

ABSTRACTS

УДК 347

M. Bezmenko

FEATURES OF APPLICATION OF THE GENERALIZED JUDICIAL PRACTICES WHEN CONSIDERING THE LIMITATION PERIOD IN SOLVING ECONOMIC DISPUTES

The article studies the problems of the economic procedural legislation of Ukraine, namely the features of application of the generalized judicial practices when considering the limitation period in disputes. There is the problem of legal regulation of discrepancies between the generalized judicial practice and the provisions of the law. As an example, analyzed the provisions of the «Regulation of the Plenum of the Supreme economic court of Ukraine dated 29 may 2013». Judicial law-making turns the right to set casual judicial decisions, fuzzy regulations. In the legislative field emerged a number of inconsistencies and disagreements, which hamper the work of the Executive authorities, local self-government and, in fact, violate the rights of ordinary citizens. Thus, the courts have the opportunity to use the provisions of the resolutions of the Plenum of the higher courts as a basis for decision making, even if this is not the same as the norms of the acting legislation. Proposed ways of preventing the differences between the application of the generalized jurisprudence and law.

УДК 347.447

K. Bronnikova

CONCEPT OF ADMINISTRATIVE RESPONSIBILITY: PROBLEMS OF DEFINITION

The article explaining the issue of determining the administrative responsibility, as of today, administrativists do not have a single viewpoint concerning the definition «administrative responsibility», which is a problem not only theoretically, but also legal.

At the present stage of development of Ukraine state significantly increases the role and importance of measures of administrative responsibility to ensure law and order in the area of administrative and legal regulation of social relations existing in the country.

Institute administrative responsibility is one of the most important institutions of administrative law, which is a means of protecting public order and which has all the features of legal liability. Considering sighting Ukrainian law and legal science, we can see that the institution of administrative responsibility remains basically unchanged, ie for which no conceptual change approaches.

History theoretical approaches to the concept of administrative responsibility, its content and scope has a long history and until today remains one of the most controversial issues of Ukrainian administrative and legal science.

The current legislation of Ukraine does not define the concept of administrative responsibility, and therefore the theory of administrative law, there is a multitude of perspectives on this socio-legal phenomenon.

The purpose of this paper is the definition of administrative responsibility and determine the need to approve it in the legislation of Ukraine.

УДК 343.13

A. Chernenko

IS THERE A VERSION IN CRIMINAL PROCEEDINGS FACTUAL BASIS FOR THE INVESTIGATION (INVESTIGATION) ACTION?

The article examines the issue of recognition version, launched the pre-trial investigation of the basis for the investigation (Investigation) action. The author analyzes the provisions of the Criminal Procedure Code of Ukraine in 1960 and the Criminal Procedure Code of Ukraine, devoted to regulating the procedure of investigation (investigation) actions, thus blurring the regulation stated reason

for the investigation (investigation) action. Problems identified in the scientifically – practical commentary to the relevant provisions of the Criminal Procedure Code of Ukraine.

Author emphasizes the more simple to understand practitioners, which are designed to apply the law, regulation reasons for the investigation in the Criminal Procedure Code of Ukraine in 1960.

The author emphasizes that criticizing the rules of the Criminal Procedure Code of Ukraine, it evaluates its only the positive side, and criticism should be evaluated as an attempt to improve certain provisions of this regulation. Particular those directed to determine the reason for the investigation (investigation) action.

Analysis of opinions forensic scientists and scholars protsesualistiv enabled the author to express suggestions for improving standards relating to the institution of investigation (investigation) action in the regulation of the grounds for the investigation (investigation) actions by acknowledging version, launched in criminal proceedings, the reason for investigative (detective) action.

