ontology, which Plato highlights in his writings, reveals the main essential powers that define the law. The author determined that justice is a concept that is identified with the law, it indicates civilized human dignity, non-compliance with it makes suffering. The law may be different, and it is important his connection with legal existence, the law is just a form, a cup that needs to be filled with content.

It is proved that logos, freedom and constructive coexistence are three key pillars on which the legal existence of Plato is based. Superhuman and supra-state metaphysical law gives grounds for justice and norms.

For Plato, the idea is not exposed to time, it is always equally true. Thus, the legal existence is called to keep the legal criterion as clearly as possible so as not to lose its content in the field of political and legal changes.

From the doctrine of Plato we can highlight the forces that affect the existence of space. First, it's a destiny. This means that all time measurements in outer space are open. Destiny moves the cosmos to a certain future, that's why nothing is taken from nowhere, and nowhere does it happen, everything is organized even in the time dimension. Thus, the task of law is not prediction of the future, but giving of all possible variants of behavior and their placement in legal reality. The second force is a strong desire. It is also an inalienable ontological attribute of law, since one way or another, it is expressed in certain ordinances, with certain will – to do something or refrain from certain actions. Consequently, the legal existence is always some kind of will, which must be performed, otherwise it is an isolated phenomenon and processes.

The imagery of myth for Plato is an analogy that the human conscience needs in order to perceive the hegemony of reason in its relationship.

**Key words:** *right, being, Plato, state, ontology, antiquity, idea, logos, myth, space, law.*

**Zagorodnyuk A. G.** *The right to peaceful assembly in the system of constitutional rights and freedoms of people and citizens. – P. 11.*

The right of citizens to meet peacefully and to hold meetings, rallies, marches and demonstrations is prescribed by Art. 39 of the Constitution of Ukraine. Participation in such public activities could be regarded as a form of direct and independent expression of the people's will, as well as the reaction of a society to the actions of the state. In order to prevent a conflict between the society and state, as well as disunity between them, the state should not ignore above-mentioned people's activities. The specified

right belongs to the subjective person's rights, the principal purpose of which is to influence the state bodies for solving the most important society-state issues by coordinating and forming the citizens' opinion and the way of its expression, as well as an element of democracy, a mode of participation in the management of state and local affairs. At the same time, it should be noted that such meetings may not always have the nature of political events, and the mentioned right is not always the political one.

The vast majority of specialists in the field of law, in particular, the constitutional law, regards the aforementioned right as a type of citizens' political rights that belong exclusively to Ukrainian citizens who have reached 18 years of age and have acquired full legal personality (with some exceptions concerning the right to association in public (non-political) organizations and the right to individual and collective appeals), and express the content of legal relationship between the individual and the state.

However, not all scientists agree with the fact that mentioned right belongs exclusively to citizens of a certain state.

The right to peaceful assembly is one of the inalienable, inherent rights in a democratic world. It should be noted that resembling rules are accommodated in the acts of international law, as the part of national legislation, in particular, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights. Furthermore, the international documents establish it as the right of any person, not only the citizen's one. This right is an inalienable one of every person that is provided for both foreigners and stateless persons, hence the subject matter should be considered not as political rights of citizens, but as civil rights of people. Therefore, the appropriate amendments should be made to the current legislation of Ukraine and, primarily, to the Constitution of Ukraine.

**Key words:** *constitutional rights and freedoms, citizens' political rights, personal human rights, assembly, meeting, marches, demonstrations, peaceful assembly.*

**Dzhumageldiyeva Gulnara.** *Criteria for private and public interests in regulatory activity. – P. 17.*

In the article are analysed criteria for private and public interests are used in regulatory policy in economic activity in Ukraine. Author reveals discrepancy between the criteria and the principles of equal protection and fair competition.

It is argued the criteria have not reflected essence of public and private interests therefore its using in regulatory policy in Ukraine leads to deformation of interest balance legal model.

Author proposes target approach for defining criteria for public and private interests. It is grounded on goals for economic reforms in Ukraine. The goals can provide to resolve conflict between public and private interests. In the article are given reasons for applying Sustainable Development Goals and adapted to it National Sus-

tainable Development Goals as a reference point for defining criteria for public and private interests.

