ABSTRACTS

УДК 341:342.71

J. Paleeva

INSTITUTE OF DUAL CITIZENSHIP: PROBLEM INTERNATIONALLY OR LEGAL INSTITUTE

Of the late XX century, connected with the development of active citizenship Institute. In international law, composed some standardized approaches. Recent decades have witnessed the emergence of mankind a new type of citizenship - citizenship of the European Union. Significantly increased the number of persons with the nationality of two or more states, and probably will continue this growth. It is believed that dual citizenship should be avoided in order not to cause loss of unity, cohesion and power of the state. Of course, for reasons of national security and foreign policy.

In the scientific and legal literature have been providing two types of citizenship - a state legal and international law, and of scholars devoted to the rules of dual citizenship have been providing an independent institution of - of dual citizenship.

In Ukraine attitude towards dual citizenship ambiguous. Among the arguments presented in favor of the introduction of dual citizenship, the most common were: dual citizenship will provide an opportunity to unite Ukrainian world will provide greater impact in countries Ukraine second citizenship and success of the European integration process, a positive impact on inflows to Ukraine workforce. Opponents of legalization of dual citizenship rightly point out that in the context of Ukrainian dual citizenship will primarily negative consequences. This is due to the peculiarities of developing countries that are in the establishment.

УДК 341:323.15

K. Mishenko

PROBLEMS OF INTERPRETATION OF TERM «NATIONAL MINORITIES» ARE AFTER AN INTERNATIONAL LAW

Actuality of this research is above all things all things row of legal terms and concepts which are used in international documents. By important subsoil of settlement of noted gvestions, sure there is activity of Advice of Evrope in the decision of problems term of national minorities for strengthening of democraty, justice, stability and world, in it important development international cooperation industries. The term minority group often occurs alongside a discourse of civil rights and collective rights which gained prominence in the 20th century. Members of minority groups are prone to different treatment in the countries and societies in which they live. This discrimination may be directly based on an individuals perceived membership of a minority group, without consideration of that individuals personal achievement. It may also occur indirectly, due to social structures that are not egvually accessible to all. Activists campaigning on a range of issues may use the language of minority rights, consumer rights and animal rights. A minority group is a sociological category within a demographic. Rather than a relational social group, as the term would indicate, the term refers to a category that is differentiated and defined by the social majority, that is, those who hold the majority of positions of social power in a society.

УДК 341.1

M. Slovikovskaya

ACCORDING TO SOME ASPECTS OF EUROPEAN INTEGRATION OF UKRAINE: NOWADAYS

This article discusses the basic principles of adaptation of Ukraine to the European Union. According to the strategy of European integration of our country, the adaptation of Ukraine's legislation to the EU is approaching the national legislation of the contemporary European legal system. March 21, 2014 Ukraine signed the political part of the Association with a view to joining the EU , and June 27, 2014 economic. So agreement is signed in full. European Union Association Agreement should replacethe Partnership and Cooperation Agreement between Ukraine and the EU. Association Agreement lets you move from partnership and cooperation to political association and economic integration. Analysis the process of approximation of Ukrainian legislation to EU legal system provides possible to identify the problems that need urgent solutions, and suggest approaches to improve the efficiency of this process.

УДК 341.12 *N. Shevchenko*

PRINCIPLES OF EUROPEAN UNION LAW INTERACTION WITH NATIONAL LAW OF MEMBER STATES

It is worth mentioning that the current article highlights only main four principles of interaction, such as: integration, direct effect of EU law, supremacy of EU law with regard to national law of member states and jurisdictional protection of EU legal norms by EU and member states judicial bodies. The analysis of the mentioned principles allows making a conclusion that EU law has formed the unique and inherently specific mechanism of norms implementation into the national law of member states. The said mechanism is believed to be more effective and considerably differs from the conventional mechanisms of ratification and implementation of legal norms in other countries. It should be noted that uniqueness of the mentioned principles, the process of their interaction and their effect on the national law of EU member states were determined by extraordinary status, legal nature and modern mechanism of integration inherent in EU at present phase of its functioning.

