ABSTRACTS

POLITICAL SCIENCE

Bokoch V. Political determination of the religious situation in the annexed Crimea

The religious situation in the annexed Crimea, which takes place under the influence of the political factors, is analysed. It is shown that the introduction of the Russian religious politics in the peninsula is accompanied by the rude violations of human rights and freedoms, in particular, the right to freedom of the conscience and religion. The Crimean Tatars who profess Islam, as well as the clerics and believers of the other religions, who have pro-Ukrainian political orientations, have the biggest problems with ensuring this right. Russian authorities in the Crimea managed to convert the part of the Crimean Muslim Tatars to their own side, which led to political and religious differences within their environment. Most of them remained in pro-Ukrainian positions, did not recognize the results of the "referendum," condemned the Russian aggression in the Crimea, advocated its return to Ukraine. Political differences among the Crimean Tatars have deepened the schism in Islam. One part of the Muslim religious organizations began to focus on the Russian spiritual centres, the other one created the spiritual management of the Muslims of the Crimea in mainland Ukraine. In the annexed Crimea, almost all religions and their clergymen undergo harassment and persecution, except for the Orthodox, subordinate to the Moscow Patriarchate. It is noted that in order to achieve the political goals – the recognition of the Crimea as the Russian territory, the adoption of the Russian citizenship, re-subordination of the religious organizations to the Russian spiritual centres, the displacement of pro-Ukrainian religious organizations from the territory of the peninsula – the Russian authorities introduced their reregistration. The restrictions on the freedom of the conscience and religion, the religious harassment and persecution are also recorded by the international human rights organizations. The general conclusion that the normalization of the religious and church life in the Crimea is possible provided that it is returned to Ukraine is drawn.

Key words: Crimea, annexation, politics, religious processes, Crimean Tatars, religion, religious organizations.

Holecek R. The influence of political competition on the development of parliamentarism in the Czech Republic

The author analyses the peculiarities of the influence of political competition on the development of parliamentarism in the Czech Republic. The institutional design of national power structures that was selected at the beginning of 1990 is described as the important precondition of democratic consolidation in the Czech Republic during the following decade. The parliament model of power distribution is analysed as that, which response to the political traditions of Czech society and, together with the local decentralization, is able to predict the political crisis. It is proved that Czech parliamentarism is a stable political institution, although, at the present stage, negative tendencies have emerged in the party life of Czech society.

The author investigates the main political tendencies of the Czech society's political life. Political parties' participating in the election process and the results of the parliamentary elections are analysed. It can be stated that political pluralism principals have been established in the Czech Republic, promoting a transition from the single-party system to the multiparty system.

The aim of this work is also to analyse the results of the elections to the Chamber of Deputies and define the factors behind the success of new political parties and also the factors behind the failure of the old political parties. It focuses primarily on the history of political parties, policy statements, marketing of political parties, development preferences, publicized information etc.

Key words: parliamentarism, Czech Republic, partisation, political competition, postcommunism, government, parliament.

Kolzov V. Migration crisis as a prerequisite and manifestation of Euroscepticism and supra-national opposition to the EU in the Visegrád countries

The countries of the Visegrád Group, i.e. Poland, Slovakia, Hungary, and the Czech Republic, regardless of systems of government they implement, are parliamentary democracies, which are members of a number of international and supranational organizations, primarily the EU. That is why the importance of structuring the relations between political power and opposition in the countries of the Visegrád Group appeals to the essence and phenomenon of their supra-nationalism, which become especially important, especially in the form of Euro-scepticism, on the eve, but mainly after the accession of Poland, Slovakia, Hungary and the Czech Republic to the EU. Yet, best of all, especially from 2014–2015, the Euro-sceptic, but at the same time both systemic (constructive) and anti-system (destructive) cut and option of the supra-national opposition of the Visegrád countries began to be outlined as the migration/immigration (or "refugee") crises problem in the EU. This significantly updates the issues of the migration crisis as a prerequisite and a manifestation of Euroscepticism and supra-national opposition to the EU in the countries of the Visegrád Group.

The article is dedicated to analysing the phenomenon of the European migration crisis as a precondition and manifestation of Euroscepticism and supra-national opposition of the Visegrád countries to the EU. The author identified the key parties and movements in the countries of the region, which are outlined by different approaches to understanding national problems and migration processes, and oppose the EU solidarity migration policy. It was revealed that the Visegrád countries are largely unified but quite diversified and with the greatest radicalism in Hungary declare their supra-national opposition to European approaches of the solution the migration crisis. The researcher argued that not only economic factors and social capital but also socio-economic and value factors, especially if they are politicized by Euro-sceptic parties and movements, affect the supra-national opposition to immigration in the region and supra-national opposition of the region to the EU.

Key words: opposition, supra-national opposition, Euroscepticism, migration crisis, countries of Visegrád Group.

Oleksenko V. Political lobbying in Ukraine within legal and security dimensions

The article is aimed at the analysis of existing since independence political lobbying processes in the context of their role in Ukrainian political system's stabilization and national security ensuring.

The article discloses specific features of political lobbying model existing in Ukraine from 1991 till 2017 and its influence on state's political stability and national security.

The expediency of legal regulation for political lobbying in Ukraine is substantiated. The legislative initiatives aimed at setting the legal field for political lobbying are analysed both in theoretical and practical dimensions and relying on the experience gained since independence.