In the article is shown that overwhelming majority of economic and legal institutes can be covered by the goals. The goal “End poverty” can make efficient of legislation on housing services, common services, licenses, intellectual property, using of natural resources etc. The goal can be used in combination with other goal – “End hunger, promote sustainable agriculture” for improvement of laws on agriculture, requirements for quality and safety, price formation, trade, public procurement, innovation activity including selection, small business, business integration, competition. Integration between goal “End poverty” and goal “Healthy lives and well-being” gives possibility to create goal framework for rational renovation of legislation about medicine, insurance, alcohol and tobacco products. In conjunction with goal “Quality education” it can provide targeted development of legislation about scientific activity, industrial and innovative parks.

Points of public interest in framework goal “End poverty” have been described in National goals sustainable development. They are increasing of household’s incomes and efficiency of individual support. So next stage is defining stimulus for business according it’s interest because providing coordinated movement to achievement total goal.

**Key words:** *regulatory act, interest, balance of interests, criteria for interests, Global goals, sustainable development.*

**Zakharchenko A. M.** *The legal aspects of state financial control on economic entities’ activity of public sector of the economy. – P. 24.*

The article gives the legal characteristic of state financial control as one of state organizational instruments on economic entities’ activity of public sector of the economy. Problematic legal issues which arise by executing of such control were considered.

According to the results of conducted research the propositions for improvement of legal support of state financial control on economic entities’ activity of public sector of the economy were grounded, namely:

clarification of provisions concerning the circle of economic organizations which are admitted by economic entities of public sector of the economy and whose activity is the subject to state financial control;

renewal of operational audit on the biggest economic entities’ activity of public sector of the economy and determination of such audit as a special form of state financial control which is different from state financial audit;

formalization of the right of the body of state financial control to inspect the correspondence of actual income and expenses of economic entities of public sector of the economy to the indexes which are determined by annual financial plans of these entities;

establishment of regulation according to which request in writing of the body of state financial control on rectifying violations of the legislation detected under state

financial control, the measures which the subsidiary organization must take to rectify such violations should be mentioned;

taking into account when conducting unified monitoring of the effectiveness of state property management of condition of response to entities of such management on the proposals and recommendations provided on the results of the implementation of state financial control.

For implementation of given proposals, the introduction of appropriate changes to the Law of Ukraine “On the Basic Principles of Implementation of State Financial Control in Ukraine”, Economic Code of Ukraine and other normative legal acts was grounded.

**Key words:** *state financial control, economic entities of public sector of the economy, state financial audit, operational audit, revision, entities of state property management.*

**Pavlyuchenko Yu., Savchuk K.** *Legal regulation of treatment of genetically modified organisms. – P. 35.*

The article investigates the current state of the legal regulation of the treatment of genetically modified organisms. The term “genetically modified organisms” is defined by national and international law. International regulations analyzed. The legislation and the legal practice of the European Union has been investigated on the labeling of agricultural products are analyzed. Considered the universal international legal standards for the handling of genetically modified organisms. The legal aspects of social relations that arise in the field of handling genetically modified organisms in Ukraine are established. The legal basis has been formed in Ukraine for the creation, testing, transportation and use of genetically modified organisms. The laws of Ukraine are investigated. The compliance of national legislation with the current state of international legal regulation of the use of genetically modified organisms has been established. Requirements are contained in the Decrees of the Cabinet of Ministers of Ukraine on the handling of genetically modified organisms.

Based on the study formulated the main directions for improving the legal regulation of the treatment of genetically modified organisms and the approximation of national legislation with international standards. It is proposed to establish of utilization, destruction and neutralization of the accounting material of genetically modified organisms. To specify types, forms and methods of state control over the handling of genetically modified organisms. Establish a system for monitoring the content of genetically modified organisms and the necessary markings.

**Key words:** *genetic engineering, biotechnology, genetically modified organisms, genetically modified products, labeling, biological safety, genetic safety.*

**Moisieiev Yr. O., Uralova Y. P.** *Requirements for business reputation of insurance brokers and factors of its formation – P. 44.*

Creating the proper conditions for the implementation of mediation in the field of insurance is a key to the effective functioning of the modern legal and economic model of the interaction of insurance intermediaries and other participants of the insurance market, which is based on the optimal combination of market self-regulation and state regulation. Effective, impartial, safe and stable conditions for the activity of insurance intermediaries ensure balance of interests of all participants of the insurance market (state, insurer, insurance intermediaries).