УДК 347.238.8

A. Chymbar'

TRADE WORKS OF ART AND ANTIQUES AUCTIONS

The article analyzes the market for arts and antiques, the circle of problems and the ways to solve them, examined market performance art objects and antiques in our country, the more detail the implementation of public trading in works of art and antiques auctions, exhibitions, fairs, etc., as was considered the history of the auction trade, making appropriate amendments to the current legislation of Ukraine. In Ukraine, the current legislation does not define the concept of a market or the «art market», but makes the «market» as an entity created by designated by a decision of the local executive authority or local authority area and duly registered. In fact, only in the last period of its development takes Ukrainian art market and trade in works of art and antiques, which are now formed into a developed system with a high rate of growth. In Ukraine, the auction sale of artworks and antiques performed galleries, salons, auction houses. The feature of the organization of the auction houses on the territory of Ukraine is the complexity, scope of nearly all areas of collectibles and ancillary services, including attribution, assessment and examination, canting eye, part-time, online auctions, online auctions, in galleries, exhibitions sale and other services for restoration. Requires the development and normalization of certain rules promote artists and their work state, galleries, exhibits, collectors and other stakeholders for their protection and safety for all art and artists – writers of our country, of course, is the property of Ukraine, as well as the corresponding legal framework for their market relationships.

УДК 342.2(477)

A. Glushencko

EFFECT OF GOVERNMENT ON DEVELOPMENT OF CIVIL SOCIETY IN UKRAINE

Civil society is a developed system of social relations, which is based on non-state relations, what can be realized in the institutions of civil society (political parties, public organizations, initiatives, social movements, non-governmental mass media) and exercise a decisive influence on the activities of the government.

Public authorities can help in the development of civil society are able to create favorable conditions for its development, such as simple and clear system of registration of public organizations, charities, favorable tax system, where people and corporations can donate to charity, engaging service organizations in providing social services, consult with the public and to consider the proposal.

The legal environment for civil society development in Ukraine can not be considered favorable. Procedures for registration of civil society creates artificial barriers to civic activities. There are no effective incentives for the institutions of civil society and support from individuals and legal entities. Access to public financial support is only a small percentage of organizations. The institutions of civil society in general not involved in the implementation of measures to meet the challenges of public policy and almost not involved in the provision of social services guaranteed by the government.

УДК 347.176(477)

O. Gorzhiy

ISSUES DEFINING THE LEGAL STATUS OF FOREIGNERS AND STATELESS PERSONS IN UKRAINE

Relevance of this study is primarily a number of legal terms and concepts that are used in the Laws of Ukraine «On International Private Law» and «On the Legal Status of Foreigners and Stateless Persons» and considering possible ways to replace them. Also quite significant problem for today is, in our opinion, the consideration of immigration situation in Ukraine, which appeared before the state. If we consider the problematic aspects of the legal status of foreigners in Ukraine, first of all we can say that the presence of foreign nationals in a foreign country for them is always a difficult and controversial issue both for foreigners and for the authorities of that country. Power by introducing certain rules of law officially declares its attitude towards immigrants, and tries to predict simultaneously identify solutions to specific problems that inevitably arise in connection with the entry and residence of foreigners on its territory.

УДК 347.1(477)

I. Grischenko

METHODS TO PROTECT HONOUR, DIGNITY AND GOODWILL OF AN INDIVIDUAL IN UKRAINE

Article contains review of ways of protection (both general and specific) honor, dignity and goodwill of an individual in view of the established legal norms regulating relations connected with the protection of the non – property rights of the individual. The right to respect for honor, dignity and goodwill of an individual within a legal capacity of the moment of birth. Select the method of protection of non – property rights in particular the right to dignity and honor, the right to inviolability of goodwill belongs to the claimant. A person, whose right has been violated, may select both general and specific methods to protect his rights specified by the law, regulating specific civil legal relations.

General methods of honour, **dignity and goodwill protection comprises the following: termination** in violation of law, restoring the situation that existed before the violation of law, compensation for moral (non-property) damage.

To protect the dignity, honor and goodwill the legislation uses the next to the most commonly used general methods of protection, so-called specific methods of protection. Specific methods of honour, dignity and goodwill protection comprises the following: refutation of false information and related methods of protection, namely, the right to response; the right to request further information dissemination and recognition of spread false information as such; the prohibition to disseminate the information, which violates non-property rights. The most efficient method to protect these violated rights is judicial remedy.

