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МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ
НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ ІМЕНІ ІВАНА ФРАНКА
Факультет іноземних мов
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До другого тому видання увійшли тези доповідей у сфері правознавства та викладання англійської мови, написані студентами юридичного факультету Львівського національного університету імені Івана Франка та студентами і магістрантами Національного університету „Чернігівський колегіум” імені Т.Г. Шевченка та Криворізького державного педагогічного університету, котрі взяли участь у Всеукраїнській англійській студентській науковій конференції „Трансфер знань у глобальному академічному просторі” (*Львів : Національний університет імені Івана Франка, 18-22 травня 2020 р.*). Видання здійснено в межах спільного проекту кафедри іноземних мов Львівського національного університету імені Івана Франка та ГО Асоціація викладачів англійської мови в Україні, ТІСОЛ-Україна – *TESOL-Ukraine Research Academy*.

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ORIGIN, MAJOR EDITS AND LISTS OF RUSKA PRAVDA

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Problem statement. As the first written collection of laws, Ruska Pravda initiated the integration into the Roman-German system of law, which became the testimony to the historical affiliation of Rus-Ukraine to the modern European system, which is quite relevant in the context of the development of the legal system and the desire for European integration.

The study of the phenomenon of Ruska Pravda has a great theoretical and practical importance, as a way to increase the level of legal culture and patriotism, as well as the respect of citizens to the national legal tradition, which has a thousand year history.

Recent research and publications. Beginning in the middle of the XIX century, since the opening of the first collection of Ruska Pravda by Tatyshchev from the Novgorod Chronicle, a qualitatively new process started in the study of this relic of ancient Ukrainian law, which was initially investigated by the most famous lawyers and historians – I.D. Evers, N.V. Kalachova, V. I. Sergiyevich, L.K. Goetz, V.O. Klyuchevsky. In Soviet historiography, the main attention was paid to the "class essence" of this source of law, and certain works by: B.D. Grekov, S. V. Yushkov, M. N. Tikhomirov, I. I. Smirnov, L.V. Cherepnin, A.A. Zimin reflect social relations and class struggle in Kievan Rus. Such research involved more than half a hundred scholars, historians and leading lawyers who put their knowledge and reasoning in scientific work to study the historiography of "Ruska Pravda" and they still remain the most relevant ones.

The main purpose of the study is to review historical sources and their general characteristics. The goal is accomplished by solving the following tasks: 1) outline the historiography of the study of the RP; 2) provide a general description of the law of the RP and its sources; 3) disclose the content and main provisions of the RP; 4) characterize the content of the publications of the RP; 5) identify the main provisions of the FP lists.

Presentation of the main material. From the time of tribal relations in Kievan Rus, the legal custom was traditionally applied, formulating a certain system of legal norms, which laid the beginning of the legal basis of the princely law. It eliminated some difficulties and gave instructions how to deal with new legal terms and relations.

Probably, with the passage of time and congregation in the sphere of church jurisdiction, its main appointments became the service for the princes. However, it might not be obligatory and could be used only as a legal manual.

Soviet historians emphasized that Ruska Pravda had secured social inequality. Providing the interest of the ruling class, it declared the lawlessness of the non-privileged elements — the lackeys, the servants. It also clearly established class inequality. But such distinction was rightful in the period of the feudal order.

In the criminal law of Kievan Rus the legal inequality of representatives of different social strata is fixed. All this is clearly visible when analyzing individual elements of crimes. For a long time, the legislature included the system of civil norms, in particular, ownership, inheritance, matrimonial law and contractual law.

Each edition of Ruska Pravda represents the state of social and political development of the law of Kievan Rus. Most historians are concerned that the Brief edition of Ruska Pravda, was structured in the XI century, although it came to us only in two

lists of 15 articles. (Academic and Archeographic) and in many manuscripts of the XVIII-XIX centuries including the Truth of Yaroslav, the Truth of Yaroslavich and two articles, in the “Pokon virny” and “Lesson to the bridges”. Extended edition is dated to XII – 2nd half of XIII century. It is irrelevant to establish the greater number of lists of legal norms, the oldest of which are the Synodal (1282 y.) and Troitsky (2nd half of the XIV century).

There are two parts: the “Court of Yaroslav Volodimirovich” and the “Statute of Volodimir Monomakh,” and now, there are discussions about the formation of such courts. Occurrence of the Shortened editions most of the investigators connect with the shortening of the the text of the Extended editorship and removal of old norms, which lost their meaning. However, at the same time, there is the idea of an independent, even earlier, origin of the Shortened edition (M. M. Tikhomirov). The editorial board is represented by only two lists: Obolensky I (2nd half of the XVII century) and Tolstovsky IV (middle of the XVII century). The text in all lists of memorials was quite solid and unstructured. The historians traditionally agree that the short editorial report consists of 43 articles, extended – from 121 to 142 articles (depending on the list) and shortened edition consists of 52 articles.

Conclusion. To sum up all mentioned above, it is important to note that Ruska Pravda is the relic of the long-standing codification process, covering the most important spheres of the life of ancient Ukrainian society of that time. It contained the judgment of the prince, the verdict that became the norm of justice when considering similar cases, as well as the moral norm that shaped the consciousness and outlook of all people. Ruska Pravda itself was one of the most important sources of the later legislation: Pskov and Novgorod Judicial certificates, Lithuanian law and the Judicial Code of different chronological sequence.

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COPYRIGHT PROTECTION

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The Constitution of Ukraine enshrines the right of everyone to freedom of creativity and guarantees the protection of this right in the case of its violation. Therefore, in Ukraine today, more and more attention is being paid to copyright protection. The author has the exclusive right to the result of his intellectual property: to use or to transfer it to other subjects. But often such an order is violated: another person, without the previous permission of the author, begins to dispose it at their own discretion. As a result of copyright infringement, the victim has the right to protection.

The aim of this work is to determine what the term “copyright protection” means and to analyze the issue of ensuring

protection of copyright objects, as well as to define the types of legal liability for copyright infringement.

Copyright is a form of intellectual property, which protects original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture. Nowadays intellectual property as institution goes through the period of establishment in Ukraine. The relevant legislation covering copyright issues in Ukraine mainly consists of two laws: the Civil Code of Ukraine (2003) and the Law of Ukraine on Copyright and Related Rights (1993).

The Civil Code of Ukraine defines «intellectual property right» as a person's right to the result of its intellectual and creative activity. According to Article 418, the intellectual property right constitutes personal non-proprietary (moral) intellectual property rights and (or) proprietary (economic) intellectual property rights [1]. Having analyzed different legal acts, we have come to the conclusion that copyright, as well as intellectual property rights in general, is exclusive and is considered as a set of non-property (personal) and property rights of the author the law: declare the author of the work, make it known to the public, reproduce and distribute it or use it by any other means and means, and allow other persons to use the work in certain ways.

Copyright protection is one of the important categories in the theory of civil law. It is understood as a system of active measures, provided to authors by the government which aims to eliminate the violation of civil law or interest, imposing the duty of remedy on violator. Traditionally, copyright protection is divided into two forms – jurisdictional and non-jurisdictional.

Non-jurisdictional form of copyright protection – actions of legal and natural persons for the protection of their copyrights, which are carried out by them independently without appealing to state or other competent bodies. This only means legitimate means

of protection. For example, an important way to ensure the protection of rights is negotiation, during which you can persuade the infringer to terminate the infringement and enter into a contract for the proper use of the copyright object [3]. The jurisdictional form of copyright protection is the activity of the authorized state bodies for protection of the infringed or disputed subjective copyrights. Pursuant to Article 52 of the Law of Ukraine "On Copyright and Related Rights", for the protection of their copyright, persons holding copyright shall have the right to seek protection of their copyright by lodging claims in compliance with the established procedure with a court of law and other bodies pursuant to their powers [2].

Civil methods of copyright protection are usually assigned as substantive law coercive measures, with the help of which retrieval of violation rights and influence on violator happens. General (universal) and special methods of copyright protection are distinguished, depending on whether they are enshrined in the relevant group in the general part of the Civil Code, whether they are in other parts of this act or in separate legal acts. Accordingly, the methods of copyright protection enshrined in Article 16 of the Civil Code of Ukraine belong to general: recognition of right; recognition of legal action as invalid; termination of the action violating the right; restoration of pre-violation position; enforcement of fulfillment of obligation; indemnification for losses and other means of property damage indemnification; indemnification for moral (non-material) damages etc. However, not all general civil methods find application in this field. At the same time, the law provides specific means of protection that take into account peculiarities of copyright and related rights violations. The methods provided by Art. 276-278, 280, 432 of the Civil Code of Ukraine, Art. 52 of the Law of Ukraine "On Copyright and Related Rights" and other regulatory acts are special.

It is obvious that copyright infringement is subject to legal liability. Ukrainian legislation provides administrative and criminal responsibility for the infringement of copyright. Infringement of intellectual property rights is any infliction of moral (non-pecuniary) damage and (or) property damage to the subject (carrier, owner,) of this right by unlawful acts, where acts committed without the permission of an authorized person or contrary to the law are unlawful. The nature of violation should be taken into account: i.e. what rights have been violated; the extent of the violation of rights; the fault of the offender; damages of the right holder or profit of the offender; other facts.

The main purpose of such liability is not to punish, but to compensate for the damage caused. According to the provisions of Art. 52 of the Law of Ukraine "On Copyright and Related Rights" the court has the right to issue a decision or order on the following: reimbursement of moral (non-proprietary) damages resulting from infringement of copyright; reimbursement of damages resulting from infringement of copyright; collection of income derived from infringement; compensation of damages; prohibition on publication of works etc. [2].

Nowadays copyright infringement is one of the burning issues in Ukraine. It still remains unresolved and continues to cause serious economic damage to foreign and Ukrainian right holders. In view of the legal and democratic path of development taken by Ukraine and aspiration for European integration the proper and effective protection of copyright is an important factor in this complex process.

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CONSTITUTION OF THE UNITED STATES: OCCURRENCE AND DEVELOPMENT TRENDS

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During centuries Constitution of the United States has been keeping interest of scientists because of the phenomenon “constitutionalism”, because it is not the first constitution but it has become an example for other constitutions. Appearance of this constitution was a kind of breakthrough for all the nations all over the world. The freedom of peaceful assembly, the right to form own and independent police, integrity of person and a lot of other principles are in this law’s pearl. But the constitutional development did not stop, and in 1865 slavery was cancelled and the former slaves got citizenship. In addition, lawmakers make amendments to the Constitution even on the modern stage of the development of the United States. Nowadays, there are five such amendments. The main feature of this important document is that the Constitution is based on ideas of French enlightenment of the

XVIII century. So, the Constitution is not a “dry” document, it really regulates the most important processes in an American society.

The Constitution of the US has a special place in a legal system because it enshrined two the most important principles: federalism and principle of power sharing in the XVIII century. These two things got global agreement in XIX-XX century. They are not only constitutional principles of organizing a state power, but also is crucial for the formation of special legal system. As for the principle of power sharing, it originates from ideas of the European notionalists J. Locke and Sh. Montesquieu and got its own interpretation in the United States. Founders fitted European ideas to the American reality. Legislators made the most complicated but the safest form of ruling, which is secured from different types of abuses.

American law-shared version is based on the following fundamental principles. Firstly, all three branches of power have its own source of formation. The Congress relates to the legislative branch. It consists of two chambers, which are formed in a special way. The House of Representatives is elected by the population of the US, the Senate – by State legislatures. The President refers to the executive branch and is elected through indirect elections. As for the Supreme Court – it relates to the judiciary branch and is formed both with the President and with the Senate. Officials of the executive branch are forbidden to be congressmen, like legislatures cannot hold office of executive branch.

Secondly, according to the Constitution, government bodies have different term of office. The House of Representatives is elected for a two-year term, the Senate is renewed for one-third every two years, the President is elected for a four-year term and members of the Supreme Court and other federal judges hold office “until they behave impeccably”, so it is usually for a life term.

Thus, the duration of the authority of officials is so different that it is impossible to change all the staff in one moment.

Thirdly, the authors of the system of checks and balances have created a mechanism, whereby all three branches of government are independent from each other, but are connected. The President has a right of suspensive veto, which could be overcome if the approved bills and resolutions will be reapproved by a two-thirds majority of two Houses. The Congress has the right to reject the President's bills. In addition, the President must submit to the Senate for approval of a large number of appointments that he has made. The Congress may also make the President liable by impeachment. The Senate can also dismiss him from the office, if he is guilty of some crime. The judiciary branch has an opportunity to interpret the Constitution and other bills. The Supreme Court as the Supreme body of the constitutional control has the right to annul both bills of the Congress and normative acts of the head of the executive power. The judges are appointed by the President, are approved by the Senate and may be prosecuted by the Congress. The constitutional mechanism of checks and balances has been substantially upgraded.

The Constitution of the United States does not deal with peculiarities of relations between different socio-political institutions. Thus, under this document, the main creators of bills are legislative bodies and the main sources of law – acts of law, not precedents, as traditionally are stated in national literature. The principle of separation of powers predetermines such a feature of the American legal system, which distinguishes it from English law. According to the researches, the mechanism of judicial law-making was formed during the process of forming the American legal system under the direct influence of the inherited rule of precedent.

The principle of federalism, which is enshrined in the Constitution of the US is based on two fundamental principles. Firstly, this document delimits the legislative power between federation and its entities. Chapter 8, Article I contains a list of issues delegated by the Federation that are under exclusive authority of the Congress. Other items of legislation that are not mentioned in Section 8 are referred to the State with some caveats.

Today's constitutional systems are significantly influenced, because they arise at both domestic and international levels, both as a result of globalization processes and as a result of strengthening of the state. Such trends enhance the role of the courts in interpreting the law especially the role of the Supreme Court. It is endowed with substantial power in the interpretation of administrative law in matters of separation of powers. This interpretation is made through the application of basic canons or rules such as the Chevron Referral, the Avoidance of the Constitutional Question and the Legislative History. These canons have been drafted by the US Supreme court during its activity. Also, they are under constant influence and development.

Recent changes in the composition of the US Supreme court influence the subject and approach to the constitutional interpretation and suggest that the basic canons be subjected to further changes in the nearest future. The doctrine of dignity is not developed in the United States, but has been reflected in the US legal system through borrowing and implementation of international instruments and incorporation into the constitution of individual States. The most striking example of borrowing from other legal system in the field of human dignity is the Constitution of Montana, Article II that clearly enshrines the right of dignity and reflects the provisions of the Universal Declaration of Human Rights and the Constitution of Puerto Rico [4].

In conclusion I would like to say that today's society needs such great and complicated Constitution as the USA has. I reckon that in the nearest future all countries will be unified, as we can see the process of globalization and it goes without saying that this "country" will need progressive and useful constitution. So, the US Constitution is the best for this role. A lot of scientists confirm that it is the most effective and democratic constitution in the world.

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CRIMINAL LAW OF THE MIDDLE AGES ON THE EXAMPLE OF THE "LEX SALICA"

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The "Lex Salica" ("Salic Law") is one of the earliest German «leges barbarorum» that later operated on the large territory of the Frankish state. It is not just a set of laws, but a

record of the customs of ancient Germans, whose purpose is the desire of the Franks to strengthen the foundations of their statehood and preserve the tribal community in the face of the real threat of its destruction. "Lex Salica" can be seen as a guide for judges to resolve disputes. It is no coincidence that its main content is the rules on litigation and criminal law, which is discussed in this research.

"Salic Law", like most other barbaric codes, was first and foremost a criminal punishment. Barbaric punishment had a dual purpose: 1) to redeem the culprit's guilt in order to satisfy the victim's relatives (to prevent endless blood feud); 2) to preserve the observance of the "royal peace", that is, public order established and recognized by the authorities.

Frankish types of punishment were varied: death penalty (for the gravest crimes), mutilation penalty (amputation of limbs), various corporal punishment, deprivation of honour, banishment from the state or community, fines, confiscation of property, imprisonment. Also the possible option was a combination of several types of sentences.

In general, the punishment depended on the social status of the perpetrator and the victim. The drawback of that system was that wealthy or noble people could pay off from death penalty, mutilation and corporal punishment, so social status played an important role in the matters of life and death.

General peace was considered an extremely important element of social life at those times, so its offender was considered an enemy of the king and the people. Accordingly, crimes against the state and authorities were punished most severely, especially by death penalty or expulsion from the state and were within the competence of the royal authorities. For the rest of the crimes, the main punishment was redemption (defined as a court fine). This ransom was larger or smaller in size, depending on the public

assessment of the significance of the crime: its nature and its consequences. Particular content was the purpose of the ransom for the murder - it had a specific name of *vergeld*. *Vergeld* was paid not only to the victim, but to their children and later relatives, and in the absence of them, the part went to the royal treasury.

The most serious of the crimes involving the so-called fine robbery that led to the murder: it was punished by a fine of 1800 gold solids – the biggest price known to “*Salic Law*”. The fine was reduced depending on the victim's social and legal status. The second in the penalty rating was murder. The punishment for it depended on the status of the slain or on other circumstances.

Illegal intrusion into fenced territory or house with the intention of stealing something were also considered crimes. The hiding of stolen possessions, as a sign of completed crime, could even triple the fine. In addition, in all cases, the value of stolen or damaged property: grapes, mowed grass, etc., was reimbursed. Thus, the “*Lex Salica*” envisaged both civil and criminal liability.

Attention was also paid to verbal abuse and crimes against morality. For the offence of the woman the fine was twice as big as for the offence of the man, however, in matters of betrayal, such model did not work, because betrayal was not a crime for a man, but a woman could be punished up to the death penalty.

For a long time, only the consequences were taken into account in the assessment of the offence, and subsequently the intention and the degree of guilt was also evaluated, which clearly testifies to the rapid development of law in the Middle Ages in general and in the Frankish state in particular.

It is difficult to overestimate the value of “*Salic Law*”, because this code has been better preserved since the Middle Ages than others. In this context, we are interested in sections of criminal law that contain the most comprehensive material on crimes and punishment among other barbaric codes. This peculiarity of the

“Lex Salica” is conditioned by practical needs of regulating contemporary social relations. Despite its relative primitivism for modern people, since the document dates back to the 6th century, it is still an important legal and historical relic, which can be considered the foundation of modern law.

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MAKING DEALS WITH THE DEFICIENCIES IN THE WILL OF THE PERSONS

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Under Article 202 of the Civil Code of Ukraine, the deal is a person's action aimed at acquiring, changing or terminating civil rights and obligations [1]. In the area of civil law, the deals are the unity of four basic elements, such as person, content, form and will [5, p. 97]. In the absence of at least one of the aforementioned elements, we can't use the legal term "deal" in order to characterize

some legal actions of the relevant circle of persons. The importance of the will can't be overestimated because it is one of the elements of the deal that describe it as a legal fact, which separates it from other legal facts, such as events that are independent of the will of individuals and legal entities.

A large number of legal disputes, which are handled in the courts, mostly are cases on making deals with deficiencies in the will of the persons. The analysis of such cases is carried out in order to apply effective protective measures against the violated rights and legitimate interests of the persons, who make the deals. Therefore, defining the concept of the term "deals with deficiencies in the will of the persons" and their characteristics, both from a theoretical point of view and in the light of the jurisprudence, is a very relevant issue that requires complex scientific research, especially in our time when civil relationships are undergoing rapid development. The issue of dealing with deficiencies in the will is quite contradictory, because it is not always possible to determine the true will of individuals while making the deals. Deals in accordance with the Civil Code of Ukraine refer to those that are contested, as they can only be invalidated by a court order. A claim for invalidation of a contested deal can only be filed by the person who made the deal under the circumstances.

Thus, it is necessary to disclose the meaning of the term "will". This term is not legal, but more cross-sectoral, because the will is the subject of study not only legal science, but also psychology. A will is the special ability of a person to control and manage his or her actions while making the deals [6, p. 11]. Moreover, "will" is the only process of mental regulation, as noted by the professor Eigenzicht V. A., the so-called "the deficiencies in the will" occurs, usually not during the deal, but at the stages of the person's volitional internal process. Generally, a defect in the will occurs at the decision-making stage as a result of, for example, a

mistake or the influence of others. Obviously, fraud, violence, mistake do not affect the objective actions, but they have the impact on the will of the persons, the forced decision on the deal or the formation of a wrongful intention. The defect of a willful decision leads to the recognition of the deal invalid [4, p. 208]. Deficiencies of will can be expressed in the specific forms, which are stated in the Civil Code of Ukraine. Deals with deficiencies of will include, in particular: deals made under the influence of mistake (under Article 229 of the Civil Code of Ukraine); deals made under the influence of fraud (under Article 230 of the Civil Code of Ukraine).

The deal made under the influence of mistake belongs to the category that characterized by deficiencies of the internal will, because it is formed in the conditions of a distorted idea under the circumstances that are essential for making the deal [3, p. 35]. It is necessary to take into account the fact that the will was not influenced by third persons or other circumstances and there was no influence from the outside. Therefore, unlike fraud, the mistake is not the result of deliberate actions of other participants or a participant of the deal. According to Krat V. I. the nature of a deal should be understood as its essence, which allows it to be distinguished from other deals. In this case, the nature of the deal covers its characteristics from the following points: a) payment or gratuity (for example, a person makes a contract of life retention, but, in fact, he or she has made a contract of gift); b) the legal consequences of its commission (for instance, a person makes a contract of commission, but, in fact, he or she has made a contract of sale and deferred payments) [3, p. 38]. The mistake doesn't mean the quality of the thing that is the inability to use it or the difficulty of using it, which occurred after one of the parties has done the obligations arising from the deal and not related to the behaviour of the other party. Therefore, it is necessary to identify

certain signs of a deal made under the influence of mistake: 1) it is a deal that is related to ones, which internal will is not sufficiently formed; 2) there is no influence on the person making the deals by other persons; 3) the mistake should be significant; 4) the mistake must exist at the same time as the deal.

Furthermore, our attention should be paid to another important category of deals, such as fraudulent ones. Even in Roman law, fraud was understood by the ancient Romans as the deliberate deception of counterparty in order to induce the will to the detriment of his own property interests [2, p.155]. Under the Civil Code of Ukraine, if one party deliberately misled the other party about circumstances of some material significance, such a deal is invalidated by the court (under Article 230 of the Civil Code of Ukraine) [1]. The deception is that if one party denies the existence of circumstances preventing the deal, or it hides their existence. Thus, deception is a specific guilty or deliberate act of a party, which is trying to convince the other party of the qualities and consequences of a deal that can't actually occur. Deception may be related to the elements and circumstances of the deal that are relevant: the nature of the deal, the rights and obligations of the parties, the qualities of the things that significantly diminish its value or make it impossible to use for the intended purpose (according to Article 229 of the Civil Code of Ukraine), and circumstances beyond that deal is, including the purpose and motives of that deal [1].

Moreover, deals with deficiencies in the will of the persons are the actions of individuals and legal entities, which enter into civil relations concerning property and personal non-property benefits, aimed at acquiring, changing or terminating civil rights and obligations, but that not originate the desirable legal consequences for the parties, because in the process of forming the will of the participant or participants of these relationships there is

a deviation, which is caused by misconceptions, misrepresentation about the circumstances, which are essential for the making of the deal, coincidence of severe circumstances that will lead to incorrect formation or circumstances that will preclude the existence at the time of making the deal (including ones made under the influence of a mistake or fraud). For such deals there are three main features: 1) the presence of the will of all the participants of the deal; 2) this will is expressed with a defect; 3) these deals may be declared invalid in the court. Therefore, in order to summarize all the facts that have been mentioned above, we can point out that the deals made with deficiencies of the will include ones in which the will of one or both parties was formed incorrectly, deals performed without the internal will of the person to make the deal, as well as made by the persons who are not able to form and express their will (disabled persons) on their own.

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THE FORMATION OF THE ATHENIAN STATE: FORMATION OF THE STATE-POLITICAL MECHANISM (REFORMS OF THESEUS, SOLON, AND CLEISTHENES)

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The Athenian state was formed in the south-eastern part of the Balkan Peninsula, the so-called Attica. Ionian tribes settled here and many city-states emerged, waging constant wars against each other, which slowed down the process of unification. Later on Athens came to the fore. The city was ruled by the council of elders, Basileus and the People's Assembly. In the X-IX centuries B.C. there was an intense struggle between the tribal aristocracy and the demos. Because of the need in more complex governance a new post was created — an archon, who was elected at the People's Assembly, usually from the nobility. The position of Basileus became secondary. It retained only religious functions. These new positions were to be elected exclusively from the representatives of the nobility. And they elected nine archons. The new institution was the Areopagus, which consisted solely of the nobility, and which in fact replaced the council of elders. It was given the functions of electing archons. The People's Assembly convened rarely. The state was not formed yet. The first step in the formation of the state was the reform of the legendary Theseus (VII century B.C.). ‘...Theseus conceived a wonderful design, and

settled all the residents of Attica in one city, thus making one people of one city... [1, part 24]'. He '... was the first to separate the people into noblemen and husbandmen and handicraftsmen [1, part 25]'. The ranks included citizens regardless of their affiliation with the tribe. New nobility was called eupatrids. They actually usurped the right to hold public office. Farmers and artisans were totally removed from the government. It can be concluded that power in the society was taken over by the nobility. In 621 B.C. the Draconian constitution was adopted. The deep social contradictions at any moment could have led to a political upheaval.

However, making new laws couldn't end the contradictions between the eupatrids and the demos, because it practically didn't change the economic situation of the demos and their political status. So, the demos' anger was growing up. At the right time Solon entered politics. The People's Assembly vigorously supported him, so relying on this support he embarked on reforms. His reforms can be divided into economic and political ones. The main economic reform was 'Seisachtheia', also known as 'shaking off of burdens'. It was aimed at the cancellation of any debts. The second step was the elimination of debt slavery. Such obligations through which a man could become a slave were prohibited. All Athenians who became slaves because of debts were released: "To Athens, their home established by the gods, I brought back many who had been sold into slavery, some justly, some not <...>" [2, fragment 12.4]. Solon introduced a unified new coin, a new system of weights and measures. In the political area Solon's reforms were also significant. He replaced the privilege of origin by the privilege of wealth. "He divided the population according to property into four classes <...>" [3, p. 7]. Now political rights were dependent on the property status of citizens. Since Solon's ruling the competence of the People's Assembly was expanded. Solon also weakened the Areopagus, removing from its competence the preparation of cases

for discussion at the People's Assembly. In order to prepare these cases, as well as for the overall administration of the country, he created a new institution — the Council of 400. Solon founded another new body — the Supreme Court (Heliiaia). The court consisted of 6,000 members, elected annually by lot among all the male citizens over 30. Heliiaia was not only the highest judicial authority, but also had important political functions, for example in legislation. Solon began the era of the so-called political revolutions and put an end to the remnants of primitive society.

The tension between aristocracy and demos broke out. The Spartans' attempt to interfere and help aristocrats to regain power failed. Demos won. Cleisthenes became the leader of the demos. In 509 B.C. he carried out a series of reforms. The main goal was to eliminate the influence and power of the nobility, democratize the political system. First, Cleisthenes cancelled the division into four tribes and instead divided Attica into 10 territorial phyles. Each phyle was divided into three parts – the so-called tritium. Cleisthenes divided the territory into 100 even smaller units – dēmos. So, at that time there was such an administrative-territorial structure consisting of 10 phyles, 30 tritiums, 100 dēmos. Secondly, Cleisthenes formed new government bodies. “Next he made the Council to consist of five hundred members instead of four hundred, each tribe now contributing fifty, whereas formerly each had sent a hundred” [3, p.17]. The Board of 10 strategoi was also created. These were military leaders, who had important administrative and political powers. Other state bodies, such as Heliiaia, the Areopagus, the Board of archons still acted, but with some minor changes. To strengthen the democratic foundation, in particular, to prevent the restoration of tyranny or power of aristocracy, Cleisthenes introduced ostracism. At the meeting the people decided whether somebody in any way harmed democracy. Any citizen could write another citizen's name down, and, when

the sufficient large number of people wrote the same name, the ostracized man had to leave Attica for 10 years. So, the reforms of Cleisthenes completed the formation of the Athenian state.

Of course, the Athenian democracy should not be idealized. It was democracy only for male citizens. Refugees, women and slaves remained outside the political and social discourse. However, the structure of the democratic republic and the mechanism of its action in Ancient Greece had a colossal impact on the modern civilization.

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PUBLIC AUTHORITIES IN MODERN UKRAINE

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Relevance of the research topic. The legal system of the state is explored by various legal sciences. Bodies of the state are structurally organized collective of civil servants who are citizens of a particular state, endowed with authority and necessary means,

formed on a legitimate basis to perform specific tasks and functions of the state.

Any state body is an integral part of the state apparatus. It is the state apparatus that is tasked with carrying out the functions of the state. It is not created once and for all by a defined system of organs. As a result of the development of the state, some functions emerge, and the need to exercise others disappears. With the advent of new functions of the state, new state bodies are formed, and in the case of the disappearance of certain functions, the activity of certain state bodies will also be terminated.

Thus, the practical significance of these problems, their special importance for Ukraine in the present conditions make the study of course work relevant.

The theoretical and methodological basis of the work are the works of such researchers as Skakun O.F., Khropanyuk V.N., Shapoval V.M., Volynka K.G., Denisov A.I., Tsvik M.V., Kotyuk V.O., Sakhan I.Y., Skripniuk O.V., Skuratovsky V.A., Kelman M.S., Bolukh M.A., Kravchenko V.V., Pogorilko V.F.

The purpose of the research is to study the appointment of public authorities, as well as to summarize the results of the study and involves the following tasks: 1) to consider the general characteristics of state bodies, namely: concepts, characteristics and types of state bodies; 2) to investigate the principles of organization and activity of state bodies; 3) to describe state executive bodies of Ukraine.

Considering issues that exist in their own characteristics, a state body can make an established state body – it is created in accordance with the procedure established by law so far, or a collective of people who actually realize their participation at a certain age on behalf of human rights defenders and use state property. The mechanism is different from the different parts, which have special structures and have power functions. The main

element of this product is the body. analyzing the many sources that we have found in common with the various representatives and designated bodies, and acting separately, which has special features: necessary with people who professionally manage the public; management groups created by democratic ones (formed by elected ones); implement decisions on behalf of a person; has a certain elevated structure; divide the distribution by forms and methods of function verification; endowed with character acquisition.

Organizing power can be classified by the following criteria: by your own services; by way of creation; by nature and forms of activity that works; by territory of activity; by way of decision making; by the nature of ability; by nature of subordination; for the principle of separation of powers.

Considering the principles, perhaps the authorities can present three main classifications, as well as a classification of the principles of activity and activity of the state; for generally legal facts by principles; there are also special principles for the activity of this authority.

As far as it is known, the authorities in their field have analyzed the system of power of the authorities for the Constitution of Ukraine. The main bodies are: the chairman, the legislature (the Verkhovna Rada), the judiciary and also the power in the person of the Ministry of Ukraine.

The cabinet is the highest body in the service, which is run by the government, as the government, which governs the system. He tries to execute his own, and through the central and local organization of the authority and the representative who is to use and operate. The ministry is the most diverse (reproduced) body of the central services of the authority, which must implement real actions in a specific environment.