The establishment of certain components of the business-reputation factors has particular importance, as it directly affects the results of the activity of the insurance intermediary, the quality of the mediation services provided in the insurance sector, the competitiveness of the financial services market, the increase in demand for insurance services, and the restoration of trust to insurance intermediaries, which will allow the subjects of mediation in the field of insurance to demand the inviolability of business reputation, to carry out actions against it, the possibility of measurement of the intangible asset and its evaluation.

The expediency of consolidation in the Law of Ukraine “On Insurance” of the requirement to have a good business reputation of an insurance intermediary as one of the special conditions for the implementation of intermediary activities in the field of insurance and the establishment of these factors that influence the formation of a good business reputation of the insurance broker is proved in the article.

The consolidation of the above provisions in the legislation will provide definiteness to the subjects of mediation in the field of insurance in respect of compliance with the requirements for their business reputation, the application of economic and legal responsibility for the caused non-property damage to business reputation.

**Key words:** *business reputation, financial services market, insurance mediation, special condition, good business reputation, insurance brokers, business entity, factors of good business reputation.*

**Panasyuk O.** *About types of subjective rights of land lease contract parties. – P. 52.*

In the article is analyzed positive and negative influence of legal limitation on satisfaction of land lease contract parties’ interests.

Relation between efficiency of landowner’s and tenant’s subjective rights and level of legal regulation is researched.

Author has proposed a classification of the subjective rights of land lease contract parties on criterion interest connected with them.

It is shown, that economic subjective rights of land lease contract parties are rights which are used for gratification of economic interests (incomes). These interests are

essential for both parties of land lease contract in period of the contract. In the article has been demonstrated inequality of tenant's and landowner's economic subjective rightson modifying rent in case when quality of land is changed due to external factors.

Organisation subjective rights of land lease contractpartiesare defined as rights included interest in sustainable and predictable economic activity. They are actual in period contract and definite time after it. Rights on using land and contract prolongation are contained to organisation subjective rights. In the article is proved role and possibility of legal regulation of organisation subjective right on land lease contract prolongation in achievement of sustainable development goals in Ukraine.

Economy-organisation subjective rights of land lease contract parties take in right on improvement of land. They involve both parties' interest in reliable satisfaction economic needs in incomes and conditions for economic activity in future. They have meaning in land lease contract period and indefinite time after it.

In the article is shown, that economic subjective rights of land lease contract parties can be effective as long as they are have been regulated by contract. Their organisation subjective rights are needed in combination of legal and contract regulation with prevalence of contract norm. Economy-organisation subjective rights in land lease contract must be ordered on legal level for their better protection.

**Key words:** *subjective rights, interest, land lease contract, landowner's rights and interests, tenant's rights and interests.*

**Horelova N. S.** *As to the legal signs of a social enterprise. – P. 61.*

The article is devoted to the clarification of the signs that distinguish a social enterprise among other business entities.

The general signs inherent to any enterprise are considered. It is emphasized that some of these signs have particularities regarding social enterprises, which allows to attribute such signs to special signs and to distinguish these enterprises in a separate form.

The special signs of social enterprises, are outlined in the draft Law of Ukraine “On Social Enterprises”, registered in the Verkhovna Rada of Ukraine, are analyzed.

Specifics of the manifestation of such enterprises of general signs are specified, which is important for the further development of the special legal status of such enterprises.

According to the results of the analysis, it is concluded that the signs of a social enterprise that have a separate manifestation in relation to such enterprises are: participation in economic relations through the provision of social services, the list of which is determined by law; direct realization of economic activity in the manner established by law without the right to involve third persons in such activity; acquiring the status of a social enterprise in accordance with the special law; availability of special sources

of property formation, including profit, of such enterprises; the presence of limited economic legal personality, caused by the content of the activities of these enterprises; the responsibility of social enterprises for their obligations arising from the presence of their special status; the presence of a special purpose and social performance.

The presence of such signs in an enterprise is a condition for obtaining such a status of a social one, and therefore they need to be consolidated at the legislative level. These signs can be consolidated and specified in the Law of Ukraine “On Social Enterprises”, the draft of which is being discussed since 2012.