УДК 341.43 *N. Shestakova*

THE MAIN ASPECTS OF THE DEFINITION OF "REFUGEE" IN THE INTERNATIONAL LAW

The article examines international norms and principals, which are relating to refugee definition. The examined issues include refugee definitions in the regulations of the United Nations and United Nations High Commissioner for Refugees (the UNCHR). The main emphasis is on the refuge definition set forth in the United Nations Convention relating to the Status of Refugees, signed in 28 July 1951, the treaty that defines who is are refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. According to article 1 of the Convention as amended by the 1967 Protocol provides the definition of a refugee: «A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it».

Also in this article considered exclusion criteria of refugees. All criteria and conditions of the definition of refugees are divided into three groups: inclusion criteria, exclusion criteria, and termination criteria.

It should be noted that despite the existence of a large number of international legal instruments, there are many approaches to the interpretation of the refugee.

УДК 342.8(477) *T. Zavorothenko*

SOME ISSUES OF ELECTORAL RIGHTS OF CITIZENS IN THE ELECTIONS IN UKRAINE

The article draws attention to the fact that the electoral law in Ukraine is a layered set of legal norms that regulate the content, the protection and the process of implementation of rights of citizens of Ukraine to elect and be elected to bodies of state power and bodies of local self-government. The author emphasizes that the laws of Ukraine regulating the conduct of elections to bodies of state power, as well as establish the basic guarantees of electoral rights of citizens during election sint hestateandlocalauthorities in Ukraine. Considerable attention is paid to the idea about the establishment of the Provisional rules of appointment and conduct of municipal elections in the regions of Ukraine.

УДК 342.7 *S. Nesynova, Y. Knyazeva*

NEW GENERATION OF HUMAN RIGHTS: MODERN CLASSIFICATION ISSUES

This article analyzes scientific works concerning the systematization of human rights in the theory of three generations of human rights. The authors in this article investigate the state of development of scientific views regarding the establishment of a fourth-generation of human rights. The problem of fourth-generation of human rights is new, that is why this problem remains not enough investigated by scientists and thought of scientists about it are controversial. A common position of scientists is that the fourth generation of human rights is a group of biological rights, but there are other opinions, including the opinion that fourth-generation rights is rights of humanity: the right for peace, nuclear safety, space,

environmental rights, information rights, etc.

This article allowed to stand the idea that nowadays because of development of the Internet-life we can solve fairly wide range of human needs. Also our legislation constantly improves legal acts which already exist or creates new ones that fix these rights and establish the legal regulation of their realization and protection. Therefore we propose to recognize "virtual rights" like the fourth generation of human rights. This rights are caused by technological progress and emerged in connection with the development of science and implementation of this science development in life. This generation of human rights is a logical step in the society development,

Also the article gives the characteristics of each of the biological human rights, determines general features of these rights, and proposes to fix only some of them in our legislation.

The authors emphasize that first of all, before the talks about the new human rights, is necessary to fully explore and predict - how will be reflected opportunities of people, should we call this opportunities - "human rights" or we shouldn't, does it necessary to recognize them by a State as the most important values and, at the end, how all this will affect to the continued existence and development society and humanity in general.

УДК 342.8

V. Pankevych

COUNTERACTION OF THE SPREADING OF THE UNRELIABLE INFORMATION OR SLANDER WHICH IS DESIGNEDLY GIVEN BY THE SUBJECTS OF THE ELECTORAL PROCESS

According to article 32 of the Constitution of Ukraine everyone is guaranteed by judicial protection right for disproof false information about themselves and their family members and right for require the deletion of any information and also right to recovery property and psychic damage, that was caused by collection, storage, use and dissemination of such false information.