When we analyze the work of local authorities, it looks like they are acting on the principle of subordination, required by the President of Ukraine and the Government, be subject to the authorization and control bodies that exercise power, while at the same time they are operating in the oblast and in the region. The Law of Ukraine “On Local State Administrations” and “Conduct Self-Government in Ukraine”. At the same time it is very important in terms of efficiency so that they have the right to carry out audits of the constitution and other legislative bodies of enterprises that exist regardless of ownership and jurisdiction; obligatory to check the management of enterprises, institutions, organizations and citizens on issues related to these issues; receive necessary statistics and other necessary reports from state bodies, local self-government bodies, public and regional organizations, enterprises, institutions; It is necessary to raise the issue of early resolution of the present councils, heads of villages, cities and municipalities in the current legislation.

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CHARACTERISTICS OF OCTROYED CONSTITUTIONS

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Constitution is the fundamental principles and laws of a nation, state, or social group that verify the powers and duties of the government and guarantee certain rights to the people in it. In the 20th century, constitutions have become trendy, particularly since the Second World War. Most democratic governments adopted written constitutions (The United Kingdom, New Zealand and Israel are the notable exceptions.) What is more, such states as Bahrain, Iraq, Jordan, Kuwait, Oman, Saudi Arabia currently have constitutions too.

Constitutions are often seen as the product of the free will of people exercising their constituent power. This, however, is not invariably the case.

There are four main ways of adopting constitutions: 1) by constituent assemblies; 2) by parliaments; 3) by referendums; 4) by heads of the state. The constituent assembly is a body of representatives that is elected for the purpose of drafting or adoption their country's constitution. Constitutions of Bulgaria, India, Italy, Norway, Portugal, and the USA were adopted in this manner.

The parliament is a group of elected politicians or other people who create the laws for their country. Sometimes parliaments are given the power to make and pass the project of the constitution by qualified majority. This could include the main laws of Austria, Finland, Sweden, Japan, and Ukraine.

The referendum is a general vote by the electorate on a single political question which has been referred to them for a direct decision. Constitutions of Azerbaijan, Belarus, Armenia, Estonia, Lithuania, Russia were adopted by referendums. It is important that there is no direct link between the referendum and the democracy of the constitution. The value and meaning of the vote can be reduced to zero by different manipulations of the government, its impact on the political consciousness of the public. So, the role of referendums should not be exaggerated.

Constitutions issued by heads of the state without the participation of representative institutions are called octroyed constitutions (from the French *octroyer*, “to grant” or “to bestow”). That is why they are considered to be the least democratic. The octroyed constitution can be described as resulting from an authoritarian or paternalistic process of constitution-making engaged unilaterally by a monarch possessing the de facto constituent power and exercising it without the direct involvement of a body representing the people. By this act, the formerly absolute sovereign renounces – in theory spontaneously and irrevocably – to a part of his own exclusive authority. In reality, such acts of constitutional voluntarism were intended to conceal the need to compromise with social reality.

Octroyed constitutions first appeared during the period of transition from feudalism to capitalism. As a rule, they marked a compromise between the big bourgeoisie and the landed aristocracy over the division of power. The first octroyed constitution in history was the French constitutional charter of Louis XVIII, which was proclaimed in 1814 after the restoration of the Bourbons to the throne. It established a constitutional monarchy with a bicameral parliament, guaranteed civil liberties, proclaimed religious toleration, and acknowledge Catholicism as the state religion.

During the age of imperialism, the features of an octroyed constitution are evident in constitutions granted to so-called self-governing colonies (the 1948 Constitution of Shri Lanka) or to countries that are formally independent but recognize the head of the state of an imperial power as their own (the aforementioned constitutions of Bahrain, Iraq, Jordan, Kuwait, Oman, Saudi Arabia.)

The manner in which the constitution is finally adopted is crucial in determining its legitimacy, popularity and acceptability. Constitutional legitimacy can be found in forms of justification as: religion, consent, minimal substantive requirements and standards developed on international level. The divine legitimacy of the power to concede the constitution was generally referred in the preambles of the different constitutions, describing the source of legitimacy as “the grace of God” or “the divine Providence”. Surprisingly, octroyed constitutions do not draw their legitimacy from religion alone. They obtain additional legitimacy by fulfilling substantive requirements and early international standards.

Nowadays octroyed constitutions are typical for Muslim countries. Their governments had adopted Western ways in their legal systems and other matters. Obviously, the main human rights and civil liberties are proclaimed in their constitutions according to international standards. However, many people regarded such actions as oppressive, corrupt, and ineffective. More and more Muslims started to think that things would improve if their governments returned to Islamic traditions. They began calling for return of sharia (Islamic traditional law based on the teachings of the Koran and the traditions of the Prophet (Hadith and Sunna), prescribing both religious and secular duties and sometimes retributive penalties for lawbreaking). This seems to be one explanation which is consistent with these facts. Modern octroyed constitutions have only a declarative character. Their content can

be even better than content of the constitutions adopted by constituent assemblies or parliaments. The problem is that they are not used in practice. That is why such constitutions do not have the popularity among the public.

To sum up, the main characteristics of octroyed constitutions are as follows:

- they have a great historical background;
- the main reason of their appearance is the need to compromise with social reality;
- they are issued by unilateral act of the head of the state;
- nowadays they are typical for countries, where religion has a big importance;
- they represent interests of the head of the state and his entourage;
- human rights and civil liberties are often involved in these constitutions according to international standards (usually have only a declarative character);
- they can be easily changed;
- such constitutions are relics of the past;
- they cannot be described as democratic.

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CONSTITUTION JUSTICE OF UKRAINE: PROBLEMS AND PROSPECTS

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The question of constitutional justice efficacy has been popular since the first constitutional court appeared. There were always troubles with developing this institution. Resolving this problem in Ukraine requires further researches and analyzes of constitutional justice in other countries. Their example can be very useful in developing Ukrainian court system and an institute of constitutional justice as well. In this research we try to analyze all the problems and prospects of constitutional justice in Ukraine and to find out if there are any possible ways to solve these problems. Also we would like to look through some systems of constitutional justice in order to determine which foreign experience might fit Ukrainian legal system.

The topic of the research is actual nowadays. The stable and highly developed institute of constitutional justice provides a reliable support for Ukrainian citizens. One more important thing is to make legal analysis of problems of constitutional justice in Ukraine and to reach a conception which direction should be chosen to make this institute work perfectly in Ukraine.

The purpose of this paper is to define the best ways to improve the constitutional justice in Ukraine and to find out whether the constitutional justice of Ukraine is effective, or not.

The object of the study is the institute of constitutional justice and authorities which accomplish the constitutional control. **The subject** of research is to highlight all set of problems in

constitutional justice in Ukraine and to find the proper way of solution.

The objective of this paper is to study the question of a citizen access to authorities of constitutional justice and to analyze all possible ways to improve the system of prosecution. The next tasks are to be solved during the research: 1) to consider the history of constitutional justice in Ukraine through the years after official declaration of independence of Ukraine; 2) to analyze the efficacy and problems of constitutional justice of Ukraine; 3) to compare the system of constitutional control in Ukraine with systems of constitutional control in some other countries; 4) to find perspectives of development of constitutional justice in Ukraine.

The theoretical and methodological basis of the study is the constitutional justice in Ukraine. It is important to notice how huge is importance of using term “constitutional justice” in Ukrainian constitutional science is related with importance of resolving different theoretical and practical aspects of this subject. The term “constitutional justice” is separate and self-contained. So there are a lot of differences between “constitutional justice” and other terms like “constitutional judiciary” or “constitutional jurisdiction”. Everyone knows that these terms are connected but not even everyone who tried to investigate the constitutional justice was describing these as different terms.

Researching a problem of constitutional justice in Ukraine we dived into researches of other scientists who had already analyzed these problems before. The first of them is A. Krusyan, who highlighted the role of constitutional justice in a system of modern Ukrainian constitutionalism. The other scientist who researched the same problems is T.O. Tsimbalystyi. Also the research by V.A. Grigoryev who determined features of legal situation in authority of constitutional control and made a legal

research of Ukraine and different other European countries was studied.

Constitutional justice as an institute of constitutional law appeared in a result of separation of legal defence function in activity of authorities of constitutional control (constitutional jurisdiction), which were created due to proceedings of different law principles in constitutional systems of different countries. In particular, constitutional justice – is an established by constitutional legislation judicial protection of rights and freedoms of human and citizen in a way of implementation of constitutional control to revise constitutional laws. Constitutional control, is the evaluation, in some countries, of the constitutionality of the laws. It is supposed to be a system of preventing violation of the rights granted by the constitution, assuring its efficacy, their stability and preservation.

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FORMATION AND DEVELOPMENT OF THE BYZANTINE STATE, ITS SOCIAL ORDER, POLITICAL SYSTEM AND FALL (V-XV CENTURIES)

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The relevance of the topic. The Byzantine state, which "grew" from the Eastern Roman Empire, has a special place in history. One of the largest states of antiquity, Byzantium was formed on the basis of a developed and in many ways complete statehood and legal culture and maintained a new organization throughout the Middle Ages. Byzantium became a particular political cultural center, where the traditions of antiquity were confronted with the equally influential heritage of ancient monarchies, and where their own state and legal tradition developed from this interaction. This tradition, in turn, significantly influenced the formation and development of statehood in the South Slavic and Black Sea folks. Byzantium is also traditionally considered to be the model of state and law, where the inspiration of the "Third Rome" – Moscow, came from. Byzantium served as an arena of direct historical confrontation between the West and the East, which defined much in the subsequent world history and accelerated the decline of the empire itself.

The goal of the research is to study the features of the formation and development of the Byzantine Empire.

In accordance with the above goal, the task of the research is to analyze: the emergence and stages of development of the Byzantine state; the development of the Byzantine state in the IV-VII centuries; the development of the Byzantine state in the V-VII centuries; the decline of the Byzantine Empire.

Methodology of the research. We are going to use the following methods: historical, chronological, method of analysis and generalization.

Byzantine state was formed in 395 as a result of the separation of the eastern part of the Roman Empire. It existed for over a thousand years, until the defeat in 1453 of its capital Constantinople during the Turkish invasion. In general, the history of the development of the Byzantium is divided into three stages:

The first (IV – mid-VII centuries) was a period of collapse of the slave-owning system, the emergence in the bowels of Byzantine society elements of early feudal relations. The state was a centralized monarchy with a developed military-bureaucratic apparatus, but with some restrictions on the power of the emperor.

The second stage (from the end of the VII- to the end of the XII century) is the period of formation of feudal relations, feudal classes; the state acquired the final features of a peculiar form of unlimited monarchical power, but different from that of the despotic monarchies of the East or the West. The imperial power reached the highest level.

The third stage (XIII-XV centuries) is characterized by the deepening of the political crisis of Byzantine society, caused by the intensification of the process of its feudalisation. During this period, the Byzantine state weakened sharply, which led to its death.

Byzantium had a significant impact on the development of the peoples of Southern, Eastern Europe and the Caucasus. It was for a long time the leader of the state-legal heritage of antiquity. Many countries, for example, Bulgaria, Serbia, Kievan Rus, Georgia, Armenia have used the state, legal, cultural and religious heritage of Byzantium. Byzantines Cyril and Methodius created one of the first Slavic alphabets, laid the foundations of Slavic writing and literature.

Byzantium is almost the only state in the world, which is known for the exact dates of formation and fall. This is about the capital of the country-Constantinople. The capital of Byzantium played a special role. Located very well, at the crossroads of European and Asian trade and strategic and political routes, land and sea, it was the heart of Byzantine. The empire was "born with Constantinople" and "died" with it.

Byzantium included the Vatican Peninsula, Asia Minor, Syria, Palestine, Egypt, parts of Mesopotamia and Armenia, Cyprus, Crete, Rhodes and other Aegean islands, the southern coast of Crimea, some areas of Arabia, and from the 5th century – Illyricum and Dalmatia. The lands of the empire were inhabited by tribes and peoples of different ethnic backgrounds, different levels of cultural development, and religious beliefs: Greeks, Armenians, Georgians, Syrians, Jews, Germans (Goths, etc.) Tosh. The dominant position among the folks of the empire belonged to the Greeks, Romanization was superficial. However, officially the empire was called Rome, and its inhabitants called themselves Romans.

The third stage (XIII-XV centuries) can be briefly characterized as the highest peak of feudalism and collapse of the Byzantine Empire. In 1320-1328 in Byzantium, an internecine war broke out between Emperor Andronicus II and his grandson, Andronicus III, who was trying to seize power. The victory of Andronicus III turned into a greater increase in feudal nobility and weakening the central authority. From 1341 to 1355 Byzantium again experienced a civil war and rebellion against the imperial authority of the so-called Zealots in Constantinople, Adrianople and Thessalonica the second largest city of the empire. The Zealots, taking power in these cities and surrounding areas, even carried out some partial reforms: confiscated the lands of the nobles and monasteries, redistributed property, restricted usury. The form of

state government remained unchanged. After the suppression of the uprising of the Zealots the country was overthrown, representatives of two dynasties – Cantacuzipus and Paleologists divided it into shares that belonged to one or another representative of the imperial family. In 1348-1352 Byzantium lost the war to Genoese. The Black Sea trade was concentrated in the hands of the Italians.

Taking advantage of the weakening of Byzantium, the largest of the Turkish emirates – Ottoman in 1352 seized the Cimpe Castle on the Gallipoli Peninsula, on the European shore of the Dardanelles. The path to the Balkans has been opened. In 1362 Murad I conquered Adrianople (in the Balkans). Byzantium was forced to admit vassal dependence on the Ottomans, pay tribute to them, and even participate in Ottoman conquests.

In 1422, the Ottomans seized Constantinople, and in 1430 took Thessalonica. For salvation, Byzantine government concluded a union between the Catholic and Orthodox churches. It was signed in Florence in 1439. After the Florentine Union, the Pope organized a new crusade against the Turks. However this campaign ended with the defeat of the Crusaders in the battle in 1444 near Varna. In the Byzantine society, there was a split between those who defended the idea of continuing cooperation with the Roman Catholic Church and the West, and those who insisted on abandoning the Florentine Union.

Meanwhile, the Ottomans were thoroughly preparing to storm of Constantinople. Sultan Mohammed II built a castle at the narrowest point of Bosphorus, north of Constantinople. He named this castle Bogar-Kelen.

In the spring of 1453 the siege of Constantinople began. The town was grabbed on May 29, 1453 and was subjected to ruthless destruction and robbery. The Turks occupied the Morea in 1460 and the Trapezund Empire in 1461.

Among the causes of Byzantium's death, historians designate the continuous exhausting wars, the decline of cities, crafts and trade and the impoverishment of the peasantry. The country also experienced political fragmentation, which was an inevitable consequence of the feudalisation of society.

To sum up all mentioned above it can be argued that Byzantium has left a deep mark on the history of South-Eastern Europe, on the history of European statehood, the legal system, culture, writing and religion. For more than a thousand years the Byzantine state has existed, going from antiquity to developed feudalism. It established a new church, other than Latin, with a peculiar relationship with the state, called Orthodox. Byzantium created a highly developed law based on Roman law. This law was fixed in several codifications known throughout Europe. The most popular is Justinian's codification.

The Byzantine state played an important role in the international life of medieval society. It has for centuries served as a barrier to Western Europe to which numerous Mongolian and Turkish hordes hailing from the East were broken. Byzantium also plays a significant role in the history of the Slavic states, their literacy, culture, and the spread of Christianity, including in Kievan Rus.

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ISSUES OF VIOLATION OF THE RIGHT TO FREEDOM OF THOUGHT AND EXPRESSION IN UKRAINE

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Since ancient times, the Ukrainians have been fighting for freedom, for the right to express their opinions freely and not to live under anyone`s yoke. In times of Soviet enslavement, the need for liberation from Russian influence was especially needed because of the years of confrontation, millions of victims of that cruel system and plenty of fighters who sacrificed their lives for the better life of future generations. Our ancestors achieved many goals. One of them was the adoption of the democratic constitution.

In 1996, in Article 34 of the Constitution of Ukraine, we officially declared our dream: “Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs”.

In 1997 the European Convention for the Protection of Rights and Fundamental Freedoms was ratified elevating the right to freedom of thought and expression to a higher level. It was clear that the state took the vector for democracy.

Although the law dictates free expression, there are a large number of cases of violation of the right to express views, most of which have not been solved yet. By the way, in 2019 there were 243 violations registered. 172 cases are connected with physical

aggression against journalists [1]. Thus, on the one hand, freedom of speech in Ukraine is stated, but on the other hand, there is resistance to its observance.

To understand the main idea of the right to freedom of thought and expression, it is necessary to get acquainted with the historical circumstances. The beginning of the legal development of free speech was the Bill of Rights, which limited the king's power. Moreover, this English act guaranteed freedom of speech at Parliamentary meetings and prohibited harassment for the expressed views. In addition, that fact also affected the election results or the direct activities of the government. In other words, pluralism was widely spread [2].

The right to freedom of the press and of the principle of openness of power in most European countries was strengthening. First of all, the French bourgeois revolution was the main factor for spreading such ideas.

As for Ukraine, this right was constantly developing there. But when the Soviet Union invaded Ukraine, it began to set its own rules and laws. Each Soviet constitution formally guaranteed rights and freedoms, but actually no one respected them.

The art and educational associations were often contrary to the regime's policies. That is why, since 1929, the intellectuals have been subjected to considerable harassment by the authorities.

Before restructuring of human rights in the USSR, no one but the dissidents spoke openly. The struggle of dissidents was primarily about dissent, another scale of moral and aesthetic coordinates, rejection of false social realism, upholding the freedom of speech and human rights. In the early 80s, the dissident movement in Ukraine was virtually defeated. All powerful bodies of the Soviet system, and the KGB in particular, turned against them. With the monopoly on communications, the regime in every

way hindered the dissemination of information about dissidents to the public [3].

The Soviet system tried to isolate dissidents from the society and make them silent. The most persistent were sentenced to long terms of imprisonment or sentenced to psychiatric hospitals, where they were given drugs that destroy a human personality. [4] Although the USSR was formally a party to the 1966 UN pact and other international human rights treaties and signed the 1975 Helsinki Treaty, it did not meet their obligations.

Terrorist policy continued until Ukraine's independence was proclaimed. And, it seemed, that it was the best moment to bring the declared rights to life, but the reality was different.

On September 16, 2000, Georgy Gongadze, the editor of the news website *Ukrainska Pravda*, which often featured critical articles about the President Leonid Kuchma and other Ukrainian government officials, disappeared in Kyiv. On the night of November 2-3, a farmer discovered a headless corpse outside the town of Tarashcha, and local journalists immediately speculated that it might be Gongadze [5]. It was the murder the investigation of which has lasted for 20 years. The perpetrators have not been punished yet.

The investigation of such large-scale cases is still pending:

The attack on Kherson activist Kateryna Gandziuk, who died on November 4, 2018. She strongly criticized the authorities for their nonfeasance and unwillingness to fight separatism in their home region. Her sharp speeches and actions probably were the cause of her death. An unknown man poured an estimated one liter of acid over the woman, causing severe burns of 40 percent of her body surface. Several suspected perpetrators of the attack are in custody, but the investigation did not reveal those who ordered the attack [6].

The murder of Pavel Sheremet happened in July 2016 because of the car blast in the centre of Kyiv. This event was a shock for Ukraine and whole Europe. He was a famous journalist known for his investigations, numerous awards, but also many threats.

In Ukraine, a lot of journalists have been victims of the attacks or violence, such as the journalist Vadim Komarov, who was killed in Cherkasy. The arson of Galina Tereshchuk's car, who is the journalist of Radio Svoboda, is another case of intimidation of journalists.

The culprits of the 2014 Euromaidan shootings in Kiev were not sentenced. Human rights organizations have criticized the low number of convictions despite sufficient evidence. According to the Prosecutor General's Office of Ukraine, at the end of November last year, 279 persons were indicted and only 52 were found guilty [7].

To sum up, we can confidently state that freedom of expression, pluralism, diversity of thought and debate exist in Ukraine. Journalists openly discuss all state processes that take place.

But we still have a lot to work on. In a "sovereign and independent, democratic, social country", the cases that occur in modern times are inadmissible such as the murder of the "father" of free journalism Hrihoriy Gongadze, the attack on Kherson activist Kateryna Gandziuk, futile hearings of the Maidan cases have to be investigated and the guilty persons punished.

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OBLIGATION TO COMPENSATE FOR THE HARM CAUSED BY CHILDREN AND MINORS

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After the declaration of independence, Ukraine was tasked with reforming its national legislation, bringing it into line with the social relations that arise in all spheres of life. The main role in this belongs to the civil law. The rules of civil law also establish the status of such persons as children and minors.

According to Article 31 of the Civil Code of Ukraine, a child is recognized as a person under the age of 14 years. A minor is a person aged 14 to 18 years old. Minors and children, like all other citizens of our country, in accordance with Part 1 of Art. 2 of the Civil Code of Ukraine are participants of civil relations and they are endowed with civil personality. Civil personality includes the ability to have civil rights and obligations, as well as the ability to acquire civil rights by his/her actions and to exercise them independently as well as the capability to create civil obligations by his/her actions, perform these obligations independently and bear responsibility therefore in case of non-performance thereof [4].

A natural person who attained eighteen years of age (full legal age or majority) shall have full legal capability. Prior to reaching each person full legal capability, there are two periods: partial legal capability of a natural person under fourteen and partial legal capability of a natural person of fourteen through eighteen years of age [4].

As a general rule, a child shall be entitled: 1) to take independently inessential social legal actions; 2) to exercise his/her non-property rights to the outcomes of intellectual and creative activity protected by the law. A child shall be not responsible for the losses inflicted thereby [4].

The subjects of civil liability for the harm caused by children, is defined by the legislator in Art. 1178 of the Central Committee of Ukraine. Damage inflicted by an infant (under fourteen years old) shall be indemnified by his/her parents (adopting parents), tutors or the other physical person legally authorized to educate an infant, unless they prove that the damage is not resulted from their negligent attitude to the guardian responsibilities or avoidance from educating and taking care of an infant [4].

A minor (from fourteen to eighteen years old) shall be responsible for the inflicted damage independently on the general grounds. In the event a minor has no property sufficient for indemnification, the inflicted damage shall be indemnified in the part that is lacking or in full by his/her parents (adopting parents) or tutor, unless they prove the damage was not inflicted through their fault [4].

However, in Soviet science there was a heated debate about the distinction between the grounds and conditions of legal liability in general and tort liability in particular. There was no clear definition of the terms "grounds" and "conditions" of liability.

Many scholars have believed that the basis is a civil offense, which contains certain elements. The following were considered as elements: harm, unlawfulness of the behavior of the claimant, the causal relationship between this behavior and the resultant harm (objective elements), as well as the fault causing the damage (subjective element). The above elements of the offense are not really grounds but liability conditions [1].

S.Ya. Remenyak argues that the "basis" is a legal fact that gives rise to a corresponding legal relationship, their alteration or termination [2].

According to J.L. Chorna, the basis for the occurrence of obligations arising out of the harm is unlawful misconduct. Offense refers to an unlawful act that violates the property or personal non-property rights of natural or legal persons, which causes damage to a person or his property, or which creates a threat of harm [5].

Parental responsibility for the harm caused by children, established by civil law, should be considered as a civil liability for the improper education of children. First, in most cases, the unlawful behavior of children is caused by their irresponsible parenting. Secondly, since children under 14 are indiscriminate, they cannot be held liable. Minors between the ages of 14 and 18,

although recognized as tortuous, do not always have the necessary means to make good the damage.

According to the legislation, parents and their substitutes must raise their children, take care of their physical development and education. It is the duty of parents to care for the maintenance of children, to create the necessary living conditions, to provide for their care and treatment, and to protect their rights and interests [Article 150 of the Family Code of Ukraine]. Thus, through the fault of parents, adoptive parents, guardians, caregivers, the failure to exercise proper control over minors, the irresponsible attitude to their upbringing, or the misuse of their rights against them, which results in the misconduct of a minor causing harm is understood.

Parental civil liability is possible only if there is actual harm caused by the unlawful behavior of a minor. Damage can be material and moral in nature, be it measurable or immeasurable, restorative or not, more or less significant. When an offense is committed, it means that damage has been done, someone's interests, rights, and benefits have been violated. That is all offenses are harmful.

If the parents cannot "make amends" for the child's guilt as a result of the difficult situation in the family due to lack of funds, the court may reduce the amount of damages to parents (adoptive parents) or guardians, depending on their financial status.

To sum up, civil liability of parents (persons replacing them) may arise if there is a result of improper, illegal upbringing in the form of property damage caused by minors. However, this does not mean that parents (the persons who replace them) are responsible for "other people's" actions. Analysis of Art. 1178 of the Civil Code of Ukraine allows us to conclude that the civil liability of parents or persons replacing them arises for their own wrongful conduct.

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THE INSTITUTE OF GUARDIANSHIP AND CARE IN CIVIL LAW OF UKRAINE

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Public relations form a subject of legal regulation. With the emergence of these social relations, appropriate branches of law are formed. For example, relations concerning the establishment or termination of guardianship and care will be subject to civil law. Because according to the Civil Code of Ukraine, the civil law regulates personal non-property and property relations (civil relations), based on legal equality, free expression, and property independence of their participants [1].

Certain civil legal relationships that are similar can be combined into institutions, thereby forming civil law institutions. There are quite a number of them, such as the Bailiff, the Property, the Inheritance, or the Custody.

The Institute of Guardianship and Care aims to protect the personal non-property and property rights of a particular category of persons, such as minors or persons who have been declared incapacitated for some reason or have reduced their capacity to work.

“Guardianship and care” is a topical issue because the social policy of the state is aimed at satisfying the needs, interests and rights of different people, including disabled persons, persons with disabilities, children deprived of parental care and so on. According to Article 55 of the Civil Code of Ukraine, guardianship and care is established with the purpose of securing the personal non-property and property rights of minors, as well as adults who cannot exercise their rights and perform their duties independently.

The Civil Code of Ukraine stipulates that guardianship and care are established by a court or guardianship authority. The guardianship and custody bodies carry out their activities related to the protection of the rights of the child in accordance with the following principles: 1) ensuring the best interests of the child; 2) non-discrimination against children; 3) confidentiality of information about the child [4].

Considering the Trusteeship and Care Rules approved by the Order of the State Committee of Ukraine for Family and Youth, Ministry of Education of Ukraine, Ministry of Health of Ukraine, Ministry of Labor and Social Policy of Ukraine of 26.05.99 N 34/166/131/88, we can clearly distinguish the tasks and powers conferred on the guardianship and care authorities. Such as, for example: 1) to decide on the establishment and termination of guardianship and care; 2) to keep records of persons in need of

care; 3) to supervise the activities of trustees and guardians; 4) to provide temporary accommodation for minors and disabled persons in need of care; 5) to carry out other activities to safeguard the rights and interests of minor children and persons in need of guardianship and care.

As we have noted earlier, there are certain categories of persons for whom the institute of guardianship and care in civil law exists. This is because, we all know that a person acquires civil capacity from birth, it includes such rights as: the right to life, to medical care, to a name, to information, to freedom and integrity and many others. However, a person acquires civil capacity at the age of fourteen, or eighteen, or from the moment of registration of a minor as a sole proprietor. Sufficient capacity allows a person to fully realize himself in the civil sphere, for example, by concluding contracts and so on. However, there are people who need help. Such persons, as I have said before, include children deprived of parental care, or persons who, due to health and spiritual and physical problems, are unable to fully understand and be responsible for their actions. Therefore, the state envisaged such cases in its legislation, and appointed guardians and guardians to fulfill the task of guardianship and care.

Usually, not all persons can be guardians and caregivers, so the Civil and Family Codes and Custody and Care Rules determine the list of pre-emptive carers and custodians. In part 2 of Art. 244 of the Family Code of Ukraine it is stated: "When appointing a guardian for a child, the guardianship and care body takes into account personal qualities of the person, his or her ability to bring up the child, to relate to it, as well as to the child's desire" [2]. The most common cases are the appointment of a guardian from among close relatives or close persons for the trustee. The pre-emptive right among several persons who wish to become guardians of the same person is granted to: relatives of the child regardless of their

place of residence; persons in the child's family at the time when there were grounds for custody and care [3].

In addition to the list of pre-emptive carers, there are also categories of people that cannot be guardians. Therefore, having analyzed the Trusteeship and Care Rules, as well as the Family Code of Ukraine, we singled out those belonging to this category: 1) those who have not attained the age of eighteen; 2) limited in capacity; 3) declared incapacitated; 4) deprived of parental rights if those rights were renewed; 5) are registered or treated at a psychoneurological or narcological clinic; 6) those abusing alcohol or drugs; 7) those who have no permanent residence and permanent employment

Guardianship or care do not last a lifetime, and so there is legal regulation to terminate custody and care. This is done in two ways, one of which is to release a person from the guardian's duties and the other is to terminate guardianship or care. It ceases when the reasons for which guardianship or care have been established have ceased to exist.

On the whole, I can say that after a complete analysis of this institution of civil law, I came to the conclusion that the issue of guardianship and care is very important in Ukraine today. Of course, our legislation contains a large amount of regulations on guardianship and care, but it is not enough in our opinion. Therefore, to a certain extent, it is an obstacle to resolve the issues that will arise, in particular we can single out the following disadvantages: the absence of a special law that would regulate custody and care relationships not only for children but also for adults; the absence of a legal act on payment of services of guardians, provided for in Art. 73 of the Civil Code of Ukraine.

There are contradictions between the Civil Code, the Family Code of Ukraine and the Rules of Care and Custody in regulating the relationship between guardianship and care.

However, we hope that Ukraine's law makers will pay more attention to developing laws governing the institution of guardianship and care. There will be enough regulations, to resolve different cases there won't be controversy between them. Of course, it won't be settled in a day, it will take time. But after taking all measures this institute will work at an excellent level and this direction of social policy of state will really help people.

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FULFILLMENT OF OBLIGATIONS

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Institute of Obligatory Law is one of the most important and biggest institutes in the Ukrainian Civil Law system. Its norms regulate property relations, which are formed in connection with the transfer of property, provision of services, implementation of works, causing damage or unjustified acquisition of property.

First of all, Obligatory Law is a set of civil rules that regulate relations between legally equal and mutually responsible entities, which have been formed in relation to a certain object

(objects). Obligations arise on the basis of legal facts and by their nature are intended to be fulfilled, otherwise such legal relations would not be called binding. Therefore, in order to have the fulfillment of obligations done in a proper way by the parties, we need to comprehend the essence of its concept, features and issues to ensure the balance of interests of the parties, to avoid abuse and dishonesty in this process.

To begin with, it is necessary to define the term of the fulfillment of obligations, which means committing by the debtor or another person in favor of the creditor or a third party of a certain action or withholding from the action that is the subject of obligation. Fulfillment of obligations is, obviously, a dynamic process, although it must clearly define the rights and responsibilities of the parties, be delineated in time and space, as this process is the basis for termination of the obligation [3].

Each obligation must be fulfilled on the basis of special principles and meet the general requirements for the sake of proper functioning of civil turnover. There are basic principles of real and proper fulfillment, in addition Civil Law establishes not less important principles of justice, good faith and reasonableness.