**Key words:** *social enterprise, subject of management, social services.*

**Bilak N. I.** *Legal entities involved in the transfer of goods containing objects of intellectual property rights through the customs border of Ukraine. – P. 65.*

The article is devoted to the study of the range of subjects of legal relations involved in the movement of goods that contain objects of intellectual property right through the customs border of Ukraine. The legal nature of relations that arise when moving goods containing objects of intellectual property rights is characterized. The basic classification of subjects of legal relations existing in the theory of law is analyzed. We propose our own classification of subjects of legal relations involved in moving goods through the customs border of Ukraine containing objects of intellectual property rights , dividing them into 2 groups. The first group includes entities that provide protection and protection of intellectual property rights at the customs border, endowed with powers of state power, and in the second – the entities that directly participate in the transported goods containing objects of intellectual property rights and they are not endowed with powers of state power. It is proposed to subjects that provide protection and protection of intellectual property rights at the customs border endowed with state power authorities by the customs authorities, the state expert and the court, and to the subjects that take direct part in the relations when moving across the customs border of Ukraine goods containing objects of intellectual property rights and not endowed with powers of state authority – the right holder (his representative); declarant; the owner of the goods, the carrier (the person who moves the goods with signs of violation of intellectual property rights).

**Key words:** *legal relations, objects of intellectual property rights, subjects of legal relations, movement of goods, rights holders, state bodies, non-governmental organizations, customs bodies.*

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**Udod A. M.** *The objective aspect of the crime envisaged by Article 345 of the Criminal Code of Ukraine (threat or violence against an employee of a law-enforcement agency). – P. 74.*

The concept of the objective side of the offense under article 345 of the Criminal code of Ukraine is investigated. Through the analysis of the concepts included in the objective side highlighted the acts committed in the Commission of the threat. Analyzed socially dangerous act in the Commission of the threat of murder, violence, destruction or damage to property, also identified common and specific properties that are associated with the content and mechanism of the crime. The concept of mental violence and the reality of its Commission are defined. It is noted that the threat should be real and have its active expression and should also be directed to a specific person. Also, it is determined that the implementation of a threat it is to change the behavior of the victim and hold him in a certain tension or fear in relation to actual implementation of the threat. The article also sets out the problems of expressing a threat or transmitting certain information regarding the definition of the addressee of receiving this information, while the addressee can be both the person who carries out law enforcement activities and his close relatives. Also, these problems the concept of close relatives, in respect of which committed criminal assault under article 345 of the criminal code of Ukraine and scientists identified the need to change the concept of close relatives to the relatives of the person.

The paper also describes the problems in the scientific community, to define the concept of physical violence. The issue lies in the fact that most scientists believe physical violence only bodily injuries of mild severity, others are of the opinion, on the coverage under the physical violence of all degrees of injuries, and also loss of life of the victim.

Conclusions concerning addition of disposition of article 345 of the criminal code of Ukraine by additional qualifying signs of Commission of an offense with aggravating circumstances are offered. And also absorption in crimes concerning threat or violence concerning the employee of law enforcement Agency of other similar on the objective nature of crimes.

**Key words:** *threat, violence, law enforcement officer, service activity, criminal law protection, interference in law enforcement activity, objective party, close relatives, bodily harm.*

**Nikitenko L.** *Concerning the concept and system of crime in the field of economic activity. – P. 84.*

The article is devoted to clarification of the concept and system of crimes in the field of economic activity.

An attempt has been made to provide a scientifically grounded definition of the concept of “crimes in the field of economic activity”, taking into account the existing points of view of various scholars. For crimes in the field of economic activity, the author understands a deliberate socially dangerous act (act or omission), provided by the norms of Section VII of the Special Part of the Criminal Code of Ukraine, which infringes on the financial interests of the state and other economic operators, the procedure for engaging in entrepreneurial and other economic activities, consumer rights, the privatization procedure, and committed by the relevant subject in the absence of the purpose of weakening or undermining the economic basis of Ukraine.

Based on the analysis of the norms of the current criminal legislation and existing classifications, an author’s model of the crime system in the field of economic activity is proposed. The system of crimes in the field of economic activity is proposed, the author proposes to represent as follows: 1) crimes against the financial interests of the state and other economic operators; 2) crimes against the order of business and other economic activities; 3) crimes against consumer rights; 4) crimes against the privatization procedure.

The proposed definitions and the system of crimes in the field of economic activity do not claim to be perfect and final, but they are aimed at eliminating the problem of divergent understanding of criminal legal concepts by employees of the relevant state bodies for the proper qualification of crimes in the sphere of economic activity in the exercise of their official authority.

**Key words:** *crime, economic activity, crimes in the sphere of economic activity, economic crime, economic crime, system of crimes, types of crimes, specific object of crime.*

**Lekhodukh I. O.** *As to the Legal Basis for the status of one man company. – P. 92.*

The article is devoted to the research of the legal basis of the status of a limited liability companies that have only one participant.