In various forms of actual implementation, political lobbying is presented within all political systems of the world, and the category of "lobbying" is defined as the process of third parties' influence (in some situations – pressure) on state power in order to motivate them to make decisions in their own interests. In turn, lobbying actions involve the process of direct interaction between the parties and state authorities.

The Ukrainian version of lobbying has always been distorted: on the one hand, it actually exists and defines the substantial part of political decisions; on the other hand, in nowadays' Ukrainian conditions, its democratic nature is uncertain on the assumption of historical formation factors and the lack of legal regulation.

In modern conditions, political lobbying in Ukraine in the line of political communication appears to be unformalized in legal terms, posing a threat of the most destructive to national security form of lobbying domination – criminal. Indeed, in nowadays' Ukraine, lobbyism is one of the last political phenomena that exists and interacts beyond the legal field.

Key words: political lobbying, national security, pressure groups; shadow lobbying, legislature, executive, legal regulation of lobbying.

Panarin A. Economic factors of political stability

Political stability, political science as an object of study is a multidimensional problem and the issue of political stability is one of the most important problems of the modern political science. The problem of

political stability does not occur itself – the pressure of the environment, both internal and external, on the political system is the condition that makes the existing authorities to find new ways and sources of system stabilization. According to the current understanding of the essential characteristics and parameters of political stability, one of the most important parameters is the stability of political institutions and their ability to deal effectively with their duties under the system of separation of powers and authority that has developed within the political system of the state. Political stability is defined as a state of political society, which is characterized by stable operation of all political institutions and linked to the preservation and improvement of structures according to external and internal influences, as well as the constant and sufficiently high level of support for power structures of society.

One of the most important aspects of the study of this problem is to determine the factors that influence on the formation of political stability and determine their role in stabilizing the political system. In this study, based on analysis of studies of Western scholars and political practice, it was attempted to identify peculiarities of the influence of the social and economic factors (level of economic development, dynamics of GDP growth, socio-economic inequality) on political stability.

Key words: political stability, political stability factors, indicators of political stability.

Tarnavskyi O. Problematic aspects and prospects of development of modern typologies of Euroscepticism

The modern typologies of Euroscepticism, which are developed by researchers, are explored in the article. Among of the researchers are Paul Taggart, Alex Szczerbiak, Sofia Vasilopoulou, Søren Riishøj, Catharina Sørensen, Marcel Lubbers, and Peer Scheepers, Clive H. Church, and Alexandra Gissa. The author focuses on some of the problem aspects of the investigated typologies.

For instance, the classic typology of Hard & Soft P. Taggart and A. Szczerbiak is too extensive and is considered to be partially obsolete because does not fully reflect the reality of contemporary Euroscepticism. S. Vasilopoulou admits a collision of the positions of the Eurosceptic parties when she described the "conditional" type of Euroscepticism: on the one hand, they approve of only intergovernmental cooperation at the EU level and do not recognize the supranational functions of its bodies. On the other hand, they are ready to accept the EU in the tighter and deeper form of existence – a confederation that unequivocally implies the presence of supranational bodies, joint defence and so on.

The typology of S. Riishøj has no specific framework, according to which the logic of typologization would be understood. The researcher touches upon national societies, identities, geopolitics, political institutions, European institutions, and the notion of functional Eurorealism. As a result, this attempt demonstrates the scale of the reasons for the emergence of Euroscepticism, and then the possible variations of its types, but not vice versa. Similar contradictions exist in other analysed typologies of Euroscepticism.

In addition, the author found out that most scholars form the typologies of Euroscepticism, using absolutely different criteria: the degree of opposition of the EU; causes of creation, attitude to the EU and European integration processes; attitude towards the EU membership; aspect of benefit (political/economic); on the basis of public, party and state discourses, etc.

However, as it is stated in the article, in spite of such a variety of typologies and types of Euroscepticism, most of them have common content features: political, economic, and feature of principle.

The author also formed two types of Euroscepticism – moderate and radical, based on a preliminary study of supporters of Euroscepticism in the UK, France, and Germany.

According to the first type, Eurosceptics criticized and questioned activities of the EU, its institutions, etc., but they are ready to compromise on most of the controversial issues. Therefore, such Euroscepticism is usually constructive at the same time. According to the second type, Eurosceptics is more aggressive and, as a rule, uncompromisingly set against the idea of united Europe, the enlargement of the EU, the existence of a common currency and, in general, the membership of their country in it, and so on.

The author concluded that, at present, there is no the only and generally accepted typology, which could be used constantly in exploring the phenomenon under study. The scientific search for the general typology of Euroscepticism continues.

Key words: Euroscepticism, EU, anti-EU, anti-europeism, euro-realism.

Iakovleva L. The Legitimacy of Power and Control over Violence in a Transitional Society

The article is devoted to the study of the legitimacy of power and control over violence in a transitional society. It is noted that the problem of violence in a transitional society has a special political weight and, therefore, a scientific relevance. The solution to this problem is directly related to the ability of the political class to ensure the legitimacy of power. In classical concepts of legitimacy, it is stated that only the state has a monopoly on violence. However, in transitional societies, individual groups and political organizations can also resort to violence to preserve power and property. According to the non-institutional theory, this situation is a hallmark of limited access orders.