The legal framework of Ukraine is contains sufficient ways and means to protect the honor and dignity of illegal violations. But a fast and effective protection of honor and dignity of the subjects of the electoral process is quite difficult and sometimes it's impossible completely. Establishment of sentence by court about violation of election law as spreading of the unreliable information or slander by the subjects of the electoral process, including theirs humiliation of honor and dignity, doesn't guarantee full restore violated rights.

In order to improve the current legislation to ensure effective and timely protection of the rights of the subjects of the electoral process we give propose to amend by the Code of Administrative Proceedings of Ukraine, in particular: point 6) part 2 article 17 «The jurisdiction of administrative courts to resolve administrative cases» to present the following «legal proceedings of the electoral process or process of referendum, including establishing the fact of the spreading of the unreliable, slander information by the subjects of the electoral process».

УДК 343.163:342.7

A. Chernenko, A. Mikhailov

SPECIFIC ISSUES WITH THE PRINCIPLE OF TRANSPARENCY IN PROSECUTORIAL ACTIVITY

This article explores the concept of the principle of transparency in the activities of the Prosecutor's Office of Ukraine and its history. A content analysis of the principle of transparency in the activities of the Prosecutor's Office of Ukraine to the laws of Ukraine "On Prosecutor's Office" in the editorial of November 5, 1991 and on October 14, 2014, and in the literature. On the basis of the order of the Prosecutor General of Ukraine № 52 dated May 6, 2011 "The list of information that is proprietary information and documents contained in the prosecution of Ukraine" clarified limiting the principle of transparency in the activities of the Prosecutor's Office of Ukraine. It is concluded that the task of the principle of transparency in the activities of the Prosecutor's Office of Ukraine.

УДК 342.2

V. Shkabaro, V. Yashenko

TERRITORY AS A KEY FEATURE OF THE STATE AND ITS CHARACTERISTICS

This article is devoted to the theoretical study area definition in the legislation. Reported relating to jurisdiction and the real (actual) in Ukraine. It is concluded that the prerequisites of a state is its territory through which extends government. The area provides an opportunity to own in its territory the fullness of power, and to object to any interference in the affairs of "their" society from foreign countries. Availability territories enable people to realize their rights and fulfill obligations.

The example shows Ukraine divisions state, that territorial division. Also, the main law of Ukraine stipulates that land, minerals, air, water and other natural resources within the territory of Ukraine, the natural resources of its continental shelf, the exclusive (maritime) economic zone, are the property of the Ukrainian nation (Article 13 of the Constitution of Ukraine). Thus we can see that the state with the help of area sells right to possession, use and disposal by both the territory and all its natural resources.

Thus emphasizing the importance of the area for the state of existence, it can be said that a clear definition of the territory of the legislation is the key to the stable functioning of the state apparatus.

УДК 342.72/.73

I. Grischenko

HISTORICAL AND LEGAL ASPECT OF DEVELOPMENT OF THE LEGISLATION ON PROTECTION OF HONOUR, DIGNITY AND GOODWILL

In whatever hypostasis were no dignity and honour, they are historical categories, indicating that such an important quality of their legal status as the possibility of change at a particular stage of society in relation to subjective rights and duties of their speakers. Not by chance, some scientists have their research on the subject carried out in a purely historical retrospective. Furthermore, the nature of many works can be traced variability of the legal status of honour and dignity based on a particular historical painting. You do not need to be based on long period of time, just the last decade, rich in various events.

However the question of the empirical grounds of honor and dignity, particularly with regard to their historical roots, is essential not only theoretical but also practical importance, since it allows to detect the general trend of development, mechanisms of transition from one value system to another, specific forms of interaction.

The dignity and honour of the man behind the ancient Roman law were objects and civil - legal and criminal - legal protection that is already their legal status had social meaning.

Honour played a major role in the formation of identity in Ukraine. It had the status of an important object of legal protection of Kievan Rus, and therefore its researchers rightly point out, for the prince of this period was equal honour, and sometimes treated above such benefits as life and health.