Attention is drawn to the fact that the legal basis for the status of such societies is mainly the general provisions of the regulatory acts that apply to all limited liability companies.

The article analyzes the provisions of the Civil Code of Ukraine, the Commercial Code of Ukraine, Laws of Ukraine “On State Registration of Legal Entities, Individuals-Entrepreneurs and Public Formations”, “On limited liability companies”.

It has been established that although certain norms determine the peculiarities of the establishment, activity and termination of limited liability companies of one person, a number of provisions of the legislation regarding the status of such economic organizations need to be revised.

Attention is drawn to the fact that a limited liability company of one person can be created and act on the basis of a model statute. The legal basis for the status of such associations is also the decree of the Cabinet of Ministers of Ukraine dated November 16, 2011 № 1182 “On Approval of the Model Statute of a Limited Liability Company”. At the same time, some of the provisions of the model statute need to be clarified, since they do not take into account the constructive peculiarities of such entities and, accordingly, can not be applied to them.

Attention is paid to the content of the constituent document of limited liability companies that have only one participant who made a decision to carry out activities on the basis of an individual charter whose provisions also form the legal basis for the status of such entities.

According to the results of the analysis, the main directions of improvement of the legal basis for the status of a limited liability companies that have only one participant are proposed.

**Key words:** *one man company, one person company, limited liability company, legal acts, legal basis, the legal status.*

**Panasyuk V. M.** *Legal Basis of Economic Activity in the Armed Forces of Ukraine. – P. 98.*

The article reports the status of legislation that regulates economic activity in the Armed Forces of Ukraine. In particular, the relevant provisions of the Economic Code of Ukraine, the Laws of Ukraine “On the Armed Forces of Ukraine”, “On the Economic Activities in the Armed Forces of Ukraine”, “On the Use of Defense Lands”, “On the Legal Status of Property in the Armed Forces of Ukraine” had been analyzed and by-laws regulations had been adopted on their execution also.

The disadvantages of the legal basis of economic activity in the Armed Forces of Ukraine were uncovered considering the fact that some by-laws regulations incorporated in the laws, had not been adopted, and certain existing legal provisions are to be specified. The attention was given to the inconsistency of the provisions of different kinds of legislation about setting of the taxation regime for the entities of economic activities in the Armed Forces of Ukraine.

In order to improve the legal basis of economic activity in the Armed Forces of Ukraine, the following changes were proposed:

to the laws of Ukraine “On the Armed Forces of Ukraine” and “On Economic Activity in the Armed Forces of Ukraine” (regarding the setting of provisions of favorable tax regime for economic entities in the Armed Forces of Ukraine);

to the Tax Code of Ukraine (regarding the setting of provisions on tax exemption of the land tax for economic entities in the Armed Forces of Ukraine);

to the Law of Ukraine “On the Legal Status of Property in the Armed Forces of Ukraine” (regarding the specification of the list of types of military supplies).

The article claims that further scientific researches on the legal basis of economic activity in the Armed Forces of Ukraine should be devoted to specifying the provisions of favorable tax regime in the tax legislation, the legal regime of the use of Defense land and others.

**Key words:** *Armed Forces of Ukraine, Economic Activity, Defense Land, Military Supplies.*

**Tvarkovskyi A. A.** *As to the legal basis for restoration of solvency or bankruptcy of an individual entrepreneur. – P. 106.*

In article we've analyzed legal acts, which are the legal basic for solvency renewal or declaring bankruptcy of individual entrepreneur. Among these acts we include the following ones: Civil Code of Ukraine, the Commercial Code of Ukraine, the Law of Ukraine "On solvency renewal or bankrupt declaring of debtor", and the Draft Code of Ukraine on Bankruptcy Procedurs, which will determine the legal basis for individual entrepreneur bankruptcy in the near future, after its adoption by the Verkhovna Rada of Ukraine.

There is the increasing focus on unequal judicial practice, which was caused by inadequate of legal basis of the individual entrepreneur bankruptcy.

The current and forward-looking solvency renewal or declaring bankruptcy of individual entrepreneur legislation were compared. The common and distinctive features of them were also emphasized.

There is issue of judicial process specification of solvency renewal or declaring bankruptcy of individual entrepreneur, the initiation of such proceedings and the issue of features as to the basic for the proceeding in such cases.

