ABSTRACT&REFERENCES

UKRAINIAN REVOLUTION AND THE PROBLEM OF CREATION NATIONAL PARLIAMENT

p. 5–18

Valerii Soldatenko, Corresponding Member of the National Academy of Sciences of Ukraine, Doctor of Historical Sciences, Professor, Chief Scientist, I. F. Kuras Institute of Political and Ethnic Studies of the National Academy of Sciences of Ukraine, Kutuzova str., 8, Kyiv, Ukraine, 01011

In this article, based on the analysis of available documents and real historical facts was made an attempt to follow the approaches and practices of the political forces that sought to implement the concept of the Ukrainian national-democratic revolution, one of its core program requirements – the convening of a national parliament.

First steps in the aforementioned direction were made during the time of the Central Rada, headed by M. Hrushevsky. Leading political coordination center, created on a democratic basis and, in the conviction of its leaders, called upon to bring the Ukrainian community into a national system, in the process of its development began to take on some of the functions inherent in the classical examples of the world, first of all European parliamentarism. Starting from the documents of the Ukrainian National Congress (April 6–8, 1917, Kiev), Ukrainian political parties, and the approval of the Constitution of the Ukrainian People's Republic (April 29, 1918), due to the convening of a parliamentary institution (the names were different – Ukrainian Constituent Assembly, The Constituent Council, the Ukrainian Sejm (Soim), the Legislative Duma, the Provisional Parliamentary Assembly, the Parliament, the National Assembly of Ukraine, etc.) the task of creating the People's Parliament was put forward as a political perspective. The same Central Rada, or its unchanging Chairman, or scholars of law, constitutionalists, guided by scientific criteria, are not inclined to qualify as a full-fledged National Parliament. And the initiated process of movement in a democratic way was the force interrupted by the coup on April 29, 1918.

Upon coming to power, hetman P. Skoropadsky abolished the Constitution of the UPR with his first acts and banned the convening of the Constituent Assembly, which planned to convene the Central Rada.

In times of Hetmanate temporality, extraordinary, transient impetus of authoritarian rule were proved in every way. Numerous public declarations promised to create a parliamentary institution (for 7,5 months of the official existence of the Ukrainian State, even its name was not tired) have in fact turned out to be an empty sound. But the real position of delaying the authorities to resolve the popular, urgent problem was rigorously co-ordinated with the Austro-German occupation administration, for which, as the true ruler of the situation in the country, the National Parliament seemed unclear, totally unnecessary rage.

On the business ground, the Directory tried to implement of the idea of creating a national parliament. However, the general situation of 1919–1920 was overcomplicated. In particular, contradictions in the political direction of the revived Ukrainian People's Republic were significantly negative. For some time it was planned to delegate the role of the Parliament before the Labor Congress of Ukraine (January 23–29, 1919), but it did not become, according to the plan, a permanent institution. Practically performing certain parliamentary functions (for example, lawmaking activities), the Directory, like the Central Rada, planned to convene a full-fledged national parliament, eventually determined by the beginning of implementation of the judicial process (Act of Unification of the UNR and ZUNR on January 22, 1919). However, due to the difficult, first of all the military, situation which permanently deteriorated, the realization of democratic state-building plans did not happen.

Thus, in spite of ideas, initiatives, plans, preparatory efforts and approved documents, the practice of fulfilling some of the functions inherent in the Parliament, such a genuine institution in the revolutionary era (1917-1920), was not created in Ukraine.

Keywords: *Ukrainian revolution, the state, democracy, Parliament, parliamentary, Constituent, National Assembly, the Sejm*

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TO THE QUESTION ABOUT THE DATE OF ESTABLISHMENT OF UKRAINIAN STATE

p. 19–31

Ihor Boiko, Doctor of Law, Professor, Head of Department, Department of State History, Law and Political and Legal Studies, Ivan Franko National University of Lviv, Universytetska str., 1, Lviv, Ukraine, 79000
ORCID: *http://orcid.org/0000-0003-1377-2328*