The principle of real fulfillment acts as a general rule that commands that the obligation has to be fulfilled in kind, namely the debtor commits the action that constitutes the content of obligation without replacing this action with a monetary equivalent in the form of compensation of damages or penalties. Principles of justice, good faith and reasonableness are important in the absence of regulatory or contractual regulation of relations related to the fulfillment of obligations, they serve as a regulator of the rights and obligations of the parties to the obligation, acting as a guideline of possible behavior for the parties to the obligation [2].

Concerning the principle of proper fulfillment, its essence is manifested in the fact that the debtor must fulfill obligations

according to the requirements of the law and conditions of the contract, and in their absence according to business turnover or other requirements. Guidelines for determining the general conditions of proper fulfillment of obligations are set in Art. 526-545 of Civil Code [1], the analysis of which allows us to draw the conclusion that obligations must be fulfilled: 1) by due parties; 2) regarding the proper subject of obligation; 3) in the proper place; 4) in due term; 5) in a proper way [4].

The parties to the obligation are the debtor, on the one hand, and the creditor, on the other. The existence of legal relations between them characterizes them as entities of obligation.

The subject of fulfillment of obligation is a certain thing, work, service, money, which the debtor must transfer, perform, provide or pay to the creditor or another person. Requirements for the subject of fulfillment are differentiated in different obligations and are established by conditions of the contract, acts of Civil Law, and in their absence are determined by the custom of business turnover or other requirements [3]. Therefore, the parties of the obligation must fulfill their duties qualitatively and in a proper way, regarding a specific subject, which is mentioned in conditions of the contract, and all their actions must comply with the law.

Accurate determination of the place of fulfillment is necessary to establish requirements, implementation of which will indicate the proper fulfillment of obligation and formulation of conditions of the contract, such as the place of delivery and acceptance of goods. Failure to comply with the requirement of the place of fulfillment of obligation, will serve as evidence of its improper performance.

The term of obligation is a certain period of time during which the obligation should be fulfilled. The term is determined in years, months, weeks, days or hours, which is noted in Part 1 of Article 252 of Civil Code of Ukraine [1]. It can be established by

an act of Civil Law, a contract, or a custom of business turnover. The Civil Code also provides possibility of intermediate terms, in case the fulfillment of obligation can take a long time. For example, Part 1 of Article 846 of the Civil Code [1] states that the term and specific stages of fulfillment have to be set in contract.

The way of fulfilling obligation is the procedure and sequence of actions taken by the parties in the process of fulfilling obligation. The method of fulfilling obligation is usually determined by the subject and content of obligation and is chosen by the parties when it arises. Fulfillment of obligation can be realized in the way of partial fulfillment by the debtor of his duties, but the creditor may not accept such performance, which is set in Article 529 of the Civil Code of Ukraine [1]. Another way is counter-fulfillment the essence of which is simultaneous performance of duties by the parties to obligation.

The final stage in the process of fulfillment is its documentary proof, which certifies the proper fulfillment of obligation and its acceptance by the creditor, which serves to terminate the obligation. For example, it may be a document confirming the provision of services. According to Part 1 of Art. 545 of the Civil Code [1], having accepted the fulfillment of the obligation, the creditor must, at the request of the debtor, issue him a receipt of fulfillment in part or in full. It is important for the debtor to receive a receipt from the creditor certifying that he has fulfilled his obligations that must indicate which obligation has been fulfilled. After all, if a dispute arises, it will be a piece of necessary evidence during the trial. The receipt confirms that obligation has been fulfilled in a proper way.

In conclusion, the fulfillment of obligation is an important, dynamic process of realization of rights and obligations by the parties to the agreement, which should be done basing on the general principles, such as real and proper fulfillment. This process

requires proper, high-quality realization of duties, a clear determination of conditions in the contract, and compliance with the rules established in the law. This process is complex and involves the need to take into account the specifics of each type of obligation in order to properly implement it.

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ANALYSIS OF CORPUS DELICTS UNDER ART. 246 "ILLEGAL FELLING OR ILLEGAL TRANSPORTATION, STORAGE, SALE OF FOREST" AND SECTION VI "CRIMES AGAINST PROPERTY" OF THE SPECIAL PART OF THE CRIMINAL CODE OF UKRAINE"

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Illegal logging and related trade in illegal timber are now recognized worldwide as a significant threat to forests, causing irreparable damage to the environment and ecological biodiversity. Given the current situation in Ukraine, this applies to illegal logging of Carpathian forests and forests in other regions of the

country, in particular, the crime under Article 246 of the Criminal Code of Ukraine, which provides for liability for illegal logging or illegal transportation, storage, sale, deserves special attention due to the negative impact on the country's economy, this crime causes significant material and social damage, depriving the state and its population of the big part of income.

Our **purpose** is to study the composition of the crime under the Article 246 "Illegal felling or illegal transportation, storage, sale of forest" of the Criminal Code of Ukraine. **The object** of this crime will be the established order of protection, rational use and reproduction of forests as an important element of the natural environment. From the analysis of the disposition provided by Article 246 of the Criminal Code of Ukraine, we see that the subject of this crime will be trees and shrubs that grow in forests, protective and other forest plantations, reserves or in territories and objects of nature reserves. or in other specially protected forests.

From the objective side, the crime is expressed in illegal logging, it is all cases of separation of trees and shrubs in the forest, from the root, regardless of the means and methods used (ax, saw or other objects), in addition, due to recent changes in legislation, this article also provides for liability for transportation, storage, sale of illegally felled trees or shrubs. It should be emphasized that in the current reaction of the Criminal Code of Ukraine this corpus delicti is material - the obligatory features of its objective side are the criminal act, criminal consequences and the causal link between them. A completed crime with material composition is considered only from the moment of occurrence of criminal consequences, which should be understood as causing significant harm or causing serious consequences, the meaning of which is separately defined in the note to Article 246 of the Criminal Code of Ukraine.

The subject of the crime is a general, i.e. a physically sane person who has reached the age of 16 at the time of the crime. The

subjective side of the crime is characterized by intent. Article 246 of the Criminal Code of Ukraine provides responsibility for the following: 1) committing a crime repeatedly or by prior conspiracy by a group of persons; 2) committing a crime in reserves or on the territories or objects of the nature reserve fund, or in other specially protected forests; 3) causing serious consequences.

Given the achievements of the doctrine of criminal law, it becomes clear that the main criterion for distinguishing the composition of the crime under Art. 246 of the Criminal Code of Ukraine, and the corpus delicti provided for in Section VI "Crimes against property" will be such a feature of the object of the crime as the subject.

As the scholar N.O. Antonyuk notes: "The subject of crimes against the environment is characterized by the fact that it preserves ecological ties with the biosphere, does not embody specific work (it is not a commodity). The property, which is the subject of crimes against property, is invested in a specific human labor, which removes it from the natural environment" [1].

For distinguishing the composition of the crime under Art. 246 of the Criminal Code of Ukraine, and the corpus delicti provided for in Section VI "Crimes against property" should be considered the most relevant concept of human labor contribution, which is justified in the works of scholars M. Panov and P. Oliynyk. This concept assumes that the subject of crimes against property can only be a thing created by human labour or removed in this way from the natural state (which corresponds to the content of economic and social characteristics of this object). In order to recognize objects in the natural environment as property, i.e. the subject of crimes against property, it is necessary that these objects be removed from this environment by purposeful human labour and included in the owner's funds as property. They also point out that objects of nature should be recognized as property even when they,

without being separated from the natural environment, are specially bred or grown on the natural basis and are the product of an incomplete cycle of commodity production [3].

Another criterion for distinguishing the composition of the crime under Art. 246 of the Criminal Code of Ukraine should also be mentioned, and the *corpus delicti* provided for in Section VI "Crimes against property" is a generic object. As mentioned earlier, Article 246 of the Criminal Code of Ukraine is part of Chapter VIII of the Criminal Code of Ukraine entitled "Crimes against the Environment", respectively; its generic object will be the established order of protection, rational use and reproduction of forests as an important element of the environment. In contrast, the generic object of crimes under Section VI of the Special Part of the Criminal Code of Ukraine is economic property relations as a system of public relations for the production of material goods, including the ownership of these goods, their use, distribution and consumption [3]

As can be seen from the doctrine of criminal law, at present there is a certain specificity of delimitation of the crime provided by Art. 246 of the Criminal Code of Ukraine, and the *corpus delicti* provided for in Section VI "Crimes against property", as their objective and subjective features show some similarity between them. Nevertheless, the scientific discussion has formulated a clear approach to the delimitation of these notions, where the main criterion is such feature of the object of the crime as the subject.

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INSTITUTE OF PARLIMENTARY IMMUNITY

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The Institute of parliamentary immunity has been developing historically since ancient times. This privilege was granted in order to protect and ensure person`s inviolability during the period of their performance of duties.

Looking at the person of the ancient Roman tribune, which was considered untouched, we can conclude that this institution was important and has not lost its functions until today, but over a long period improved and adapted to certain social and political sentiments. In the contemporary realities of Ukraine, this institution has undergone significant changes since independence. It is important to analyze the relevance of current reforms against the backdrop of the political climate.

This guarantee should ensure the proper performance of the deputy`s duties, but whether it is appropriate in the formulation to which it was offered to us. This remains a matter for debate among politicians and scientists.

The purpose of our research is to investigate the concept of the "Institute of MPs", its types, requirements for its quality and practice for enhancing its role in the life of modern society.

Modern life trends are changing with striking consequences. Various institutions must be properly adjusted to social fluctuations. Parliamentary immunity is an aspect of the guarantees of parliamentary activity around which disputes will persist for a long time. This paper aims include analyze the current changes of this institution and its adaptation to the public interest.

The object of the research is the Institute of Deputies' Immunity as a whole. **The subject** of the research is to study the main varieties of parliamentary immunity, to analyze the amendments to the Constitution of Ukraine, regarding this institution. So **the objectives** of our research are the following: 1) to reveal the meaning of the concept of "parliamentary immunity" from the standpoint of various scientist; 2) to analyze the foreign practice of this institute; 3) to describe the process of formation and change of this institution; 4) to identify the gaps that may distort the content of the current legislation on the Institute of Parliamentary Immunity.

This problem can be analyzed using national law. In particular, the Law of Ukraine "On Amendments to Article 80 of the Constitution of Ukraine (concerning inviolability of the deputies of Ukraine) and in the Constitution of Ukraine in the version of 01.01.2020. Also, the decision of the Constitutional Court of Ukraine in the case of the constitutional appeal of the Verkhovna Rada of Ukraine on the conclusion on the conformity of the bill amending Article 80 of the Constitution of Ukraine (concerning inviolability of the deputies of Ukraine) (Reg. No. 7203) with the requirements of Articles 157 and 158 Of the Constitution of Ukraine (dated 19.06.2019). A number of competent specialists, such as Konstantin Zoya, (Candidate of Law, Professor), who in his Report on the results of analysis of the problem of immunity of the deputies of Ukraine also covered some of the gaps in the current legislation on this institution.

As we have said we try in our research to study the concept of the "Institute of MPs" and its types. This institution has evolved and improved over a long period. Ukraine is no exception.

Undoubtedly, the institute of parliamentary immunity should be considered one of the most important guarantors that a deputy will be able to perform his duties freely. This is due to the fact that the deputy should not be afraid to express his political opinions, because he is the elect of the people, and in fact expresses his wishes. An indemnity should be considered a legal guarantee of this for deputy.

So there is another type of immunity – "immunity", which meant not bringing a deputy to criminal responsibility without the consent of the Verkhovna Rada, but under the new legislation, this type is removed and only the indemnity remains.

The second provision of Art. 80 of the Constitution of Ukraine was extremely controversial, even the complete abolition of parliamentary immunity was discussed, but following the reservations of the Constitutional Court of Ukraine and the Venice Commission it was inappropriate to completely abolish parliamentary immunity.

In conclusion I would like to say that The Institute of Parliamentary Immunity in Ukraine has appeared quite recently, it is imperfect and contains many inaccuracies when compared to foreign experience. However, our state has embarked on a path of reforming this institution and with the latest bills has been able to improve it. At present, Ukraine has only an indemnity, and such a change is justified in accordance with current trends, developments in society and politics. Of course, such an institution must exist in order to ensure the proper functioning of the deputy's work. Nowadays, society can be quite cruel to those with different political views, so the study of this institution is primarily to protect the interests of those elected by the people. We need to pay more

attention to this issue in order to further study and improve the Institute of Deputies' immunity in the future.

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NOTARIZATION OF TRANSACTION

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Transaction is one of the most common mechanisms of civil law regulation, which is also one of the most important legal grounds for the acquisition, changing and termination of civil legal relations. Almost all property relations in the country are connected with transactions. With their help, natural persons and legal entities are able to satisfy their interests in a particular sphere of life [5].

Under Part 1 of Article 202 of the Civil Code of Ukraine a transaction shall be an action of a person aimed at acquisition, changing or termination of civil rights and obligations.

Article 203 of the Civil Code of Ukraine provides that in order for a transaction to be considered as valid and, accordingly, legitimate, such conditions must be observed when effecting it: the legality of the contents of the transaction; availability of necessary scope of legal capacity of the parties (party); availability of objectively expressed will of the participant of the transaction and its correspondence with the inner volition of the participant of the transaction; conformity of the form of the transaction made with the requirements established by the law; a transaction shall be aimed at realistic occurrence of legal consequences stipulated by it; absence of focus of the transaction effected by parents (adoptive parents) on the violation of the rights and interests of their infants, minors or disabled children. If the requirements mentioned above are not satisfied, the transaction is illegitimate or may be invalidated in accordance with the procedure established by the Civil Code of Ukraine.

A transaction can be effected in either verbal or written form (Article 205 of the Civil Code of Ukraine). Some written transactions require notarization, as well as ad hoc state registration. The requirements of the law regarding the necessity to conclude a transaction in a certain form are aimed at facilitating the fixation of the will of the subject of the transaction, which eventually in the case of litigation will provide evidence of the real existence between the parties the proper legal relation and the reality of their mutual obligations and requirements. The form of the transaction is established by the Civil Code of Ukraine and other legislative acts as the Land Code of Ukraine, the Family Code of Ukraine, and the laws on privatization of the state property [4].

The Civil Code of Ukraine does not establish the obligatory notarization (notarial form) of the transaction. Notarization of a legal deed in writing is required only in cases established by the law or by agreement of the parties (Article 209 of the Civil Code of Ukraine). The notarial certificate is carried out by a notary or other official who, under the Law of Ukraine “On Notariate”, is authorized for such notarial action, by effecting it on the document where the text of a transaction is set forth. The procedure for the notarization of transaction is determined by the law on notary.

The person who attests the transaction is obliged to check its correspondence with the requirements of Article 203 of the Civil Code of Ukraine. After concluding a notarial certificate the presumption of accordance of the transaction with these requirements, which can be turned down in a court, must act [4].

The Civil Code of Ukraine foresees the consequences of non-compliance with the requirements of the law on notarization of unilateral transaction (Article 219). In case of non-observation of the law requirement on notarization of a unilateral transaction, such transaction shall be void. The Civil Code of Ukraine allows an exception to this rule. A court may find such transaction valid if it establishes the conformity to the true intention of a person who concluded it, and notarization of the transaction was hindered by a circumstance, which was beyond the control of that person [2]. For reasons of non-observance of the requirements of the law on notary the worthless transactions are only the transactions that are in accordance with applicable law subject to mandatory notarization certificate [6].

Therefore, the meaning of a transaction is the following: a transaction is the most common legal fact (legal action) through which abstract civil capacity is realized, through the acquisition of specific civil subjective rights and obligations. Through private transactions, individuals inform about their desire to change and

terminate subjective rights and obligations. In the case of concluding complex transactions that go beyond the ordinary and affect the essential interests of citizens and require special knowledge, the law provides a qualified written form - the form of a notarized written document. On the request of a natural or a legal person, any transaction with their participation can be notarized.

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SUBJECTS OF LABOUR LAW: CONCEPTS AND THEIR CLASSIFICATION

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Labour law is a leading branch of the Ukrainian law, which is a system of labour standards governing the totality of workers' relations with employers, as well as other relations closely related to labour and establishing rights and obligations in the branch at enterprises, institutions, organizations regardless of ownership and liability in case of violation.

In the structure of any relationship, including labour, the necessary elements are the subjects of these relationships. In this connection, it is important to study the concept, legal properties of rights and obligations of holders in labour and closely related legal relationships, which are united by a single concept – the subjects of labour law. Also it is relevant to specify the concepts and status of individual subjects of labour law in relation to the current conditions.

The purpose of the work is a comprehensive study of the problems of concept, types and legal status of subjects of labour law.

The tasks of the work are as follows: 1) to investigate the concept of "subjects of labour law" and consider the relation of this concept with the concept of "subjects of labour relations"; 2) to outline the range of subjects of labour law and to classify them by individual types; 3) to define the concept and disclose the content of the status of subjects of labour law; 4) to consider the characteristics of citizens as subjects of labour law; 5) to investigate the specifics of the legal status of the owner of the

enterprise and its authorized body as subjects of labour law; 6) to determine the place and role of the labour collective among the subjects of labour law; 7) to find out the essence of trade union representation and justify the necessity of recognition by trade union subjects of labour law.

The dynamic development of the labour legislation of Ukraine covers a broad aspect of social relations. However, the concept of the subject of labour law is not provided by the law. Legal science has developed a general concept of a labour law entity as a specific person or organization with the capacity to have subjective rights and legal responsibilities [3, p. 33].

The very possibility of being a subject of labour law is conditioned by the availability of legal capacity and capability. These two legal phenomena in labour law are inseparable from civil law, in which legal capacity becomes from birth and full legal capability reaches the age of 18 years. In labour law, the employee has the sole legal personality and in full – with the attainment of 16 years of age, and in some cases provided for by law – from 15 or 14 years of age [1, Art.188].

A citizen is recognized as an individual who has a certain civilian status that is, a set of factual circumstances that characterize that person as a party of legal communication. Realizing his/her right to work by concluding an employment contract [1, Art.2], a citizen acquires the status of an employee. Workers, employees and other categories of workers are the most numerous category of Ukrainian citizens. From the other categories of citizens of Ukraine in the legal sense they are distinguished by the fact that they are in employment relations with state, cooperative, public enterprises, institutions, organizations and are subjects of labour law. As enshrined in Art. 1 of the Labour Code, labour law regulates the labour relations of all workers, contributing to the growth of labour productivity, improving the

quality of work, improving the efficiency of social production and raising the material and cultural standard of living of workers on this basis, strengthening the discipline of labour [1, Art.1].

The employee concludes an employment contract with the enterprise, institution, organization as a legal entity, where he/she realizes his/her right to work and enters into employment relations with the owner of the means of production. It is the owner of the means of production, whether it is a state, cooperative, public organization, citizen or group of citizens, who has the discretion to own, use and dispose of his/her property. The use of its productive activity may be carried out with the use of the work of citizens, provided that they are supplied with the social and economic guarantees prescribed by law.

The relations of labour collectives with the owner or their authorized bodies are legal, but not labour, since their content is not only work, but only its organization and the conditions under which this work is carried out [2, p. 51].

The main task of trade unions is to represent and protect the interests of employees in the relations with the owner. Based on these tasks, the main functions of the activities of trade unions are protective and representative, which are supplemented by supervisory powers over the observance of labour law. In addition, trade unions carry out a number of delegated state functions: production, economic, social, cultural and educational. Trade unions are involved in law-making and enforcement activities.

Summing up all abovementioned, each subject of labour law has its own specific legal personality which reflects its legal position. In my opinion, in the new Labour Code of Ukraine, it is very important to duly legislate the definition of the subjects of labour law, their types, legal personality, to determine the principles of construction of legal personality, its constituent elements, which will allow to secure the status of subjects of labour

law and to ensure the progress of Ukraine on the path to building a democratic, social and legal state.

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AMENDMENTS TO THE CONSTITUTION OF UKRAINE: SUBSTANTIVE AND PROCEDURAL ASPECTS

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Altering the Constitution of Ukraine is the process of altering the Fundamental Law of the State. Section XIII of the Constitution of Ukraine sets out the procedural and substantive aspects of the process of amending the Constitution of Ukraine. The Constitution of Ukraine provides for a clear list of subjects capable of initiating amendments to the Fundamental Law of the State: 1) the President of Ukraine; 2) one third of the Deputies of Ukraine from the constitutional composition of the Supreme Council of Ukraine. After initiating a bill to amend the Constitution, it must be approved in advance by a majority of the constitutional composition of the Supreme Council of Ukraine. Further, this bill will be considered adopted if at the next regular session of the Supreme Council of Ukraine no less than two thirds

of the constitutional composition of the Supreme Council of Ukraine voted (Article 155 of the Constitution of Ukraine) [2].

The procedure described above applies to the following chapters: II – "Human and Citizen's Rights, Freedoms and Duties", IV – "Verkhovna Rada of Ukraine", V – "the President of Ukraine", VI – "Cabinet of Ministers of Ukraine. Other Bodies of Executive Power", VII – "Prosecution Office", VIII – "Justice", IX – "Territorial structure of Ukraine", X – "Autonomous Republic of Crimea", XI – "Local self-government", XII – "Constitutional Court of Ukraine", XIV – "Final provisions", XV – "Transitional Provisions".

The complicated version of altering the Constitution concerns such chapters as: I – "General principles", III – "Elections, Referendum" and XIII – "Introducing Amendments to the Constitution of Ukraine". The subjects of the initiative to alter the Constitution are the President of Ukraine or at least 2/3 of the constitutional composition of the Supreme Council of Ukraine. These amendments are submitted to the Supreme Council of Ukraine and accepted at least by 2/3 of its constitutional composition. After that, the changes are approved by an all-Ukrainian referendum and only then come into force.

Also, any draft law amending the constitution of Ukraine is considered by the Supreme Council of Ukraine in the presence of the opinion of the Constitutional Court of Ukraine. The Constitutional Court checks whether the changes meet the following requirements: 1) whether the rights and freedoms of the individual and citizen are not abolished or restricted; 2) whether the changes can be aimed at liquidating Ukraine's independence; 3) whether the territorial integrity of Ukraine is not violated; 4) under what conditions amendments to the Constitution of Ukraine are envisaged; 5) whether the bill will be considered by the

Supreme Council of Ukraine again, within one year from the date of making a decision on a similar bill [2].

It is possible to classify the Constitution of Ukraine as a 'rigid constitution', since the amendments are confirmed by the following factors:

Article 157 of the Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizen's rights and freedoms, or if they are oriented toward the liquidation of the independence or violation of the territorial indivisibility of Ukraine [2].

The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.

Article 158. The draft law on introducing amendments to the Constitution of Ukraine, considered by the Supreme Council of Ukraine and not adopted, may be submitted to the Supreme Council of Ukraine no sooner than one year from the day of the adoption of the decision on this draft law [2].

Within the term of its authority, the Supreme Council of Ukraine shall not amend twice the same provisions of the Constitution.

Under Article 159, a draft law on introducing amendments to the Constitution of Ukraine is considered by the Supreme Council of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on the conformity of the draft law with the requirements of Articles 157 and 158 of this Constitution.

In Article 154 a draft law on introducing amendments to the Constitution of Ukraine may be submitted to the of Ukraine by the President of Ukraine, or by no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Supreme Council of Ukraine.

According to Article 155, a draft law on introducing amendments to the Constitution of Ukraine, with the exception of

Chapter I – "General Principles," Chapter III – "Elections. Referendum," and Chapter XIII – "Introducing Amendments to the Constitution of Ukraine," previously adopted by the majority of the constitutional composition of the Supreme Council of Ukraine, is deemed to be adopted, if at the next regular session of the Supreme Council of Ukraine, no less than two-thirds of the constitutional composition of the Supreme Council of Ukraine have voted in favour thereof.

Under Article 156, a draft law on introducing amendments to Chapter I – "General Principles," Chapter III – "Elections. Referendum," and Chapter XIII – "Introducing Amendments to the Constitution of Ukraine," is submitted to the Supreme Council of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Supreme Council of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Supreme Council of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.

That is, taking into account these articles of the Constitution, we can conclude that the Constitution of Ukraine is quite stable and protected. The constitution sets out a clear mechanism for procedural change, which shows its rigidity regarding the possibility of amending it. The Constitution of Ukraine, similar to the US Constitution, is rather rigid in its complexity.

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THEORIES OF CAUSATION: GENERAL CHARACTERISTICS

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The theory and practice of criminal law is based on the basic principle, which means that a person can be accused of committing a crime only if socially dangerous consequences were causally related to his action or inaction. The definition of causation is connected with the establishment of specific legal facts: cause and effect. In other words, the causal connection acts as a link between a socially dangerous act and its consequences. It can be represented as a chain of phenomena that objectively determine the transition from an illegal act to its outcome, and therefore to trace the relationship between the act and the damage caused by it, and it is possible by analyzing the causal relationship between them.

First of all, causal – consequential connection is one of the general forms of connections between things and phenomena in the world. To find out the causal connection between a socially dangerous action and its consequences, crime and criminal liability, criminal liability and punishment, we have to distinguish it from other various connections, which also may be connected with the action/inaction of a suspect.

The concept of causation in the criminal law of Ukraine is based on the basics of dialectical materialism:

1. The cause always precedes the investigation in time, but not everything, that happens before is the cause of what comes later. This provision of criminal law means that along with the objective (external) side of the crime, we have to remember the subjective side during the investigation.

2. Necessity of causation in criminal law means, that the object which was endangered by a socially dangerous act in the consequence is damaged by this act. As we already know, the obligatory feature of criminal liability for crimes with a material component is the presence of a causal connection between the act (action or inaction) and harmful consequences.

In modern science of criminal law, the establishment of a causal link in crimes with a material component is associated with the following rules: 1) artificial isolation of cause and effect; 2) the act must create a real possibility of damage (the principle of real possibility); 3) the act necessarily causes the corresponding consequence.

There are five main theories of causal – consequential connections: 1) the theory of exclusive causality; 2) the theory of necessary condition; 3) adequate causation theory; 4) the theory of necessary causation; 5) the theory of cause and condition.

So, now we will try to find out some details about each of them. The first and one of the most fundamental theories is the theory of exclusive causality. The most important features of this theory include the following: 1) the result must be caused solely by the actions of the perpetrator, and the perpetrator must foresee such result; 2) if the death occurred as a result of some features of the victim's body, such as his illness, the causal link, which has legal significance, is excluded; 3) if the death could have been prevented

by the provision of medical care, the causal link of legal significance is not recognized as existing.

But this theory has a lot of disadvantages, for example A. Feuerbach said, that "A crime (murder) shall be deemed to have been committed when the result of the unlawful act was a valid cause of death, and it does not matter whether it could have been prevented by care or treatment".

The next is the theory of the necessary condition, this one means that causation exists in all situations (including casuistic), if the action is a necessary condition for consequences. No matter how far or close the conditions of the consequences, all of them can be equally the causes of crime, if they require the occurrence of criminal consequences. According to the theory of equivalence, as noted by M. Bury, "a person is guilty of the death of the victim, if, for example, s/he injured his/her fingers, from which the victim died due to blood loss because s/he suffered from hemophilia."

Of course, this one is also not perfect and undergoes a lot of criticism, because the causal connection in this case can be extended to infinity.

Adequate causation theory – the cause was recognized only by those actions that were appropriate, adequate to the consequences and that would cause such consequences in the majority of cases. According to this theory, for example, there is no causal link in cases where making a light cut is not dangerous for an average person, but leads to death of a patient with hemophilia. Proponents of this doctrine do not believe that the presence of the necessary condition is the sufficient basis for establishing causality. The action must have the ability to cause a socially dangerous consequence, the cause is recognized only by those phenomena that in their adequacy could cause the corresponding dangerous consequences; accidental and atypical conditions are denied. The denial of atypical situations is a minus in this theory.

The theory of necessary causation. The essence of the theory of necessary causation is that it attaches importance to the objective side of the crime. That means that causation can be proved only when the consequence is the accidental result of the act. After all, the causal link will exist when the consequences naturally followed from the behavior of the person, i.e. the necessary causal link between the action and consequence is formed as a result of transformation of real possibility into reality.

The theory of cause and condition emphasizes that cause and effect are linked by a genetic link; without favorable conditions the consequences are impossible to emerge.

Understanding the process of causing must be specified in the concept of interaction of cause and effect. In scientific literature, including legal, the most common traditional definition is that cause is the object, the action of which generates a change in another object. As noted above, another definition has recently become widespread, in which the cause is the interaction of things or elements within the thing and consequence are the changes that during the interaction of things.

So, we can draw the following conclusions: in the science of criminal law of Ukraine there is a single doctrine of causation, which is based on the statements of philosophy of causality. Causal connection in criminal law should be understood as the link between a socially dangerous act of a suspect and a criminal consequence. The theory of necessary causation has found the greatest support of scholars, because the basis of this theory includes provisions of materialist philosophy. This theory distinguishes between necessary and accidental connection.

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DISTINGUISHING FEATURES OF UKRAINIAN COSSACK STATE-FORMATION

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We could state with great certainty that the Ukrainian Cossacks were quite consciously guided by such civic values as freedom, equality, brotherhood, liberation of Christian slaves, protection of the weak in their lives and activities at the beginning of the 16th century. It was the basis, on which the process of further self-organization of the Cossack society took place. Also I would like to highlight that their specific ideology was based on the principles of democracy. The significant fact was that relations were established not only with other states and groups but also with power structures of the Polish-Lithuanian Commonwealth. It meant that the Cossack's value system was based on freedom and they could not live under pressure from another state. This system of values influenced the political positions and orientations of Zaporizhan troops, their political practices and forms of political expression, i.e., the political culture of the Cossacks as a whole.

Thus, as early as the mid-17th century, the system of values produced by the Zaporozhian army actually began to determine the value orientations of Ukrainians as a nation. act as an indicator of the level of development of their political culture.

Ukrainians paid particular attention to such valuable political and legal categories as individual liberty, democracy, equality, national self-identification, national and state idea, democracy or monarchy, labor and land tenure rights, inheritance, notions of catholicity, conservatism and revolution, justice of national liberation movements, etc. in the 17th century. This led to the establishment of new models of political culture and socio-economic relations in the Ukrainian territory, as well as enabling Ukraine to demonstrate the world its European focus within a short historical period.

An important step in the development of the views of the Cossacks was the National Liberation war, which in its first stage, radically reoriented the views and aspirations of the hetman himself, some of his senior officers (starshynas) and Ukrainian gentry who were close to him. In their minds, the idea of Cossack autonomy gave way to achieving independence of the state and reunification of all Ukrainian lands within its borders.

At the heart of this process was the awareness of all social strata of the population of the threat of losing their national identity, and such consolidation of people around the national idea in the middle of the 17th century lit the idea of statehood and it became the highest quality innovation in the Ukrainian political culture of that time.

It is worth noting that in the Ukrainian-Hetmanate society of that time there were many factors forming a tendency to enter into the election of a monarchical form of government. Firstly, the gentry acknowledged their subordination to the hetman primarily because of the aggravation of socio-economic contradictions between the leaders and the people; the elite could not fail to realize that it would not be able to realize their socio-political position in the socio-economic aspect until a strong hetman's power was established. Socio-economic processes in Ukraine contributed

to the formation of institutions of Ukrainian monarchism close to the respective Western European but not Eastern despotic monarchs. First of all, this was due to the nature of Cossacks and their specific ownership traditions.