Key words: legitimacy of power, violence, transitional society, violence control, open access order.

SOCIOLOGY

Bavykina V. Political actionism in contemporary art as social act

The main issue of this article is Political actionism as social action. Political actionism is a radical form of contemporary art that consists of social protest with a political statement. Actionism as the instrumental-rational social action is considered in the context of Max Weber's interpretive sociology. It has evidence of art form and political protest either, a number of special characteristics. For example, actionism can't be announced.

Actionism is a response to a social and political situation but its appearance is rather a symptom of a problem than its illustration or critique, which is usually a traditional approach to political art. The emergence of political actionism can be linked like the impossibility of manifestation of citizen's personal and public freedom – that is why this manifestation becomes hyperbolized and assumes radical forms. Action analysis allows us to trace the dynamics of transformations of social reality, to identify the main processes and factors of its formation.

Key words: contemporary art, social act, political actionism, political protest, social conflict.

Bovgyria I. Considering oneself as (non)religious in social surveys: difficulties in data interpretation on example of seven Eastern European societies

The article applies religiosity dimension approach to evaluate how various dimensions define differences between those who consider oneself as either religious or non-religious in societies of Eastern Europe. It presents a comparative analysis of WVS survey results from 7 countries of Eastern Europe. It shows that, while all of the countries within the region have statistically significant differences between investigated groups, these differences are limited in ability to define clear differences in attitudes and behavior of each of target groups.

Key words: religiosity of European societies, religiosity of post-communists societies, religiosity dimensions.

Kukhta M. The age limits and markers of old age as the characteristics of the social and age group of the elderly

Aging is inherent in all people but this process is individual and its specificity depends on a number of factors. The sociological approach to the understanding and allocation of aging should be systemic and based on a combination of data from various scientific areas – gerontobiology, gerontopsychology, demography, etc. For a long time, there were no significant differences between different types of old age, and in every society formed the notion of the prevailing age of the onset of old age, from which later they repelled in the adoption of age limits for the completion of the active phase of life. However, with the increase in

the dynamics of social change and the overall increase in life expectancy, the situation has changed: the physiological capabilities of people for a long time remain close to the average age, and individualization, a mod for youth and activity predetermine the reluctance to identify with the age of reduced opportunities.

In the article, an attempt is made to find out the criteria for allocating the limits of old age in different approaches: medical-biological, psychological, demographic and finding a single complex criterion, suitable as a theoretical basis for the creation of sociological tools is relevant.

In the scientific discourse, aging is traditionally viewed from the standpoint of structural and functional methodology, where old age is predominantly evaluated as an objective, inevitable process of quantitative change in the biological component of human existence, and studies focus on the research of the social consequences of this change. With such a vision of aging, it is usually a matter of establishing a certain age limit, for the achievement of which a person from the standpoint of existing social norms refers to the "old." As for the subjective experiences of aging subjects, as well as the qualitative characteristics of old age, they are either ignored, or their influence on social processes is considered insignificant, and the subject of consideration of them is psychology.

Today, there is no single idea of the time of the onset of old age. More often today, the threshold for the onset of old age is called the 60-year-old age but this figure remains rather conventional. Thus, social aging is associated with the age structure of society, while the social age is adapted to the average life expectancy of the country, on the one hand, and the median age – on the other. That determines the economic pressure on the working population.

Individual age limits also depend on the aging features of the population as a whole. Thus, the level of health care, social security, working conditions and rest, environmental safety of the living environment, etc., adjust the time of the onset of old age. That is, the traditional markers of old age are filled with new content, and the age limits become relatively variables. In this regard, one can assume that the emergence of new, unknown from the experience of the past, the conditions of aging and forms of social behaviour of the elderly can and should become the subject of research activity, based on new, generated by the science of XX – beginning of the XXI century conceptual approaches and methods, primarily on the methodology of interdisciplinarity.

Key words: age limits, aging, markers of old age, group of slopes, periodization of development.

Skokova L. Phenomenon of cultural participation in post-Bourdieusian discussions

The paper is devoted to finding out features of the Bourdieusian and the post-Bourdieusian approaches to the study of cultural participation. Cultural practices are the basis for constructing socio-cultural identities by actors of society, showing the scope and differentiation of cultural competencies. The actors reproduce and change a social life through the everyday cultural products' choices. The contemporary analytic leans are being developed to analyse participation in culture within the framework of the "new" sociology of culture. The P. Bourdieu's theory of cultural practices continues to serve a reference point in these efforts. Explication of the contemporary conceptions creates a theoretical and methodological basis for the analysis of peculiarities of the participation in culture, including the development of grounded social and cultural policies in Ukrainian society.

Three new approaches to the cultural participation study are identified. The omnivorousness approach draws on the basis of representative surveys to distinguish participation segments in a culture that correspond to the logic of the homology of social and cultural stratification (Bourdieu) or the latter's heterology (post-Bourdieusian approaches). Ethnographic analysis of cultural participation is within the focus of multiple taste dispositions and their modality allows us to clarify the origin of the coherent and dissonant cultural profiles in society (B. Lahire). The pragmatic approach within the sociology of amateurism draws attention to the interaction of individuals with the material aspects of cultural products, to the formation of specific individual competencies, the construction of relational ties between human and non-human (A. Hennion). The comparison of Bourdieusian and post-Bourdieusian vocabularies and conceptions makes it possible to further use their content for the analysis of the complex and dynamic realities of the Ukrainian society, the features of cultural participation in different segments and groups.