УДК 342.841(477)

E. Iakhiyazade

DOMESTIC VIOLENCE: INTERNATIONAL EXPERIENCE AND CURRENT PROBLEMS IN UKRAINE

In given article the basic conditions, the reasons and factors of occurrence and distribution of violence of children in a family in their basic contexts are de-fined and opened: family, individual and other.

This article is based on the data obtained from a comparative study on the domestic violence in Ukraine.

The article reviews some berries of effective implementation of the law On the prevention of violence in family and offers some solution for the problem of domestic violence.

This article contains the comparative analysis of domestic and foreign legislation concerning the problem of gender violence in family. We have proved that today there are significant discrepancies in world among countries in its approach to solve this problem and it depends on political factors, cultural traditions, moral and law values of the society that has influence on development of national legislation of the countries.

УДК 349.2

T. Ivanova, A. Solodova

CONCEPT AND TYPES OF REST TIME AND LEGAL CONTROL

Science of labour right traditionally under a rest-time is understand time during which a worker is free of implementation of the labour duties and can use it on own discretion.

The legislation sets followings types of rest-time:

1. interruptions during a working day (changing);
2. daily rest (interruption between changing);
3. days off (weekly rest);
4. festive and non-working days;
5. vacations.

The state at legislative level avouches for all workers a right to rest and foreseen different types of rest. A labour legislation is major component part of the system of legislation of Ukraine, it consists of numerous normative acts of different levels as legislative and sublegislative. Originality of method of the legal adjusting of labour relations demonstrate in the wide contractual adjusting of socio-economic relations that arising up during the organization of labour and creation of the proper terms of labour and way of life. Such relations have a great number of features on of a particular branch and regional levels, where agreements operate on socio-economic questions, and also at production level, where collective agreements are accepted. These acts are not only instrumental in realization of basic labour rights and freedoms but also allow to take into account interests of concrete collectives of worker.

In the system of normative acts that regulate labour relations, mainly there is Labour Code. He mortgages bases realization of constitutional positions about rights and freedoms of man in area of labour, sets the guarantees of labour rights in area of working hours and rest-time, labour protection and creation of safe terms of labour, guard of wages, determines the features of the legal adjusting for the separate categories of worker. A labour code of Ukraine was accepted more than forty years ago, and over the years numerous changes and additions were brought into this code.

УДК 342.7(477)

P. Karpova

CONSTITUTIONAL AND LEGAL STATUS CHILD IN UKRAINE

The article is devoted to the basic principles of regulatory and constitutional and legal status of the child in Ukraine, as well as analysis of relevant national laws and regulations. In particular, attention is focused on the definition of the constitutional and legal status of the child and the study of its elements. The necessity of strengthening the constitutional and legal status of the child in Ukraine, comprehensive protection of children's rights. In the vast majority of the Constitution of Ukraine and other normative legal acts defining the status of the child component element of the overall status of the person. On the one hand, it guarantees equal protection of the natural rights of any person, regardless of any characteristics, including age. On the other hand, due to the actions of specific age-related features that characterize the status of the child, this may be regarded as an oversight, legal gap, indicating that the security of low and weak protection of rights and interests of children. Existing legal provisions that define the legal status of the child and the legal status of children, are fixed rather haphazard. There is an urgent need on the part of the legislator in the coordination and harmonization of existing regulations governing the constitutional and legal status of children in Ukraine.

УДК 342.7

A. Kucherenko

THE CONSTITUTIONAL RIGHT OF AN INDIVIDUAL TO ENTREPRENEURSHIP

Art. 42 of the Constitution of Ukraine, everyone is entitled to a business that is not prohibited by law. This right is based on the freedom of establishment, is the real possibility of a person at their own discretion and risk economic activity not prohibited by law to make a profit. The constitutional right to business occupies a prominent place in the rights and freedoms of the individual. Entrepreneurial activity is a common activity in Ukraine and the main filling the budget, and the state should support

the entrepreneurs, while the state provides some noise and insufficient support entrepreneurs. The constitutional right to business can not be realized without full participation in this state, because there is irreversible integration of Ukraine into the world, including the European Community. The Constitution establishes safeguards the rights of entrepreneurs, but in practice there are some difficulties in their implementation.