In the conditions of the formation of a new society, along with the monarchism that relied on the desire of the central government to subordinate public life to its rule, the Republican orientation became widespread. These views of Ukrainians and their desire to create a state with republican form of government sometimes intensified and sometimes weakened, but always remained inherent in the political elite of Ukraine-Hetmanate. The source of republicanism during the mid-second half of the 18th century was the influence of the Western European Enlightenment and some of the Republican views of Petersburg throne, which was also due to the enlightenment influence.

In domestic policy, the leading regulators of relations were law and the court. Judicial proceedings were considered as a means of resolving disputes not only within the limits of a particular state, but also in the relations of the starshyna with the Cossacks. Under favorable circumstances, the starshyna did not try to resolve cases with the Cossacks by force, but rather defiantly resorted to trial. The Cossacks formed certain principles of judicial policy: 1) the accusation must be substantiated; 2) sentence must be passed in court. However, the starshyna never perceived the trial as an act intended solely to punish the offender. The court was regarded as the institution which was intended to create opportunities for the accused to be excused. This was already stated in the recognition of the fact of the parties' competitiveness. That is, the emphasis was not on punishment, but on ensuring the fairness and legality of the trial.

Among political and legal views on the judiciary, there was a clear focus on the collective, not single, solution of cases. This

was undoubtedly the result of a long court practice, in which the representatives of the community of the place, where the court was sitting, participated in the trial.

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THE FORM OF THE STATE: CONCEPT, CHARACTERISTICS, KINDS.

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The form of the state is defined as a complex social phenomenon, which makes it possible to determine the nature of the existence and direction of development of the state, its properties of the structure, government and regime, is an expression of the most general features of the way of organization and functioning of specific states.

The importance of a strict definition of the form of government becomes clear after the question of the essence of the

state is resolved. Having a definition of the state, it is necessary to have a clear idea of its varieties, classification, and form of the state. Studying the state from the point of view of its form, we find out the expression and order of building the state, its internal structure and constituent elements, the main ways of establishing and implementing state power. The structure of the state form is a stable unity of three constituent elements: form of the state administration, forms of the state government, forms of the state regime.

Form of the state administration is an element of the form of the state that characterizes the structural organization of power. Forms of administration are largely considered depending on whether power is exercised by a single person or whether it belongs to a collective elected body. In the first case, there is a monarchical form of administration; in the second – republican one.

Monarchy is a form of administration in which state power is fully or partially concentrated in the hands of one person – the monarch and is inherited by blood.

Depending on the availability of higher state authorities and the distribution of powers between them, monarchies are divided into absolute and limited ones.

Absolute monarchy is a form of administration in which the power of the monarch is unlimited, the monarch heads all branches of government and has exclusive powers to exercise it. A limited monarchy is a form of administration in which the monarch's power is limited by the Parliament or the Constitution. Limited monarchy was formed as a result of the evolution of absolute monarchy, when the monarch's power was limited and determined by the constitution, where, in addition, the order of succession was fixed. Limited monarchies are divided into dualistic, parliamentary, and constitutional monarchies.

As for the republic, it is a form of state administration in which state power is exercised by representative bodies that are elected by the population for a certain period. Depending on the scope of state and power, powers of the president and the parliament, republics are divided into presidential, parliamentary and mixed.

Forms of the state government is an element of the form of the state, which characterizes the internal structure of the state, the territorial organization of power and the way of division of the territory of the state into administrative-territorial units, interaction between them within the state. According to the form of state government states are divided into: simple and complex. Among simple states a unitary one is defined.

Form of the state regime is an element of the form of the state, which is characterized as a set of certain methods of exercising state power. Depending on the existence and development of democratic institutions, the state regime is divided into democratic and anti-democratic. A democratic regime is a kind of state regime that characterizes such an order of life of state society, in which the norms of the constitution and laws are respected. At the same time when an anti-democratic regime is a kind of state regime that characterizes such an order of state-political life of a society, which does not implement the principle of separation of powers and violates the rights of citizens. As for the formation of the Ukrainian statehood, it took place over a long historical period during the decay of the primitive community of the Eastern Slavs, especially in the VI-IX centuries in the conditions of origin of feudal relations and transition from the primitive community to the class society, under which property differentiation took place, the division of the population into groups, as well as the separation of the class hierarchy headed by the feudal top.

As for the Newest Ukrainian state, it is a presidential-parliamentary republic in the form of state administration. By state government, Ukraine is a unitary state and, by the form of a state regime – a democratic state. Together with the form of administration, the state government and the state regime, state power is linked, which is a way of managing a society that is characterized by reliance on a special enforcement apparatus. Today, the problems of functioning of state power are urgent for Ukraine, which is in a difficult political and socio-economic situation. State power plays a huge role in the development and efficiency of the country, so knowledge about the feasibility of using power is simply necessary in modern conditions.

State power in Ukraine is exercised on the principles of the Constitution of Ukraine and according to it is divided into legislative, executive and judicial. It is no secret that the current system of administration is inefficient, contradictory, and disconnected from citizens. And these factors are one of the obstacles to the modernization of the state power and systemic transformations in all spheres of society's development. Solving problems in the system of state power in Ukraine is a topical issue for Ukrainians today. The government sets the vector of the country's development and the ways of solving existing problems. Especially in the current state of our country, we need urgent "resuscitation", which we expect from the state authorities and knowing exactly how it should be, how to identify problems and outline further perspectives and ways to solve them.

So, as we can see the topic of the form of the state is very profound and takes an important place in history of every state. As for Ukraine, our government should urgently solve problems in the system of state power in our country.

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LAW-GOVERNED STATE: CONCEPTUAL FEATURES, CONSTITUTIONAL PRINCIPLES OF FORMING LAW-GOVERNED STATE IN UKRAINE

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All stages of the formation of Ukrainian statehood, which took place over a difficult, long period of time, unites the aspirations of our ancestors, fighters for independence of indivisible, sovereign and legal Ukraine, where all people are equally responsible before the law, there is no arbitrariness of the state against ordinary people, justice prevails and the spirit of freedom. In 18th century the famous Constitution of Pylyp Orlyk laid down the principles of law-governed state: the separation of

powers, the rule of law, equality before the law, and prohibited the usurpation of power, bribery and protectionism.

The purpose of this research is to study the problems of the legal person, To achieve this purpose, the following tasks were set and solved: 1) the content, features and principles of the concept of the rule of law are disclosed; 2) the history of origin and development of the concept of the rule of law is investigated; 3) the articles of the Constitution of Ukraine (), as well as other NGOs are analyzed; 4) the main problems of becoming Ukraine as a rule of law are revealed

The object of research is the development and formation of the rule of law in Ukraine. **The subject** of the study is the disclosure of the features and concept of the rule of law, taking into account the constitutional principles of state formation in Ukraine.

The following **methods** were used in solving the set tasks: system method, methods of synthesis and analysis, as well as historical method.

The main theoretical and practical results are to establish a legal assessment of the problem of formation of the rule of law of Ukraine.

In our research we compare different views on the definition of the term "rule of law", highlights its features, reveals the history of the idea of "rule of law" and its development in Ukraine, and examines the relationship between the rule of law and social countries, disclose the guarantees of the rule of law., trace the peculiarities of the Ukrainian rule of law and its relationship with civil society and try to describe the problems of implementation of the rule of law.

Despite all difficulties, thorny path of the Ukrainian people to formation of law-governed state, though independence of Ukraine was proclaimed. In 1996 Constitution of Ukraine became effective.

The basic law of our country in article 1 enshrines definition of Ukraine as a law-governed state, which should be a guarantee of the protection of democratic values. The fact that Ukraine is positioned as a law-governed state, means that it signifies the rule of law in society, the principle of universal equality, that is, of a general and equal measure of freedom for all: for the state and its bodies, for the individual and collectives, for all citizens of the country. Such formal equality is a property of law, expressing its specificity as justice. Law in public life is primarily in the form of laws and other normative acts. Therefore, citizens and organizations can be legally equal and free only as participants in specific legal relationships, that is, such relations, which are regulated by law, normative acts and movements. The power should be divided into three branches – the executive, the legislative and the judiciary, which will restrain and balance each other.

However, despite the detailed legislative regulation of the law-governed state, Ukraine is only on the way to forming such a model. Because, it does not provide legal protection to citizens. The Ukrainian state cannot be limited to guaranteeing citizens political freedom and unhindered business activity. In many cases, the activities of state representatives are neither transparent nor substantiated.

Furthermore, the application of the law is arbitrary and contradictory. The distribution of power, as well as the restriction of personal and institutional power, is, at best, very limited, so I consider that a prerequisite for the construction of our country as a legal one is a complete understanding of the concept of the rule of law, its essence, problems of implementation.

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LAW: CONCEPT, CHARACTERISTICS, TYPES AND METHODS FOR ENHANCING ITS ROLE

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Constitution is the fundamental law of Ukraine. Since the proclamation of Ukraine's independence, the issue of legislative activity in the context of the establishment and development of a law-based state is still topical.

The numerous programmes, laws and their amendments and also the normative legal acts of the Government, have undoubtedly created a solid base for the legal creation of the modern Ukrainian State. However, the experience of development of the system of national legislation shows that the increase in the number of new laws does not necessarily reflect the quality and effectiveness of their regulation as there are a number of problems, which do not allow to implement their functions at full capacity.

Because of legislative shortcomings and gaps, inconsistent and hasty adoption of laws, non-compliance with general rules of law-making, lack of a legal culture and awareness of the society that participates in the legislative process, influence the activity of State authorities and reduce the level of law and order in the State.

In fact, it is important not only to improve the quality and effectiveness of national legislation, but also to bring it closer to the needs and understanding of modern Ukrainian society as legislation of the former USSR is not adapted for full application in an independent State because its norms need to be adapted to the new social, political and economic conditions.

In view of the above, it is important to improve our legislative system. The term «system of legislation» in the narrow sense refers to the system of all applicable laws and ratified international treaties. It can therefore be concluded, that in order to improve the legal system, it is important to improve the law, the procedure and consistency of its adoption, its soundness.

The purpose of the research is to study the term «law», its features, types, requirements regarding its quality and practice to enhance its role in the life of modern society.

Relevance: in the present conditions, there is a problem of the quality of the work on the law itself, the delay in its adoption and, as a result, the quality of the consideration of draft laws already submitted to the Parliament. Therefore, it is necessary to analyze the concept, structure of the law, basic principles and requirements for its quality and to understand why such problems arise and how to solve them.

The object of this research is Ukrainian legal system.

The subject of this research is to analyze the main types of laws, their features and principles, and to work with the Constitution of Ukraine as the Fundamental law of the State. According to the stated purpose there is a need to elaborate such tasks: 1) to understand the scope of the term “law”; 2) to describe the main requirements for the law and its establishment; 3) to analyze the practice of foreign countries and the European Court of Human Rights in improving the law-making process; 4) to propose methods to enhance the role of the law in society.

In conclusion, we would like to mention, that it is really important to interpret correctly the meaning of the term of «law», because it this source of law is relevant in modern legislation, and a method for solving important State and social problems. For the time being, the legal laws should be the base for the national legal system, as such laws reflect the equality and justice that must exist in a State governed by the rule of law and also take into account the interests of all segments of the population, this type of law is not the will of the legislator, because he does not create the content of the law, but only correctly formulates it in specific laws and regulations [1, p. 6].

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SECURITIES: DEBT SECURITIES

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The financial stability of the state and its prospects are determined primarily by the state of the state budget, the size of its deficit, and the amount of public debt as a sign of this deficit. Developed countries of the world have accumulated considerable

experience in managing public debt. Market methods associated with the use of various financial instruments are designed to exert a positive influence on the value of public debt and its structure. On the one hand, the government securities market is an indicator of the state of the economy, on the other hand, it is a sector of the financial system that has an undue influence that can slow or accelerate the processes of market transformation. Therefore, there is a need for a detailed study of the economic nature and purpose of government securities.

In general, the stock market in its modern sense was formed at the end of the XVI century. Its formation was connected with the increase of the emission activity of the leading countries of the world and emergence of joint-stock companies. The oldest stock exchanges are the Amsterdam Stock Exchange (1611) and the London Stock Exchange (1773). The securities market is considered to be a complex and unique sphere of market relations, as it carries out a number of important financial, economic and social functions.

The securities market has a regulatory function by facilitating the transfer of capital from temporarily free cash industries to industries that need financing for investment projects. In addition, the securities market regulates savings, consumption, inflation, employment and other macroeconomic indicators and it is a tool for stabilizing the exchange rate of national currency.

The stock market promotes the emergence of new economic institutions, stimulates their activity, and leads to changes in the structure of economic mechanism. The stock market plays a leading role in privatization of enterprises, restructuring of their capital, and transformation of property relations. The securities market contributes to the protection of population's money from inflation, improving their financial position. The securities market is a multifunctional system that deals with accumulation of capital

for investments in the productive and social spheres, structural restructuring of economy, positive dynamics of social structure of society, improving well-being of citizens through ownership and free disposal of securities, population's readiness for market relations.

Securities as monetary documents are characterized by the following features: 1) security is a document; 2) the document must be in the prescribed form; 3) the document must contain relevant details; 4) the document must certify pecuniary or other property right which defines the relationship between the person who issued it, and the owner; 5) the document provides for the fulfillment of obligations in accordance with the terms of its issue; 6) the document provides for the transfer of rights arising from it to other persons.

Securities are divided into the following groups:

- 1) equity securities for which the issuer has no obligation to repay the funds invested in its activities, but which indicate the participation in the authorized fund, gives their owners the right to participate in the affairs of the issuer and receive part of the profits in the form of dividends and part of the property in case of liquidation;
- 2) debt securities for which the issuer is obliged to repay the money invested in its activity within a specified period, but which do not give their owners the right to participate in the management of the affairs of the issuer;
- 3) derivatives of securities whose circulation mechanism is related to mutual funds, debt securities, other financial instruments or rights in relation to them.

According to the Law of Ukraine "On Securities and Stock Exchange" the following types of securities may be issued and traded in Ukraine: stocks; bonds of internal republican and local

loans; corporate bonds; treasury obligations of the state; savings certificates; promissory notes; privatization papers.

Debt securities are securities that represent a loan relationship and involve the obligation of the issuer or the person who issued the non-issuing security to pay funds within a specified period, to transfer goods or to provide services in accordance with the obligation. Debt securities include corporate bonds, government bonds of Ukraine, bonds of local loans, treasury bonds of Ukraine, savings (deposit) certificates, promissory notes.

Depending on the purpose of the issue and the content of transactions conducted by using securities, they are all divided into several types. Each of the types of securities has a specific purpose to secure certain transactions. The main criteria for classification of securities are: conditions for obtaining and repaying capital, granting rights to investors and issuers, and securities circulation conditions.

The main types of securities available in Ukraine today include: share, debt, mortgage, derivatives, commodity-ordering, and privatization. Debt securities are securities that certify loan relationship. They stipulate that the issuer has obligation to pay their owner the nominal value of security in due time and to pay income or give other property rights. Debt securities give the investor the right to participate not in equity but in raising assets under debt. They are different from equity securities in maturity, turnover, payment of income and other features. In Ukraine, debt securities include: 1) bonds (state, local loans, enterprises); 2) treasury obligations of Ukraine; 3) savings (deposit) certificates; 4) promissory notes.

A bond is security that certifies that investor pays depositor funds for a fixed term on terms of return and payment. The composition of bond placement prices can be interest, target, discount. In turn, government bonds can circulate in domestic and

foreign (external) markets. Treasury commitments of Ukraine arise as a result of depositors' funds in the State budget on loan terms. A promissory note is a security for which the debtor has an unconditional monetary obligation (of the drawer or payer) to pay a specified sum of money to the holder of the promissory note for a specified period. The Savings (Deposit) Certificate reflects the depositor's deposit operations with the bank on loan terms.

Consequently, government securities hold an important role in government debt policy instruments. Worldwide, there are many types of debt securities issued over the centuries by governments of different countries. Today, the trend towards globalization of financial markets contributes to the unification of certain types of sovereign debt securities at the international level. However, each country, in the implementation of its debt policy, forms its own unique portfolio of securities. The need to criticize the volume and structure of such portfolio in the presence of excessive debt burden, which has a negative impact on the socio-economic development of the country, is obvious. Improving efficiency of usage of securities by the state as an instrument of its debt policy will help to solve the problems of government debt.

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SUBJECTS OF ADMINISTRATIVE SERVICES

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Provision of administrative services is one of the main tasks of the state. In my opinion, every person is a consumer of administrative services, as all people have applied for a passport, driver's licence, registration of residence to public authorities at least once in their lives. Therefore, the study of this topic is always important and relevant to society. At present, the quality of provided administrative services is at a high level in Ukraine, which indicates the good work of the subjects of administrative services.

Until recently, the procedure for providing administrative services was not regulated by law, but the basic law regulating the provision of administrative services was adopted on September 6, 2012. One of the most important legal acts regulating the provision of administrative services is the Law of Ukraine "On Administrative Services". The basic principles according to which administrative services should be provided are: openness and transparency, efficiency and timeliness, as well as the availability of information on the provision of administrative services. All administrative services must be provided in accordance with these principles in order to ensure the interests of those receiving administrative services.

Administrative service is the result of the exercise of power by the subject of administrative services at the request of a natural or legal person, aimed at acquiring, changing or terminating the rights and / or obligations of such person in accordance with the law [4]. It is important that the administrative service meets certain

criteria. In particular, analyzing these features, we can conclude whether the service belongs to the administrative or not. The main features of administrative services are: they are provided at the request of a natural or legal person; they are aimed at acquiring a change or termination of rights and responsibilities; this service is provided only by entities defined by law; administrative service is provided in accordance with the law; the powers of the subject of administrative services are enshrined in law [2].

Entities providing administrative services in accordance with the Law of Ukraine “On Administrative Services” are executive authorities, other state bodies, authorities of the Autonomous Republic of Crimea, local governments and their officials authorized by law to provide administrative services [4]. The main subjects of administrative services are public administration bodies. For example, the Cabinet of Ministers of Ukraine, which does not provide administrative services, but in some cases is related to administrative services, in particular, makes decisions concerning cases of individuals or legal entities, for example, orders to approve the sale of land. Central executive bodies also provide administrative services. For example, the State Migration Service, one of the main functions of which is the provision of administrative services. The State Migration Service provides such administrative services as: issuance of passports, vehicle re-registration certificates, draws up certificates of temporary residence and so on.

Powers to provide administrative services also belong to local state administrations where the subjects of administrative services are certain departments, divisions that provide administrative services. It is also important to mention that lots of scholars believe that it would be appropriate for the provision of administrative services to be carried out by local governments.

Since they are closest to the population, and then the quality of service provided could be even better.

In order to reduce the burden on local state administrations, administrative service centres are being set up. Under the Law of Ukraine “On Administrative Services” «an administrative service centre is a permanent working body or structural subdivision of a local state administration or local self-government body, in which administrative services are provided through an administrator through its interaction with the subjects of administrative services» [4]. Administrative service centres consist of two subdivisions: the front office, where the direct reception of citizens is carried out, and the back office, where the employees of the administrative service centre work with documents [3]. In general, at the moment, most citizens turn to the centres of administrative services, so it is convenient and accessible to everyone.

To sum up, administrative service is the result of the exercise of power by the subject of administrative services at the request of a natural or legal person, aimed at acquiring, changing or terminating the rights and / or obligations of such person in accordance with the law. The basic law that regulates the procedure for providing administrative services is the Law of Ukraine “On Administrative Services”, which establishes the basic principles according to which administrative services should be provided. The main subjects of administrative services are public administration entities, local governments and other state bodies and their officials. Centres for the provision of administrative services, which play an important place in the field of administrative services, are also often established.

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COERCIVE MEASURES OF MEDICAL CHARACTER

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Today, Ukraine has about 1.7 million people with mental disorders, 256 thousand of whom are disabled as a result of such violations. This problem expands because of the few years of military conflict in Donbas after which soldiers and other people have symptoms of post-traumatic stress disorder. That fact makes us pay more attention to such diseases; otherwise, it may lead to a violation of people's rights.

Under Article 4 in the law of Ukraine "On psychiatric help" one of the principles of providing psychiatric care is the provision

of treatment, medical, psychological and social rehabilitation, and this, in turn, means removing the person from further committing crimes. The same recorded in the resolution №7 of the plenum of the Supreme Court of Ukraine "On the practice of application of compulsory medical measures and compulsory treatment by courts". In reality, it's not as simple and easy as it might seem at first. Therefore, my work aims to define all the problematic and controversial aspects of this theme in the criminal law of Ukraine. The ultimate goal, which has to be implemented, is to increase the efficiency and expediency of the application of compulsory measures of a medical character and minimizing shortcomings in judicial practice. The object of the study is compulsory medical measures, their bases, and appliance to people suffering from mental disorders. Analysis of the legislation in this area, and the definition of problems and their solutions are to be researched.

To begin with, definition of coercive measures of medical character is stated in the Criminal Code of Ukraine: "Provision of outpatient psychiatric care, placement of a person who has committed a socially dangerous act that come under within the features of the action provided for in the Special Part of this Code, in a specific medical institution." [2, Art. 92]. It has the following signs: 1) appointed by the court, based on the conclusion of the forensic psychiatric examination; 2) it is a measure of state coercion; 3) aimed at a compulsory treatment of a mentally ill person; 4) mainly directed on preventing socially dangerous acts [1, p. 39] Such medical measures are divided into several types: 1) the provision of outpatient psychiatric care compulsorily; 2) hospitalization in a psychiatric care facility standard with ordinary supervision; 3) hospitalization in a psychiatric care facility with enhanced supervision; 4) hospitalization in a psychiatric care facility with rigorous supervision [2, Art. 94].

It is clear that the more dangerous a person is to society, the stricter treatment regime will be chosen to him/her. [2, p. 71] Outpatient retention means that the court can send a patient to a smaller institution or home rehabilitation. In all cases, the laws of Ukraine secure the rights of such people. The Constitution of Ukraine, the law "On psychiatric help" and others are based on its regulatory legal acts. According to these acts, mentally ill people are allowed to have a walk, do their hobbies, go to church and have personal meetings with relatives. As a result, patients must follow the rules to have access to all given them rights. Unfortunately, sometimes there has to be used preventive measures from the unconscious and dangerous behaviour of people. Even such cases are regulated by the order of the Ministry of Health "On approval of the Rules for the application of physical restraint and (or) isolation in providing psychiatric care to persons with mental disorders and forms of primary accounting records". For example, isolation can't last more than eight hours in the room not less than 7 square meters and obligatory is a permanent supervision of medical personnel. As for me, outpatient type of above mentioned coercive measures is the best one because after it there is no need for social rehabilitation.

One of the most important components that will provide the correct and effective application of not only coercive measures of medical character but also any other type of legal action is a correctly stated objective. The main purpose is written in the Criminal Code of Ukraine: "Providing treatment for compulsory medical treatment and the prevention of socially dangerous acts". Except for this, different types of rehabilitation such as social or psychological are afforded too. To be accurate, such coercive measures are the type of medical care for a person and therefore cannot be regarded as a method of punishment for committing a crime. A similar position is expressed in the law, which states that

these measures in special institutions are carried out only for diagnosis or treatment and cannot be applied to punish a person [3].

All the attention during the trial must be focused on legality and expediency of the coming decision of the court. Not to allow any violations there are listed grounds to apply the coercion measures of medical character. Such actions must be taken after following features: 1) a person committed a crime which is provided in Special part of the Criminal Code; 2) this person has a mental illness (appointed by the court and confirmed by a psychiatrists commission before reaching the decision by the court and after hospitalization); 3) recognizing a person as potentially dangerous to himself or others. Without at least one of these points court cannot appoint psychiatric treatment. The way of applying coercive measures can vary from the time when the person became ill. The first group is insane people who can't realize and couldn't do it at a time of doing a socially dangerous action. Then, the next one who can be related to those who are limitedly condemnable and the last basis can be applied to those who consciously committed a crime but ill with mental illness before reaching a conviction. In the last case simultaneously with the cancellation of the treatment court must solve the question about the renewal of criminal proceedings, check the remoteness of the crime and then decide whether to convict a person.

In conclusion, nowadays in Ukraine we can see that some improvements in this sphere have been done. For example, the ruling of the plenum of the Supreme court of Ukraine "On the practice of appliance of courts coercive medical measures and compulsory treatment". This legal act summed up all the practice and listed the most common issues to minimize wrong decisions. A lot of new rights and regulations are stated in the order of the Ministry of Health applied in 2017. This sphere is pretty well-regulated and has implemented international treaties. Coercive

medical measures aimed not only at the abidance of the main mission of the Criminal code but also reinforce the right to medical care.

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IMPOSITION OF A MILDER PUNISHMENT THAN PRESCRIBED BY THE LAW

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The Criminal Code of Ukraine gives the courts an opportunity to impose a milder penalty than what is provided by law. This option can be realized on the basis of Article 69 of the Criminal Code, which states that given several circumstances which mitigate the punishment and substantially reduce the gravity of offence considering the personality of offender and grounded its decision court can impose a primary penalty lower than the lowest limit set by sanction of Article (part of this article) of Special Part of the Criminal Code (further – the CC) or turn to other lighter punishment that is not stated in the sanction of the Article or its part. Moreover, according to Part 2 of Article 69 the court cannot

impose an additional punishment which is established in sanction of Article (its part) as obligatory if it is required by law circumstances [1].

First of all, it is important to figure out basis for using this Article in imposing the penalty. This opportunity may be realized because of several (2 and more) grounds that: a) remit the punishment (for example, committing a crime by a pregnant woman in a fit of rage); b) substantially reduce the gravity of the offence (for instance, active repentance and assistance to the investigation of the accused).

It would be worth noting that even if there are circumstances that aggravate a punishment, it is possible to use Article 69 of the CC if circumstances which mitigate the punishment and substantially reduce the gravity of offence prevail over other. When it comes to considering the personality of an abuser, this definition is unclear. There is no range of characteristics or features that may be taken into account during the legal action connected with application of Article 69 defined at the legislative level. That's why we may just presume whether a particular feature of the defendant is appropriate or not. In this case, only those characteristics of a criminal that are covered by the relevant element of composition of crime can be considered. The personality of an offender (his socio-psychological characteristics) does not affect the degree of public danger of the crime and cannot be taken into account in determining his individual gravity [4].

The Court has to justify its decision. A decision is reasonable when it sets forth appropriate and sufficient motives and grounds for passing thereof [2]. It follows that court must give a clear justification why those, rather than other, circumstances are taken as a ground for imposing a softer punishment. By the way this is also applied for considering of characteristics of an offender.

The legislator points out three ways of imposing milder punishment than prescribed by the law. The first is to impose a primary penalty lower than the lowest limit set by sanction of the Article (part of this article) of Special Part of the Criminal Code that must not be lower than the minimum limit of the relevant punishment established in the General Part of the Criminal Code, meaning less than one year of imprisonment or restraint of liberty, six months of correctional labour, one month of arrest and so on [3].

The Court may turn to another (softer) type of primary punishment that is not noted in the sanction of the Article or its part. Moreover, under Part 1 of Article 69, the court may not impose the additional penalty provided by the sanction of the Article (its part) of special part of the Criminal Code as obligatory. When applying Article 69 in sentencing, it has to be remembered that the provisions of this article cannot be applied to a person for whom penalty is imposed for a totality of crimes or judgments.

In each of these cases the judge must state in the explanatory part of a decision what circumstances of the case, in particular, the personality of an offender, ones that significantly reduce the severity of crime, are. In the outcome the court has to refer to Part 1 of Article 69. The imposition of a punishment lower than the lower limit set by the Article sanction (its part) of the Special Part of the Criminal Code can be applied even if there are some alternatives, milder sanctions in this Article [4].

In the case of a more lenient sentence for a crime in which the basic penalty is a fine of more than three thousand non-taxable minimum incomes of citizens, the court has a right to impose a fine of not more than a quarter lower than the minimum limit set in sanctions of the article (its part) of the Special part of the Criminal Code.

The provision when the court imposes a softer sentence, it is not entitled to impose a sentence lower than the lowest limit set for this type of capital punishment in the General part of the Criminal Code means that no punishment can be imposed in the form of: 1) a fine of less than thirty non-taxable minimum incomes; 2) deprivation of the right to occupy certain positions or engage in certain activities for a term of less than two years; 3) community service for less than sixty hours; 4) arrest for less than a month; 5) restriction of liberty and imprisonment for less than one year;

Article 69 does not apply to cases offences provided by Articles 191, 262, 308, 312-313, 320, 357, 410 and 210, 354, 364, 364-1, 365-2, 368 – 369-2 as they are connected with corruption crimes.

Summarizing everything, mentioned above, we can conclude that Article 69 allows the court to impose a milder sentence than is provided by law. In spite of this, the article still needs improving, in particular, clear definition of the circumstances that significantly reduce the severity of the crime and what can be taken into account when characterizing the abuser should be clearly defined.

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CHARITABLE ORGANIZATIONS

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During past years, the activities of charitable organizations have begun to develop rapidly in Ukraine. Such activities improve the situation and solve the problems of the poor. However, aside from positive aspects of charitable activities, organizations often abuse their position and thus violate the law. Thanks to the privileges that charitable organizations receive, they can refrain from taxing customs duties. The imperfection of the legislation on charitable organizations, as well as various aspects of the creation and control of their activities encourages making changes and improvements to the current legislation on charitable organizations. A charitable organization is a non-profit organization of private law whose primary objectives are philanthropy and social well-being [4]. The definition “charity” comes from Latin “caritas” what means value. The first elements of charity appeared in public affairs in the period of the first millennium B.C. There are plenty of areas for charitable organizations such as: education, health protection, environment, social protection.

We are aware that the goals of charitable activities are supporting to facilitate the legitimate interests of beneficiaries in these areas. Also development and endorsement of these domains. The mission of charitable organizations is not profit-making and profit-sharing among the founders. Russkyh V. considers that «charitable activities are self-imposed activities of individuals and entities of providing financial, organizational, judicial and personal assist, provision of services with the purpose to selflessly help those persons in need of such assistance. Charitable resources are as follows: financial, material, administrative goods and services» [2]. Based on the definitions of the concept of charity, described above, it is possible to single out such basic features (signs) of charitable activity as voluntariness and selflessness. The founders of charitable organizations may be competent physical persons and legal entities other than public authorities, local self-government and other legal persons of public law.

The Law of Ukraine “On Charitable Activities and Charitable Organizations” classifies charitable organizations according to their legal and organizational forms: 1) charitable association; 2) charitable institution; 3) charitable foundation.

The main characteristics of charitable association are that two or more founders create this association, the basis of the activity is the statute, the founders claim the statute and they participate in governance of this association [1].

The charitable institution acts based on the constituent act. Charitable institution constituent act determines the assets that one or more founders transfer to achieve the goals of charitable activities at the expense of such assets and/or income from such assets. The founder or founders of a charitable institution do not participate in the management of the charitable institution. The constituent act of a charitable institution may be contained in a will.

Regretfully, legislature about charity has not established any rights and responsibility of parties of charitable societies and philanthropic foundations towards one another, except for the right of participants to participate in the charitable organization and rights of a participant in a charitable foundation to transmit or not transmit any assets to charitable foundation for the purpose of charity work [3]. It should also be noted that charitable organizations may be combined in associations and unions based on constituent treaty and statute of association with a view to increasing their capabilities in achieving the statutory goals. The members of the Association of charitable organizations lie with subsidiary liability for the obligations of unification.