After analyzing the current in the second half of the nineteenth century, the law and the state of scientific opinion on the honour and dignity, we can conclude that the legal status of these values is not uniform due to the fact that they were not only objects of criminal - legal protection but subject to protection through advanced enough civil - legal mechanism. Consequently, their legal nature has determined the scope of cross-sectoral institute of protection of honour and dignity.

Such concepts as goodwill for a long time was not considered at all, and was a part of the honour or dignity. Even in more modern legislation and literature, the concept of goodwill not lift itself up as a category that requires a clear legal separation and definition.

УДК 342.1

V. Kozachenko

HISTORICAL FORMATION OF THE INSTITUTE OS STATE

The state appeared on the historical stage 5-6 thousand years ago and since then constantly evolving. The formation of the state took place in several stages and was accompanied by the driving forces. Since the emergence of the state - political institutions of society - there are special links and relations between it and society. And these connections and relationships are constantly changing.

Institute of State - a relatively isolated part of the state structure, which enjoys a certain autonomy. There are many types of institutions states that differ in the degree of difficulty, by priority position, on the principle of “separation of powers”.

State institutions vary in the course of historical development. Some institutions are disappearing (Institute of absolute monarchy), others appear (citizen participation in government).

The history of the institution of the state of the world is already considered by many scholars as a historical and legal perspective. At present, the study of state institutions is their deep consideration, and directed at finding the perfect type of state which must be linked to the community for the development of advanced countries.

УДК 342.8 *O. Stepanenko*

UKRAINE ELECTION SYSTEM: PROBLEMS OF LEGAL REGULATION.

Since independence, Ukraine legal regulation of social relations to ensure the exercise by citizens of Ukraine of the electoral rights during elections and referendums has undergone significant changes. First and foremost is primarily due to the constant changes in the electoral system for the election of people's deputies of Ukraine, lawmakers attempt to solve the problems of protection and restoration of violated voting rights of the election process and the automation of certain stages of the electoral process by using new technologies, which in turn requires consolidation of the relevant rules. Unfortunately, these changes do not always improve the condition of legal provision to exercise their electoral rights of citizens of Ukraine. There is no doubt still gaps in the regulation of the counting of votes, the final determination of voting results and so on. So undoubtedly it can be argued that this issue remains relevant and today.

Currently, there is a risk of foreign pressure on the election process and the election results. First, Ukraine has not produced effective response from the government financing political parties from abroad. Second, the lack of effective means of screening the coming to power of political forces whose activities are controlled from abroad, and is aimed at undermining the independence, sovereignty and territorial integrity. On the contrary, some political forces able to achieve an important political results, blackmailing power split, separatism and more

УДК 341.222 *A. Filipenko*

CONSTITUTIONAL AND LEGAL ASPECTS OF STATE BORDER UKRAINE

The article covers the main constitutional and legal aspects and principles such thing as a frontier. The question of the delimitation and demarcation of the border.The features of the state border of Ukraine.

The author notes that often the main cause of interstate conflict continued throughout history has been and remains the problem of determining state borders and territory. The area is mandatory and integral feature of the state, and the state border can be considered constant and absolute attribute of statehood.

Legal science has many research questions state's territory and its borders. According to the author, very good state border issues highlighted in public international law.

The article focuses on what should be distinguished national borders that divide and separate the territory of neighboring sovereign states, and the administrative-territorial or administrative boundaries, by means of which separation of the individual parts of one country, administrative units, and the federation that.

The author believes that the current problem in Ukraine is not properly fixed and determined national borders, confirming its right to this territory.

УДК 342.5 *V. Shapoval*

LEGAL ANALYSIS OF THE LAW OF UKRAINE "ABOUT CLEANING POWER"

Lustration is to limit the rights of certain specified categories of persons to occupy certain positions in the civil service of the public, including limiting the right to be elected to a position.

