

SUMMARIES

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EUROPEAN INTEGRATION: PUBLIC OPINION

European integration has been and remains the top priority of the foreign policy of Ukraine, as well as a key reference point of its internal development. It is anchored by national legislation and its implementation is directed at fundamental reform in the country.

European integration is the process of industrial, political, legal, economic, social and cultural integration of states wholly or partially in Europe.

For today leadership of the Ukrainian state is not acting like a leader of the transformation of Ukraine's European integration, because actions and policy pursued by present government is the object of criticism and complaints from the European Union.

In this work highlights a number of problems, which in our opinion, are topical and in need of discussion in the scientific community. Most important of which is the disparity of the economic, political and legal development of Ukraine to European standards.

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CRIMINAL LEGAL DESCRIPTION OF THE OBJECTIVE OF AN OFFENSE UNDER THE CRIMINAL CODE OF UKRAINE ST. 154 «FORCED SEXUAL INTERCOURSE»

The article reveals the content of the direct object st.154 crime under the Criminal Code of Ukraine, namely, sexual freedom and sexual integrity, characterized by actions that constitute an objective way of forced sexual intercourse, and the way offense is. One of the most important constitutional rights of the individual have the right to liberty and security of person under Art. 29 of the Constitution of Ukraine, which includes among its components and the right to sexual freedom and sexual integrity of a person. In another refers to sexual integrity. Thus some authors meant by sexual integrity prohibition to commit any sexual acts. Others understand the sexual aspect of immunity as an absolute legal ban, complete impossibility of sexual intercourse with a certain category of persons, in particular minors, of persons nedosyahly puberty or the age of consent. Article. 154 of the Criminal Code provides as the main direct object and sexual freedom and sexual integrity. The objective side of forced sexual intercourse lies precisely in forced sexual acts through blackmail, threats or using materail, official or other dependence of the victim. Sexual intercourse, which forced a woman or man, it involves both natural and unnatural way. It may occur as a single compelling communication, and to repeated sexual intercourse or cohabitation. Compulsion may be intended to force another person to sexual intercourse both those forces, and with any other person for whose benefit the offender operates. Thus, forced sexual intercourse – violent crime, illegal exerted through mental effects (pressure) per person in order to force her to sexual intercourse or otherwise satisfy the sexual desires perpetrator.

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SOME PROBLEMS OF AN EXAMINATION AT THE PRE-TRIAL PROCEEDINGS

The study authors analyzed case by case, which occurred in the practice of investigation and concluded that regulate the appointment and examination in the current Criminal Procedure Code of Ukraine is not perfect, because it involves a repeat examination in case of an error an expert or his abuse.

From the circumstances of the criminal proceedings, the analyzed traces: on the third day after

the crime forensic expert examined the victim and made a forensic medical examination, where enshrined found on the body of the victim's minor injuries without injury to health. In this act of expert carefully described, discovered the injuries and the victim stated that the consciousness of his injuries at the time of the offense did not lose, and these statements it is also reflected in the conclusions. 10 days after the victim turned to the neurologist and he allegedly showed the victim a concussion that was diagnosed with a statement of the victim's loss of consciousness.

Based on the diagnosis neurologist medical examiner concluded that the severity of the injuries found on the body of the victim relating to the light of the injury to health. This change in the severity of injuries to two conclusions one expert demonstrates his incompetence as an expert or a possible interest or negligence.

The study draws attention that the current Criminal Procedure Code of Ukraine does not provide and does not provide for the possibility of judicial re- examination of the mandatory involvement of another expert.

The authors propose to amend Article 243 of the Criminal Procedural Code of Ukraine with a new part, according to which, if the expert opinion during the preliminary investigation is found to be unreasonable or other circumstances cause doubt its accuracy, can be designed to re-examination, which is assigned to a different expert or other experts.

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MATERIAL DAMAGE OF LABOR LAW IN UKRAINE COMPENSATION OF DAMAGE, MANCES AND AFTERMATH

Financial responsibility for labor law is the statutory duty of the employment contract to repair the damage caused to the other side of the unlawful and wrongful acts. Thus, financial liability as an important institution for labor law aims to ensure that people's behavior standards adopted by the state.

The main conditions to attract employees to financial liability, it's types, limits and procedure for damages provided by the Labour Code of Ukraine and other normative acts.

Financial liability is possible only if it has a guilt. There are two forms of guilt: intent and negligence.