УДК 347.61(100)

N. Lopata

SOME PROBLEMS AND MODERN CONCEPTION OF MARRIAGE

Rebuilding family, its new economical, political and social status, system is a fundamentally new relationship inside of it which consist decades and continue to change. In the same way the meaning of the words «marriage» and «family» changes. The meaning of marriage in different countries differ from each other.

Civil marriage is a marriage without religious content carried out by a government institution in accordance with marriage laws of the jurisdiction, and recognised as creating the rights and obligations intrinsic to matrimony. Marriages can be performed in a secular civil ceremony or in a religious setting via a wedding ceremony. The article includes research of conception of marriage, main stages of the development of legislation on the regulation of marital relations in Ukraine. Also here is disclosed difference between civil and church marriage and made comparative analysis of legislation other countries with Ukrainian legislation on the regulation of marital relations and procedure for their registration.

УДК 343.82(477)

S. Luchko

RESEARCH METHODOLOGY PENITENTIARY SYSTEM OF UKRAINE

This article is dedicated to the formation of a coherent methodology for the research of the penitentiary system of Ukraine. Feasibility of using such methods as comparative-legal, structural and functional, systematic, formal-legal, logical, statistical, observation, interviews, document analysis, philosophical dialectics, climbing from simple to complex and from the abstract to the concrete is proved.

Article is devoted to the formation of an integrated research methodology of the penitentiary system in Ukraine. The expediency of the use of methods such as: a comparative legal, structural and functional, systematic, formal-legal, logical, statistical, observation, interviewing, document analysis, philosophical dialectics, climbing from simple to complex and from the abstract to the concrete.

Definition of the penitentiary system in Ukraine, as well as constructive consideration of tasks such as: conducting historical and legal analysis of the penitentiary system in Ukraine, the study of foreign experience functioning of the penal system, the definition of the structure of the prison system of Ukraine; analysis of the functioning of the legal system of Ukraine prison; reasoning tasks and functions the penitentiary system of Ukraine, development of Concept of Operations of the penitentiary system in Ukraine; improvement of the penitentiary system in Ukraine, as well as the resolution of other problems in the functioning of the penitentiary system in Ukraine requires the formation of a coherent methodology of its research.

The proposed methodology of the study in the article concerns the penitentiary system in Ukraine, including the system of scientific and special scientific methods with a specifically defined procedure of their application produces original and reliable results-oriented and future developments aimed at improving the theory and practice of the penitentiary system in Ukraine and the corresponding sectoral legislation.

УДК 347.633(477)

M. Mikuliak

GENERAL PROVISION ON ADOPTION IN UKRAINE AND ABROAD

The article is devoted to international and Ukrainian adoptions disclosing basic concept of «adoption». Also conditions describe Ukrainians can adopt Ukrainian children and foreigners may

adopt Ukrainian children based on the Family Code of Ukraine and the Convention on the Rights of the Child. Preservation of the confidentiality of adoption – one of the most important aims of preservation of the family where a child was adopted. According to the Convention on the Rights of the Child: The child has the right to the extent possible, to know his/her parents, but unfortunately today there are no clear conditions of the guarantee rights to the secrecy of adoption. Violation of legislation in the field of adoption sometimes can lead to irreversible consequences. That is why, not only Ukrainian legislation, but also abroad legislation should be improved in this area.

УДК 347.91:336.77

D. Mironenko

LEGAL ASPECTS OF CONSUMER LENDING IN UKRAINE AND EUROPE: CURRENT STATUS AND FUTURE DEVELOPMENT

Intensive development of the state's economy requires a large amount of money. From any years in most developed countries crediting is an important part of their economy. Progress on consumer credit market had a positive effect on the economic situation in Member States. In most cases, loan agreements were performed without complications. But credit expansion has led to them emerged debts. In view of the importance of legal problems in credit in we must improve legislation. Current legislation of Ukraine which regulates consumer lending, requires sign if it can improve. While in law of foreign countries the regulation of credit is very important.