Lustration in Ukraine is carried out to remove threats violation of fundamental rights and freedoms of man and citizen, the return of public confidence in public authorities and ensuring proper performance of their functions, in accordance with applicable law.

Verification shall be a person who already hold positions in state government at any level, and those applying for appointment to such posts.

Lustration is a necessary measure to protect democracy Ukraine, especially in the present conditions of the country. It need not in any way questioned.

УДК 347.961 *T. Sherbina*

FORMATION AND DEVELOPMENT HISTORY OF NOTARY INSTITUTE IN UKRAINE

In our days the notary has achieved great progress, but the history of notaries can be traced back to ancient times. The notary has emerged as the Institute of civil law in Ancient Rome. The founders of the modern notary was not in the public service, they were engaged in drafting legal acts and court documents, received a reward for doing so. In Ukraine, the history of notaries put back to Russia, an example of such

a document “Charter of Prince I. Rostislavovich” 1134, and other letters to the princes. Oral transactions did not meet the needs of the time, due to the low level of development. So legal services has led to the emergence of the first notarial functions. In the Russian Empire was introduced many Provisions and Decrees, which were not long in nature. After the proclamation of independence of Ukraine in the country has reached a new stage of development of the Institute of notaries. Modern Institute of notaries, its Regulations and Laws related to the organization of notaries, they provide for the establishment of a private notary, a person’s access to a notary, as well as education state notarial archives.

УДК 341.1(477)

E. Pushkina, J. Kriklivets

COMPARATIVE DESCRIPTION OF COMPENSATION OF MORAL HARM IN UKRAINE AND OTHER COUNTRIES

The institute of moral harm is one of the most important among obligations of compensation of moral harm, so far as the problem of it indemnity concerns protection of human rights and legal persons. The law of foreign countries accepts the moral harm and the opportunity of it compensation. Some of foreign countries have a great experience of applying this legal institute.

The main problem of compensation of moral harm is a definition of the size of moral harm. The size of compensation of moral harm has to be the same as caused harm. That is why there is a necessity to establish a real amount of damage. It depends on the peculiarities of the deal, because of it there are many difficulties in definition of the size of moral harm.

Analyzing the practice of compensation of moral harm in Ukraine and foreign countries we can definitely tell that there are cardinal differences in the sizes of compensations.

To conclude, the institute of moral harm has appeared recently in Ukraine. Therefore, it is necessary to make comprehensive theoretical research.

УДК 347.23

A. Novosad

THE WAYS TO PROTECT PROPERTY RIGHTS OF CITIZENS

The importance of scientific development on the protection of rights of citizens confirmed Ukraine’s European integration as an important task in this regard is to ensure the development of national legislation with the EU legislation and the creation of high-level training in Ukraine draft laws and other legal acts.

Basic principles of property rights provided by the Constitution of Ukraine, in particular, Art. 41 found that everyone has the right to possess, use and dispose of their property; no one shall be unlawfully deprived. Important guarantee of ownership rights is the norm of this article on the inviolability of private property rights, the possibility of expropriation of private property only as an exception for reasons of social necessity, on the grounds and in the manner prescribed by law, and subject to prior and full recovery of their value. The effective property rights protection is that the expropriation of such objects with subsequent complete compensation of their value is permitted only under conditions of martial law or state of emergency. Ownership has been and remains a key factor in social and economic development of society, and thus his constitutional, statutory and regulation should be guaranteed by the state.

УДК 342.6

T. Todoroshko

THE PROCEDURE FOR APPEALING THE ACTIONS OR OMISSIONS OF STATE EXECUTIVE

In this article we will focus on the issue of appealing the actions or omissions of state artist. Executive production is the final stage of judicial proceedings, which aims to enforce a court decision of the state executive service in the face of state artist.