Misconduct can be expressed as an action prohibited by law and the failure to act.

The duty of proving the existence of conditions for attracting workers to the financial liability rests with the owner or its authorized body.

The current legislation about the financial liability of workers sets three types of financial responsibility of employees: limited, complete and improved. **Also produce a collective financial responsibility**, which is set by the owner of the company in consultation with the trade union committee.

The amount of damage to the enterprise, institution, organization of damage is determined by the actual losses on the basis of accounting data. The law of financial liability gives to the employee who caused the damage, the ability to voluntarily pay damages in whole or in part.

Financial liability on the employee applied regardless of the involvement of employees in disciplinary, administrative and criminal responsibility.

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M. Kovaliv

PECULIARITIES AND PROCEDURE OF ENFORCEMENT PROCEEDINGS

The most significant value of litigation is the result, which should be manifested in the real impact of fair judgment on the status of individuals in disputes over legal principle binding judgment (paragraph 9 of Part 3. Article 129 of the Constitution of Ukraine). And if the defense of the state interests can be achieved through the use of a fairly wide range of mechanisms of public and forced effects on a person, for an individual then usually there is only the enforcement proceeding defined in the law in case of referring to enforcement of the court's decision.

The procedure and conditions of enforcement proceeding are discussed in the article. Features of the opening and suspension of enforcement proceedings, the rights and obligations of the parties and other participants in the proceedings have been discovered.

For a long time, an effective system of enforcement proceedings is a crucial step to increase the level of confidence of the judiciary in Ukraine. Persons involved in the enforcement proceedings shall faithfully exercise all the rights granted to them in order to ensure full and timely commitment of execution processes.

The value of judicial performance is that it provides the actual implementation of the judicial and non-judicial bodies' decisions, completes jurisdictional activities to protect the subjective rights of citizens and organizations, strengthens the rule of law in substantive relationships and promotes education of citizens and officials in the spirit of performance of the Laws of Ukraine.

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S. Nesynova

THE PROBLEMS OF LEGAL ACTION AS A TYPE OF LEGAL WORK IN THE BODIES OF STATE TAX SERVICE OF UKRAINE

In the context of harmonization of the domestic legislation to the conditions of the EU countries significant role to play legal work, in particular in the bodies of state tax service of Ukraine.

Legal work is a specialized activity of persons who have the legal knowledge and organizational powers, organizes the implementation of laws and thereby ensures a level of legality in the activities of the entity. So, in the implementation of the legal work can be divided into two components: institutional and legal.

However, the legal work of the tax authorities cannot be reduced only to the activities of the subdivisions of the legal service. Largely elements of the legal work are present in the activities of the heads of the tax authorities, other officials, functional units, apply tax legislation.

The objective conditions development of Ukrainian society require the development of a legal activity in the sphere of tax administration in the following areas: improving the performance of the functional and organizational model of legal work of the tax authorities; identification of legal gaps and problems of practical application regulations; improvement of information and technical and analytical support for the legal work of all functional and structural subdivisions of the tax service.

УДК 342.573

J. Paleeva

REFERENDUM – THE BASIC INSTITUTIONS OF A DEMOCRACY: TODAY AND HISTORY

The article is devoted to the basic institutions of a democracy – referendum. The term referendum in the constitutions of the countries use different – plebetsi, a survey. Most of the major changes in foreign countries have been resolved through a referendum. To date, there are countries that actively use the institution of the referendum, the country where the referendum exists only at the level of the federation and the countries where there is no referendum at all.

A separate paragraph is devoted to the history of the institute of referendum. Ukraine has a long history of use of the referendum. The most important referendum for the future of our state was held in 1991. The current constitution enshrines Ukraine questions that may be put to a referendum.

At the present stage should be actively involved in the organization and conduct of the referendum sociologists. Statement of the problem, the number of questions – important elements of a successful referendum.

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I. Probko

ADMINISTRATIVE AND JURISDICTIONAL ACTIVITY OF THE EXECUTIVE BRANCH OF POWER

An administrative and jurisdictional activity of the executive branch of power is one of the most important parts of their administration in general. In the course of their work the significant

amount of their powers defined by the legislation is implemented to combat administrative offenses is implemented. It results in particular in detecting administrative violations, gathering and examining evidence, registering required procedural documents, considering cases under their jurisdiction and deciding in cases of appropriate regulations, some referral cases for review by the jurisdiction and executing decisions on the cases.