УДК 340.1(091)

S. Nesynova, M. Khachikian

HISTORY AND CURRENT STATUS OF SOCIAL FUNCTION OF LAW IN THE LEGAL SYSTEM IN CONDITIONS OF GLOBALIZATION

There are many scientific ideas, concepts, trends and opinions in the world about what is law. But recently the problems of dynamic process of learning phenomenon, which is called the law came to the forefront of legal science in Ukraine and other post-Soviet countries. Therefore, the issues related to thinking, the essence and value of law, its functions and role in society are important and required of deep theoretical understanding, and above all, a practical consideration in the implementation of law and legal regulation of social relations. Without a thorough knowledge of the features of law as a social regulator, as a phenomenon that has its own value, it is impossible to form effective mechanisms to implement the provisions of the regulations and provide the actual functioning of the principle of «rule of law».

The article examines the development and current state of the social purpose of law under globalization, the development of ideas about the law and the state and their place in the life of civil society.

УДК 341:504

J. Paleeva

ENSURING ENVIRONMENTAL SAFETY AS ONE OF THE MAIN AREAS OF COOPERATION IN THE INTERNATIONAL ARENA

The article is devoted to the problem of environmental pollution and its solution in the context of the international arena. A number of treaties and conventions that have been taken to address the problem contributes to development of a common policy in all states.

Lists the conventions that currently operate in the field of environmental protection, the specialized agencies of the United Nations that address issues in specific areas. Examples of such organizations: the World Meteorological Organization (WMO), the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the International Atomic Energy Agency (IAEA), the International Fund for Agricultural Development (IFAD), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization for the Prohibition of Chemical weapons (OPCW), the Office for Outer Space Affairs.

Section gives an example of the Constitution of the Swiss Confederation, which guarantees its citizens a safe environment. The article identifies the principles for the protection of the environment

in which the European Union operates: the principle of a high level of protection of the environment, the precautionary principle, the principle of preventive action, the principle of eliminating sources of damage.

УДК 342.56(477)

S. Posohova

INTERNATIONAL AND NATIONAL REQUIREMENTS FOR BUILDING JUDICIAL SYSTEM IN UKRAINE

The article describes the existing requirements in the world for building judicial systems in democratic, legal and in developed countries. For this we analyzed legal acts, norms and principles of international law which contain positions about the organization and activity of the judicial power and judicial system for effective of justice. In addition, obvious is the necessity of application and observance of the international standards by Ukraine at construction of the judicial system. We analyzed the influence of international standards of justice on the formation of the national principles for building judicial system. It was pointed out that the basic principles of the judicial system in Ukraine fixed in the Constitution and in the laws. In addition, was revealed the essence of the basic principles of the judicial system of Ukraine, such as unity, territoriality, specialization, authority, principle of gradualness. Also in the article have been proposed the way of improve these principles to enhance the effectiveness of the judicial system.

УДК 342.4(477)

N. Presich

IMPLEMENTATION OF PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS AS A DIRECTION TO EFFECTIVELY PROTECT HUMAN RIGHTS IN UKRAINE

Article focuses on the implementation of the decisions and the practice of the European Court of Human Rights and analysis of the impact of the effective implementation of regulations on the formation of a unified European human rights law. An attempt is made to determine the features of the implementation decisions and practice of the European Court of Human Rights in Ukraine. The most relevant contribution of ECHR is the inclusion into it of a provision which previewed a special possibility for the High Contracting Party to issue consent to the European Court of Human Rights (ECHR) for monitoring cases where the initiator of the trial is an individual or legal entity, not a state.

The Law of Ukraine «On the enforcement and the application of the case-law of the European Court of Human Rights» came into force in February 2006 and regulates relations arising from the duty of the state to implement the decisions of the ECHR on cases in respect of Ukraine. This article notes that Ukraine is among the top five countries against the highest number of complaints is filed by legal entities and natural persons to the European Court on the grounds of the violation of human rights. The main purpose of this contribution is the following: to determine the main problems of the implementation of the ECHR practice in Ukraine. The problem is that, despite the introduction in the law enforcement procedures of the law of the ECHR judgments, «On the enforcement and the application of the case-law of the European Court of Human Rights», Ukraine has not taken any real steps to improve legislation with regard to the ECHR due to a number of objective and subjective reasons.