It is carried out to accommodate and defence lawful, economic, welfare, artistic, age-related, ethnic cultural, athletic and other interests. Sometimes the definition «charitable work» is equated to goodwill or benevolence but it must be mentioned that charitable activities is the particular action.

To sum things up, the charitable organizations are major subject of charitable work. The charity work is indispensable element of democratic and legal society in Ukraine and all over the world.

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LEGAL STATUS OF COOPERATION

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Ukraine must have a high level of economic development that will ensure a dignified life for its people. This goal can be achieved if cooperation is an integral part of a market economy, as evidenced by the successful experience of economically developed countries. Therefore, the purpose of the work is to disclose the legal status of such a legal organisation as a cooperation, as well as to characterize the features of its species.

Under Article 2 of the Law of Ukraine "On Cooperation", a cooperative is a legal entity formed by individuals and / or legal entities that have voluntarily joined on the basis of membership to conduct the common economic and other activities to provide their economic, social and other needs on the basis of self-government [1]. In accordance with the tasks and nature of the activities cooperatives are divided into the following types: production, service and consumer. The main difference between them is that production cooperatives carry out economic activities for profit. Other cooperatives provide services to their members without the purpose of making income. Thus, by analysing the provisions of the laws, the following signs of cooperatives can be identified:

1. The cooperative is a legal entity. Article 6 of the Law of Ukraine "On Cooperation" directly emphasizes the

- existence of an independent balance sheet, a current account in banks, the seal with its name – the attributes inherent in any legal entity [1]. A cooperative is the owner of buildings, cash and property contributions of its members, manufactured products, income, as well as other property acquired on grounds not prohibited by law.
2. The cooperative is formed by individuals and / or legal entities. It should be noted that the participation of individuals is possible in any cooperative. But as for legal entities, the possibility of their participation in cooperatives is limited. They do not have the right to be members of a production cooperative, due to the mandatory labour participation of members of the production cooperative in its activities.
 3. The founders of the cooperative voluntarily unite on the basis of membership in order to create it. According to Art. 10 of the Law of Ukraine "On Cooperation" members of the cooperative may be individuals who have reached 16 years of age and have expressed a desire to participate in its activities, legal entities acting through their representatives who have made an entrance fee and share, comply with the requirements of the statute and use the right to vote. The number of members of the cooperative may not be less than 3 people.
 4. A cooperative is set up to conduct the joint economic and other activities to provide economic, social and other needs for its members. To satisfy primarily the interests of members is the main feature that distinguishes cooperatives from other legal entities. It is created and operates for its members.
 5. The cooperative operates on the basis of self-government. It means that members have the right and real ability to

independently resolve issues of the cooperative within the legislation of Ukraine and the statute of the cooperative, i.e. the interference of public authorities and local governments in the activities of cooperative organizations is prohibited.

Under the Law of Ukraine "On Consumer Cooperation", a consumer institution is an independent, democratic organization of citizens who on the basis of voluntary membership and mutual assistance at the place of residence or work unite for joint management in order to improve their economic and social status [2]. According to Art. 163 of the Civil Code of Ukraine a production cooperative defines as a voluntary association of citizens on the basis of membership and mandatory labour participation for joint production or other economic activities [3]. Pursuant to Art. 2 of the Law of Ukraine "On Cooperation", a service cooperative is a cooperative formed by uniting individuals and / or legal entities to provide services mainly to members of the cooperative, as well as other persons for the purpose of conducting their economic activities [1].

In conclusion, we would like to point out that the solution of economic problem in Ukraine is possible only with state support for the development of a network of cooperative organizations, improving their social and economic status as cooperatives are a unique legal form that is profitable for all.

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CONSTITUTIONAL AND LEGAL REGULATION OF MEDIA ACTIVITY IN UKRAINE

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In Ukraine, at the present stage of state-building, mass media play an important role, since public life is reflected in the mass media. Ukraine as a sovereign and independent state enters the international and European legal space. In a democratic state, modern life cannot be imagined without active, orderly movement and exchange of information. In a free and open society, with the help of information, citizens, stateless persons, state and public institutions satisfy their interests, exercise constitutional rights and freedoms.

The media is a system of organizations and institutions created to publicly disseminate information about events and phenomena to the world, country or region of an unlimited number of individuals and entities. This area includes the press, radio, television, the Internet, sound recordings, videos, advertising, and more. Under Article 34 of the Constitution of Ukraine, everyone is guaranteed the right to freely disseminate, collect, store and use information in an oral, written and other form, as well as the right to freedom of thought and expression, to express their views and

beliefs freely [2]. This article of the Constitution is in conformity with the provisions of Article 19 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of expression; this right includes the freedom to adhere to one's beliefs and the freedom to seek, receive and impart information and ideas by any means, regardless of frontiers” [1].

In general, the content of the legal status of the media as subjects of information activity defines a certain circle of homogeneous social relations. The peculiarities of the media are revealed in the institute of establishment and their legalization. The right to found print media is vested in the citizens of Ukraine, citizens of other states and stateless persons, as well as legal entities of Ukraine and other states, labour collectives of enterprises, institutions and organizational basis of the relevant decision of the general meeting, which is approved by Article 8 of the Law of Ukraine “On Mass Media information in Ukraine” [4]. The founder of the print media may also be a public authority.

Under Article 13 of the Law of Ukraine "On Television and Radio Broadcasting", among the subjects of the right to set up television organizations are citizens of Ukraine, not limited in civil capacity, the Supreme Council of Ukraine, the President of Ukraine and other legal entities. According to a special Law of July 18, 1997, Public Broadcasting shall be created on the basis of a decision of the Supreme Council of Ukraine in the manner determined by the Parliament of Ukraine in accordance with the legislation. The Supreme Council of Ukraine must approve the Statute of the Public Broadcasting Service and its concept. Since there may be several founders, the relations between the co-founders are determined by the founding agreement concluded between them under the current legislation.

All print media published in the territory of Ukraine are subject to state registration. The State Committee for Television

and Radio Broadcasting also carries out state registration of news agencies as subjects of information activity. By the Presidential Decree of December 19, 2005 implementation in accordance with the legislation of the state registration of print media and news agencies as subjects of information activity was transferred to the Ministry of Justice of Ukraine.

It should be noted that the current law gives the founder or the court the right to suspend the print media. The founder has the right to suspend the issue of mass-media in the cases and the order stipulated by the constituent agreement or the charter of the edition or other contract concluded between him and the edition. The court accordingly suspends the publication of the publication in case of violation of the requirements of the legislation on the dissemination of information, the disclosure of which is prohibited, the liquidation of the legal entity that is the founder of the publication.

The current legislation applies journalists primarily to creative media workers (Article 25 of the Law of Ukraine "On Print Media in Ukraine"). The legal status of a journalist is derived from the status of a relevant media, and the current legislation provides for specific rights and obligations of journalists and is endowed with a number of rights related to their professional activities to disseminate information. However, the journalist is responsible under the current legislation for exceeding his rights but failing to perform them. The state guarantees him protection and protection in the performance of his duties. The specific legal guarantee is enshrined only by the Law of Ukraine "On Print Media in Ukraine", according to which the professional journalist of the editorial office in the course of his duties is under its legal and social protection.

Article 1 of the Law of Ukraine "On Television and Radio Broadcasting" defines the essence of broadcasting as the transmission of a distance of audio or visual information by means

of electromagnetic waves propagated by transmitting devices and received by any number of television and radio receivers [5]. This indicates a certain difference between the electronic media and the print media, which is the high speed of information dissemination. The Law of Ukraine "On Elections of People's Deputies", which defined the general procedure for the use of mass media, including print media, features of the activity in the electoral process is an independent subject of research, and paid special attention to the use of electronic media (Article 13, paragraph 4 of the Law) [6]. Since the media play an important role in election campaigning, the election law regulates in detail their use in relevant information activities.

To conclude, developed legislation on mass media, which has no specific foreign analogues, is formed in Ukraine. The modern information society is formed and effectively developed only in the rule of law, which is based on the unconditional application of the law. The role of law in the life of the information society is crucial, and all its members must obey the rules of the law and act within and on the basis of the law. An important precondition for building a democratic rule of law is the formation of civil society.

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APPLICATION OF THE RULE OF LAW IN UKRAINE

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The foundations of a civilized and developed society are social justice, limited encroachments on human dignity, ensuring equal rights for all citizens, and inviolability of private property. All this is protected in developed countries by law, which is the guarantor and basis for ensuring these rights, regardless of a person's political and ideological views, social status, race and nationality. That is why the rule of law is considered to be a fundamental principle in world justice. George Harrington in his work expressed the view that republic is the imperia of law, not of men [5]. He is deemed to be the first scientist to have introduced the concept of the rule of law into scientific circulation.

Ukrainian scholar M. Kozyubra notes that the principle of the rule of law covers a number of very similar sub-principles – requirements that give a fairly complete picture of the content, direction and conditions of the phenomenon of the rule of law in modern society. Such requirements include: 1) respect for human rights and freedoms; 2) the supremacy of the Constitution; 3) the principle of separation of powers; 4) legality; 5) restriction of discretionary powers; 6) the principle of certainty, which means the

requirement of clarity of the grounds, objectives and content of regulations, especially those addressed directly to citizens; 7) the principle of proportionality, which regulates the relationship between the goal and the means and methods of achieving it; 8) the principle of legal security and protection of trust; 9) independence of the court and judges [3].

In general, there are lots of approaches to understanding the concept of the rule of law, and scholars are still exploring it. This is due to the peculiarities of subjective understanding not only of the person who researches this issue, but also of an individual who has his own specific areas of legal understanding. Therefore, the principle of the rule of law should be understood as a fundamental principle of the rule of law, which is based on the leading ideas of legal theory and practice and determines the basis for ensuring and implementing fundamental rights and freedoms [2].

At the moment in Ukraine there is no legally established definition and explanation of the essence of the rule of law, so for a better understanding it should be based on the decision of the European Court of Human Rights. The 2011 report of the Venice Commission states that the Court considers that the rule of law is a concept inherent in all articles of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Venice Commission published in its report the main theses on the principle of the rule of law, stating that this principle is an essential part of a democratic society and that those who make important public decisions must respect this principle [1].

The decisive role in the actual implementation of this principle belongs to the field of administrative law, which is a necessary condition and means of public authority to ensure human and civil rights and freedoms in the practical implementation of laws and other legal acts of the state. In particular, administrative justice is the leader of the principle of the rule of law, which for

this type of justice is that a person, his rights and freedoms are recognized as the highest values and determine the content and direction of the state. In accordance with Part 1 of Article 8 of the Code of Administrative Procedure of Ukraine, the court in deciding the case is guided by the principle of the rule of law, according to which, in particular, a man, his rights and freedoms are recognized as the highest values and determine the content and direction of the state [2].

An important institution for ensuring and protecting constitutional legality as one of the parts of the rule of law is constitutional control, which in Ukraine is exercised by both general public authorities (the Head of State, the Parliament, the Government, the Prosecutor's Office, the Courts of General Jurisdiction) and specialized – the Constitutional Court of Ukraine [6]. The Constitutional Court of Ukraine gave a meaningful full interpretation of the principle of the rule of law in the case of imposing a milder punishment by the court, where it noted that “the rule of law is the rule of law in society. The rule of law requires the state to implement it in law-making and law enforcement activities, in particular in laws, which in their content should be permeated primarily by the ideas of social justice, freedom, equality, etc.” [4].

On the basis of various cases, the Constitutional Court of Ukraine comprehensively interprets the rule of law and thus helps to specify it and promotes the implementation of international norms and, consequently, their application in Ukrainian law, which best guarantees proper observance and inviolability of fundamental human rights and freedoms. However, it is very important to define this principle at the legislative level, which will help to create more effective mechanisms for its implementation in Ukraine and to ensure the rights and freedoms of people properly.

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THE HOLODOMOR IN UKRAINE 1932-1933: CAUSES, CONSEQUENCES, EVALUATION

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The famine of 1932-1933 is one of the most brutal crimes of Stalinism against the Ukrainian people. The relevance of this topic due to the overall increased attention of the Ukrainian society to its

historical past and the need to fully disclose to the world community the truth about the Holodomor, political repressions and mass deportations. As a tragedy that cannot be grasped, famine has traumatized the nation, leaving deep social, psychological and demographic scars that last to this day.

Let's start with the fact that before this terrible event, the government pushed the village, which refused to accept the collective system with the beginning of collectivization. The state systematically confiscated most of the food for their own consumption. Many peasants in 1931 seized all the grain, including the seed Fund. In the winter of 1931-1932, the specter of hunger was already knocking at the door of a peasant hut of Ukraine. Stalin raised a plan for the harvesting of grain in 1932 by 44%, but physically weakened peasantry could not effectively carry out the spring sowing campaign of 1932 was complicated by the situation that the peasants showed mismanagement in the collective and complete lack of interest in effective, productive work in them. As of May 20, 1932, just over half of the planned areas were planted in the Republic, some of the crops were lost. That is, the natural factors were not the cause of the tragedy of the Ukrainian peasantry, since the harvest of 1932 was only 12% less than the average yield for 1926-1930 and could provide the population of Ukraine at least of food [3].

Despite the cruel decision of Stalin, grain procurement plan for 1932 failed. On November 1, was harvested only 195 million pounds. About indifference of the regime to human suffering was manifested by the series of events. In August, party activists received legal right of confiscation of grain in the collective farms, and also introduced the infamous law providing for the death penalty for theft of "socialist property". In order to prevent the peasants to leave farms in search of food, a system of internal passports was introduced. Also in November, Moscow passed a

law, forbidding to give farmers collective farm grain until the state plan preparations.

The famine, which was spread over 1932 was a terrible power in 1933, there were numerous cases of cannibalism: the first dead men, children and then women.

Stalin and his henchmen, of course, saw things differently. While in Ukraine and especially in the South-Eastern part of the famine was raging, a large part of Russia proper barely felt it. About the importance of Ukraine for the Soviet economists-planners was written in an editorial in "Pravda" on January 7, 1933 under the headline "Ukraine is a decisive factor of grain harvesting" [2]. Despite this, the Ukrainian collective farmers were paid less than half of the Russian.

The Holodomor 1932-1933 caused a huge mortality of the population. According to estimates based on methods of demographic extrapolations, the number of victims of the famine in Ukraine is in the range of 3-6 million people. The living had not strength to bury the dead. In some settlements above the village black flags hung: this meant that residents were no longer there. And at this time in the neighbouring railway stations, grain elevators under police guard were stored thousands of tons of grain.

Stumped, the peasants threw the house and tried to get to the city. Many died on the roads. Others were stopped by police borders. Quite a few people came to the city. But there was no escape. In an effort to save at least the children, the parents began to leave them in hospitals, in the doorways of houses.

The Stalinist leadership was forbidden to mention the famine of 1932-1933 in the media, so historians still have not determined the exact number of victims. In January 1933, when tens of thousands of peasants were killed daily by famine, Stalin at a joint Plenum of the Central Control Commission and the Communist Party of the Soviet Union (the Bolsheviks) stated that

the material situation of the workers and peasants are improving from year to year, and that this can only doubt the staunchest enemies of the Soviet power.

The famine artificially created by Stalin's leadership, was one of the worst in the last few centuries of the tragedies of the Ukrainian people, the consequences of which are still being felt today. Mostly Ukrainian peasants were dying. Hunger finally broke their resistance to the collective farms-feudal system, significantly undermined the strength in defending the national rights of the native. This is exactly what the totalitarian regime wanted, which was precisely what his henchmen in Ukraine said cynically. "Between peasants and our power, there is a fierce struggle. It's a fight to the death. This year was a test of our strength and their endurance. The famine had proven to them who is the boss here. It cost millions of lives but the collective farm system will always exist. We won the war!" – M. Khatayevich, Secretary of the Central Control of Communist Party (the Bolsheviks) of Ukraine and Secretary of the Dnipropetrovsk regional Committee of Communist Party summed up of the Holodomor [1].

The Holodomor has become the greatest tragedy in the history of the Ukrainian people. In its scale, cruelty, cynicism and organization by the authorities and the consequences for future generations, it has no analogues in the history of mankind. The demographic catastrophe has instilled in the souls of millions of people a physiological sense of fear that has irreversibly affected the nation's gene pool.

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POLITICAL AND LEGAL CONSEQUENCES OF THE PEREYASLAV TREATY

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When the National Liberation War took place in the Hetmanate in 1648-1654, Bohdan Khmelnytsky understood that to be a winner is necessary to have a support from outside. For that reason Bohdan Khmelnytsky tried to create a union with different foreign countries. Firstly, he created a military union with Crimean Tatars but they betrayed him in the Battle of Berestechko. That's why Hetman of the Zaporizhzhian Host decided to search new allies. And his choice fell on the Russian tsar Alexei Mikhailovich.

It is worth mentioning that Bohdan Khmelnytsky also tried to create a union with Sweden. Unfortunately, Sweden is located far from Ukraine, so such an alliance would end in failure. In that situation, the best option for the Hetmanate was to create an alliance with countries that were territorially close. So on the 8th of January 1654, the Cossack Rada was called and the treaty with the Russian tsar was concluded. From my point of view, it was one of the biggest mistakes in the history of Ukraine. Historians have differed in interpreting Khmelnytsky's goal of the union: whether it

was to be a military union, suzerainty, or a complete incorporation of Ukraine into the Tsardom of Russia. In my opinion, every Ukrainian should understand what it really was. So the Pereyaslav Council was an official meeting that convened for ceremonial pledge of allegiance by Cossacks to the Tsar of Muscovy in the town of Pereyaslav. The result of this Treaty was the March Articles, which were accepted and confirmed by both parties. But the content of these articles arouse doubts. By the way, the articles were not saved so we cannot find the truth of their content. But let's try to recreate the events of that time. The March Articles had 11 points. The main requirements of the Ukrainian side in the March Articles were as follows:

1. Interference of tsarist governors and other officials in the internal affairs of the Hetmanate.
2. The right of the Hetman government to communicate with foreign powers with the permission of the tsarist government.
3. Confirmation of the rights and freedoms of the Zaporizhian Troops.
4. Establishment of a 60 thousand Cossack registry.
5. Maintaining the Cossack administration and entrusting it solely with the duty to collect taxes for the royal treasury.
6. The right of Zaporizhzhia's troops to elect a hetman and to grant Chigirin's old age to a hetman in rank possession.
7. Preservation of the rights of the Metropolitan of Kyiv.
8. Participation of the tsarist troops in the war against Poland.
9. Participation of the tsarist troops in the defence of Ukraine against the attacks of the Tatars [1].

It is worth mentioning some key points which are also very essential for understanding the type of the union:

1. The Hetmanate was to inform the tsar of any external relations. However, the Hetman did not have to ask for permission to do that.
2. The Ukrainian side could not have relations with Poland and Turkey. The Russian side demanded it. And the main point in this paragraph is that this intervention was only in one direction of public policy [2].

The adoption of the March articles was sworn in. The March Articles were consolidated by a joint oath at the all-military General Council on the 8th of January 1654. Shortly thereafter, thousands of people in 117 cities of Ukraine also swore allegiance to the tsar. However, Pereyaslav Council's decision was not supported by everyone and everywhere. The regiments of Uman, Bratslava, Kropyvnytskyi and Poltava refused to take the oath. According to the scientists, the oath of the Ukrainian people took place because Moscow regarded Ukraine as a state body with a large share of direct democracy. Under such conditions, Moscow considered the oath of the hetman insufficient and insisted on the oath of the masses of the population as the subject of deciding the most important cases.

As it has already been mentioned, the original text of the Articles has not been preserved. Therefore, it is now interpreted differently. There are many points of view regarding this agreement:

1. Military Union (this view is supported by such researchers as Viacheslav Lypynskyi, Vasylenko, Borshchak).
2. Personal union (this view was supported by Lashchenko and Sergejevich). This type of union means merger of two parts into one state under the leadership of one king.
3. The real union (this version was supported by the researcher M. Diakonov) the real union of the two parts with common power (without mentioning the king).

4. Reunion (version of all Soviet researchers). According to this version, Bohdan Khmelnytsky planned to join Muscovy. However, we know that the hetman's plan was to build a Ukrainian state on our territory. By the way, in the mid-1980s, at least one Soviet scientist, Mikhailo Brychevskyi, doubted this view. It caused a catastrophic effect on his career, but support for party interpretation of the treaty remained mandatory for all Soviet scientists.

5. Autonomy.

6. Incorporation. This theory was supported by the scientist Rosenfeld. However, Ukraine's incorporation was a fact of Moscow's policy, not an agreement.

7. Protectorate Treaty. The Protectorate is a common, widespread form of feudalism in the times of feudalism, of a smaller and weaker country's dependence on a larger and more powerful one. The content of the protectorate is conditioned by specific circumstances, but military assistance is always a prerequisite. Historians such as Russian Benedict Miakotin and Ukrainian Mykhailo Hrushevskyi believed that the Pereyaslav Treaty was a form of vassal dependence, in which the tsar party agreed to protect the weakness of Ukrainians without interfering with their internal affairs. The Ukrainians pledged themselves to pay taxes, to provide military support, etc. [3].

To our mind, the March Articles was a military union with partial control over external relations. Unfortunately, it is really difficult to prove something right now. Only copies of the hetman's subsequent treaties with Moscow have come to our time. In addition, Russian archaeographer Peter Shafranov proves that even these copies were falsified by tsar`s copyists. As we have already mentioned, in our opinion, this union was a big mistake for the further course of Ukrainian history. This view is also shared by many scientists and historians. Even a famous Ukrainian poet and

artist Taras Shevchenko criticized severely a fatal step in the state policy of Bohdan Khmelnytsky in his poem “Rozryta mohyla”.

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HUMAN DIGNITY AS A CONSTITUTIONAL VALUE

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The problem of such a complex and multifaceted phenomenon as human dignity has always attracted great attention from humanity. Today it is quite relevant because of the radical changes of the modern society, in particular the Ukrainian one. Human dignity is an ever-changing social phenomenon. Its essence can be theoretically expressed only by concepts that develop, transform, change each other. It is formed as a reflection in the

minds of the people of the special place occupied by the person, as well as a reflection of its social value.

A significant contribution to the study of human dignity was made by A.L. Anisimov, L.M. Archangelsky, G.D. Bandeladze, B.T. Bezlepkin, A.A. Vlasov, M.M. Gurenko, V.M. Kapitsyn, A.A. Kozlovsky, M.I. Kozyubry and others. At the moment, there is a need to rethink the concept of human dignity as the ontological basis of natural law, the source of human rights precisely in terms of the philosophy of law. This will allow them to understand more fully the meaning and social validity of human rights, which will affect both the quality of their legal consolidation and will facilitate their further practical implementation.

Actuality of research is that dignity expresses the level of humanistic development of an autonomous person as a individual, exerts a direct influence on each person, on his behavior through the basic values of society, shaping his views on life, personal value system, and, thus, determines and shapes the personal dignity of each person. That is why this topic is relevant not only in Ukraine, but also in the whole world, because dignity is what shapes each person as an individual and an important element of a democratic society, especially during radical changes in the system of society. Therefore, it is very important to pay sufficient attention to this topic so that human dignity becomes a defining element of each person's nature.

The purpose of research is to analyze human dignity in the system of constitutional values through the lens of contemporary political and legal realities. Respect for human dignity has long been one of the fundamental principles of the rule of law. The idea of the value of the human personality, its dignity is the basis of the constitutional system of any state. The fundamental principles and standards for the protection of human rights and fundamental freedoms are enshrined in international instruments and in the

constitutions of states around the world. An understanding of rights and freedoms begins with an awareness of the value of human dignity. Awareness of a person's worth and dignity leads to significant negative consequences in the law-making sphere and, as a consequence, in the field of law enforcement. Therefore, the necessary analysis and legal justification for the role of human dignity in the system of constitutional values in order to avoid any conflict over the exercise of this right both in Ukraine and in the world.

The object of research is to substantiate human dignity in the system of constitutional values, to analyze this right through historical and political-legal realities. **The subject** of research is human dignity as a phenomenon and a fundamental principle of any rule of law.

In my research, I used several methodological methods, namely: chronological, observation, analysis and synthesis and comparison. The logic of the study determined the structure of the research: introduction, 3 sections, conclusions and a list of used sources.

In our research we try to reveal the historical aspect of the formation of human dignity as a phenomenon and its consolidation in international and national law, substantiate the concept and characterization of human dignity as a fundamental right, and review the protection of the right to human dignity and the issues of its protection.

Human dignity is the absolute value of a society that is inherent in a human being as a social individual throughout the history of its existence and development. Even the development of man is impossible without his recognition of the highest social value, which determines the need for respect for him, and therefore respect for his dignity and rights.

Respect for human dignity "has the character of a relationship based on the norms of law and morality, on the principles of freedom and mutual responsibility between the state, society and the individual, between different persons and social groups".

Civil society today is the bearer of such values. In turn, the rule of law commits itself to realizing, safeguarding and protecting dignity and human rights, the notion of human dignity is mainly related to the value of the individual and the assessment of his place and role in society.

Human dignity is a fundamental, natural right from which other human rights flow. This principle must be fundamental to a state that positions itself as democratic and legal; and the right to human dignity must be protected, secured and exercised through all possible instruments at national and international levels. Most modern democratic states, including Ukraine, are building and reforming their legal systems in a humanistic direction, with people being interpreted as having social value. The Constitution of Ukraine provides that «a person, his life and health, honor and dignity, integrity and security are recognized in Ukraine as the highest social value» (article 3 of the Constitution of Ukraine).

Thus, human dignity is the most distinctive phenomenon of human nature, which must be prioritized in all spheres of life.

To sum up, we have to deal with the concept of human dignity as a phenomenon, its main idea and fundamental nature, in order to understand why securing and exercising human rights and freedoms is important today and why violations of these rights can lead to undesirable consequences, because human dignity is the right that everyone else derives from.

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THE EXHAUSTION OF DOMESTIC REMEDIES AS A CRITERION FOR ADMISSIBILITY OF INDIVIDUAL APPEALS TO THE EUROPEAN COURT OF HUMAN RIGHTS

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The given issue is closely connected with the increase in the number of unaccepted appeals in the European Court of Human Rights. According to statistics, the ECHR dismisses approximately 90% of the applications filed on the grounds of inadmissibility. These data and experience clearly show that the majority of applicants and a significant number of lawyers are not sufficiently aware of eligibility criteria. **The purpose** of this work is to analyse the issues related to the exhaustion of domestic remedies as one of the important conditions of admissibility of applications and to improve importance of adherence to the rules and conditions for filing applications to the ECHR.

The right to an individual appeal to the European Court of Human Rights is considered a distinctive feature and the main achievement of the European Convention on Human Rights. Individuals who believe that their fundamental rights have been violated may apply to the European Court of Human Rights. This is stated in Article 34 of the Convention: “The Court may receive applications from any person, non-governmental organisation or a group of individuals claiming to be the victim of violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right”. For the court to declare the condition admissible, it must meet certain conditions, otherwise, the complaint will not be considered. These requirements are set out in Article 35 of the Convention: “1. The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken. 2. The Court shall not deal with any application submitted under Article 34 that: a) is anonymous; or b) is substantially the same as the matter that has already been examined by the Court. 3. The Court shall declare inadmissible any individual application submitted under Article 34 if it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or the abuse of the right to apply. 4. The Court shall reject any application which it considers inadmissible under this Article. It may be done at any stage of the proceedings” [4].

Consequently, the first paragraph of Article 35 of the Convention states that a complaint can only be filed after the exhaustion of domestic remedies. In other words, individuals who complain of violating their rights should first apply these complaints to the courts of the respective state at all levels of

jurisdiction. Thus, the state is able to resolve violations at the national level. What procedures at the national level should be carried out by the applicant in advance? Often remedies are appeals to the relevant court with subsequent appeals and cassation appeals. In Ukraine, in most cases, it is necessary to appeal court decisions in appeals and cassation procedures, and the last instance is the Supreme Court. Therefore, it is necessary to appeal to the European Court of Human Rights within six months after receiving the final judgment of the Supreme Court. The rule of exhaustion of domestic remedies is not absolute. It is necessary to exhaust only those which are available to the applicant and effective both in theory and in practice, that is, those that are capable of correcting the harm done to the applicant and which open up probable prospects for success. For example, in some cases, the applicant is not obliged to resort to remedies when it is proved that in administrative practice of the State respondent repeated actions are incompatible with the Convention and that the official authorities of the State treat it with tolerance, thus making any proceeding useless or ineffective.

To summarize, the rule of exhaustion of domestic remedies is not automatically applicable and has certain limitations originating from the case-law of the ECHR, and depends on the circumstances of a particular case. It is necessary to systematize the case-law of the Court, translate the decisions of the Court, review them and analyse them, as well as publish such information in open access to the society.

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GRAMMAR GAMES IN THE LANGUAGE CLASSROOM

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As it is known, grammar is a foundation of language. Most learners somehow accept that the sounds of a foreign language are different from those of their native language. What is more difficult to accept is that the grammar of the new language is also spectacularly different from the way the mother tongue works. That is why most learners consider grammar to be dry and dull, learning it boring as well [3, p. 9].

However, rote learning is not the only way when it comes to acquiring grammar. A growing number of ESL teachers come closer to the understanding that there are more effective and fun ways to teaching grammar and games are among them. According to Jean Hadfield, a game is an activity with rules, a goal and an element of fun [2, p. 4]. So what are the reasons to teaching grammar with games? Let's consider them in detail:

- Encouraging cooperative learning during the lesson. Knowing the language is not the main factor that leads to winning but actually strategy and creativity play important roles. As a result, weaker learners can also participate and win.
- Engaging oral interaction – grammar activities are mostly interactive and encourage learners to pay attention to meaning and form as they communicate.
- Involving self and peer correction which are often more effective than teacher correction in helping learners to take responsibility for their own education. Thus most of the game rules urge learners to monitor their own as well as their peers' language production.
- Providing practice – learners get plenty of practice in the target structures. During a game learners are focused on the activity and end up absorbing the grammar structures subconsciously. Grammar games are aimed at acquiring grammar structures and at the same time activate vocabulary and listening comprehension.
- Personalizing – there is plenty of room for learners to establish good relationships with their classmates by sharing their experiences, values and beliefs.
- Enhancing the enjoyment of learning a foreign language. Fun and pleasure in learning are probably the strongest motivation factors. Grammar games give a sense of challenge and creativity to lessons and motivate learners of all ages [4, p. 3].

Another point is how to choose the right game. It is important not to use a "time filler" grammar game that does not have any linguistic purpose but to have a fun game that is educationally sound. To find out if the game is appropriate, it is good to think about the following questions: Which skills does the grammar game practice? What is its purpose? Does the difficulty level of the game correspond with the learners' level? Does the

game require maximum involvement? Do the learners like it? Does the teacher like it? What specific grammar are you introducing or practicing with this game? [6].