Key words: cultural participation, post-Bourdieusian approaches, approach of cultural omnivorousness, plural taste disposition and modality, pragmatic sociology of amateurism.

Kolosov I. The procedure of entity's reorganisation on Netherland's example: socio-labour aspect

Research of entity's reorganization law phenomenon related contemporary with new challenges and realities (i.e. globalization of economics). The employers have to take into account requests of employees, their representatives and unions, make concessions and obtain the compromise that brought itself the appearance of new, additional procedures during reorganization. This experience is rather young as for Ukraine, so its learning may become a beat for further scientific efforts in the field of maintaining a new scientific doctrine of reorganization procedure as a separate type of procedure in labour law.

As seems, this problem had devoted papers of such authors as: S.S. Alekseev, O.T. Barabash, M.I. Baru, N.A. Bobrova, N.B. Bolotina, V.S. Venediktov, V.V. Gernakov, S.M. Prilipko, V.I. Prokopenko, A.I. Protcevskii, G.I. Chanisheva, O.M. Uaroshenko and so on and so forth.

Thus, with the help of "case study," we compare and structure analysis methods, it seems justified to learn Netherland's experience in cases of entity's reorganization procedure, related additional procedures, and give recommendations about improvement on this part of the native legal with implied furthermore ways of scientific investigations, consequently.

This paper highlights particular problems of social dialogue between employers and employees during the entity's reorganization procedure, i.e., as known, the reorganization is a complex, delicate process both for management and for employees and their representatives. On Netherland's example provided implication about consequential with reorganization procedures and stages of their embodiment.

Conclusions highlight the binomial procedure in labour law and the conjunctive processual phenomenon of binomial procedure in labour law as new objects of further scientific investigations.

Key words: social dialogue, procedure, reorganization, Netherlands, labour legal relationships.

Kostyuchenko O. The essence of social partnership

The research is devoted to the analysis of social partnership in Ukraine. In the article, there are considered theoretical problems regarding the definition of social partnership as a phenomenon. This phenomenon is described as a relationship between subjects of labour law. It is revealed the status of the subjects of social partnership; the object of these relations and their content are determined. It is proved that two subjects of labour law (employees and employers) in the social partnership act through their representatives, the third entity – the state is a specific subject and always acts through its bodies. In this paper, the social dialogue is described as an object of social-partnership relations, namely: social dialogue is a voluntary process of making agreed decisions; social dialogue is inextricably connected with the coexistence of the rights and interests of employees, employers, and the state; the specifics of social dialogue is its transparent character, which consists in the stratification of its substantive spheres; social dialogue cannot be separated from labour relations; an object of social-partnership relations is not the result of reached agreements but the process of achieving these agreements; a social dialogue exists in certain forms in the law; a social dialogue is an indicator of the moral and ethical state of society. In this paper, in accordance with the current legislation, there are defined the corresponding rights and obligations of social partners that form stable legal relations between them.

Social partnership as a social phenomenon can act as an instrument for managing the interests of participants in relations in the field of labour. Becoming the status of participants in social-partnership relations, the parties balance the mutual requirements and claims by concluding collective agreements and contracts. "Social Dialogue" as actions of the participants of the relations provides the opportunity to find the ways of providing the interest balance in the labour sphere not only to employees and the employer but also to the state, whose interest at least ensures the provision of social peace and harmony in society by means of contractual means on the basis of voluntary wills of the parties.

Key words: social partnership, social dialogue, workers, employers, state, social and partner relations.

Koshkosh E. Terms and procedural form of establishment or changes of method and order of execution of administrative court decision

Issues of establishment and change of methods of legal defence and order of execution of administrative court decisions are considered in the article. The doctrine definitions of method and order of execution of court decision, and also their designation, have been analysed in judicial practice. Terms and particularities of the procedural form of resolution of the mentioned questions, reasonable suggestion on the improvement of their legislative adjusting have been proposed also.

It is noted that establishment or change of methods and order of execution is applicable only to the court decisions; this procedure is not applicable therefore to the decisions of other authorities (public servants) that is subject to execution.

The great majority of cases with the issues of establishment or change of method and order of execution of decision deal with social payments (in particular, their re-calculation). In such cases, as a rule, there is a question about the penalty of facilities instead of an obligation to produce the re-calculation of the charged extra sums.

The procedural form of decision of these issues was clarified; the content of corresponding statements is specified. This procedure is possible within the circumstances that considerably impede or doing impossible execution of court decision. Change or establishment of method and order of execution is possible only if it is unconnected with the change of method of judicial defence, and in absence of necessity of evolving of new persons and establishment of new circumstances.

The reasonable advisability of the debtor's provision of the right to hand in a corresponding application is substantiated.

The reasonable advisability of consideration of the given application with the executant's engagement having a corresponding executive document in the procedure is substantiated.

Terms of consideration of issue or change of method and order of execution of administrative court decision are considered.

Key words: method of execution, order of execution, court decision, administrative court, method of judicial defence, impossibility of execution of decision.