The tasks of the article are the following: to define a place of legislative and judicial bodies in the process of implementation ECHR's practice; to detect the ways of correction of the defects of the national legislation and improving the practice of Ukrainian courts at all levels.

The right of individual complaint, an extraordinary need for the European Court of Human Rights and the volume of work led to his enormous overload, and today no one doubts that the future European system of protection of the rights laid down in the system itself, in its elements. In particular that the European control is based on the principles of subsidiary for national legal systems, also in the: the ability of national systems to interact with the European Court, willingness to accept the precedents of this Court; willingness to perform basic and effective filter for it.

УДК 347.61

O. Pushkina, S. Lozits'ka

FOSTER FAMILY: THE AMERIKAN EXPERIENCE

The article presents a review of the data on the organization and functioning of the reception (a foster) families living arrangement as an effective means of orphans and children left without parental care in the United States. The features of the programs for these children on the basis of United States law.

It is not only children who have been orphaned due to premature death or the death of parents, but also children from disadvantaged families, where young people were forced to pick up the staff of social services. Significant numbers also make minor whose parents were in prison or in forced treatment in psychiatric hospitals, children of alcoholics and drug addicts. Age range – from infants to 18-year-old high school graduates. The general setting is that the child is in « foster » family live long, that is, as much as you to make the permanent home. Options may be returning to the parents if the situation was resolved in the family, staying with relatives who have expressed a desire to take the child to education, adoption. In fact, a child can live in position adoptee and month and year, or even longer, only to end up in another family.

Currently foster (reception) family is one of the leading ways to care for orphans and children left without parental care in the United States. The main reasons for the child's placement in foster care are: to ensure its security, threat to life and health due to extraordinary circumstances (for example, the fact of abuse); difficult life situation of parents (job loss, lack of permanent income, loss of residence and much more).

УДК 343.343.3

M. Sambor

HOOLIGANISM AS THE COMPOSITION OF AN ACT PROVIDING FOR LEGAL LIABILITY REFORM IN SUBSTANTIVE AND PROCEDURAL LAW OF UKRAINE ON ADMINISTRATIVE AND CRIMINAL LIABILITY

The article examines the reasons for the application of criminal liability and administrative liability for hooliganism. We study the doctrinal views on the basis of legal liability for bullying.

Argued that the distinction between administrative and misdemeanor punishable act that serve basis for the application of legal liability for hooliganism so vague that it is almost impossible to install (except when accompanied by bullying other illegal acts, such as bodily injury, etc.). In most cases, says the author of the survey of offenses legislator refers to the moral certainty of the authorized official who has the right to make administrative violations or open criminal proceedings. In the author's view is incorrect, creates subjectivity in the approach to training, eliminating legal practice uniqueness. The author states that in such circumstances there is one reason and the two types of legal liability. At the same time that the responsibility to apply, solves one person (the officer be authorized by administrative records, or a person empowered to open criminal proceedings wool, and it's not even the court).

Given the above, the author proposes to exclude from the legal practice of evidence establishing different types of legal liability for the same reason. Proposed for adoption the Law of Ukraine on criminal offenses into account these factors and to include its content standards that determinations of responsibility for the conduct, together with the following composition excluded from the list of administrative offenses. Or, alternatively, details of rules that establish prohibitions Law of the offenses for which legal liability is established, and then the person shall be subject to state coercion. This approach ensures an unambiguous approach to the application of the types of legal liability, eliminate possible abuses by officials in making decisions about the use of any sort of legal responsibility.

The analysis proposes to establish a kind of legal liability for bullying or refine the objective side of the act that will serve as the basis for the division of legal liability for hooliganism.