Very often, public performers not properly perform their duties, and not always hand in enforcement proceedings agree with the actions of the State Executive.

In Art. 13 of the Law of Ukraine “On the State Executive Service” acts or omissions of the public executor may be appealed from a superior officer or a court in the manner prescribed by law.

The law provides two ways to appeal administrative (superior officer) and judicial (court).

The procedure for appealing the actions or omissions of public performers enshrined in Art. 82 of the Law of Ukraine “On Enforcement Proceedings”, according to which the decisions, acts or omissions of the State Executive and other officers of the state executive service may be appealed to

the claimant and the other members of the executive proceedings (other than the debtor) Chief who is directly subordinate to the State Executive, or the head of the relevant body of the state executive service of higher level or in court.

In our opinion, the procedure for appealing the actions or omissions of state enforcement is not effective and is too complicated. To ensure the legality of the commission's executive actions it is necessary to simplify and make more accessible to stakeholders.

УДК 349.2

E. Pilipchuk

THE PROBLEM OF DISCRIMINATION WOMEN IN THE FIELD OF LABOUR

It should be noted, in this article revealed the basic problem of legal regulation of women's work, namely discrimination against women in field of labour. The problem in the field of labour a large value was always given the of discrimination of women, however, in our time in terms of development of market mechanisms this problem became sharp. Analysis of labor law allows to conclude, that Ukraine labor laws built on the principles of equality of women and men in all spheres of human activity, but in many cases declaratively protects women's rights in this area, and the real situation is much more complicated. Women are much more difficult find a good paying job, and declared benefits often only contribute to the fact, that employers are very cautious and reluctant to hire women. Should be noted that the current system of impermissibilities discrimination women still remains inefficient, because there are no national mechanisms of strict control over the execution of the relevant legislation.

УДК 347.63

K. Rybak

PROBLEMATIC ISSUES OF SURROGACY

This article gives us the definition of «Surrogasy contract» and points to disadvantages of the Ukrainian legislation, which are associated with a given type of legal relationships. Unfortunately, for the present day, Ukrainian legislation has no clear definition of «Surrogasy contract». Because of it on the basis of civil and family legal norms we can say that the «Surrogasy contract» is some kind of agreement between the persons who wish to be parents and a woman (surrogate mother) who agrees for transferring of human embryo into her body. It should be done in Health Care Institution. Surrogate mother should care the child who inside her body during pregnancy period and give birth to this child. Then she obliges to transfer the child to another party for compensation or free of charge. Because property relationships under «Surrogasy contract» are the most similar to the «Services Provision Contract», it is possible to apply the norms of Chapter 63 under the Civil Code of Ukraine «Services. General Provisions». Naturally, this contract must conform to the norms of civil law, and contain all the necessary conditions, such as official form, parties, compensation, liability, and so on.

УДК 346.1:339.9

A. Kyrychuk, O. Shevchuk

LEGAL DIMENSIONS OF INTERNATIONAL CORPORATE SOCIAL RESPONSIBILITY OF MULTINATIONAL ENTERPRISES

The article discovers the role of multinational companies in a global market and the way of influence on developing countries policies. Thus, a need of social regulation and a corporate social responsibility as its the first form is discussed. Finally, the analysis of corporate social responsibility legal character is presented.

УДК 346.23(477)

A. Bogdanova

EFFECTIVENESS OF ACTIVITIES OF ECONOMISC COURTS OF UKRAINE: DEFINITION AND CRITERIA

Sometimes in the course of economic activity arise some situations when legal persons have to apply to the economic court to protect their rights and interests. However, exists a question – 'how effective is the activities of economic courts?

This article is proposing a definition of "effectiveness of activities of the economic courts" – it is the degree of ability of the system of economic courts qualitatively and in complex create necessary conditions for the timely and quality resolution of economical disputes. In connection with

this definition, there is a need to define the criteria that will help to evaluate the effectiveness of economic courts. As the criteria can be used: availability of judicial remedy; independence of the courts; professionalism of judges and court staff; fairness and impartiality of the judicial process; optimal terms of judicial proceedings; legality, reasonableness and fairness of judicial decisions. In its turn each criterion may have their own indicators.