Based of the problematic issues, directions for improvement the legal basis of solvency renewal or declaring bankruptcy individual entrepreneur were proposed.

To such directions is assigned:

determination of the possibility of application in bankruptcy cases of individuals-entrepreneurs of judicial procedures for the disposal of property and sanitation;

clarification of the provisions on the possibility of initiating a bankruptcy case for an individual entrepreneur also on the initiative of creditors;

specification of the grounds for opening bankruptcy proceedings of individual entrepreneurs as separate subjects of management.

In order to implement these directions, the author proposes to introduce amendments to the Draft Code of Ukraine on Bankruptcy Procedurs after it enters into force.

**Key words:** *individual entrepreneur, bankruptcy, restoration of solvency, bankruptcy recognition, sanitation, disposal of property, legal basis.*

**Shemeta T. M.** *The legal basis for the transfer of a participant's share in the authorized capital of limited liability and additional liability companies.* – P. 113.

The article focuses on study of legal basis for the transfer of a participant's share in the authorized capital of limited liability and additional liability companies to another person. It has been confirmed that the "transfer of equity interest of an economic partnership" essence as a legal category of the Commercial Law science has not been carefully investigated. Additionally it is stated that clarification of the issue what is posed as a subject of the contracts – share or equity rights – has a significant meaning in definition of the subject of the purchase agreements, gift agreements and other agreements, aimed at the property transfer. It has been proven that a share in the authorized capital constitutes as such a subject, but not equity rights that are testified by it. It is proposed to understand the legal concept of the "transfer of a share" as a superordinate term which includes alienation, interest sale, levy of execution on partnership share, inheritance, legal succession and other grounds for such a transition. The legal basis for the organization and implementation of the transfer of a share in the authorized capital of limited liability and additional liability companies has been analyzed. The shortcomings of the legal basis of this process are identified, which may include irregularities in certain issues, in particular, regarding the definition of the subject matter of the agreement on the alienation of a share in the authorized capital and the introduction of the institution of a corporate agreement on the non-application possibility of the provisions of the legislation regarding the preferential right of other participants to acquire a share in the authorized capital. The advantages of the new Law of Ukraine "On Limited Liability and Additional Liability Companies" have been analyzed in relation to the regulation of the participant's priority right to acquire a share (part of a share) of another shareholder of a company that is sold to a third party. First of all, the problems of the legislative development that are connected with the fact that there are certain norms in the Law of Ukraine "On Limited Liability and Additional Liability Companies" have been revealed which create potential threats for subjects in a corporate legal relationship, namely, this refers to the existence of a threat of non-compliance with the rules concerning the priority right of other participants to acquire a share by means of the conclusion by the alienator of any other contracts, save as purchase agreement, in particular, free-of-charge exchange or gift contracts in this area and secondly, the possibility of leveling up legislative provisions regarding the priority right to acquire a share (part of a share) by concluding the corporate agreement with other shareholders of the company, which will include a provision on the non-application of priority right.

As a result of the study, the proposals aimed at improving the legal basis for the transfer of a participant's share in the authorized capital of specified economic organizations have been formulated.

**Key words:** *transfer of a share, alienation of a share, authorized capital, limited liability and additional liability companies, priority right.*

**Kravchenko T. S.** *The ratio of the concept of “business reputation of economic entities” with related concepts. – P. 123.*

The article deals with the issues of the ratio of the concept of “business reputation of economic entities” with related concepts. The value of business reputation leads to the need for a clear understanding of the concept of “business reputation of a business entity” as the object of legal relationship with its use and protection. However, this understanding is complicated by the lack of a clear distinction between the notion of business reputation of business entities and other related concepts, such as: goodwill, honor, dignity, image, renown, publicity, prestige, client. Determination of this issue is important for constructing the legal regime of business reputation, peculiarities of realization and protection of the right of business entities to business reputation, justification of the fact of causation and criteria for determining the amount of non-pecuniary damage inflicted on the business entity.

It is determined that the provisions of the current normative legal acts only partially regulate the issue under investigation, and in the scientific literature there is no single approach to the correlation of business reputation with related concepts.

It has been established that along with the term “business reputation”, which is enshrined in the law, other concepts (goodwill, renown, prestige, image, clients, publicity), which have certain common features with a business reputation, are used in the legal circulation and legal practice, but can not be fully identified with her each of the analyzed concepts has its own meaning and signs that indicate their originality.