УДК 340.1

V. Shkabaro, S. Rybina

SOME ASPECTS OF CONFLICT PROBLEMS OF LAWS IN UKRAINE

The article is devoted to the theoretical study of collisions in the legislation, their types and the process of conflict prevention, resolve conflicts. The ways of prevention and their overcoming

have been analyzed. The view point regarding the ways of resolving the law-making of legislation are formulation. Legal conflicts and conflict in the legislation are different concepts. Legal conflicts enveloping him all the contradictions which arise in the legal system of society in particular the legal concepts, theories and opinions, legal awareness and legal culture, the right of establishment and the implementation of the law, legal behavior, law and order, of legal thinking. A conflict of law is only part of the legal conflicts and limited system of law.

The article states that warning, mitigation and elimination of all types of collisions opens the way to more effective legislation and increase its importance in the reform of the Ukrainian society, the more reliable the rights and freedoms of man and citizen. It is concluded that a prerequisite to avoid collisions in the legislation is a clear definition of the terms validity of legal acts in time, in space and in terms of people and proper organization of their execution (implementation).

The authors point out that today's most pressing problem is the large number of collisions in the tax law which results in a significant deterioration in the efficiency of taxation and tax policy in Ukraine, nullifying the incentive role of taxes, reduction of the state budget, raising the level of corruption.

Presents the characteristics of ways to overcome conflicts by applying hierarchical, temporal or substantive principles.

The main idea that overcoming conflicts in legislation associated with the statutory obligation to avoid conflicts of legislators in drafting laws. Proposed the creation of a special analysis of the advisory council bills for compatibility with existing national legislation and international law. Substantiates the view that the key to stable laws are no conflicts in the legal system.

УДК 342.7

G. Sobchuk

THE KEY MOMENT OF THE CAMERAL INSPECTIONS

This article is devoted to the theoretical study of peculiarities of cameral inspections. Defined range of subjects that can be part of such tests. Considered the regulatory framework for such specificity of action of the tax authorities. Desk audit conducted by controlling tax authorities within their powers only in cases and in the manner prescribed by the Tax Code of Ukraine. Desk considered a test, which is conducted in the premises of the controlling authority solely on the basis of the data referred to in tax declarations (calculations) of the payer.

The article deals with current issues, namely the development of providing taxpayer documents for electronic test and software that will make it possible to carry out such checks by using the new service «Electronic Desk audit» that will make it possible to automate processes cameral inspection tax reporting taxpayers.

The author point out that desk checking feature two notable features. First, for this type of inspection is not set periodicity of. The legislation specified only that desk checking should be implemented after filing. Second, check the tax returns directly owned by the tax authorities and the taxpayer does not have to be present at the same time.

Presents the characteristics of the main stages and timing of cameral check the Tax Authorities are established features of checks and defined list of tax in respect of which such checks are carried out.

УДК 347.9:177.72

I. Timoshenko

CHARITY AND PHILANTHROPY IN MODERN UKRAINE

The modern revival of charity is the appropriate social response to the socio – economic situation, which is characterized not only significant plight of large numbers of people, but also the weakening potential. In Ukrainian society intensified the need to find a way out of the socio – economic crisis, easing social tensions not only public, but also non-governmental institutions (charitable organizations, in particular), the crucial task of social care. Exit the current crisis is seen in the development of models of charity, best fit the specifics and traditions of Ukrainian culture and history. Currently, there is a transition to a much polarity in the implementation of national social policy. Charities in conjunction with the state taking over the functions of the policy in the social sphere. Especially

important theoretical and practical importance is the study of partnership between social actors – government, business and non-profit organizations, including charities

УДК 347.9

T. Todoroshko

FEATURES A PRELIMINARY HEARING IN A CIVIL PROCEEDING

According to Art. 1 of the Civil Procedure Code, the main task of civil justice is fair, impartial and timely consideration and resolution of civil cases in order to protect the violated, unrecognized or disputed rights, freedoms and interests of individuals and the rights and interests of legal persons, the interests of the state.

It is not always possible to implement a basic problem in civil proceedings, often in the process there are certain shortcomings in the preparation of the case for consideration, not enough attention is paid to commit all necessary proceedings, delayed the process, which ultimately may lead to the imposition of inappropriate and unjustified decision of the case.