Administrative and jurisdictional activities of the executive power as a specific form of activity is also associated with the consideration and decision on the merits within their cases on administrative offenses and implementation of other administrative action providing jurisdictional nature.

The focus is on the principles of proceedings on administrative violations, which are entrenched in numerous legal norms and directly resulting from the jurisdictional issues of executive power as well as stages of the proceedings, each them performed as a certain action that is specific regarding the general objectives of the proceedings. Stages are fundamentally connected, as a rule the next begins only after the proceedings of the preliminary stage ends.

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VIOLATION OF THE RIGHT TO RESPECT OF HONOUR, DIGNITY AND GOODWILL OF AN INDIVIDUAL IN THE INTERNET

Article contains review of legal regulation issues of protection of honour, dignity and goodwill of an individual concerning dissemination of the information that is false in the Internet. Unfortunately, currently the Internet became an everyday means of transfer of any information, not always the true one that often leads to violation of honour, dignity and goodwill. Problems arise that may help offenders to avoid responsibility in the Internet for dissemination of information that is false and discrediting honour, dignity and goodwill. In order to have efficient protection of human rights and freedom in the information sphere, including honour, dignity and goodwill protection, the respective legal regulation is required, while development of which, it is worth to consider peculiarities of the global network on the first-priority basis. Currently, the procedure for responsibility for dissemination of the information in the Internet, which does not correspond to reality and discredits honour, dignity and goodwill, has been complicated. There is no legal and regulatory framework for procedure, bringing to justice for violations mentioned above.

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COVERT INVESTIGATORS (SEARCH) ACTIVITIES RELATED TO THE COLLECTION OF INFORMATION ON TRANSPORT TELECOMMUNICATIONS NETWORKS AND LOCATING REFS: REASONS FOR AND CONDITIONS OF WARRANTY RIGHTS AND FREEDOMS AND RIGHTS OF CITIZENS AS A CONSUMER SERVICES MOVEMENT (MOBILE) CONNECTION

This article analyzes the content of covert investigative (detective) actions related to interference with the privacy rights, namely the interception of telecommunications transport networks and locating radio product.

The current legislation of Ukraine effectively indicates a significant gap on the one hand creates conditions permissiveness authorities and officials who are entitled to conduct undercover investigation (investigation) of action, on the other hand creates obstacles to obtaining legal evidence in criminal proceedings by conducting undercover investigator (detective) action. Indeed, one of the key issues in the preparation and implementation of tacit Inquiry (Investigation) of which the author examines is the identification, communication, which will be subject to control. Therefore, the author states that the fact of tacit investigative (detective) action relates not only to the subscriber as of end equipment, eliminating the background person in respect of whom conducted undercover investigative (detective) action.

The author advocates the position that in the absence of legally enforceable and documented legal relationship between consumer mobile services (mobile) communication and provider of services,

interception of telecommunications transport networks is a direct violation of the constitutional rights to privacy and civil telephone conversations.

УДК 341.23

V. Shkabaro

THE INTERNATIONAL JURIDICAL INSTRUMENTS OF TERRITORIAL MANAGEMENT

The international juridical instruments about management of territories, the problems of interaction of international law and national law of a state, aspects of implementation of the international norms in the national law of Ukraine, the role of these norms in the ensuring of state home legal order are studied in this article. The international juridical instruments, that outline the international juridical standards of organization and development of territories and local democracy, are analyzed. An author of this article drew a conclusion, that a big sense in the ensuring of qualitative management of territories have the international juridical instruments (international treaties, conventions, declarations and others international documents), where the international norms, principles, legal and organizing means, juridical conditions and demands about an ensuring and protection of the status of administrative-territorial parts.

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A. Terehova

LEGAL NATURE OF CONTRACTS ON CHANGING THE ORDER OF SUCCESSION AND CHANGE THE SIZE OF HEREDITARY PARTICLES

Contracting innovations in the field of hereditary dictate the need for deepening and broadening the classic shades of civil contracts. Along with the existing, to provide a new, distinct group of contracts, which are subject to inheritance or part. This decision was dictated by the specifics of this object, and relationships within which it exists. Most civil contractual relations of its content is mixed, ie proprietary binding. And this is the essence of manifestation only in combination in the same relationship as binding and material elements as the causes and consequences. However, the specific item analyzed transactions makes them qualified as civil law contracts of some kind.