It is also important to take some practical tips into account. Preparing for activities is a key to a successful grammar game. Therefore, following the strategy is important: read the instructions carefully and make sure you have the necessary material. Games are best set up by demonstration rather than by lengthy explanation. Use L1 if necessary, especially with beginners. Always check the boards and cards for vocabulary items and pre-teach them if necessary. The teacher's role in all these activities is to be a monitor and resource centre, moving from group to group, listening, carrying paper and pen and noting errors but not interrupting as this complicates fluency and ruins the atmosphere. Persistent errors can then be dealt with in a feedback session after the game [4, p. 3].

Various suggestions are given for monitoring accuracy and giving feedback after the game. Some games are self-checking and have an answer key. In some cases learners can be asked to give examples of things they said during the game. Another way is that the grammar game can then be played again with different partners or different cards. This is a particularly good idea if there are persistent errors [2, p. 5].

There is a great variety of grammar games. Here are some examples of grammar games which are useful for warming-up, learning or revising grammar topics and for learners of all levels.

20 Questions – is a yes/no grammar game. As the title suggests, *20 Questions* encourages learners to practice asking questions. One student is the question master. His task is to pick a word based on an assigned category (jobs, places, hobbies or historic figures) and write it down. The rest of the class has the opportunity to collectively ask 20 questions in an attempt to guess the word. Each learner is responsible for their own points. They get

points for asking grammatically correct questions that receive a yes answer. As many rounds can be played as there are participants so that each one can be a question master. At the end of the game the learner with the most points wins [5].

“*Stand up if you’ve ever <...>*” is a game to practice the “have you ever” construction. A teacher names different situations from his life and asks learners to stand up if they have ever done that (e.g.: “Stand up if you’ve ever had a pet”). If any learner is the only person standing for one of the examples, he gets a point. Then the learners are instructed to do the same – to name experiences from their lives and ask the others. Accordingly, if there is an only learner standing, he gets a point [1].

Taking everything into account, using grammar games is an interesting and fun way of learning grammar. They have a lot of advantages and bring a fresh breath to a traditional lesson. They are also very effective because learners train target grammar structures in the process of real communication. Grammar games not only activate and motivate learners but also teach them to enjoy the language and its grammar.

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HUMAN RIGHTS: GENERAL THEORETICAL DESCRIPTION

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To begin with, I have to say that today Ukraine is on the verge of major changes. In adapting Ukrainian legislation to European Union law, a legislator must first identify the legal status of a person that has the highest value. The lack of legislation defining the boundaries of personal rights, their incorrect formulation and interpretation lead to violation of the basic foundations of human existence. Therefore, the general theoretical characterization of human rights, their boundaries and content will greatly contribute to the formation of civil society and the construction of the rule of law in Ukraine. All this determines the relevance of the topic of course work.

Exploring the aspects of Section 1 “The right to life”, defining its concept, characterizing the limits of the right to life, its limitations and guarantees, we can state the following:

1. The right to life must be considered in two ways. After all, life is a biological, law-social category. Therefore, the right to life is a natural, inalienable feature of a person's life in terms of physical, moral, spiritual and social. Such a definition takes into account the naturalness of such a right, the identity of the individual and indicates that the right has a time limit – the emergence and termination.

2. The right to life as a natural right consists of two elements: the right to inviolability of life and the right to disposition of life. The right to the inviolability of life lies in the impossibility of arbitrary deprivation of life. The right to dispose of

life is characterized by the right to expose one's life to risk and danger. I suppose that it is wrong to consider suicide and euthanasia as types of disposition of life. These phenomena are deeply negative and cause public condemnation. In addition, they encroach on life as a social value, so they cannot be considered a form of exercises of law, because they will contravene the Constitution.

3. The right to die is not subject to legal regulation. Personally I consider it is inadmissible to legalize euthanasia which should be considered as one of the killings, but with a privileged composition. As an alternative to euthanasia, a network of medical institutions specializing in assisting seriously ill patients, the so-called "hospices," should be created.

In my opinion, the main directions of the state in the field of protection of life should be: a) peaceful foreign policy, that is, renunciation of war; b) prohibition of the use of nuclear weapons and other weapons of mass destruction; c) the fight against terrorism; d) the fight against crime.

The right to life is just as important as the right to human dignity because it is a central value of the objective, normative value system established by the Constitution. The right to human dignity is perhaps the pre-eminent value in our Constitution. The right to human dignity cannot be realised if all the other socio-economic rights are not realised.

Section 2 "The right to human dignity" states the following:

1. Dignity is a set of qualities, such as uniqueness, morality, freedom, equality and autonomy, which determine its value for society on the one hand (objective aspect) and self-worth on the other (subjective aspect).

2. The content of the right to dignity can be described as a combination of two components: opportunity and prohibition. The right to use (exercise) dignity is an opportunity. The essence of this

right is to exercise dignity. The prohibitions are: torture of a person; cruel, inhuman treatment or punishment; such that degrades the dignity of a person of treatment or punishment; medical, scientific or other experiments on a person without his or her free consent.

3. The difference between the forms of ill-treatment lies in the degree of the cruelty of the suffering that is caused. Behaviour or punishment is inhumane when used intentionally and for many consecutive hours, causing either bodily harm or severe physical or mental suffering. Behaviour is degrading when it may cause the victim feelings of fear, anguish or inferiority.

The right to human dignity is just as essential as the right to liberty and personal integrity because it is one of the most fundamental human rights as it affects the vital elements of an individual's physical freedom.

Under Section 3 "Right to liberty and personal integrity" we can observe the further statements:

1. The right to liberty and personal integrity are separate rights, but they are closely linked.

2. The right to liberty is the ability to do or not to do actions not prohibited by the law. The right to liberty is fundamental and is revealed through the following rights: the right to freedom of natural existence; the right to freedom of thought and expression (Article 34 of the Constitution of Ukraine). The limits of the right to liberty can be outlined by the well-known legal postulate that "everything that is not expressly forbidden by law is allowed" [2].

3. The right to personal integrity is enshrined in the statutory instruments of the prohibition to interfere with certain spheres of human life on the part of states, any organizations or other persons.

In conclusion I should say that human rights are rights inherent to all human beings, regardless of race, sex, nationality,

ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights without any discrimination.

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DECLARATION OF INDEPENDENCE OF UKRAINE: ADOPTION, CONTENTS AND HISTORICAL SIGNIFICANCE

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On December 1, 2020 all country will celebrate the 29th anniversary of the All-Ukrainian Referendum, at which the Ukrainian people overwhelmingly supported the Declaration of Independence of Ukraine and, in fact, legitimized Ukraine's assertion as a sovereign and independent, democratic, social, legal state.

The first step to the factual and legal assertion of Ukraine's independence was the adoption by the Supreme Council of the USSR of the Declaration on State Sovereignty of Ukraine of July 16, 1990. The state sovereignty as completeness and indivisibility

of the authorities, independence in international relations were defined in this document. The Declaration proclaimed the desire to create a legal state with the fundamental rights and democratic society which is full of political, economic, social and spiritual development.

On August 19-21 1991, the State Emergency Committee wanted to implement a military coup and usurp power in Moscow, which led to the actual collapse of the USSR. In 1991, an emergency session of the Supreme Soviet of the USSR began its work in Kyiv. L. Kravchuk made a report on the political situation in the country. The report and co-reports expressed the unanimous opinion that it was necessary to take decisive measures to protect Ukraine's sovereignty. It was proposed to define and create all the structures of sovereignty and the mechanism of its practical implementation, a reliable defense system, to adopt laws on the status of troops stationed on territory of Ukraine, to resolve the issue of depoliticization of law enforcement agencies of the republic, to take measures to ensure economic sovereignty. On behalf of the People's Council, I. Yukhnovsky proposed to declare an act in which the independent status of Ukraine, the absolute supremacy of its Constitution, laws and governmental decrees should be fixed.

On 24th August 1991, despite the ambiguity of the domestic and foreign policy situation, the Ukrainian Government has adopted a historic document of exceptional importance for the fate of the Ukrainian people – the Declaration of Independence of Ukraine, which stated: «In view of the mortal danger surrounding Ukraine in connection with the state coup in the USSR on August 19, 1991, continuing the thousand-year tradition of state development in Ukraine, proceeding from the right of a nation to self-determination in accordance with the Charter of the United Nations and other international legal documents, and implementing

the Declaration of state Sovereignty of Ukraine, the Supreme Council of the Ukrainian Soviet Socialist Republic solemnly declares the Independence of Ukraine and the creation of an independent Ukrainian state – Ukraine» [1]. Out of 360 deputies, 321 voted for the Act, 2 votes – against. The text of the Declaration was composed during the night of 23-24 August by Levko Lukyanenko, Vyacheslav Chornovil, Mykhailo Horyn and other political figures.

In order to confirm the Act of Declaration of Independence of Ukraine in December the same year it was planned to hold an all-Ukrainian referendum and to elect a president. Candidates who were run for president supported independence and agitate for “yes” vote. Each citizen had to clearly answer “Yes, I confirm” or “No, I do not confirm” to the question: “Do you confirm the Act of Declaration of Independence of Ukraine?” Of the 37885.6 thousand citizens of Ukraine who were included in the lists for secret ballot, 31891.7 thousand (84.18%) participated in the voting. 28,804.1 thousand voters (90.92%) answered positively. 90 percent of Ukrainian citizens confirmed that Ukraine’s Declaration of Independence of Ukraine was valid. A week after the election, newly elected president Leonid Kravchuk , who received more than 60 percent of the vote, joined his Russian and Belarussian counterparts in signing the Belvezha Accords, which declared the Soviet Union had ceased to exist. It officially dissolved on December 26. The referendum results were of great importance as it allowed Ukraine to establish itself on the international stage as an independent state. From December 2, 1991 to January 31, 1992, Ukraine was recognized as a sovereign independent state by more than 100 countries.

These events have affirmed Ukraine as an independent and sovereign, democratic, legal, social state, a fully-fledged subject of international legal relations. Ukraine began to build relations with

other states on the basis of mutual respect for sovereignty, independence and territorial integrity, non-interference in their internal affairs, development of comprehensive political, economic and cultural ties.

The date of December 1, 1991 will forever remain in history not only as an event marking the legitimization of Ukraine's independence, but also as a symbol of the ultimate collapse of communism, a decisive factor in the collapse of the Soviet totalitarian empire, a starting point for geopolitical changes that significantly influenced further development. Our people have used their historic chance in a peaceful and democratic way to realize the idea of reviving a broken national state.

As a result of the Ukrainian referendum, in the following years the formation of sovereign Ukraine was continued. On January 28, 1992, the national blue and yellow flag was given the status of national. On January 15, 1992 the music of the composer M. Verbitsky on the words of P. Chubinsky "Ukraine has not died yet ..." became the national anthem of Ukraine. On February 19, 1992, the Supreme Council of Ukraine approved Trizub as the small arms of Ukraine. In 1996, the Constitution of Ukraine was adopted.

For the Ukrainian people, the referendum became not only a test of political maturity, but also a school of democracy, because for the first time in Ukrainian history, its future depended primarily on citizens. The referendum proved the real ability of the Ukrainian people to independently solve the most important issues of public and state life. This will of the people marked the way to the creation of the Sovereign Cathedral State of Ukraine, the building of a democratic society.

To sum up, 29 years is a path that has added to the experience of the young state. We can safely state that our country has passed all the tests of independence, ranging from the

movement for the creation of an independent Ukraine, the Act of Declaration of Independence, the referendum, the first presidential election and the adoption of the Constitution. At present, the Ukrainian state holds a worthy place in the world, developing and strengthening relations with other countries on the principles of mutual respect, comprehensive development of political, economic and cultural ties.

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ADMINISTRATIVE AND LEGAL MEASURES OF PROTECTION OF PERSONAL DATA IN UKRAINE

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Free and widespread access to information and the ability to produce new information contribute to the creation of opportunities for personal development, but at the same time it requires the implementation of safeguards capable of real protecting the

personal rights and freedoms of the owners of personal data. Despite considerable attention from the public and the state, the issue of protection of personal data from interference and potential disclosure by extraneous people remains open. There is a need to develop an appropriate government policy in the area of circulation and processing of personal data in order to control the process of using the power of information and telecommunication technologies, collecting, circulating and processing of any information.

Personal data protection policy should be based on a deep and comprehensive administrative and legal protection of the relations in the field of circulation and processing of personal data and obligatory public administration in this field. The system of law offers and creates a variety of legal mechanisms for personal data protection, among which a significant place is given to administrative and legal means of personal data protection.

The system of law is known to contain a very general definition of personal data, which is understood as "information or a set of information about an individual that is identified or can be specifically identified" [1]. Use of personal data means any actions of the controller of the personal data with regard to processing of such data, their protection and provision of partial or full right to process such personal data by other subjects of relations related to personal data, which are performed according to the consent of a personal data subject or under the law. This concept includes a set of legal and technical actions directed to protect personal data.

Talking about administrative remedies for personal data protection, in our opinion, they should be understood as a system of preventive measures (preventative measures), termination of violations affecting the right to possess and dispose of personal data, and the application of administrative measures, responsibilities of public authorities, which are required by law to

protect them. Such means are provided by the law of Ukraine “On protection of personal data”. It was adopted in order to ensure the independent protection of personal data as required by the Convention of the Council of Europe on the Protection of Individuals with regard to Automatic Processing of Personal Data [2].

One of the effective means of administrative and legal protection of personal data is the application of measures to prevent breaches of the law in the field of personal data protection, which in accordance with the law, in particular Art. 4, should be used by the following persons: the holder of personal data, the manager of personal data and the Ombudsman of the Supreme Council of Ukraine for Human Rights. Holders or managers of personal data may be enterprises, institutions and organizations of all forms of ownership, state or local self-government bodies, natural persons-entrepreneurs who process personal data under the law. The holder of personal data may entrust the processing of personal data to the personal data manager in accordance with the contract concluded in writing. The personal data manager may process personal data only for the purpose and to the extent specified in the contract [1]. The Ombudsman, for his part, takes the following measures to prevent breaches of the legislation in the field of personal data protection: receives proposals and other petitions of individuals and legal entities on the protection of personal data and makes decisions on the results of their consideration, conducts planned and unscheduled inspections of the holders or managers of personal data access to any information (documents) required to exercise control over the protection of personal data.

The following measures of administrative and legal termination of violation of the legislation on protection of personal data are those, which should include the following: direct elimination of violations of the legislation on protection of personal

data by the holder or manager of personal data; receiving by the Ombudsman complaints of individuals and legal entities regarding the protection of personal data and taking decisions on the results of their consideration; carrying out by the Ombudsman of unscheduled checks of the holders or managers of personal data; the issuing by the Ombudsman of the order on elimination of violations of the legislation on protection of personal data and the reasons that led to such violation.

An integral part of effective administrative and legal protection of personal data is the application of measures of administrative responsibility for the following offences: failure to notify or untimely notification of the Ombudsman about the processing of personal data or change of information subject to notification in accordance with the law, or false information; failure to comply with the legal requirements of the Ombudsman or the officials designated by him of the Secretariat of the Ombudsman to prevent or elimination of breaches of the law on protection of personal data; failure to comply with the personal data protection legislation established by the law, which led to the illegal access to the data or violation of the rights of the data holder; repeated during the year committing the violation for which the person has already been subjected to administrative punishment (Articles 188-39 of the Code of Administrative Offences) [3].

However, an analysis of the practice of application of administrative and legal measures of personal data protection shows that today these means are not always effective and lead to offences and certain shortcomings of the functioning of the personal data protection system [4]. For example, even if it is evident that the personal data of the person has been disseminated, the lack of accounting for transactions related to the processing of personal data often makes it impossible to identify the person involved in such dissemination. The person is rarely informed

about the collection of his or her personal data, which makes him / her unaware that his / her personal data is being processed by the new owner and does not make a complaint about it. It should also be noted that it is sometimes not possible to identify a specific person involved in the offence during the audit, although it is obvious that it was committed by a specific holder. That is why the system of administrative and legal mechanisms for the protection of personal data needs to be changed and brought into line with international law.

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THE CONSTITUTIONALITY OF THE DISSOLUTION OF THE VERKHOVNA RADA OF THE 8-TH CONVOCATION

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The constitutionality of the dissolution of Parliament is a conception that covers various phenomena, actions of individuals, facts. The dissolution of parliament is not just a routine for a parliamentary-presidential state; it is an event that will have enormous legal consequences in the present and the future.

The object of the work is the dissolution of the Verkhovna Rada of Ukraine of 8th convocation, the aim and methods of its implementation. **The purpose of the work** is to analyze the legislative acts, review the Decree on the dissolution of the Verkhovna Rada of Ukraine of the eighth convocation for compliance with the Constitution of Ukraine, find out the legal basis for its dissolution and check them for compliance with the current legislation.

According to the stated purpose there is a need to elaborate such tasks: 1) to determine the grounds for dissolution of the Verkhovna Rada of Ukraine in accordance with the current Constitution and laws of Ukraine; 2) to analyze the Presidential Decree on conformity with the constitution of Ukraine; 3) to find out the content of the concepts of the coalition, its formation and dissolution, duties and powers, the legal basis of formation; 4) to express an opinion on the conformity of the dissolution of the Verkhovna Rada of Ukraine with the Constitution and with the Laws of Ukraine (constitutionality). Within these tasks it is planned to analyze acts of Constitutional Court of Ukraine, because of their legal force and because of their invariability and permanence. We

need to research real basis of the process of the dissolution of the Parliament which is impossible without analyzing court cases at all.

The dissolution of the Verkhovna Rada of the 8th convocation is based on an event, because it is impossible to call it a fact that there has been no coalition in Parliament for a certain period of time. So, in exploring the topic of dissolution, we would like not only to superficially analyze the decisions of the Constitutional Court of Ukraine, the Decree of the President of Ukraine on compliance with the Constitution of Ukraine, but also to find out the legal nature and status of the coalition, its tasks, purpose, procedure for its formation and dissolution. It is also necessary to determine the very purpose of the dissolution of Parliament, since the aim must be legitimate, lie in the legal framework, not be politically motivated.

Regarding to this problem, there is not enough material in Ukraine, therefore, working on this topic, we aimed to express our own position on the constitutionality of the dissolution of the Verkhovna Rada of Ukraine. We also try to analyze the similarity of the dissolution of Parliament in 2014 and 2019, the differences between the political and legal situation. There are some similarities and differences between these situations, so the necessity to analyze both of them arises.

The need for scientific research lies in the absence of a precise position of the lawyers regarding the constitutionality of the dissolution of the Verkhovna Rada of Ukraine of the eighth convocation. Therefore, there is a need to analyze scientific articles, legislation, individual opinions of judges. It is also necessary to carry out a verbal analysis of the dissolution of Parliament in order to understand more clearly the grounds for dissolution, the rights and obligations of the President of Ukraine in the process of dissolution of the Verkhovna Rada of Ukraine. We need to understand, that the process of dissolution of the Parliament

in Parliamentary-Presidential state is a process which can cause usurpation of power in the state. There also is a need to appreciate real need in dissolution of the Verkhovna Rada of Ukraine and fictitious cause of it. In Parliamentary-Presidential country there is a system checks and balances, which is a guarantee of stability in the country and society. This system is enshrined in the Constitution of Ukraine.

Therefore, **the relevance** of the topic of this work is that the dissolution of Parliament is considered constitutional, and therefore may be repeated in the future on the same grounds as in 2019. We need to analyze real reasons for the dissolution of the Parliament, because it is really important to perform the process of the dissolution in legitimate way. In our opinion the court needed to take all these facts during the process, but it didn't. This case itself generated a lot of opinions of judges and scientists. In our work we tried to analyse scientific articles, legislation, foreign experience of the dissolution.

The methodological basis of our work are researches of well-known Ukrainian legal scholars such as R.S. Martuniuk, A.L. Derkach, V.D. Chuba, legislative acts such as coalition agreement, concerning the parliamentary coalition, parliamentary majority. The procedure for forming and dissolving the coalition, the procedure for holding elections to the Verkhovna Rada of Ukraine, and the procedure for termination of its powers, determined by Constitution and Ukrainian Law. Separate legal sources, in view of their importance, we would like to point out the decision of the Constitutional Court on conformity of the Constitution of Ukraine (constitutionality) of the Decree of the President of Ukraine "On early termination of powers of the Verkhovna Rada of Ukraine and appointment of snap elections" M.I. Melnyk, S.V. Sasa, M.M. Gultai, V.P. Kolesnik, O.O. Pervomaysky, I.I. Slidenko, V.V. Lemak.

In **conclusion** we would like to note that our point of view, that the dissolution of the Verkhovna Rada of the 8th Convocation

wasn't dissolute in the way and on the basis of the law. There are a lot of problems. At first, legal provisions, which regulated the status and obligations of the coalition were removed from the Rule Book of the Verhovna Rada of Ukraine. This simple fact causes the situation in which the only document which regulates the status of the coalition is the Constitution of Ukraine. In such cases the Constitutional court needed to interpret definitions, concepts and words which are omitted by the law due to some inaccuracies during the process of law-making. The second problem lies in the text of Decree of the President, because he made a big mistake giving out a Decree without any legal basis. The President based his document on the fact of absence of the coalition. In my opinion it isn't something that doesn't need any proofs, moreover, there is an obligation of motivating the problem itself, in this case – why there was a need of dissolution of the Parliament and the head of state needed to lay it out in the explanatory note, but there isn't any note for this document at all. The third problem is understanding of the meaning of “absence of the coalition during the months”, and there is a problem of factual day when the months starts which locates in article 90 of the Constitution of Ukraine, which was directly applied in the Decree without real reason.

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CIVIL ASPECTS OF SURROGATE MATERNITY REGULATION

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Nowadays, one of the most desperate problems in the world is infertility. For example, research by the World Health Organization shows that in 2010, 48.5 million couples worldwide were unable to have a baby. Furthermore, since there is a high rise of unisexual relations, it is not surprising that the theme of auxiliary reproductive technologies (ART) is gaining in popularity, in particular, surrogate maternity.

Although Ukraine is indeed a conservative state, it is one of the few countries that legalized surrogate maternity on a commercial basis. Due to this fact we can observe different litigations and even international conflicts, as the majority of Europe countries are against such ART (Italy, Germany, France, etc.) and their residents are going to us to use such services.

Regardless of surrogate maternity being so popular in Ukraine, our legislation still does not have even a determined definition, so we must rely on the opinion of various scholars, who differ in terms of how to interpret this phenomenon. After analyzing some, we can point out that surrogate maternity is an agreement between individuals, who want to become parents and a woman (surrogate mother), who agrees on the transfer of the human embryo to her body under the conditions of an accredited health care institution, to give a birth to a child with the subsequent transfer to the other party, for remuneration or without it.

At the moment, the legal regulation of surrogate motherhood is limited to several normative and legal acts, namely:

the Family Code of Ukraine, the Law of Ukraine "On organ transplantation and other human anatomical materials" dated July 16, 1999, the Order of the Ministry of Health "On Approval of the Instruction on the Procedure for the Application of Assisted Reproductive Technologies" dated December 23, 2008 No. 744, the Order of the Ministry of Health "On Approval of the Procedure for Application of Artificial Insemination and Implantation of Embryos and Methods of their Implementation" dated November 4, 1992, No. 24.

Due to the fact that not only non-property but also property relations often arise between subjects of the program of surrogate maternity, it is expedient to consider this issue not only as family law but also civil one.

One of the most problematic points is the contract, where the parties establish the rights and responsibilities that arise in connection with the implementation of the programme of surrogate maternity. The conditions that need to be mentioned in such agreements remain essential, although they stay to be non-regulated by law. Owing to such issue, we still have to rely on the works of several scholars. The most important conditions are the scope of the contract, conditions, and procedure of performance of the contract, the order of settlements between the parties, rights, and duties, contract terms, responsibilities of the parties, insurance, confidentiality.

There are three legal subjects related to the contract of surrogate maternity, namely: spouses (the genetic parents of a child, born in the course of surrogate maternity, can only be a married couple (this is another important aspect that means that single woman, man or homosexual couples cannot use surrogate maternity services that essentially restrict their right to be parents, under the Articles of the Constitution of Ukraine), surrogate mother (she can only be an adult legally capable woman without medical

contraindications, must have her own healthy baby and give written consent (the spouse may also put additional terms), medical institution (ART methods can be used only by specialists in accredited health care institutions).

Regarding the registration of a child born by the method of surrogate maternity, it is carried out under the procedure established by law. Part 2 of Art. 123 of the Family Code of Ukraine states that in case of implanting into a body of another woman a human embryo, the parents of a child are genetic parents. Thus, a surrogate mother has no right to claim a child and should realize it before the beginning of relations between subjects. There may also be many conflicts because of this, so it is necessary to make up an agreement to provide proper legal protection for the child both before and after birth. As O. Razgon states: “This document must be certified by a notary in the case of a dispute in a court, to confirm the voluntariness of the parties” [4].

To conclude, after analyzing the legal regulation of surrogate motherhood in Ukraine, we can affirm that its legal basis is quite poor and as it is crucial to protect the interests of the subjects of these relationships; its terms must be substantially regulated. It is best if a particular legal act was created to regulate all aspects of surrogate maternity, since in Ukraine these services are extremely popular, and to require proper settlement to prevent litigation and international conflicts (if clients are foreigners).

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DIFFERENT TYPES OF ACCOMPLICES

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Complicity is one of the most difficult topics in the theory of the criminal law. There are different types of accomplices and each of them has certain features, but our research is about the difference between the most hidden of them. We try to investigate the difference between an instigator of a crime, an organizer and criminal accomplice of a crime.

To my mind, the question of differentiation the instigator of the crime from the organizer of the crime and the intellectual accomplice of the crime is one of the most important in the science of the Criminal Law of Ukraine because crimes committed in complicity are high-risk crimes and it is difficult to detect it for the police. It is also important for the correct qualification of the offender's actions as it affects the sentencing. This topic is

interesting to me because the actions of these accomplices often go unpunished because they are not directly involved in the committing of the crime, this is their main similarity. And although this problem is very important in the science of the Criminal Law, it is not given enough attention.

Let's start with the defining the term instigator of the crime. Some scholars consider instigators to be one of the safest forms of complicity, because, as a rule, he is not directly involved in the crime, but influencing the minds of others leads them to commit a crime [3]. Under the Criminal Code of Ukraine: "An instigator is a person who by persuasion, bribery, threat, coercion or otherwise persuaded another accomplice to commit a crime" [4]. It means that an instigator by his actions directly affects the consciousness of another person and causes him the desire and determination to commit a crime. By such actions he enters into connection with the actions committed by the perpetrator, and this expresses his commonality with other accomplices in the crime. At the same time, it is not enough to take actions that incite another person to commit a crime, it is also necessary that this person agrees to comply with the proposal of the instigator [1].

The organizer of the crime is considered to be the most dangerous figure among the accomplices. Because it is the motor and driving force that triggers the mechanism of crime. The concept of the organizer of the crime is defined in the Criminal Code of Ukraine, according to which "the organizer is a person who organized the commission of a crime (crimes) or managed his (their) preparation or commission. The organizer is also a person who formed an organized group or criminal organization or managed it, or a person who provided funding or organized the concealment of criminal activities of an organized group or criminal organization" [4]. The list of activities of the organizer is quite extensive, but his main task is to direct, unite and coordinate

the efforts of other accomplices to commit a crime. However, such an organization may involve a crime, pooling and coordinating the efforts of both accomplices of all kinds.

That is, the difference between the instigator of the crime and the organizer of the crime is that the instigator is limited only to inclining another person to commit the crime, his activity ends when he caused the perpetrator's determination and intention to commit the crime. The organizer is not limited to this, the scope of his activities is somewhat expanded. The actions may include: distribution of functional responsibilities between the accomplices, development of a plan to commit a crime, identification of the object of a crime.

The prevalence of crimes committed in complicity is largely determined by the activities of accomplices whose behaviour contributes to the criminal actions of others. A characteristic feature is the high level of secrecy of complicity, as it is inconspicuous from the outside and is often not given sufficient attention during the investigation of crimes. This means a high social danger accomplices' role in crimes committed in complicity.

Under the Criminal Code of Ukraine, "an accomplice is a person who, through advice, instructions, provision of means or tools or removal of obstacles, facilitated the commission of a crime by other accomplices, as well as a person who promised to hide a criminal, tools or means of crime, traces of crime, to purchase or sell such items, or otherwise facilitate the concealment of a crime" [4]. Intellectual assistance is the provision of advice, guidance and pre-promised concealment: 1) tools or means of committing a crime; 2) the offender; 3) traces of the crime; 4) items obtained by criminal means; the promised purchase or sale of criminally acquired items; pre-promised assistance in other ways to conceal the crime [2].

The difference between an instigator and an intellectual accomplice is that the instigator only inclines to the crime, creates the determination to commit it, and the intellectual accomplice with his advice or promises facilitates and helps the other accomplice to commit the crime. That is, the instigator, having persuaded the person to commit the crime, has already finished his work, when the person already intends to commit a socially dangerous act, then there is an intellectual accomplice who contributes to the commission of the crime. The intellectual accomplice no longer needs to strengthen his determination, because such a task has already been done by the instigator.

To conclude, the difference between the instigator of the crime and the organizer of the crime is that the organizer is the most dangerous of the accomplices, and the instigator is considered to be the safest one. In this case, the organizer is a central figure in the crime, and the participation of the instigator in the crime is only secondary. Also, the activities of the organizer are much more extensive than the activities of the instigator, if the instigator only inclines to commit a crime, the organizer is engaged in the preparation, organization and execution of the crime. What about the difference between the instigator and the intellectual accomplice of the crime, the instigator of the crime causes the perpetrator to take the initiative to commit such a crime, but the actions of the intellectual accomplice are only support for an existing initiative to provide advice, guidance and pre-concealment of the crime.

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THE CONCEPT AND TYPES OF SINGLE CRIME

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A single crime is a structural element of any kind of multiplicity of crimes. The institute of multiplicity of crimes is regulated by the Criminal Code of Ukraine. However, the current legislation on the criminal responsibility in Ukraine does not contain the term "single crime" and thus does not define its concept. As a result the concept of a single crime has only a doctrinal (scientific) definition.

The purpose of this work is to analyse the meaning of single crimes in the system of criminal law, to determine its characteristics and types. In order to define the above mentioned concept, it is first necessary to highlight the typical, similar features inherent in single crimes that distinguish them from multiplicity of crimes. Typical characteristics of single crimes include:

1. A single crime is always socially conditioned. The legislator classifies the acts as criminal, taking into account their social danger, repetition and duration.

2. Objective and subjective features of a single crime are always closely connected. That means that their actions or omissions (failure to act) that form it are covered by the sole guilt of the subject of a crime.

3. A single crime contains the elements of a legally defined crime and qualifies by the same article or part of an article of the Special Part of the Criminal Code.

Pre-revolutionary scientist A. A. Herzenson noted that a single crime is an act that "corresponds to the features provided by the relevant provision of the Special Part of the Criminal Code" [2, p. 441]. In domestic literature there is a widespread view that a single crime should be understood as one or more socially dangerous acts (cases of omissions) covered by the features of a legally defined crime.

T. G. Chernenko suggested defining a single crime as "<...> a one-act or multi-act socially dangerous action described by unity of objective features, internal inter-linkages of actions (in a multi-act), unity of guilt, unity of purpose (in intentional crimes), typical social properties, and provided by the criminal law as one legally defined crime" [4, p. 11].