Application of these criteria can help not only with evaluating the quality of work of economic courts, but also it can help to identify specific problems and deficiencies, removal of which will contribute improving the efficiency of the economic courts.

УДК 346.545

V. Ponomarov

CONCEPT OF UNFAIR COMPETITION : QUESTION OF DETERMINATION AND CHARACTERISTIC SIGNS

The question of determination of unfair competition opens up in the article, given it a shoot to give more complete and clear concept to the unfair competition, characterizing her signs and features, analysing an international and national legislation.

A competition in the wide understanding shows by itself the process of competition, rivalry of being in charge subjects in the proper segment of market, however much a rivalry or fight between the participants of market can acquire unsolved forms, in particular, unfair competition.

In connection with introduction of market reforms, privatization, the presence of various non-state forms of enterprise (private, collective.), appearance and development of competition at the market of Ukraine, between domestic and foreign commodity producers was an objective necessity of the correct understanding of such phenomenon as unfair competition, his research, determination of essence and signs.

In accordance with the legislation of Ukraine an unfair competition are any actions in a competition, which contradict point-of-sale and to other honest consuetudes in economic activity. Legal determination of concept of unfair competition is the most essential norm of this law.

The analysis of concept «unfair competition», which is contained in the legislation of Ukraine, enables to select the row of its signs:

– actions or active conduct of businessmen and their presence;

– presence of competition relations between a businessman which accomplished violation, and businessman, whose rights on a competition are broken;

– contradiction of actions of unfair competition commercial and honest customs is in economic activity;

– harmfulness of unfair competition;

The purpose of leadthrough of research is an analysis and determination of concept of unfair competition, necessity of clarification of this concept for the legislation of Ukraine with the purpose of assertion in sense of justice economic entity necessity of honest conduct in the field of economic management.

УДК 346.9

O. Rudkovska

THE MAIN CHARACTERISTIC OF THE REORGANIZATION PLAN DEBTOR

The topicality of the research due to the large value of the institution of bankruptcy for proper functioning of the economy, nedeco-nally legal regulation of the status of the liquidator in a court of rehabilitation procedures. This article will describe the main stages of acceptance, submission and consideration of plan of reorganization of the debtor.

Bankruptcy as a legal and economic phenomenon known to mankind for a long time. Its origin and further development of the institution of bankruptcy due to the evolution of enterprise and free competition, in which the business entity shall bear all risks associated with this activity.

An important direction in the institution of bankruptcy is the activity of the Trustee, namely issues related to the legal regulation of the reorganization plan debtors. This is due to the fact that the restoration plan is a key element of bankruptcy procedure.

According to 28 of the law of Ukraine «On restoring debtor's solvency or recognizing it bankrupt» 1992 under the rehabilitation is a system of activities carried out during the proceedings on bankruptcy to prevent recognition of the debtor bankrupt and liquidation, aimed at improving the financial and economic condition of the debtor, as well as satisfaction in full or in part the creditors ' claims by the company restructuring, debt and assets and/or changes in the legal and operational structure of the debtor.

УДК 346.9

E. Solodovnik

EXECUTION OF JUDICIAL ACTS TO ENSURE ACTION

Subject ensure the claim has recently become relevant in different ways. Since each face, which makes the claim in court, wants to have some assurance that his rights and legitimate interests of the court after evaluating the degree of violation of the defendant will be truly protected. This article will address key questions about subjects who have a right of appeal, subject, form and timing of the appeal, and also the public authority of judicial decisions to ensure the chariot.

Guarantee the protection of human participants in the economic process is the claim. Under the provision of the claim should be understood that the economic court specified by law means guaranteeing a genuine solution for future economic court.