Kravchuk O. Legal regulation of energy efficiency as a factor of sustainable development

The main ideas and approaches introduced by the newest laws of Ukraine "On the Energy Efficiency Fund" (2017) and "On the Energy Efficiency of Buildings" (2017) are considered in the article. These laws were adopted in accordance with the provisions of the Directive 2012/27EU of the European Parliament and the Council of 25 October 2012 "On Energy Efficiency" and Directive 2010/31/EU on the energy efficiency of buildings. The conclusions on the development of the relevant legislation of Ukraine in the sphere of ensuring sustainable development and proposals on the improvement of the legislation are made.

Ukraine has regulated by law the issue of energy efficiency of buildings at and has provided the law for creation National Energy Efficiency Fund. In this way, Ukraine consistently implements EU directives in the framework of its commitments as a member of the Energy Community. The implementation of these activities lies within the legal framework for sustainable development, in line with the UN Basic Standards for Sustainable Development, and in particular, in accordance with the 2030 Agenda for Sustainable Development.

The Law "On the Energy Efficiency of Buildings" (2017) defines measures of ensuring energy efficiency. This Law defines cases in which the thermo-modernization of buildings is carried out without the creation of design documentation, the applying for documents giving the right to perform construction works, and the acceptance of such an object in operation, as well as cases where the design documentation is necessary. Article 12 of this Law establishes the obligation to notify the supplier of energy and water within one month after the start of work on thermo-modernization about the approximate volume of reduction of consumption of energy and water, reducing the thermal load by type of consumption and changing the temperature schedule of the heating system of the building that will arise after completing thermo-modernization works. The author considers critically the legislative provision for imposing administrative liability on the lack of such notice and proposes to cancel it.

The basic principles for the establishment and operation of the Energy Efficiency Fund are determined by the Law "On the Energy Efficiency Fund" (2017), which establishes the functions of the Fund, its purpose, sources of formation, the order and direction of the use of funds, the management of the Fund, and other important issues.

The possibility of creating a national Energy Efficiency Fund in the EU countries aimed at supporting national energy efficiency initiatives is provided by the 2012/27/EU Directive. At the same time, it is important that the creation and operation of the State Energy Saving Fund are provided for in Art. 13 and 14 of the Law of Ukraine "On Energy Saving" (1994), however, this fund does not function. At the same time, after the adoption of the Law "On the Energy Efficiency Fund" (2017), the relevant norms from the Law "On Energy Saving" were not excluded, which means that today the current legislation provides for two state-owned funds with essentially identical functions. There is a need to eliminate this legislative conflict.

Key words: energy efficiency, energy efficiency of buildings, thermo-modernization, sustainable development law, administrative responsibility.

Mazaraki N. The essence and scope of self-determination principle in mediation

Party self-determination in the mediation process is one of the five philosophies of mediation among voluntariness, confidentiality, neutrality and a unique solution, and all these principles are intrinsically linked.

The principle of self-determination distinguishes mediation from litigation, arbitration, as well as other alternative dispute resolution methods. Also, self-determination enables parties to proceed in mediation with the most effective possible result for them.

The parties enjoy the broadest possible spectrum of ways to communicate, receive advice and opinions, advocate its own interests, and reflect the position of the opposite party.

To maintain parties' self-determination is the obligation of a mediator according to the ethics codes and mediation rules. Though the scope of such functions as to determine the capacity of a party to participate, and whether giving a mediators' variant of dispute solution remain the point of discussion for researchers and practitioners.

The role of parties' self-determination principle also is to determine the model of mediation, e.g. evaluative, facilitative etc.

In the article, the analysis of Ukrainian draft Law "On Mediation" has been done concerning the establishment of parties' self-determination principle.

Key words: alternative methods of dispute resolution, mediation, mediator, principle of self-determination of parties, principles of mediation.

Pashinskiy V. Methodological instruments for the study of problems of administrative and legal protection of defence of the state

The article deals with modern scientific views on problem issues in the methodology of legal science, the definition and application of methodological approaches and methods of scientific knowledge in the process of studying the problems of administrative and legal protection of the state.

In modern scientific literature, the concept "methodology" has a double interpretation, it is considered in two main aspects: first, as the doctrine of the method; and secondly, as a system of methods, approaches, methods used in one or another science, the theory for scientific research.

In our opinion, the methodology of the study of administrative and legal support for the defence of the state is a system of interrelated methodological approaches, methods, approaches, means, methods of cognition, and technique, which help to solve scientific research tasks connected with the study of peculiarities of administrative-legal support of the state defence.

In the jurisprudence, there are different methods of research, in general, a system of research methods, among which distinguish such basic levels – philosophical and philosophical (philosophical), general scientific (interdisciplinary), special-scientific levels. As a rule, among the philosophical and ideological methods as the most common and universal methods of cognition and activity, the obtaining of theoretical knowledge are metaphysical, dialectical, and formal logical methods. The dialectical method is the most demanded and it allows us to investigate state-legal phenomena in their constant development because of the use of the basic categories and laws of dialectics.

The application of the system method as one of the basic methods of scientific knowledge is of particular importance from general scientific (interdisciplinary) methods, which include comparative, systemic, structural, functional, synergetic, institutional, historical, logical, and others.

The historical and legal method, the comparative and legal method, the formal and legal method, and the method of interpretation constitute a group of special scientific methods for investigating issues of administrative and legal support for defence.