Clarification of the correlation of these concepts, the study of their differences is important for developing a universal characterization of the concept of business reputation of the entity, ways of using it in the field of management and remedies.

**Key words:** *business reputation, business entity, business entity, goodwill, image, renown, prestige, publicity, honor, dignity, clientele.*

**Primush M. V.** *Functions and forms of activity of local governments in Ukraine. – P. 133.*

The Institute of Local Self-Government plays a crucial role in the implementation of democratization processes, since it provides for the comprehensive implementation of the decisions of the official authorities in the cities and thus fulfills a very important function – ensuring the constitutional order in the state.

The Ukrainian state has taken a number of strategic steps, for example, declaring the development of local self-government at the level of guarantees of the Constitution of Ukraine, adopted the Law of Ukraine “About Local Self-Government in Ukraine”

(which aims to fully implement the democratic provisions of the European Charter of Local Self-Government ratified in 1997), however, local government continues to remain in its original state.

The article attempts to formulate general ideas about the relationship between declared functions and the political and legal regulation of their implementation, it is determined that at the present stage, the complexity lies in the fact that competence involves the implementation of local government functions that they can perform for their own resources.

Based on the study of the legal foundations of the functioning of local self-government in Ukraine at the present stage, the author states that the conflict is that it is extremely difficult to find at the regulatory level the balance between state interference with local self-government and the attempts of the latter to constantly increase its autonomy from such interference.

It is proved that in general the mentioned problem in Ukraine is solved very specifically. According to the Constitution of Ukraine, territorial communities or self-government bodies established by them independently decide on property, communal, budgetary and economic issues, but according to the Law of Ukraine "About Local Self-Government in Ukraine" this policy is implemented through representative bodies of local self-government, which are mostly formed and defined by the state. It is indicated that an important disadvantage is that the primary subject of local self-government, the main carrier of its functions and powers is the territorial community of the village, settlement, city. On the other hand, according to Clause 5 of Art. 6 of the Law of Ukraine "About Local Self-Government in Ukraine", in cities with district division of the territorial community of districts in cities act as subjects of property rights. And this automatically means their inclusion in the functional sphere of local self-government, which in practice almost does not occur. The functions of local self-government, which are reduced to the forms of its activity, which clearly demonstrate the full effectiveness of self-governing institutions, are determined.

It is substantiated that at the legislative level somewhat superficially gives the status of acts and procedures on the management of local self-government bodies. In other words, the law gives self-governing bodies an administrative function, however, their normative acts of such activity are largely limited in nature. The root of limitation is determined, and it consists in the fact that decisions are coming down from above and are always binding for its implementation, at the same time, the decision of local authorities is not mandatory.

It is determined that decisions of local self-government bodies should be procedural, where they mean the implementation of certain established traditions and norms, and not be dictated from above. Foreign experience regarding the functional purpose of local self-government is considered. It turns out that the European tradition of local

self-government is a “state in miniature”, where the latter functions as a state institution, has a form of activity similar to the central government, but its competence and influence are limited to a certain territory.

**Key words:** *functions and forms of local self-government, political and legal regulation, local community, European Charter, local government, procedural status.*

**Kalachenkova K., Titova E.** *Imitation clinic as a means of formation of competencies of students of legal specialties. – P. 155.*

The article is devoted to the characteristic of the activity of legal clinics in Ukraine as a means of forming the competence of students of legal specialties.

On the basis of the achievements of domestic and foreign scientists analyzed the General principles of legal clinical education and the latest approaches to its further development, as well as the experience of the imitation legal clinic of commercial law of the Vasyl’ Stus Donetsk National University, where the relevant educational work was carried out.

The aim of the study is to provide characteristics of the organization of legal clinical education, including commercial law direction, and the rationale for ways to improve its regulatory framework and practical application.

The article deals with the main existing approaches to the classification of legal clinics in legal science. The normative legal means of organization and activity of legal clinics in Ukraine are analyzed.

The latest trends of foreign experience of legal clinical education in the context of the research topic are investigated.

According to the results of the research and experience of the imitation legal clinic of commercial law of the faculty of law of Vasyl’ Stus DonNU, the expediency of the development of such a direction of legal clinical education as an imitation legal clinic of commercial law is justified. Some proposals to improve the regulatory framework of legal clinical education are substantiated.

**Key words:** *legal education, clinical education, higher education institution, interactive teaching methods, imitation legal clinic, consultations, regulations on legal clinic.*