Institute of securing a claim directed to real and full restoration of property rights of the economic process, a consequence of misconduct of others. The main purpose of securing a claim - a guarantee of adequate and proper enforcement Commercial Court.

УДК 346.548

A. Tumanova

THE HISTORY OF DEVELOPMENT OF THE MOVEMENT FOR THE PROTECTION OF CONSUMERS' RIGHTS

The terms "consumer movement" and "consumerism" are used as equivalent terms in much writing. The traditional use of the term "consumerism" still practiced by contemporary consumer organizations refers to advancing consumer protection and can include legislators passing consumer protection laws, regulators policing these laws, educators who teach consumer policy, product testers who measure the extent to which products meet standards, cooperative organizations which supply products and services mindfully of consumer interest, as well as the consumer movement itself.

It is concluded that the term "consumer movement" refers to only nonprofit advocacy groups and grassroots activism to promote consumer interest by reforming the practices of corporations or policies of government, so the "consumer movement" is a subset of the discipline of "consumerism". Since that time, other people have confounded the term "consumerism" with the concepts of commercialism and materialism.

УДК 343.22

S. Luchko

THE SOCIAL WORK WITH CONVICTS AS A DIRECTION OF FOREIGN PENITENTIARY SYSTEMS FUNCTIONING

Attempts to introduce the daily life of Ukrainian society, liberal European values stipulated the need for optimization of the State Penitentiary Service (DPtS) Ukraine according to the general definition of international standards for treatment of prisoners.

In this context, an important significance in the transformation of the institutions of penal law covers an introduction to the penitentiary system of Ukraine in social work with prisoners. This is due to the gradual optimization of the doctrine of penal law of Ukraine is growing vector for the realization that in the case of corrections and resocialization mere effort of staff of penal institutions is not enough that the efficiency of this process should actively involve the social institutions of civil society, as is the case in western democracies. Note that the activation of this area in the national penitentiary science of blessed memory associated with the name of a famous Ukrainian scientist George Afanasievich Radovis (1949-1999). In its draft doctrinal Model Law of Ukraine "On the penitentiary system in Ukraine", he formulated the following definition of the system: "The penitentiary system of Ukraine is a complete, functional and integral formation of authorized entities of state government, local government, civil society and their concerted action on providing resocialization " These arguments make it possible for staff to determine the range of tasks necessary for their study and solution.

Aim of this paper is to study social work directly with prisoners as functioning prison systems in foreign countries.

УДК 342.9:342.51

M. Sambor

ACTUAL PROBLEMS OF APPLICATION OF ADMINISTRATIVE RESPONSIBILITY TO THE EXECUTIVE AUTHORITIES AND LOCAL GOVERNMENTS FOR TAKING UNLAWFUL DECISIONS OR COMMITTING ILLEGAL ACTS.

In the article on the basis of general concepts of legal responsibility and administrative responsibility investigates issues of administrative liability of executive authorities and local governments and their officials for taking unlawful decisions or committing illegal acts. The author advocates the idea that in the framework of action proceedings pursuant to the Code of Administrative Procedure of Ukraine can not be applied administrative liability. Advocated the idea that the administrative responsibility to study the category of subjects may be used only in accordance with the rules of the Code of Ukraine on Administrative Offences and if so decided by the Administrative Court on affirmative offense.

УДК 342.9

T. Ivanova, A. Bratus

ADMINISTRATIVE LIABILITY OF MINORS

The offences of minors are very important issue today. Minors are special entities with special age-related condition and mental state. Ukrainian legislation will be humane to these persons. The administrative liability imposes only to persons who are sixteen years old. Administrative measures include forgiveness of the victim, warning, reprimand and transfer to supervision. Administrative penalty are fine, warning, confiscation of property, confiscation of the instrument of the crime, corrective work and deprivation of special rights. Crime reflects the social situation in the country including crimes of underage persons.