The article analyzes the formation and development of early state formations in Ukraine, as well as the most important preconditions for the formation of the early Ukrainian princely state – Ukraine-Rus. Much attention is paid to the substantiation of the time when the Ukrainian state was founded, which keeps its official countdown from 838 AD – one of the first written references in the chronicle « Tale of past years». Particular attention is paid to the characteristics of the periods of Ukrainian state-building processes. It is substantiated that the Ukrainian people live for several thousand years on their historical land. For more than 1000 years, the Ukrainian people had their own statehood in various forms and due to unfavorable internal and external factors forced to fight for its revival. The Ukrainian state originates from the princely state of Ukraine-Rus, which had a significant influence on the political life of both Western European countries and neighboring Asian countries, as well as states that were of great importance in the trade system between Europe and Asia. Subsequently, the Galician-Volyn state was no less powerful than the embodiment of the state idea of the Ukrainian people. The creation of the Galician-Volyn state is an important stage in the history of Ukrainian statehood. This state has achieved significant political development and, in terms of economy and culture, has become one of the most advanced countries in the time of Europe. It is noted that the Ukrainian national revolution of 1917–1921 had an epochal historical significance. After a long historical period of russification, national and social enslavement at the beginning of the XX century. The Ukrainian people restored their independent state. At that time, Ukraine experienced various forms of national statehood: the Ukrainian People's Republic for the Central Rada, the Ukrainian state – the Hetmanate P. Skoropadsky, the Ukrainian People's Republic under the Directory, and the Western-Ukrainian People's Republic, but failed to maintain state independence. In the centuries-old history of the state-building of the Ukrainian people, the events associated with its liberation struggle of the early twentieth century have a truly historic significance.

On August 24, 1991, Ukraine proclaimed the revival of its state independence. The proclamation by Ukraine of its state sovereignty was only the first, albeit a very important step on the path to a strong, democratic, rule of law. The development of this state is a difficult, long-lasting, problematic process in which Ukraine has a great state-building experience of historical development

Keywords: *Ukraine-Rus, Kievan Rus, Tale of past years, state, Ukraine*

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RESEARCH OF ACTUAL AND PRIORITY DIRECTIONS IN THE FIELD OF LEGAL TECHNIQUE

p. 32–36

Ilya Shutak, Doctor of Law, Professor, Honored Worker of Science and Technology of Ukraine, Department of Theory and History of State and Law, Ivano-Frankivsk King Danylo Halytskyi University of Law, Ye. Konovaltsia str., 35, Ivano-Frankivsk, Ukraine, 76018
ORCID: *http://orcid.org/0000-0002-2013-5362*

Legal technique contributes not only to the autonomy of specific legal branches, but also their integration, which is determined by the needs of developing the basic concepts of theoretical jurisprudence.

The analysis of the results of scientific work of modern Ukrainian lawyers gives grounds to focus on four main types of legal technology and technology, namely: law-making, legal-system, legal and law-enforcement.

The toolkit of legal technique is applied in all branches of law. With the help of techniques and means of legal technology, the degree of economy and the system of law increases. This is due to the complication of social life and the intensification of the specialization of the law. As a result, there is a clear distinction between sectoral norms.

Given the priority of scientific research in the field of legal technology, the task of the scientific community is actualized – to identify possible ways of using legal means, to develop recommendations for their optimization and regulatory consolidation. All developments will be credited to the treasury of legal and technical knowledge, the content and scope of which for each representative of the legal profession will serve as a benchmark for the implementation of the most common and personalized legal tasks.

On the subject of legal regulation are the rules of constitutional law, administrative, criminal, civil and many other fields of law. They share the qualitative homogeneity of regulated public relations. Taken together, the standards form the content of the corresponding fields of law. On this basis all the rules of law are also divided into: material (confirm the status of the parties involved and contain a specific rule of conduct in this particular situation); procedural (containing detailed instructions on the procedure for the practical implementation of the substantive law); conflict rule (taken with the aim of eliminating contradictions (collisions, collisions) between certain legal regulations, which determine the order of application of those or other norms).

The study of legal techniques and legal rules of technology should be carried out through a combination of theoretical generalizations and industry practice. The implementation of the existing doctrinal material on the legal techniques and technology to knowledge and skills of students, and through them later in the legal realities of the Ukrainian state, should be achieved by the introduction in the last years of law schools of Ukraine normative discipline, «Legal technique and legal technology» and related courses in various specialization.

It should be noted that the priority directions of the study include the problems of legal technology in all branches of law. In particular, it is possible to distinguish such issues as: problems of legal technology in the study of issues related to restrictions and prohibitions in civil law; law making mistakes of local self-government bodies; legal technique of fixing the method of committing a crime; the question of the optimal location of criminal-law material; administrative law-enforcement technique; the specifics of teaching methods of technical and legal peculiarities of legislation in the field of operative-search activity in higher educational institutions of the Ministry of Internal Affairs of Ukraine; the concept of legal technology in international law; legal technique of anti-corruption legislation; legal terminology (language) of law-enforcement acts of criminal-law content; a systematic approach to the use of opportunities of modern information technologies for the development of legal technology in the advertising sphere; methodological prerequisites for the formation of the theory of legal presumptions; specification of Ukrainian legislation on control over concentrations of business entities; problems of legal regulation of the institute of consumer co-operation and the importance of legislative technique in their solution; technical and legal defects in the legislative regulation of relations with the provision of personnel services as a factor inhibiting the development of the economy and destabilizing the legal field; technical and legal problems of argumentation in law and many others