A preliminary hearing is held to determine the possibility of settlement of the dispute before the trial or to ensure correct and prompt resolution of the case. In order to resolve the dispute before the trial courts must ascertain: whether the plaintiff does not waive the claim, the defendant admits the claim, if the parties do not wish to enter into a settlement agreement or to refer the case to arbitration.

These proceedings may be made only in adversary proceedings and held no formal, courts should adopt effective measures to reconcile the parties and the settlement of the dispute before trial, while maintaining objectivity and impartiality.

Such an institution as a preliminary hearing must necessarily be realized in a civil proceeding. After all, only properly prepared the case for trial and execution of all necessary remedial action will not result in delaying the process, but rather to the timely review and resolution of cases.

УДК 342:004

A. Tsybulska

RIGHT OF ACCESS TO INFORMATION IN UKRAINE: CONSTITUTIONAL AND LEGAL ASPECTS

Recognition and consolidation of constitutional law the fundamental rights and freedoms of man and citizen, endowed with juridical rule, their scope, content, implementation of safeguards under current conditions is one of the urgent, priority and major problems, effective solution which becomes clear indication of the development of any society and its institutions, the state and its political system, the degree of democratization.

This paper deals with the concept of « right to information » and examines the constitutional and legal aspects of access to information of public authorities and local governments.

Right to information (ie, the right to « collect, store, use and disseminate information »), some of the teachings attributed to political rights, but the right to express themselves and that includes the right to information, obviously, is not only the political rights of citizens, but also natural individual rights, such as the right to life is inherent in man from birth, not only in the context of participation in political life. The right to information can also be attributed to cultural rights in the context of freedom of literary, artistic, scientific and technical creativity. These questions are revealed in this article.

This paper addresses the issue of providing the public free access to the meetings of legislative, executive and other elected public authorities and local governments, and practical recommendations to address this problem.

УДК 347.78

Y. Yakymenko

OBJECTS OF COPYRIGHT IN THE FIELD OF MEDIA

This article is devoted to objects of copyright in the field of media and analysis of relevant national laws. In particular, attention is focused on determining the types of copyrighted works, subject

to legal protection by the current legislation of Ukraine. Inside the device science copyright has certain disadvantages. Ukraine's legislation does not contain an exhaustive list of objects which provided the legal regime of copyright protection. Copyright applies to works that are the result of creative work completed and in progress, published and not published, regardless of genre, volume, destination and purpose. Media professionals are often faced with such kinds of objects of copyright: written works (books, pamphlets, articles, etc.), audiovisual works, the original names and parts of works, design elements printed publication and design works, photographic works, including performed by methods similar to photography and works of figurative art.

УДК 346.1(477)

D. Zhila, L. Makarova

FICTITIOUS JOINT-STOCK COMPANY IN UKRAINE

Our article highlights the theme of fictitious stock companies in Ukraine, namely raising the issue as to the existence of fictitious companies and their activities in Ukraine are signs. The question of the use of fictitious companies and recognize them as possible. Providing legal description of the issue in Ukraine. Objectively evaluate the quality of the fight of the National Commission on Securities and Stock Market of fictitious corporations because of the high degree of shadow economy. There has criminal connection organizers fictitious companies with employees of notaries, law firms, government and banking institutions. It is proposed to strengthen control over the registration of enterprises, empower the tax authorities to cancel the registration of such businesses. Introduction tough legal and financial penalties for employees of notaries and financial institutions will improve the fight against fictitious business in Ukraine. Infact, only the regulator may struggle with the consequences of the fictitious nature of the securities market rather than their causes. Fictitious business should be recognized at the stage of «stagnation» while the economy of the company ghosts do not have time to cut cash flow conscientious company. In this regard, we talk about the prospects of overcoming the phenomenon of corporations with fictitious or elevation to a minimum, by only the National Commission on Securities and Stock Market, even in collaboration with the Ministry of income, however.

Above all, the main focus in the fight against bogus stock companies shall be done on identifying and eliminating the causes and conditions that give rise to the emergence of such entities in Ukraine, which seeks to integrate the internal market the European Union.