In our opinion, the most felicitous definition is the one proposed by I. A. Zinchenko and V. I. Tyutyugin: "A single crime, as a structural element of multiplicity of crimes, should be understood as a simple or complex socially dangerous act that has interrelated objective signs and subjective features, repeated in objective reality in such a combination, contains the features of the one legally defined crime and qualifies by one article (part of the article) of the Special Part of the Criminal Code" [3, p. 39]. These academicians believe that the definition of the term "single crimes"

should take into consideration the social nature of the act and the limits of the disposition of a provision of the Special Part of the Criminal Code, which are called legal and social criteria.

Single crimes are not the same, so there is a need to classify them. Single crimes are divided into two main types – simple and complex.

Simple single crimes are characterized by the simplicity of legislative determination of their objective and subjective sides. M. I. Bazhanov noted that, above all, these are cases where "one action (omission) corresponds to one consequence prescribed by the Criminal Law" [1]. A simple single crime can also occur in the presence of a single act, which has caused several consequences defined by law. M. I. Bazhanov considered that single crimes are crimes with two acts and crimes with alternative acts. Thus, according to this scientist, a simple single crime is characterized by the presence of one action (omission) and one consequence or one action and several consequences, or alternative actions [1, p. 13].

Complex single crimes are characterized by more complicated structure of the crime, namely by the complex objective and subjective sides of the act.

In the criminal law sciences there are four types of single complex crimes: ongoing crime, continuing crime, divisible crime and crimes qualified by the causing of additional grave consequences.

In our opinion, the Criminal Code of Ukraine should be supplemented with concepts of single crime and its types for further clear, precise and well-established application of the Criminal Code of Ukraine, as well as for the proper classification of crimes. Defining these terms will make it easier to distinguish single crimes from multiplicity of crimes. The legislator should pay considerable attention to complex single crimes, because they are similar to some types of multiple crimes.

Above mentioned scientists I. O. Zinchenko and V. I. Tyutyugin have commented on the importance of such consolidation of standards. “The erroneous assessment of committed offence as a single crime or vice versa, as a multiplicity of crime may result in the offender either escaping a just punishment or being punished by more severe measures of state coercion than he deserves. Therefore, it is very important to correctly identify in committed exactly single crimes and its types and to distinguish them from cases of multiplicity of crime” [3, p. 52].

In conclusion, we would like to point out that legislative consolidation of the features and rules of qualification of different types of single crime will stop their ambiguous interpretation and provide fair legal regulation of cases where a person has committed several criminal acts and will increase the effectiveness of the current criminal legislation.

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LIABILITY FOR BREACH OF CIVIL OBLIGATIONS

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At the present stage of development of the economic system of Ukraine, it is of particular importance to improve the legal mechanisms for the protection of the rights and interests of the civil relations participants. In this context, a special mission belongs to an important institution of obligations law – the liability for breach of civil obligations, which is designed to assist legal and natural persons in the exercise of their rights and protection (including judicial) in the event of their violation.

Under Part 1 of Article 509 of the Civil Code of Ukraine the obligation is: legal relationship, one party (the debtor) is obliged to perform for the benefit of the other party (the creditor) a certain action (to transfer property, perform work, provide a service, pay money, etc.) or refrain from taking any action (negative obligation), and the creditor has the right to require the debtor to perform his duty. In turn, Part 2 of this Article refers to Article 11 of this Code, which provides for the grounds for the occurrence of obligations [5]. Thus, it is possible to speak of contractual and post-contractual (in case of damage) liability. For the latter, see the relevant work by scientists R. B. Shyshka and O. R. Shyshka "Civil liability and tort" [6].

Under Article 610 of the Civil Code of Ukraine, a breach of an obligation is its non-fulfillment or fulfillment with a breach of the conditions determined by the content of the obligation (improper performance). According to the scientist I. V. Roziznana, it is impractical to delve into the etymology of the concepts of "performance" and "improper performance" in order to identify the

right approach in the legal regulation of these issues, but it is important to note that in some cases the approach to qualifying the division of obligations must be implemented through the lens of achieving a fair and adequate result of legal redress [3, p.78].

In the event of default, the creditor can apply to the debtor with the appropriate claim, as well as through a court or economic court to enforce their claims compulsorily. In particular, it may be the debtor's obligation to pay the creditor's damages, penalties, etc. So, as V. P. Myronenko claims “The general conditions for the emergence of civil liability are: 1) harm to the victim; 2) unlawful behaviour of the claimant; 3) the causal link between the wrongful conduct and the harm; the guilt of the person causing the damage” [1, p. 27]. Thus, under Article 611 of the Civil Code of Ukraine, for breach of civil obligations there are corresponding legal consequences specified by the contract or law, particularly: 1) termination of the obligation as a result of unilateral refusal of the obligation, if it is not stipulated by the contract or the law, or termination of the contract; 2) changing the terms of the commitment; 3) payment of the penalty; 4) damages and non-pecuniary damage [5].

In turn, the losses, as O. V. Moroz states, refer to the costs incurred by the creditor, the loss or damage to his/her property (real loss), as well as the income which the creditor would not have received if the obligation had been fulfilled by the debtor (loss of profit). For the Civil Law of Ukraine the traditional principle is full compensation for losses. The application of the principle of full compensation for losses is due to the need to restore the rights of the injured party in the obligation. As civil liability measures, these remedies also act in other respects. They are also a means of protecting rights, and penalties (fine, penalty) are also a way of ensuring the fulfillment of obligations [2, p. 191].

It is also worth noting that under Part 1 of Article 622 of the Civil Code of Ukraine, a debtor who has paid a penalty and compensated damages caused by breach of obligation is not released from the obligation to fulfill the obligation in kind, unless otherwise stipulated by the contract or law. In the event that the creditor refuses to accept an execution that due to the delay has lost his interest or the transfer of the recourse, the debtor shall be exempted from the obligation to fulfill the obligation in kind. And in case of refusal of the creditor from the contract, the debtor, in turn, is released from the obligation to fulfill the obligation in kind (Part 2 and 3 of Article 622 of the Civil Code of Ukraine). As for liability for breach of monetary obligation, the debtor is not released from responsibility for the inability to fulfill his monetary obligation (Part 1 of Article 625 of the Civil Code of Ukraine). And the debtor who has defaulted on the credit obligation at the request of the creditor is obliged to pay the debt, taking into account the establishment of the inflation index for the entire period of delay, as well as 3% per annum of the sum, unless another amount of interest is established by contract or law (Part 2 of Article 625 of the Civil Code of Ukraine).

To conclude, effective use of civil liability mechanisms for breach of obligations, in particular in the economic sphere, will contribute to the improvement of the business climate and the growth of the economy of the country as a whole.

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THE PROBLEM OF PROFESSIONAL BURNOUT

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Burnout is considered to be psychological exhaustion that occurs due to prolonged stress at work. The permanent stress leads to burnout and affects the mental abilities, cognitive and emotional sphere, and physical condition.

The problem of professional burnout became interested in the 70-ies of the 20th century. The American psychological and social support service began to receive complaints about the work of employees, their irritability and intolerance. This initiated the study of a special form of stress (especially social stress) called "burnout". This term was suggested by the psychiatrist H. J. Freudenberg. In colloquial English, this word can be found in the context of drug addiction. For our problem, it refers to the dependence of specialists on work at a time when their resources are depleted to a critical limit.

The term "stress" was first used by the Canadian physiologist G. Selye, who is considered the ancestor of the theory of stress. He viewed stress as a specific reaction of the organism, so professional burnout is a protective reaction of the body in response to stress and adverse factors.

In 2005, at the European conference of the world health organization it was reported that about 30% of professionals in the social fields of professions suffer from occupational stress, and most of them – people who associated with education. In the European Union, up to 60 % of employees in the education system annually turn to psychologists and doctors with problems related to professional burnout. [3, p. 3].

In the International classification of diseases, this syndrome is assigned to a category called "Problems associated with difficulties in organizing a normal lifestyle" and is defined as "fatigue, exhaustion of vital forces".

Such researchers and scientists as S. Jackson, C. Maslach, V. Orel, G. Roberts, N. Samoukina, V. Semenikhina, H. Freudenberger, I. Friedman, R. Schwab, R. Smith, N. Vodopyanova, B. White and others were noted for developing the issue and solving problems in the field of professional burnout.

For instance, american researchers C. Maslach and S. Jackson to explain the term "professional burnout" proposed a system in the structure of which there are three components: 1) emotional exhaustion (chronic fatigue, mood problems, sleep and eating disorders, increased susceptibility to diseases); 2) depersonalization (the attitude towards others becomes indifferent, negative or cruel; the feeling of guilt increases, attempts are made to avoid total stress, problems begin in relationships of any nature); 3) reduction of professional achievements (low self-esteem, feeling of inefficiency, failure; lack of recognition, success).

C. Maslach in the works [1-2] says that such process as burnout is not inevitable, and therefore it is worth taking measures that can prevent, weaken or help avoid this psychological problem – "most of the causes of emotional exhaustion are contained not only in the personal characteristics of people, but also in certain social and situational factors" [2, p. 118].

Pedagogues can aggravate their condition by considering all the symptoms of burnout as just laziness or procrastination. They can scold themselves for it, or be reproached, but this will not ease the condition in any way, and will make even more problems, including with self-esteem. So, professional burnout, laziness and procrastination are different from each other. Sometimes this is acceptable, but the person can go beyond the norm. As for laziness, laziness is one of the components of procrastination. And professional burnout is a certain state on the contrary: a professional is ready to do something, but he does not have the resources to do it.

Very often, professional burnout is the result of the influence of a whole set of factors on a person. These can be personal factors, status-role factors, professional factors, and so on.

It should be noted that individual characteristics or conditions in which a person lives and works especially contribute to the development of specialist burnout. These are personal risk factors that can include: low self-esteem; excessive emotionality; perfectionism ("excellent student syndrome»); tendency to introversion (low social activity, inability to quickly establish social contacts) etc.

Professional factors include: many hours of work; unfair and unequal relationships; ineffective leadership style; detachment from decision-making, lack of necessary feedback.

None of the factors can lead to burnout, and the occurrence of this syndrome is the result of all factors, both on a professional and personal level.

Especially unacceptable is psychological illiteracy. People tend to blame themselves and their mistakes or, conversely, blame other people for feeling bad. Unfortunately, internal resources are not replenished to the full and there is no place to take the forces, and this behavior will significantly aggravate the situation.

Burnout cannot be ignored; this problem will not go away by itself. Sometimes it takes a long time to recover, although someone may recover faster.

There are some methods that can help prevent stress, and as a result, prevent the development of professional burnout: planning time outside of work, including sports, diet, recreation and entertainment etc.

Among the many recommendations you can find more or less successful and suitable, here are some steps of burnout overcoming: 1) to solve a problem, you need to understand and accept it; 2) after realizing the problem that leads to burnout, make a plan of action to solve it; 3) it is important that to implement the plan on your own; 4) try to set up to be positive, read biographies of people who had faced difficulties and successfully overcame them; 5) learn how to dose loads and quickly relieve stress, learn techniques that help you overcome stress and emotional overload in extremely stressful situations [4].

So, there is a risk of developing burnout syndrome of pedagogues in the modern reality with many problems of the education system, relationships in the team and during working with children. This is not just fatigue, laziness or a temporary condition – it is a serious psychological problem that requires attention and its solution. Both the teacher and the education system should be interested in the psychological health of

employees, because in a humane society we must take care of our professionals, and also understand that the quality of education in general depends on their health.

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THE ROLE OF THE INTERNATIONAL LABOUR ORGANISATION IN THE REGULATION OF LABOUR RELATIONS

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International Labor Organization is the most important international organization, that is working in the field of labour. The First World War imposed on the international community a strong need for the creation of international organizations, that would perform the preventive function for similar future conflicts. ILO was created in 1919 for the purpose of international cooperation for the maintenance of lasting peace and elimination of

social injustice by improving working conditions. With the task of preventing future conflicts, the activity of ILO became the basis for the development of labor legislation in many countries of the world.

The initial activity of ILO was noted for its legislative orientation. Before the creation of international labor rules by ILO, that would be the basis for the creation of relevant national standards, as there were no existing labor standards, thus legislative activity was the main task at the beginning of activity of ILO. Other tasks were aimed at setting minimum labour standards, that could be used for the regulation of labour relations.

The structure of bodies of International Labor Organization reflects one of the most important principles of ILO – tripartism. Tripartism means the tripartite cooperation of governments, employers and employees. The governing body is the International Labour Conference. The Conference discusses world socio-economic problems and issues international legal norms for the regulation of labor relations. The executive body is the Governing Body, that manages in the period when there are no sessions of the International Labour Conference. The international Labor Office is the secretariat of International Labor Organization, that works constantly and manages current activities of ILO.

Besides, there is International Institute for Labour Studies. It organizes discussions involving three parties: governments, employers and employees. The study of such issues with the participation of three parties helps to take into account the interests of different parties and make them the basis of conventions and recommendations that become international legal standards in the field of labour.

The most important merit of International Labour Organization is the creation of international legal standards in the field of labour. Regulations of ILO take form of conventions and

recommendations. Conventions of ILO are inherently multilateral international treaties [1, 67]. They are binding on the states-members of ILO that ratified them. Recommendations of ILO are advisory. They specify conventions, clarify their content and expand it.

The International Labour Organization chose four fundamental principles: freedom of association and effective recognition of the right to collective bargaining, elimination of forced or compulsory labour, abolition of child labour and elimination of discrimination in respect of employment and occupation. There are eight fundamental conventions that extend these principles. These conventions are as follows: Convention Concerning Forced or Compulsory Labour N 29, Freedom of Association of the Right to Organise Convention N 87, Right to Organise and Collective Bargaining Convention N 98, Equal Remuneration Convention N 100, Abolition of Forced Labour Convention N 105, Discrimination (Employment and Occupation) Convention N 111, Minimum Age Convention N 138, Worst Forms of Child Labour Convention N 182.

Conventions and Recommendations of the International Labour Organization regulate the most important issues in the field of labour. Together they form a complex of international legal standards in the field of labour, that gives opportunities to unify national legislation of many countries and set the minimum level of legal protection of employees in the field of labour. The feature of conventions and recommendations of the International Labour Organization is that they take into account peculiarities of different countries and ILO tries to create regulations that will meet their needs.

The activity of the International Labour Organization on the regulation of labour relations is aimed at solving current acute problems. One of such problems is discrimination. Equal

Remuneration Convention and Discrimination (Employment and Occupation) Convention are aimed at its settlement and resolution. They allow to protect vulnerable groups of workers, that need protection not only in several countries, but also in the whole world.

Control and supervision mechanism created by the International Labour Organization, provides the implementation of conventions by the countries, that are members of ILO and ratified these conventions. The International Labour Organization gives the opportunity to file complaints in the case of non-completion of conventions or their ineffective implementation to the countries, that are its members and organisations. Investigation of allegations and complaints can be conducted by special commission and in rare cases they can be directed to the court. Such mechanism is aimed at bringing the attention of the international community to the problems of regulation of the labour relations.

The International Labour Organization has a great influence in Ukraine too. During the years of independence, Ukraine together with ILO has implemented four Decent Work Country Programmes and now it is developing the fifth Programme. Besides, Ukraine as a member of the International Labour Organization ratified more than 60 conventions of ILO that had become the part of Ukrainian national legislation.

Today 187 countries are the members of the International Labour Organization. They ratified its conventions and made them parts of their legislations. In addition, ILO handles over 1000 technical cooperation programs in about 80 countries of the world. To its fiftieth anniversary the International Labour Organization was awarded the Nobel Peace Prize for improving fraternity and peace among nations, pursuing decent work and justice for workers, and providing technical assistance to other developing nations [2].

Consequently, the International Labour Organization has a great influence on the regulation of labour legal relationship in many countries of the world. Passing its conventions and recommendations, ILO forms international legal standards in the labour field. These conventions become the basis and pattern for the creation of their own legislation by many countries. They also allow to form proper working conditions for workers in the whole world.

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THE EMERGENCE AND ACTIVITY OF THE REACTIONARY (RACIST) ORGANIZATIONS AND PROCEDURES IN THE UNITED STATES (LYNCH LAW, KU KLUX KLAN, ETC.)

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The Civil War and Reconstruction are the most important events in the history of the United States of the XIX century. Political and social movements of that period influenced the American society and indicated its direction of the development for the next several decades. A large number of scholars researched this historical period in order to find out the reasons of the

emergence of racist organizations on the southern part of the United States and their impact on the society.

The victory of the northern United States in the Civil War meant that it would be a huge reconstruction of the social system in the former slave-owning states. The Congress adopted the Reconstruction Acts in order to take southern states under control and destroy the power of the former slave owners. However, the way to build the democratic society was very difficult because of the opposition of the local elite. In 1865-1866 the majority of southern states passed reactionary legislation which is known as the Black Codes or Black Law. Their main aim was to restrict the freedom of African population which was liberated during the Civil War. They introduced free labour system that replaced slavery and maintained the power of the whites. Also legislature deprived Afro-Americans their fundamental rights such as the right to vote, to bear arms or the right of children to attend schools. What is more, even marriage between the Africans and the whites was banned by the law. The existence of the Black Codes confirmed that even after the Civil War and adoption of the Amendments to the United States Constitution the domination of the former slave owners was not destroyed.

During the Reconstruction former slave owners and other racists started to found secret organizations in order to preserve slavery and support the supremacy of the white race in the region. In addition, organizations with similar aims had existed even before the Civil War and one of them is the Knights of the Golden Circle (K.G.C). It was founded in 1854 by George Bickley, an editor, doctor and adventurer, in order to build a slaveholding empire on the territory of southern USA and Mexica. Their main idea was the annexation of Mexica. This slogan made them popular among the population of southern states, especially in Texas. The K.G.C was a typical secret organization with its own rituals, signs and

passwords. Knights were divided into three large units – military, financial and political. Military unit was grouped into the Foreign Guard, which was created in order to take part in Mexican campaign, and the Home Guard, which was a military support in the rear.

For many researchers the most interesting about the Knights of the Golden Circle is their role in the Civil War. The Confederation used them as the sabotage force in the rear of the army of northern United States. For example, in 1865 the uprising in New York was launched by them and the Knights took over the power in the city. As a result, the Union had to withdraw some divisions of the federal army from the front and use them to suppress the K.C.G in New York. There are few mentions about the Knights of the Golden Circle after the Civil War. The defeat of the Confederation destroyed the slave-owning system in southern states. As a result, there are no proofs that Knights survived after the war and continue their activity. As for their historical importance, the Knights of the Golden Circle played a major role in the southern USA in persuading the population to rise against the Union.

In the second half of 1860s the most powerful and largest organization was the Ku Klux Klan which is also known as the KKK or the Klan. Their strange name came from the combination of Scottish klan and the Greek word *kyklos* which means a circle. This name helped to keep the atmosphere of mystery of the organization. The creators of the Klan created a hierarchical structure where every member had his defined role. They named themselves as «The Invisible Empire of the South». The chief of the Ku Klux Klan was called the Imperial Wizard. Also he was the head of the Klan governing board which consisted of 15 «Geni». They divided the territory of the USA into «provinces» and «counties», which were ruled by the «the Grand Dragon» and «the

Grand Giants». Their uniforms were white long hoodies with slits for the eyes and mouth with an emblem of an animal on the right side. The feature of the Ku Klux Klan was that they did not know the name of the members so they addressed each other by the name of the animal pictured on the hoodie.

The Ku Klux Klan had a great support among the people of the South. A lot of judges, policemen, generals, congressmen and businessmen were their members and donated them money. A strong backing in the authorities made it possible to implement their program and plan. The Klan is famous for its excessive cruelty during the massacre of the properties of the Africans. For example, only in Louisiana in the 1868 they killed more than 700 people and 365 inhabitants were crippled by the members of the Klan. It was almost impossible for the police to fight against the KKK because judges were loyal to them and all proceedings were closed. In the end, the local authorities got the right to use federal army against the Klan which helped to weaken the force of the organization. However, the KKK was not totally destroyed and they remained active.

During the Reconstruction there were some more racist organizations in the South. One of them was the Knights of the White Camelia, which was a terrorist group that professed the ideology of white supremacy and supported slavery. In many aspects they were similar to the Ku Klux Klan and their main region was Texas. They existed to 1870 and were absorbed by the KKK. One more important racist organization was the White Leagues which was a military wing of the Democratic Party. Their members took part in the elections fighting against the candidates of the Republican Party. Also the activity of the White Leagues included massacres against Africans and white people who supported them. Many historians agreed the collapse of the Reconstruction was expedited by the White Leagues.

The events of the second half of the XIX century demonstrated that the USA was not able to implement the Reconstruction Act and rebuild the social system in the former slave-owning states. The activity of racist organizations and their influence on the society was just the proof of it. There were a lot of unsolved problems, such as segregation of the Afro-Americans and undetermined status of the former slaves. As a result, the USA faced the same problems in the next century.

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PECULARITIES OF FOREIGNERS' EMPLOYMENT

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The integration of Ukraine into the world community provides greater openness of the Ukrainian labor market to the foreign labor force, which leads to increased competition between employees in this market. Therefore, competent public authorities should develop prudent state policy on the labor market, which would ensure the necessary balance between the interests of the state, employers and the national economy and the interests of employees.

The legal position of a foreign worker is an objective category because its content is determined by the structure of the employee's relations with other subjects of labor law and cannot be changed depending on subjective factors. All components of the content of employee's legal status should be necessary, binding and reflected in the labor law.

Foreign workers in Ukraine do not have work capacity, which appears only after obtaining permission by employers to use their work. When a foreign worker starts labour relations, each of the status elements determines the possibility of obtaining a job (for example, age, health status), determines the content of the work to be performed (education, specialty, qualification) or inability to be employed in this job (e. g. criminal record). The legal status of a foreign employee gives the opportunity to disclose his position as a subject of labor law fully and comprehensively. However, within the status of the employee differentiation can be conducted with regard to the characteristics of a particular group of employees (for example, temporary and seasonal workers, part-time workers,

engineering and technical workers, etc.). As a result of their condition these groups have a specific employment status. Having implemented the state guarantee of securing the right to work by concluding an employment contract, which is provided by Articles 2 and 5 of the Labor Code of Ukraine, the foreigner acquires the status of a worker. Foreigners permanently residing in Ukraine have the right to work at enterprises, institutions and organizations or to be engaged in other employment activities on the grounds and in the order established for the citizens of Ukraine. However, foreigners may not be assigned to certain positions or to be engaged in certain employment activities if the appointments to such positions or occupations are connected with the belonging to the citizenship of Ukraine in accordance with the legislation of Ukraine.

The labor law does not regulate labor relations of foreigners working for the diplomatic missions of foreign states or representations of international organizations in Ukraine, unless otherwise provided by international treaties

Employment without work permits is designated for:

- 1) foreigners who permanently reside in Ukraine (have a permanent, unlimited residence permit);
- 2) foreigners who have obtained refugee status in accordance with the legislation of Ukraine or have received permission to immigrate to Ukraine;
- 3) foreigners who are recognized as persons who require additional protection, or who are granted temporary protection in Ukraine;
- 4) representatives of foreign maritime (river) fleet and airlines serving such companies on the territory of Ukraine;
- 5) employees of foreign mass media accredited for work in Ukraine;
- 6) athletes who have received professional status, artists and art workers for work in Ukraine in their specialty;
- 7) employees of rescue services for urgent work;
- 8) employees of foreign missions registered in Ukraine in the manner prescribed by the law;
- 9) priests who are

foreigners and temporarily reside in Ukraine at the invitation of religious organizations to carry out canonical activity only in such organizations with official agreement with the Department for Religious and Ethnic Affairs; 10) foreigners who arrived in Ukraine to participate in the implementation of international technical assistance projects; 11) foreigners who have arrived in Ukraine to conduct teaching and / or scientific activities in higher education institutions at their invitation.

There is no definition of ‘illegal migration’ in Ukrainian law. However, the Law of Ukraine “On the Legal Status of Foreigners and Stateless Persons” defines the term “illegal migrant” as a foreigner or stateless person who crossed the state border outside the checkpoints or checkpoints, but without evading border control and did not immediately address an application for refugee status or asylum in Ukraine, as well as a foreigner or stateless person who arrived in Ukraine legally, but after the expiration of his / her term of residence, lost grounds for further stay and evade departure from Ukraine. The above definition takes into account only the legality of crossing the border and staying in Ukraine. However, employment in Ukraine is not considered without proper permission. In this case, illegal employment of foreigners, which may or may not violate the border crossing or living arrangements, is ignored. For example, a foreign student who is legally a resident in Ukraine is not eligible without permission to work in Ukraine. Therefore, engagement in such employment should be qualified as illegal labor migration.

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WORD-BUILDING PECULIARITIES OF SUBSTANDARD VOCABULARY OF THE ENGLISH LANGUAGE

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Nowadays English language studying is impossible without appealing to substandard vocabulary which is an internal part of language and one of the most urgent and contradictory problems of modern lexicology. There are many ways of building of substandard vocabulary in the English language but none of them is fully studied. Besides, a number of new lexical structures are daily created, they change the urgency of different ways of word-building, their productivity etc. All these facts prove the actuality of our research.

Different spheres of substandard vocabulary, which include different types of social dialects (slang, professional and group jargon, criminal argot), colloquialisms, pidgin, creole, vulgar words etc., are the subject of interest of foreign and native scientists such as L. Anderson, P. Trudgill, L. Pederson, R. McDavid, L. Mumford, M. Makovskyi, A. Morokhovskiy, O. Lashkevich and

others. Reduced vocabulary is the brightest reflection of the native speakers' mentality because it is the closest to the live spontaneous communication. The main differences of substandard words from the literary language is a full absence of stylistic differentiation and domination of expressive words with negative connotation [3, p. 20].

In the modern English language two types of word-building are getting the biggest productivity. They are blending (contamination, telescoping) and abbreviation. Blending – an amalgamation of two word stems – is mostly based on the assonance or euphony of the parts being joined [1, p. 82]. For example, *cartune* (cartoon + tune), *Carjacking* (car + hijacking), *Chinglish* (Chinese + English) [4]. The main peculiarity of this word-building way is demorphologization of the word structure which means an effacement of its etymology. Abbreviation has the same characteristics. They are widely used in modern Internet environment. More and more language formations appear every day and we can't understand them without knowing their origins and the situations in which they are used. The next abbreviations can be found in the Internet field very often: *LOL* (Laugh Out Loud), *ASAP* (As Soon As Possible), *OMG* (Oh My God), *PAW* (Parents are watching); *PBB* (Parent behind back) [4].

Suffix way of word-building is also very productive in the English language. New suffixes which create new variations of substandard vocabulary are: -nomics, -athon, gate, -splaining, -cation, -itude, -tastic, -licious, -pocalypse, -gasm. For example: *babelicious* = pretty woman or girl; *Eargasm* = the music is so good that you feel euphoria; *momitude* = mother's anger after a bad child's behavior [4].

The next mechanism of slang word-building is antonomasia – a stylistic method which consists in the usage of proper name to denote another person or thing that have one or

some characteristics of this name carrier [5, p. 63]. It may be the name of a real historical person, fiction character or an epithet instead of proper name. For instance: *The Iron Lady* – Margaret Thatcher; *George* – smart, cute; *Jerry* – experienced, wise; *Sir Anthony Blunt* – a nasty individual (by the name of the English Art historian and the agent of Soviet intelligence service) [4].

Except wide-spread ones there are also unproductive ways of word-building in the English language. They are morphological transfer, deabbreviation and conversion. Conversion – word doubling or even tripling with rhyming: *ack-ack*, *choo-choo*, *buzz-buzz*, *blah-blah-blah*, *mop-top*, *ding-a-ling* [4]. Morphological transfer means changing the forms of foreign word into forms which are suitable for the native language grammar. This way is intrinsic to the English language in which number of borrowings is bigger than in other languages. It is marked on the slangy words most of which are borrowed from Yiddish, Latin, Greek, Spanish, French, German, Turkish and others. For example [2]: *weenie* (*weinie*) (failure, from German «wienerwurst»), *vamoose* (to go away, from Spanish «vamos»), *savvy* (*savvey*) (to understand, from French «saver»), *rhubarb* (argument, fighting; mistake, from Greek «ῥα barbaron»). Deabbreviation is the new transcript of abbreviations: FBI (fat, black and ignorant), SOS (the same old staff) [4].

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ORPHAN WORKS AS AN OBJECT OF LEGAL PROTECTION

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Free publications on the Internet increases tenfold the number of works the authorship of which it is impossible to establish. As a result, the ability of Internet users to post the results of creative activities and exchange them comes into conflict with existing legal requirements. The need to develop new approaches that will ensure the balance of interests between copyright holders, users and individuals who have access to works posted on online resources is becoming increasingly apparent [1]. In this case, we are talking about "orphan" works. They are works that arise as a result of non-identification of their authors, heirs or others.

Our purpose is to consider and analyze the issues of "orphan" works as objects of legal protection, the reasons for their occurrence, to highlight the problem of legal regulation of "orphan" works.

The concept of orphan works is a relatively new term in copyright and related rights. However, the Ukrainian legislator does not define an orphan work, because it does not provide for such objects in the field of intellectual property.

There was an attempt to submit to the Verkhovna Rada of Ukraine a draft law in the new version "On Copyright and Related Rights" № 1207, which was registered on August 29, 2019. This bill would regulate the issue of orphan work; it would give its definition and conditions of its usage. According to Article 1 of the bill, an orphan work (phonogram, videogram) is a literary, audiovisual, photographic, visual and other work, phonogram, videogram (including that which is part of audiovisual work or other phonogram, videogram), which were not published outside Ukraine, form a part of cultural heritage and are in repositories of non-profit libraries, educational institutions, museums, archives, film, photo, audio funds, broadcasting organizations of Ukraine and the subjects of property rights on this work are not identified [2].

In our opinion, this definition of an orphan work has some vagueness. Due to it the orphan work can be identified with a phonogram and videogram, although the work belongs to the institution of copyright, and phonogram and videogram to the related law.

As this bill has been withdrawn and the issue of orphan work is still unclear in domestic law, we propose to refer to international law, namely – Directive of the European Parliament and of the Council of EU 25.10.2012 2012/28 / "On certain permitted uses of orphan works», Article 2 defines that a work or a phonogram shall be considered an orphan work if none of

rightholders in that work or phonogram is identified or, even if one or more of them is identified, none is identified despite the diligent search of rightholders [3].

Before orphan work becomes an object of intellectual property, it is necessary that it meets the conditions of legal protection, among which there are the following ones: 1) it must be "protected by copyright or related rights"; 2) be «first published in an EU Member State» or, because of the absence of publication, the first broadcast was to take place in a EU Member State; 3) if one or more of the right holders cannot be identified, despite the proper search; 4) if several copyright holders and not all of them are identified or in the case when they are established, but not all are identified, despite a proper search.

Quite specific condition is the situation, when the right holder is not found, despite the relevant search: Art. 3 of Directive 2012/28 stipulates the condition of granting "orphan" status to works. Such condition is realization of a diligent search. The search procedure is conducted by the research on protected rights using sources that correspond to a specific category of works or phonograms. Such Sources are defined in the Annex to the EU Directive, for example, library catalogs, databases and registers of published books, etc. In procedure of the diligent search the important role belongs to international projects such as ARROW (Accessible Registries of Rights Information and Orphan Works), which was created specifically to address orphan problems, and is closely linked to the *Europeana* project, which provides for the creation of digital collections of books, paintings, films, museum exhibits, archival documents [4].