Keywords: *legal technology, legal tactics, legal monitoring, the effectiveness of law, law-making*

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SPECIFICITY OF DISCRETION IN TAX AND LEGAL REGULATION

p. 37–41

Mykola Kucheryavenko, LL.D., PhD in Economics, Professor, Academician of the National Academy of Legal Sciences of Ukraine, Honored Worker of Science and Technology of Ukraine, First Vice-President of the National Academy of Legal Sciences of Ukraine, Head of Department, Department of Finance Law, Yaroslav Mudryi National Law University, Pushkinskaya str., 77, Kharkiv, Ukraine, 61024
E-mail: finpravo@i.ua
ORCID: *http://orcid.org/0000-0002-8020-5748*

It is stated that the problem of judgement in the tax-legal regulation cannot be considered as separate or relatively closed. An analysis of this form of realization of freedom of choice cannot be considered complete without the study of the problems of "discretion", "prejudice", "interpretation", "value judgement ". It is noted that the grounds of judgement in tax law regulation are: the nature and content of tax law norms, terminology of tax legislation, conflicts of legal norms, value judgements.

Judgement in tax regulation is an elaborate complex phenomenon, which determines its place at the junction of several branches of law and methods of regulation. The application of judgement in tax relations involves harmonization of the range of influence of tax regulations and the discretion of possibilities of their use. The complexity of judgement in tax regulations involves two aspects: the complexity of relations that are regulated in a similar way, and the complexity of the acts by which it is carried out.

The complexity of relations reflecting the situation, discretion of which should be realized, involves, apart from the availability of the tax sector, the groups of relations that are not directly tax, but without clarifying the origin and nature of which it is impossible to choose the subject of the judgement.

The complexity of acts involves, on the one hand, the participation in the implementation of judgemental acts related to various sectoral legislation (as mentioned above), and, on the other hand, the complexity of acts that characterize a single (rather notional) sectoral approach.

The substantial feature in the realization of the judgement of lawmaking subjects, power subjects, judicial discretion is the realization of the latter in the exercise of rights. At the same time, certain freedom of choice also characterizes the actions of the payer, when he, at his own discretion, chooses the possible options for the realization of his own tax liability. Freedom to choose the behavior option, taxpayer's decision-making are both associated with the realization of duty

***Keywords**: fiscal relations, balance of interests, judicial discretion, presumption of legality of taxpayer decision*

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LEGAL TYPES AND MECHANISMS OF DEFENDING CUSTOMERS RIGHTS IN THE EU

p. 42–46

Mykhailo Mykievych, Doctor of Law, Professor, Head of Department, Department of European Law, Lviv National Ivan Franko University, Universitetska str., 1, Lviv, Ukraine, 79000
ORCID: *http://orcid.org/0000-0001-5413-183X*

Iryna Yavorska, PhD, Associate Professor, Department of European Law, Lviv National Ivan Franko University, Universitetska str., 1, Lviv, Ukraine, 79000
ORCID: *http://orcid.org/0000-0002-4504-9065*

Existence of a paradigm of the consumer society causes in modern world causes no doubts. Consumering is a process which includes a choice of goods or services, keeping their maintenance and repairs, managing them.

Ukraine has adopted the Civil Code which in fact is the act of the European Private Law, therefore the private rights protection is now in place. Articles 282, 708, 709 of the Civil Code of Ukraine guarantee proection of rights of a person as of a customer. The Law of Ukraine «On Protecting the Customers Rights» - partly harmonised with the EU Law – has provisions developed in line with the EU standards on customers rights protection. It is necessary to follow further developments in this area in the EU and to make sure they are applied to the Ukrainian context. Therefore a study of the types and forms of protection of the customers rights in the EU as well as of the mechanisms of possible application and the sources of law is of considerable importance. Of particular interest are the aspects of the rights of customers who make e-agreements taking the offers of the online shops, which are being regularly updated in the EU. Ukraine's legislation has to ensure similar provisions so that the rights of customers are guaranteed and spesific features of these agreements are taken into consideration. It should also be noted in this regard that there's a considerable number of EU Directives which deal with the protection of a customer in the area of information advertising, tourism services, information technologies at large. A wide range of issues and relevant EU legislation have therefore to be approximated and regulated in the Ukrainian law. Research on this topic is also part of the tasks that Ukraine has to fulfil under its obligations on the protection of the customers' rights within the EU-Ukraine Association Agreement

Keywords: *protection of consumer rights, mechanisms of protection of consumer rights, EU law*

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