In addition, significant for the classification of civil contracts is one of three reasons: the allocation of responsibilities between the parties, the existence of consideration, the time of the contract. Using these bases can provide under three parydohovoriv: unilateral or bilateral, compensated and free of charge, real and consensual.

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T. Todoroshko, A. Oryshaka

SOCIAL HOUSING: IN THE LEGISLATION IN UKRAINE

According to Art. 47 of the Constitution everyone has the right to housing. The State creates conditions under which every citizen will be able to build a house, buy it to own or rent. Citizens in need of social protection, housing provided by the state and local governments free or affordable for them in accordance with the law.

To date, one of the questions themselves are relevant – is the realm of the state of the Ukrainian population of affordable housing. To address this question it is necessary to develop a set of laws that would explicitly regulate access to affordable and social housing.

Currently, the Law of Ukraine «**On the Social Housing Fund**». This law defines the legal, organizational and social foundations of public policy to ensure the constitutional rights of vulnerable sections of the population of Ukraine for housing. However, this law does not solve the problem of providing housing for vulnerable people.

Provision of affordable and social housing is an urgent and global challenge that will become a universal response to a number of social problems. And the effective implementation of legislation will depend on the coordinated and coherent work of central and local government.

The state needs to develop and bridge the gaps in the legislation in the sphere of social and affordable housing , with the data to the laws and programs not only give certain concepts , but also

taking into account the economic development of the country would decide the question of the rights of our citizens at home.

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G. Tsyverenko, O. Trykoz

MARRIAGE CONTRACT: MODERN REALITIES OF UKRAINE

The article is devoted to the important problems of the marital contract, the main stages of the development of the legislation concerning the regulation of property relations of a married couple, the procedure of drawing the marital contract, its contents and dynamics. The novelties of the new Family Code of Ukraine with regard to the marital contract, their positive features and defects are analysed, the correlation between the marital contract and civil-law agreements, envisaged by the Civil Code of Ukraine, is defined. Pre-Nuptial agreements are valid and enforceable under Ukrainian legislation. A pre-nuptial agreement is described as a «Marriage Contract» and dealt with in Chapter 10 of the Family Code of Ukraine. The core of any agreement will be a clause to disapply or vary Article 60 of the Family Code, which creates the «common joint property» regime for spouses. There is also no provision for gay marriage/civil partnership in Ukrainian legislation.

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V. Voronko

FEATURES OF THE MECHANISM OF INDIVIDUAL CRIMINAL BEHAVIOR OF PERSONS WHO COMMIT VIOLENT CRIMES AGAINST PERSONS UNDER INFLUENCE OF DRUGS

The main elements of the mechanism of individual criminal behavior should be attributed provided moral formation of personality, motivation, specific life situation, the decision to commit a crime and the process of committing a crime (behavioral act). Accordingly, all these elements should be considered in relation to the phenomenon of violent crime.

Certain number of special criminological research found that the most characteristic features of the killers is increased susceptibility expectations threats from the environment. If anxiety is kept at a constant anxiety and uncertainty, then the person can defend his status, social existence by making selfish and mercenary crimes. A way to calm that person – alcohol, drugs or other substance, or violence against a person acting agent. The combination of the same drugs and violence resulting in violent crime.

Because violent crimes against the person are different from other types of criminal behavior, not only in the criminal assault, but the content of the individual elements of the mechanism of individual behavior of persons who commit them.

УДК 342.9

S. Yesimov

LEGAL GROUNDS FOR THE APPLICATION OF ADMINISTRATIVE PENALTIES

The administrative law reform must be done by optimizing a complex mechanism of administrative penalties, bringing the law into conformity with the provisions of the Constitution and the applicable laws of Ukraine.

The questions regarding the grounds for administrative penalties are raised in the article. The obligatory signs of the administrative misconduct are considered as an act (action or inaction).

The administrative offenses, types of administrative penalties and reasons for their application have been enlightened. That contributes to the correct interpretation of the law and ensuring the adequacy and consistency of their application.

Administrative penalties apply under the Act for violations of legal norms. However, this result is not always available. The application of administrative penalties shall initiate not all but only a certain number of offenses which are in the nature of administrative misconduct and instituted sanction of legal rules or norms that ensure its proper implementation shall include appropriate penalties. Taking into account that the grounds for the application of administrative sanctions contribute to the grounds of administrative responsibilities, administrative penalties cannot be considered as already fully investigated and require further research.