It is precisely this combination of different research methods that makes it possible to fully reveal the essence of such a state-legal phenomenon as the defence of the state, to predict the directions of its development, to obtain new theoretical knowledge, and to develop practical proposals for administrative and legal support for the defence of the state.

Key words: methodology, methodology of legal science, methodological approaches, methods of scientific research, philosophical methods, general scientific methods, special scientific methods.

Pryamitsyn V. Prospects for the development of judicial protection of the right to higher education

The article investigates judicial protection of the right to higher education. The basic ways of judicial protection of the right to higher education are described, prospects of application of constitutional justice and appeals of the ECtHR as a way of protecting the right to higher education are revealed. The role of the constitutional complaint as a national mechanism for effective protection of the right to higher education is researched.

The court can claim the protection of any violated right since its jurisdiction extends to all legal relations that arise in the state. The object of judicial protection is the right to higher education. Analysis of the state of implementation of disputes over the implementation of state policy in the field of higher education indicates a small percentage of such cases.

Although the judicial protection of the right to higher education by the courts of general jurisdiction is definitely important, in our opinion, it is the judicial protection of the human right to higher education by the Constitutional Court of Ukraine, which makes it possible to ensure the realization of this right in Ukraine.

The reality of the right to higher education can be spoken only if this right is guaranteed by the state in full, beginning with the adoption of a legal law (which reflects the will of the people) and the protection of the right to higher education from violations, including from violation of the right to higher education in the event of non-adoption of unlawful laws by the parliament, with the help of a legal institution of a constitutional complaint.

The main problem of judicial protection of the human right to higher education is the legal ignorance of applicants for higher education, disbelief in the judicial system of Ukraine, as well as material and educational inability to ensure effective judicial protection of their rights.

Key words: right to higher education, constitutional complaint, Constitutional Court of Ukraine

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Pryamytsin K. Electronic cabinet – a modern mechanism of interaction between the taxpayer and the state fiscal service

The article investigates the introduction by the state of alternative ways of the interaction of controlling bodies with taxpayers.

Problems of the effectiveness of electronic interaction of controlling bodies with business entities were not investigated by domestic scientists in connection with the novelty of this phenomenon.

In the conditions of administrative reform and implementation of information technologies, it is necessary to create a unified communication approach for the interaction between business entities and state authorities.

And now there is a global problem of tax and taxpayer interaction that needs to be modernized. For today, the legislator provides other ways of the interaction of entrepreneurs with state authorities, for example, the State Statistics Service of Ukraine provides a number of means of information and telecommunications, such as: M.E.Doc, 1C-Report, Sonata, REPORT, and others. But, unfortunately, tax regulations for the e-cabinet do not take this into account. Although in practice this is all the same, you can interact both through the electronic cabinet and through special programs for providing electronic document management.

In tax legislation, there is a tendency to reform the procedure for appealing against taxpayers' actions and decisions of controlling bodies. However, the existing systemic weaknesses in the legal regulation of

the procedures for the transmission of tax reporting decisions and procedures for pre-trial settlement of tax disputes with the help of telecommunication means do not ensure the completeness of the function of the electronic cabinet in the relationship between taxpayers and the controlling body and accelerate electronic document circulation between them.

Key words: e-cabinet, tax notification-decision, supervisory bodies, tax payers.

Rossiiskyi I. Tactics of the survey of shop premises in the investigation of thefts

Protection of private property, its protection against criminal encroachment was and remains one of the major tasks of law enforcement authorities. A considerable place among thefts is occupied by those committed in the shop premises. The statistics show that disclosure and investigation of these thefts do not fully meet the practice of countering crime. A special place among investigative (search) actions aimed at obtaining evidence from material sources is crime scene investigation; one of its basic types is an incident site examination. The success of the investigation of criminal offenses of this category in many cases depends on the timeliness and quality of conducting examinations.

The investigation of the place of the event consists of three basic stages: preparatory, working, and final. After the realization of organizational-preparatory measures, an investigator passes to the working stage of examination, during that meets with the situation of the place of the event, determines investigation limits, pulls out versions in relation to the event of a crime. If the activity of investigator on the organizationally-preparatory stage has an organizational character, then on the working stage it acquires a research character.

In order to detect traces at the scene, it is necessary to compile a model of the event, that is, a general idea of the nature and course of the incident; to get acquainted with the situation of the place of the event, to establish the state and position of individual objects before the event, to allocate places of probable location of traces, the relationship between different tracks and the mechanism of their formation, to determine the ways of arrival and departure of criminals. During the investigation, it is advisable to be guided by the principle of an integrated approach to the search for traces, that is, it is necessary to carefully look for traces, created by various objects: traces of hands, shoes, hacking tools, microparticles, smell, etc. Objects discovered during the investigation should be pre-explored directly at the scene, which allows obtaining a certain amount of information necessary for the search of the offender shortly after the incident. Such a study is usually carried out by a criminalist specialist. The final stage of the investigation is to synthesize, analyse, and evaluate the collected information and fix its results.

Key words: thefts from shop premises, crime scene investigation, tracks, tactical receptions.

Taranenko M., Taranenko M. (Jr.) Law relationship, judiciary, crimes and punishments on the Zaporizhian Sich

One of the decisive stages of development of the Ukrainian Cossack state is the creation in the second half of the XVI century of its forerunner – a special military-territorial political organization of the Ukrainian Cossacks – the Zaporizhian Sich. This Cossack stronghold, which was not a state in the full sense of this word, had many signs of statehood among which were: the existence of self-developed legal relations of justice, the system of crimes and punishment. These characteristic signs of Zaporizhian Sich are the subject of this article.

In the context of this problem, the authors analysed the genesis of legal relations in the Zaporizhian Sich from the time of oral customary Cossack law to the appearance of the first self-written laws. The indicated laws were acted not only within the Zaporizhian Army but also in the territory under the control of Poland. The article also investigates the system of the judicial system in the Sich – from the court of the Palanka's Colonel (where minor criminal and civil offenses were considered) to the highest court instance – the general Cossack Council, under whose jurisdiction were the most resonant cases. The subject of the authors' research is also the system of crimes and punishment, which was aimed at the strict observance of the discipline and law and order of the military in the Cossack society.

Key words: Zaporizhian Sich, Cossacks, legal relations, crime, punishment, clemency, military discipline, judicial system, death penalty.

Usoltsev S. Types of special knowledge used for investigation of illegal handling a weapon, ammunition or explosives

For the successful disclosure and investigation of crimes to investigators and other participants in the criminal process involved in the investigation, it is necessary to make full use not only of their professional legal, but also various types of knowledge in other fields, that is, special knowledge. We will mark the basic types of the special knowledge that are used in the investigation of illegal handling a weapon, ammunition or explosives.

1. Knowledge in the field of weapons science. It is the major type of the special knowledge that is used for investigation of this category of crimes, as they characterize the article of criminal trespass that, in turn, has a substantial value during qualification of a criminal act and as a constituent of criminalistics description of crime directly.

2. Knowledge in the field of track studies. Since crime is an event of the past, which the investigator did not directly perceive, his knowledge is carried out indirectly, through the discovery and study of the reflections of its individual elements, their properties in the surrounding environment, as systems of objects that carry information about the crime. The actions of the offender to prepare, commit and conceal the crime constitute a complex dynamics of the interaction of material objects, accompanied by the formation of various types of traces, serving as sources of information about the crime and its participants. The task of the subjects involved in the investigation is to identify, extract, and fix traces, and, accordingly, the information they contain.

3. Knowledge of the psychology of criminal activity. Special psychological knowledge plays a considerable role in the investigation of crimes of any kind. During the investigation of this category of crimes, this is, first and foremost, knowledge of the psychologist's identity of the offender and the psychological structure of the criminal act, including the psychology of organized criminal activity.

4. Knowledge of criminological photography and skills of possessing photo-video and computer equipment.

5. Special knowledge of the process of storing, recording and issuing weapons at military facilities, in the bodies and units of the Ministry of Internal Affairs, as well as skills in weapons handling. This type of special knowledge is needed because the majority of illegal traffic in firearms occurs precisely because of its theft from military and other objects where it is stored. This group includes, first of all, knowledge of statutory legal acts regulating the circulation of weapons in Ukraine. Except for the legislative framework, it is necessary to know the specifics of the activities of the armoured units in relation to the registration, issuance, and write-off of the weapons accounted for by them.

6. Special knowledge in the field of technical examination of documents and handwriting. Knowledge in this field is needed in cases when counterfeit documents were used during the illicit trafficking of weapons, ammunition, and explosives by criminals.

Key words: criminal proceeding, criminal offence, special knowledge, specialist, judicial examination.

Filoretova M. Freedom of peaceful meetings in Ukraine according to the European standards

The article deals with the analysis of the legal regulation of freedom of peaceful meetings in the national legislation of Ukraine, international legal acts ratified by the Verkhovna Rada of Ukraine, decisions of the European Court of Human Rights, which are related to the sources of law in Ukraine. The relevance of this topic is beyond doubt due to the existing gaps in the legal regulation of peaceful meetings in Ukraine.

The purpose of the article is to study and compare the projects of Law of Ukraine "On Guarantees of Freedom of Peaceful Meetings" in accordance with international legal acts and practice of the European Court of Human Rights. The study examines decisions of the European Court of Human Rights in relation to Ukraine – "Verentsov v. Ukraine" and "Shmushkovych v. Ukraine," a number of issues were identified in the rules of the national legislation that require further legal regulation and provided practical recommendations for the improvement of the current legislation.

Moreover, the article proposes the author's approaches to solving the problem of the advance warning of the holding of the peaceful meeting, which should depend on the size of the meeting, the reasons for restricting peaceful meetings and the special procedure for appellate consideration of cases of restrictions on the freedom of peaceful meetings. The author also emphasizes the need for the adoption of a special Law "On Peaceful Meetings," which must embody European principles and standards for a peaceful meeting.

Key words: freedom of peaceful gatherings, restriction of exercise of right to freedom of peaceful assembly, notification of peaceful gatherings.

Cherniavska O. About Frege's triangle in patent science

The studied object is a logical scheme useful for scientists. It called the Frege's triangle or the semiotic triangle.

This article is devoted to the study of mismatch of terminology, which is used in subordinate acts regulating preparation and examination of patent applications for inventions and utility models, to the principles of semiotics (especially to definitions of terms such as name, denotation, and concept).

The purpose of the work is to modify the semiotic triangle for the needs of the patent case and show by examples that it is still an excellent means of systematization of heterogeneous knowledge and a tool for logical analysis of information in the preparation of patent applications and protection of patent claims during patent examination and court proceedings.

Design/methodology/approach. The basis of the approach to the study of the semiotic triangle in patent science is its property to reduce into twos since a significant part of inventions and utility models will remain in the form of information prototypes of varying completeness and accuracy. In other words, they will not have a materialized denotatum.

Research limitations/implications. As a result of the study, it was concluded that various rules for preparation and examination of an application for invention or utility models, which are applicable in Ukraine and many other countries, comprise systematic mixing of definitions about features with definitions about names of features. It is misleading for people who create descriptions, and those who carry out the examination of applications.

As a minimum, it is necessary to revise the regulations and bring them into line with the principles of semiotics. As a maximum, it would be desirable to prepare and publish a textbook on practical semiotics for inventors and patent examiners.

Key words: practical semiotics, Frege's triangle, patent science, inventions, utility models, name, denotation, concept.

Chomakhashvili O. Legal status of a patent attorney

The article is devoted to the study of the legal status of a patent attorney. Qualification requirements for patent attorneys are outlined. The procedure of attestation of patent attorneys is considered. The statistical data in the field of patent attorneys are presented and analysed. An attention was paid to the quantitative distribution of patent attorneys in Ukraine. Conclusions and forecasts are made. The prospective directions of activity of patent attorneys are outlined. The basic rights and duties of patent attorneys are studied. Characterized functions of the activity of the patent attorney in relation to the acquisition, implementation, and protection of the rights to the invention.

Patent attorney – a person who has acquired the corresponding status in the established order and renders services in the professional representation in the field of intellectual property on the basis of a civil law contract, which consists in the implementation on behalf of the physical and legal persons of actions related to the filing of applications and obtaining security documents for industrial property rights in Ukraine, as well as their representation in state authorities, in relations to other bodies, individuals, and legal entities.

The rights and obligations of the patent attorney, which are enshrined in the current provisions, are non-systemic, do not give a complete picture of the professional nature of the services provided by the patent attorneys.

The promising activity of patent attorneys is the activity of issuing compulsory licenses. There is no law enforcement practice in Ukraine regarding compulsory licensing but there are corresponding legal rules.

A compulsory license is a license issued to a legal entity or individual in response to a request by a government agency (in Ukraine, the Cabinet of Ministers of Ukraine) for the industrial use of a patented invention and/or the importation of articles incorporating a patented invention; such a license may be issued against the will of the owner of the patent.

Key words: representation, attorneys, patents, inventions, defence.

Chorna T. Issues of legal regulation of the payer of tax on immovable property other than land: comparative analysis and solutions

The article analyzes the normative fixing of the generic definition of the taxpayer and makes a comparative analysis of the legal regulation of the taxpayer for immovable property, different from the land plot in Ukraine and other countries of the world. The connection between the taxpayer type and the procedures

for its calculation and payment is revealed. The accent is made on the existing shortcomings of the legal regulation of the payer under this tax in Ukraine, and the ways of their elimination are proposed.

Key words: individual entrepreneur, property tax, local tax, tax payer, property tax, property tax other than land, tax, individual entrepreneur, legal entity.

Shchyrba M. Patient's right to reproductive technologies: legal dimension

The article analyses the problem of legal regulation of patient's status using auxiliary reproductive technologies. It is specified that such rights do not have a clear legal regulation. International law has not yet developed a unified methodological approach to these human rights. Existing regulatory acts usually leave all questions for the consideration of the domestic law.

The article focuses on the legal problems of regulation of these technologies: issues of legal regulation of the status of persons to whom ART is applied; the question of the possible excess of the limits of interference in the genetics of a person; the problem of selection of embryos in multiple pregnancies; legal regulation of reproductive technologies in the light of research activities refers to the possibility of using reproductive technologies not for procreation but for other purposes. First and foremost, this is the creation of an embryo of human beings for experimental purposes. There is also an emphasis on ensuring the equality of rights and freedoms of children born with the use of ART among other peers. The final problem is identified as a special treatment towards the storage and exchange of information on donors and surrogate mothers. In this context, an important issue is to create a genetic databank since such information may be necessary for the child or even his/her descendants.

It is stated that the legislation on auxiliary reproductive technologies is fragmentary and inconsistent, which threatens to violate the rights and interests of patients. This means that there is a need to improve the current legislation. A law is required that combines biotic and reproductive issues. The main point is that such a regulatory act would promote the recognition at the state level the existence of human reproductive rights and ensure their implementation and would increase the protection of patients' rights and their level of awareness and culture in the field of reproductive health.

Key words: patient, auxiliary reproductive technologies, eugenic, embryo, donor.

Yurovska V. Imperative method of administrative law: some views on further research prospects

The article is devoted to the analysis of the imperative method of administrative law. The author ascertained that the imperative method is, undoubtedly, the main method of legal regulation, which, along with instructions and prohibitions, applies such specific methods as subordination and coordination. However, reformatting the subject of administrative law and including in its range those legal relations that are built on the basis of the "mutual right of demand," those that are characterized by equality (although sometimes relative) of their participants, is the consequence of the inevitable change of emphasis in the legal regulation of such relations, the application of other, more balanced means of legal impact.

Key words: administrative law, administrative and legal regulation, imperative, imperative method.