When it comes to the use of "orphan" work, it means reproduction (digitization) of works, at least, such terms are used in regulations and scientific literature in particular. According to Article 1.1 of the EU Directive, this regulation applies to certain

uses of orphan works in publicly accessible libraries, educational establishments and museums, as well as by archives, film or audio heritage institutions and public-service broadcasting organisations, established in the Member States, in order to achieve aims related to their public-interest missions. Thus, we see that the issue of the use of orphan works the European Union has begun from the list of institutions that are allowed.

Institutions can digitize and further distribute orphan works in particular:

- works published in the form of books, journals, newspapers, magazines or other writings contained in the collections of publicly accessible libraries, educational establishments or museums as well as in collections of archives or of film or audio heritage institutions;
- cinematographic or audiovisual works and phonograms contained in the collections of publicly accessible libraries, educational establishments or museums as well as IT collections of archives or of film or audio heritage institutions;
- cinematographic or audiovisual works and phonograms produced by public-service broadcasting organizations up to and including 31 December 2002 and contained in their archives.

Summing it all up we can state that the main source that regulates the status and usage of orphan works with unknown authorship or when an unknown person who owns the copyright of orphan work is Directive of EU 2012/28/ on certain permitted uses of orphan works. In our opinion, this international document is a rather successful and flexible normative act, it is a progressive step in the development of copyright and related law in the digital age, because it aims to solve the problem of legal usage of orphan works. Today's problem of Ukrainian legislation is non-ratification

of Directive 2012/28 / EU, which leads to the so-called disregard of international norms. But at the same time we can't be too critical of it as prior to the introduction of the concept of orphan work it is necessary to create a register, digitize at least some of orphan works and determine at the legislative level the grounds for their legal usage. But the problem of non-regulation of orphan works still remains, which gives us the opportunity to discuss it and try to regulate it.

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HABEAS CORPUS IN ENGLAND

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Habeas Corpus is an Act of Parliament adopted on May 27, 1679 ensuring that no one can be imprisoned unlawfully. Habeas Corpus is still in force today because it is the part of the Constitution of Great Britain. Literally translated, 'habeas corpus' means 'you may have the body' (if legal procedures are satisfied). This sounds like a strange phrase, but in medieval times it was the expression used to bring a prisoner into court.

The full name of the law is "An Act Securing the Liberty of the Subject, and Preventing Imprisonment Beyond the Seas.

The origins of the writ cannot be stated with certainty. Before the Magna Carta (1215) the variety of writs performed some of the functions of habeas corpus. During the Middle Ages habeas corpus was employed to bring cases from inferior tribunals into the king's courts. The modern history of the writ as a device for the protection of personal liberty against official authority is dated from the reign of Henry VII (1485–1509), when efforts were made to employ it on behalf of persons imprisoned by the Privy Council. During the reign of Charles I, in the 17th century, the writ was fully established as the appropriate process for checking the illegal imprisonment of people by inferior courts or public officials.

The Habeas Corpus Rule guarantees the release of a prisoner from unlawful detention (detention in the absence of sufficient grounds or evidence). In fact, it is the presumption of wrongful detention of a person arising from the principle of personal integrity. The Habeas Corpus can be initiated by either the prisoner himself or by any other person acting in his or her best interests.

Whereas great delays have been used by sheriffs, gaolers and other officers, to whose custody, any of the King's subjects have been committed for criminal or supposedly criminal matters, in making returns of writs of habeas corpus to them directed.

In all applications for an order of habeas corpus, the court or judge may order that the person by whom, or by whose authority, any person is confined or restrained of his liberty, or the person having the custody and control thereof certify and return to the court or judge, as may be provided, all the information, evidences, depositions, judgments, convictions, orders and all proceedings had or taken touching or concerning the confinement or restraint of liberty, to the end that they may be viewed and considered by the court or judge and to the end that the sufficiency thereof to warrant the confinement or restraint may be determined.

In criminal matters other than treason and felonies, the act gave prisoners or third parties acting on their behalf the right to challenge their detention by demanding from the Lord Chancellor, Justices of the King's Bench, and the Barons of the Exchequer of the jurisdiction a judicial review of their imprisonment.

The Habeas Corpus is a judicial challenge to an official responsible for holding prisoners (such as a prison warden) to deliver an arrested person to court to determine whether there are legitimate grounds for detention. If such an official is found to be outside his or her authority, the prisoner shall be released.

The judges were required to issue the Habeas Corpus order not only during the session period but also during the holidays. For the violation of this rule the victim had to pay a fine of 500 pounds of sterling. The officer was required to issue a copy of the arrest warrant within six hours. If the official refused to do so, for the first time he paid the victim 100 pounds sterling, for the second time 200 pounds and then dismissed.

The judge to whom the detainee was taken had to release him or arrest him or bail him within two days. Released on the basis of the habeas corpus, he could not be arrested for the second time on the same charge. To prevent "imprisonment by seas" it was forbidden to send residents of England and Wales as prisoners to overseas possessions. Those who violated this rule were punished by a fine of 500 pounds sterling.

The Habeas Corpus has some limitations. Technically, it is only a procedural tool; it is a guarantee against any unlawful detention, but does not protect other rights, such as the right to a fair trial. Therefore, if detention without the court warrant is allowed by the law of the state, then the Habeas Corpus will not in this case be a useful tool. In some countries, this procedure may be temporarily or permanently suspended, such as in case of emergency.

Analysis of the law shows that there is no reason to declare it the cornerstone of English constitutional law and to believe that it has secured a real inviolability of person. However, on the other hand, we understand that this act became the legal basis of the right to a speedy and open court: the bourgeoisie, which came to power, was the bearer of progressive ideas.

All things considered, the Habeas Corpus Act became the most important document of the English bourgeois revolution, which led to the establishment in the country's political system of the foundations of parliamentarism. Today, the Habeas Corpus is

used not only in England but also in many other countries, which shows its importance and significance.

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THE PURPOSE OF APPREHENDING THE OFFENDER

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One of the circumstances that exclude criminality of an act provided for in Title VIII of the General Part of the Criminal Code of Ukraine is apprehension of the offender. According to Part 1 of Art. 38 of the Criminal Code of Ukraine, actions of the victim or other persons immediately following the trespass and aimed at the apprehension of the offender and bringing him or her to appropriate public authorities and were not in excess of what was necessary for such apprehension, are not deemed to be criminal.

The purpose of excluding criminality of an act is to apprehend the person who committed the crime and bring him or her to appropriate public authorities.

In this regard, the doctrine of criminal law distinguishes two goals of the following actions: 1) final – bringing the offender to

appropriate public authorities; 2) current – apprehension of the offender, that is, deprivation of his personal liberty.

If, however, actions to apprehend the offender were undertaken to achieve other purposes (such as lynching), then this would preclude their justification. It should be borne in mind that apprehension is justified by presence of the detainee of the stated purpose, and not the actual result achieved (for example, the offender escaped and hid, escaped from a locked room, etc.).

The current goal – the apprehension of the offender – are the actions of the victim or other person aimed at depriving the offender of personal liberty and causing him (if necessary) harm. Such actions coincide with actual features of the objective side of certain crimes, such as unlawful imprisonment, murder, personal injury and other violent acts, destruction or damage of property.

The final goal is bringing the offender to appropriate public authorities. And here the question arises: which authorities (public authorities, local governments, or law enforcement agencies) fall under the category of "appropriate"? Thus, in order to further understand the purpose of apprehension of the offender, it becomes necessary to find out what authorities the legislator meant introducing this term. M.I. Melnyk thinks that appropriate public authorities are law enforcement agencies, inquiry bodies, pre-trial investigations and the court.

The only legislative act that lists law enforcement agencies is the Law of Ukraine “On State Protection of Court and Law-Enforcement Bodies Personnel”, which explicitly states that law enforcement agencies are prosecuting authorities, the National Police, the Security Service, the Military Law Enforcement Service in the Armed Forces of Ukraine, National Anticorruption Bureau of Ukraine, State Border Protection Bodies, Revenue and Dues Bodies, Penalty Enforcement Agencies and Institutions, Detention Centers, State Financial Control Bodies, Fisheries Protection, State

forest protection and other bodies that carry out law enforcement or law enforcement functions.

In various laws of Ukraine that regulate activities of law enforcement agencies, this term is used in different variations and for different purposes. They allow providing an approximate list of such bodies, which seems to some extent conditional, since different laws and other legal acts differently determine the status of the same state bodies. Undoubtedly, this state of legislative consolidation of one of the basic concepts in the law enforcement sphere of the state adversely affects the activities of these bodies.

There is also no consensus among scholars on the definition of the concept of law enforcement bodies. The authors of the textbook, edited by V.T. Malyarenko, under the law enforcement agency, understand a state institution that operates within the system of government bodies and performs state functions in different spheres of internal and external activity of Ukrainian state on the basis of law. The authors and compilers of the textbook M.I. Melnyk and M.I. Khavroniuk to the law enforcement agencies, on the basis of the relevant criteria, include the court, the prosecutor's office, the police, bodies of the Security Service of Ukraine, bodies of the State Security Service, bodies of the Border Troops, although Practical commentary to the Criminal Code of Ukraine under the authorship of the same scholars is already divided between law enforcement agencies and the court.

The list of bodies of pre-trial investigation (bodies of inquiry and pre-trial investigation) is defined in the Criminal Procedure Code of Ukraine. Such bodies are: 1) investigative units – National Police bodies, security authorities, bodies that monitor compliance with tax legislation, bodies of the State Bureau of Investigation; 2) detective units, internal control unit of the National Anti-Corruption Bureau of Ukraine.

At first glance, everything is clear with pre-trial investigations, but it is not as simple as it seems. According to the Code of Criminal Procedure of Ukraine, the bodies of the State Bureau of Investigation are included in the list of pre-trial investigation bodies, however, when the State Bureau of investigation was included in the system of pre-trial investigation bodies, Council of Europe consultants arose the questions about the status, subordination, organization, staff of the SBI and whether its duty is to investigate torture or misconduct by law enforcement agencies.

At the same time in Art. 1 of the Law of Ukraine “On the State Bureau of Investigation” the state law enforcement agency performs the task of prevention, detection, suspension, disclosure and investigation of crimes within their competence.

Summing up the above mentioned, we can conclude that there is no unity in the definition of "appropriate public authorities" in the context of Art.38 of the Criminal Code of Ukraine, so this issue is quite relevant and needs further investigation.

Such state of affairs in the national law makes it much more difficult to implement the law on the offender’s apprehension into practice. However, it should be understood that apprehension is justified by the presence of the detainee’s stated purpose which was not actually achieved. Therefore, no matter what “appropriate authority” a person delivers his actions will still be considered legitimate.

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EXEMPTION FROM CRIMINAL LIABILITY IN CONNECTION WITH RECONCILIATION OF THE PERPETRATOR AND THE VICTIM

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Criminal law is designed to restore justice. It is possible that such justice can be restored without condemnation of the perpetrator. In particular, this is possible in the event that the prosecution of the perpetrator will not satisfy the interests of the victim or the perpetrator. In this case, the legislator gives the right to the victim and the person who committed the crime to reconcile. As a result, the state, represented by the competent authorities, has the right to release a person who has committed a crime from criminal liability. Exemption from criminal liability in connection

with the reconciliation of the perpetrator with the victim was added to the new Criminal Code of Ukraine in 2001. Such innovations testify to the wider application of the principle of humanism in national criminal law. In addition, it should be noted that the humanization of the criminal law sphere in Ukraine is developing [2] and today exemption from criminal liability is applied on average to 5 – 10% of defendants whose criminal cases are considered by courts [3]. That is why it is important to know what exemption from criminal liability is and under what conditions it can be applied.

The purpose of this work is to study the exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim.

Recent research and publications. Issues of exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim are reflected in the works of such scholars as Kh. D. Alikperov, Y. V. Baulin, O. O. Dudorov, B. M. Hrek, Zh. V. Mandrychenko, M. I. Melnyk, S. V. Sakhnyuk. Their scientific works, as well as the Criminal Code of Ukraine, the Criminal Procedure Code of Ukraine and the case law of the courts of Ukraine will be the sources of this work.

Results and discussion. The object of the study is the release from criminal liability in connection with the reconciliation of the perpetrator with the victim, the conditions for the application of such release and its place in the institution of release from criminal liability.

Exemption from criminal liability is the refusal of the state (its competent authorities) to convict a person who has committed a crime and to apply coercive remedies to him. The main provisions on exemption from criminal liability are enshrined in Section 9 of the Criminal Code of Ukraine.

In the scientific literature there is a unified understanding of the content of exemption from criminal liability. It is characterized by the following three points: there is no state conviction of the person who committed the crime (the conviction of the court is not passed); no punishment is applied to the perpetrator; a person is considered to have no criminal record [4].

The process of releasing a person from criminal liability is described in §2 of Chapter 24 of the Criminal Procedure Code of Ukraine. The most important thing there is that only a court can release a person who has committed a crime from criminal liability.

Exemption from criminal punishment in connection with reconciliation of the perpetrator with the victim occupies a very important place in the institution of exemption from criminal liability, because this type of exemption enshrines one of the dispositive rules in the Criminal Code of Ukraine, i.e. gives both parties the right to decide whether or not to reconcile.

There must be two preconditions and two grounds for exemption from criminal liability in connection with the reconciliation of the perpetrator with the victim. The preconditions are the commission of a crime of minor criminal offense or medium grave reckless offense and the commission of such a crime for the first time, and the grounds: reconciliation of the perpetrator with the victim and compensation for losses or repair of damage. An important, relatively new change to Article 46 of the Criminal Code of Ukraine was the addition to it in 2014 of the phrase "except for corruption crimes" [1]. Such changes show how seriously the state takes one of the biggest problems in Ukraine which is corruption.

As for the legislation of other countries, the norms of the Criminal Code of Ukraine are most similar to the norms of the criminal laws of the former Soviet Republics, which is quite understandable, since most of these republics, including Ukraine,

complied with the provisions of the Model Criminal Code, which was created jointly by the CIS member states. In most European countries, the institution of exemption from criminal liability does not exist, and reconciliation between the parties only mitigates the punishment.

Conclusion. In my opinion, the position of the Ukrainian legislator on this issue is more progressive, as it expresses a humane attitude to the person who committed a crime. It is necessary to state that the issue of exemption from criminal liability is well researched, but more attention should be paid to the reconciliation of the perpetrator with the victim as one of the types of such release.

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MANAGEMENT APPARATUS OF WESTERN UKRAINE IN POLAND

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The relevance of the work is directly revealed through the lens of the history of Ukrainian-Polish relations, which at all times were very intense. It is now very important for Ukrainians to remember the mistakes of the past, then the leadership, in order to move on. Moreover, Ukraine, as a modern democratic country, is moving forward with the aim of joining the European Union, of which Poland is already a member.

The purpose of the paper is to reveal the peculiarities of the occupation regime in 1921-1939 by examining how was the management of newly annexed Western lands at the level of national government and local self-government carried out.

The object of this research is the apparatus of management of Western lands in Poland. **The subject** of the study is the organization of work: the national authorities and administrations of Poland, central authorities and administrations, local authorities and local self-government, judicial and other law enforcement agencies in Western Ukraine within Poland, the social and economic situation of the Ukrainian lands.

The task of the research is to examine in detail the management of Western Ukraine as a part of the Polish state, defining its features and distinctive differences from the management of other Ukrainian lands that were not included in the territory of Poland.

Methods used in the research process: observation – consideration of scientific works, articles, international treaties of

the time; comparison – comparison of features of management of Western Ukrainian lands in the composition of Austria-Hungary and Poland, USSR; abstraction – the allocation of special features of management, governing bodies, which are peculiar to the management of Western Ukrainian lands within Poland; analysis – due to the study of several scientific articles by different authors; synthesis – formation of own opinion on a situation on the basis of the method of analysis; induction – the formation of a general historical picture of the time with the help of various details.

Series of regulatory agreements were analyzed in order to cover the course of the process of seizure of western Ukrainian lands by Poland and to show how this was done from the legal side.

Scientific articles of contemporary authors were elaborated in order to fully describe the state of development of Ukrainian lands in Poland: the level of social protection of vulnerable sections of the population, economic development of enterprises, ensuring the rights of the population, etc.

There is much thought about the seizure of Ukrainian lands by Poland. Some were developed even in the affirmation of the positive consequence of Polish domination in the region during 1918-1939, denying its occupational character, saying that it was annexed by Western Ukraine (Eastern Galicia and Western Volyn) not by Poland, but by the Council of Ambassadors of the League of Nations in 1923, but by the Poles developed cities, provided economic and cultural development.

However, the character of the Polish regime was not democratic. Its main features are authoritarianism with the occupational features of governance, such as: establishing control over a territory through military intervention; conducting policies (in the spheres of political, economic, cultural life) on the occupied lands in the interests of the occupying power; suppression of national speeches of the local population in the occupied territory

by forceful methods (creation of operational special units, use of the regular army, network of special establishments of the penitentiary system); purposeful policy of national assimilation; restriction of access of occupiers of occupied territory to higher state positions and others.

Despite the fact that the status of Western Ukraine within Poland until 1923 had not been determined and the region itself was under the protectorate of the League of Nations, the Polish authorities felt they were the master here. Incorporation processes grew and were accompanied by oppression in all spheres of activity: in 1918 the political autonomy of the region was abolished – the Galician Regional Seimas and the Regional Vidil (local budget) were abolished; in the field of education, dated August 16, 1919, a ban on studying at the universities of Lviv Ukrainian youth was introduced, which did not accept Polish citizenship and did not serve in the Polish army; in 1920, the Polish authorities conducted an illegitimate census of the population of Western Ukraine with the aim of recruiting Ukrainians in 1921 to serve in the Polish Army.

From March 1920, the term "Malopolska Vostoknia" was introduced in official record keeping and the use of the name Western Ukraine was banned. Also, instead of the ethnonym, "Ukrainian" introduced the ancient definition of the time of the Commonwealth – "Rusyn", "Russian" and "Rusyn".

In the system of executive bodies of state power the leading positions were occupied exclusively by Poles, and in the legislative bodies of the Polish authorities (the Diet and the Senate) the participation of the Ukrainians was complicated by the new constitution of Poland from 1935.

Ukrainian officials were monitored, reports contained information about specific individuals, their national and social backgrounds, membership of political and public organizations,

and the "degree of danger" they posed to the Polish authorities. Special police departments (2nd and 4th divisions) were set up within the state police force to suppress the protests against the Polish authorities. A separate post was also introduced, the task of which was to report on the preparation of anti-government speeches, etc.

It should be noted that in the criminal code of Poland at that time there was no concept of political crime, as it was in the Soviet one (a special part of the Criminal Code of the USSR - "counter-revolutionary crimes" with Article 54). However, the term "anti-state" was used in police internal documentation.

The activities of the Polish occupation regime were aimed at destroying the national consciousness of Ukrainians in Western Ukraine. Polish politicians have chosen the instrument of "consolidation of the state" to choose terror and harassment, which has led to xenophobia between the two nations, which for several years resulted in a violent war.

Consequently, the seizure of Ukrainian lands was completely unlawful, though well-designed. The occupation regime was particularly violent towards the representatives of the Ukrainian nation, although at some points a positive, in my opinion, influence (especially cultural) was noted. Ukrainians in Western Ukraine were virtually devoid of political rights and were completely immune to unauthorized searches, arrests and punishments.

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I HAVE A DREAM: SPEECH ANALYSIS

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On August 28, 1963, Martin Luther King delivered his most fiery speech “*I have a dream*”. In this abstract we are trying to find out what exactly makes his speech so unique and special.

When people remember the “*I Have a Dream*” speech they recall King’s message about civil rights. But perhaps the reason it is so memorable is because King was a master of literary and rhetorical devices. His word choice matched the strength of his message.

The most important thing in his speech is the way he expresses his thoughts. He addresses them literally to everyone. Having watched the recording of the speech, one cannot but emphasize the pauses, intonation of the voice and gestures, which helps to keep in touch with the audience. The performance is very eloquent. King speaks at a colloquial level, with simple phrases that have the deepest meaning, every phrase of the speaker comes from the heart.

By using a classic American President’s speech and a famous African-American spiritual as bookends to the speech, he is demonstrating the equivalent worth of both cultures. The speech begins with “*Five score years ago ...*”, a reference to the Gettysburg Address and ends with the “*words of the old Negro spiritual, ‘Free at last! Free at last! Thank God Almighty, we are free at last!’*”

Another example of allusion is reference to the Bible. “*But there is something that I must say to my people ...*” Here he appeals

to African Americans referring to a spiritual phrase “*And the LORD spake unto Moses, Go unto Pharaoh, and say unto him, Thus saith the LORD, Let my people go, that they may serve me*” (Exodus 8:1). This is a direct reference to the church sermon which is used here as a word of peace for rebellious people. In addition, he wants to give people the feeling that they have returned home to their small, peaceful church where they are safe and sound.

The author uses all kinds of allegories, which give more beauty and accessibility of speech. “*This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice... It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned... We must forever conduct our struggle on the high plane of dignity and discipline.*”

Martin Luther, speaking of African American people shows how important they are for him, using each time different words. Firstly, he says: *Negro*, then: *citizens of color*, finally: *dignity and discipline*. It is one of the polemic methods of oratory.

Anaphora is used to describe the most famous part of the speech: King’s repetition of “*I have a dream*” (9 times) and “*one hundred years later*” (4times).

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. *One hundred years later* The repetition “*one hundred years later*” shows us that nothing has changed in the US being the country of progress – the Negro is still not free.

Repetition as a strong stylistic device is profoundly used by Martin Luther King: *Now is the time* (used 5 times), *we can never*

be satisfied (used 5 times). He uses repetitions to draw attention of his opponents to the urgent society problems.

The usage of parallelism not only makes King's speech memorable but also demonstrates the equality of people fighting together: *Go back to Mississippi, go back to Alabama, go back to South Carolina go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed.* He sends people all over America as disciples who have heard the sermon to tell everyone these words of peace: *Let us not wallow in the valley of despair.* Here Martin Luther refers to the Psalm 23: *Though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.* King compares the valley of despair to the shadow of death. In other words, he calls on the people not to live in hell but in peace. The speaker doesn't use the word "*hell*" assuming that the very hint would be enough for people to understand his message.

I say to you today, my friends, so even though we face the difficulties of today and tomorrow. I still have a dream. It is a dream deeply rooted in the American dream. According to the social myth of the American dream, everyone can be successful person. In this paragraph, Martin Luther likens his dream to the American dream implying that if my dream is unreal, the American one costs nothing.

I have a dream... This is our hope, says King. Here he uses the possessive pronoun *our* to show that Afro-Americans, the white people, and Martin Luther himself are the one nation.

The speech is particularly noteworthy in the fact that Martin Luther King used quotes from the Bible, the Declaration of Independence of the United States, the Manifesto for the Liberation of Slaves and the US Constitution.

Striking emotionality, communication with the audience, appropriate way of using pauses in speech, argumentation and conviction, simple manner of presentation, a huge number of stylistic devices made King's speech one of the most striking in history.

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HOW TO MAKE A ROLE PLAY SUCCESSFUL?

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The goal of teaching English is to develop communicative competence. According to the Common European Framework, school-leavers obtain level B1+ and should understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure; deal with most situations likely to arise while travelling in an area where the language is spoken; can produce simple connected text on topics, which are familiar, or of personal interest; describe experiences and events, dreams, hopes and ambitions and briefly give reasons and explanations for opinions and plans [3, p. 5].

But learning English has always been seen as a challenge for secondary school learners in the absence of natural language environment. Plenty of exercises and tasks don't necessarily lead to

developing speaking skills. Teachers try to find effective ways to develop learners' abilities to talk. So, one of the effective ways of teaching speaking is using role plays in the language classroom. A role play is an activity, where learners take roles and act out a given scenario [4, p. 258]. Joanna Budden remarks that a role play is any speaking activity when you either put yourself into somebody else's shoes, or when you stay in your own shoes but put yourself into an imaginary situation [2].

Role play is great for:

- Increasing motivation for learning English and developing interpersonal skills. It gives an opportunity to practice skills in a risk-free environment, any situation can be brought into the classroom [4, p. 258]. It is also good for shy students.
- Practicing grammar and vocabulary. A wide range of language functions and structures can be introduced into a role play, for example apologizing, greeting, etc.
- Developing imagination. Players can use their creative thinking and come up with something original.

So, how can a role-play be successful? First of all, the activity should have the aim. The teacher should realize the practical objective of the activity and to design it accordingly. Secondly, the role play should be organized at the end of the unit, so that the learners could put into practice the vocabulary and grammar they have learnt. Furthermore, the scenario of the role play should be thought over and provided on paper. The instructions for each participant should be brief but clear. It is also good to provide supporting information for each participant of the role play, for example, the information about the character, the description of the situation from his point of view, grammar structures or key words which are necessary to use, letters, tickets etc.

The example of a role play for the 7th grade learners on the topic Health can be the following: the teacher turns the class into a hospital and divides it into a waiting room, where all patients are waiting, and several consulting rooms, where doctors are examining patients. The patients who are waiting for their turn to see a doctor can discuss what is wrong with them. The students get role play cards and symptoms and the supporting information. The aim of this role play is to use active vocabulary: illness, flu, hay fever, a running nose, stress; and grammar structures: should + verb, have got. Cards: L1. You are in the hospital visiting your doctor. Tell him about your illness. How, when and where did it happen? What symptoms have you got? Have you taken any medicine or done anything else to help? L2 tries to provide correct diagnosis. At the end tell L2 if he/she was correct about the illness. L2. You are a doctor, listen to L1, who will describe you his/her symptoms. Ask questions using target language expressions. Tell patients what you think the illness is. Give the patients some advice. At the end L1 will tell you if your diagnosis was correct [1, p. 8-9].

Taking everything into account, a role play is a worthwhile learning experience for both students and teachers and without doubt it is an effective way of developing students' speaking skills.

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CHECKS AND BALANCES SYSTEM CHARACTERISTICS IN UKRAINE

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Approval of the legal state that is able to provide an effective and democratic management and guarantee civil rights and freedoms in a great deal depends on organization of its political power. It must be divided into separate branches that restrain and counterbalance each other and also cooperate on the basis of the Constitution and laws for the sake of achievement of public aims.

There is a fight between the branches of power concerning their plenary powers and legal position in the system of public authorities. There are also divisions of opinions in relation to application of theory of distribution of power to the specific social and political conditions. If we consider insufficient state-creative experience and transitional character in the democratic mode and also the last political events in Ukraine, then a problem of the effective functioning of the checks and balances system is quite relevant [3, p. 3-4].

The subjects of this system in Ukraine are the Supreme Council of Ukraine, the President of Ukraine, the Constitutional Court of Ukraine and the Supreme Court. The checks and balances system is expressed through plenary powers of these public authorities which include severely certain mutual limitations.

Checks and balances system has its features in different countries. Nevertheless, its main principle is that if any attempt of any branch of power to assume on itself functions and plenary powers of other branch, then the last has the legislatively envisaged mechanisms of counteraction. It is possible to distinguish the basic

elements of this system that are inherent to most countries in which there is principle of distribution of power i.e. the procedure of an impeachment (bringing the state's highest in the court of the Parliament), right for a veto (a right of prohibition imposed by the head of state in the decision of another public authority) and the participation of some branches of power in forming others.

So, let's consider this system on the example of the Ukraine. Under Section 30 Article 106 of the Constitution of Ukraine, the President of Ukraine has a right to veto the laws adopted by the Supreme Council with the subsequent return of them for reconsideration in the Supreme Council of Ukraine [2]. Also this issue is regulated in Articles 132-136 of the Supreme Council of Ukraine Regulation. The President of Ukraine has the right to return the law to the Supreme Council, which was sent to him for a signature within fifteen days. However, the implementation of this is possible only if there are motivated and formulated proposals to the Supreme Council of Ukraine for reconsideration. This right doesn't have considerable impact because, in fact, the Supreme Council of Ukraine has the opportunity to overcome the President's veto voting for this law by 2/3 from its constitutional composition. Another right of the President of Ukraine is the right to early termination of powers of the Supreme Council in cases determined by the Constitution.

The Supreme Council of Ukraine, in turn, has the right to impeach the President leading to his removal from office. This issue is regulated by the Law of Ukraine "On special procedure for removal of the President of Ukraine from office (impeachment)". This law defines the legal and organizational principles bringing the President of Ukraine to constitutional responsibility by impeachment. Another right given to the Supreme Council of Ukraine in the system of checks and balances is the right to adopt a resolution of no confidence to the Cabinet of Ministers. The

Supreme Council of Ukraine on the proposal of the President of Ukraine or at least one third of its constitutional composition may consider the responsibility of the Cabinet of Ministers of Ukraine and adopt a resolution of no confidence to the Cabinet of Ministers of Ukraine. The resolution is considered adopted if the majority of the constitutional composition of the Supreme Council of Ukraine has voted for it. The Supreme Council of Ukraine adopts a resolution of no confidence to the Cabinet of Ministers of Ukraine results in the resignation of it [1]. Another authority of the Parliament of Ukraine in this theme is its participation in the formation of the Constitutional Court. Ukraine also provides for parliamentary scrutiny by the Supreme Council Commissioner for Human Rights for the observance of constitutional rights and freedoms.

The judicial branch of power extends its influence in the system of checks and balances in Ukraine with the help of the Constitutional Court of Ukraine which carries out control over the conformity of the Supreme Council, the President and the Cabinet of Ministers.

Thus, the separation of powers, the existence of an effective system of checks and balances between its branches – this is a criterion for the advanced law and democracy in the state. In a democracy, the separation of branches of government is carried out through legal instruments so that each of them performs only its function and collectively they all perform the function of limiting each of the spheres of power. However, at this stage of Ukraine's development, the following questions are to be answered:

- 1) What kind of the President and with what powers does Ukraine need today (strong presidential power will promote stability, but there is a danger of concentration of executive power in one hand)?

- 2) What should the procedure of the election be (election of the President by the Parliament will strengthen the representative body)?
- 3) Ukraine needs a clear definition of the legal status of the government under the constitutional changes.

To take into account all abovementioned, we can obviously conclude that in the context of new political changes there is a need for such a legislative consolidation of the pluralistic political system of modern Ukraine which would enable the separation of state power, provide a system of checks and balances and also exclude irresponsible treatment of legal institutions by all the branches. One of the most powerful social safeguards against political power which wants to dominate absolutely is civil society. It is, by protecting citizens and their organizations from illegal state inference, contributes to the formation and strengthening of the democratic character of state power with one of the fundamental principles which is the principle of the separation of powers and providing a system of checks and balances on its basis. Therefore, every step of Ukrainian society in the path of civil society formation is a step towards the realization of the principles of democratic political governance.

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POWERS OF THE SUPREME COUNCIL OF UKRAINE

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The Supreme Council of Ukraine is the only legislative body of state power in Ukraine which has a collegial structure and consists of four hundred and fifty People's Deputies of Ukraine, elected for a five-year term on the basis of universal, equal and direct poll by secret ballot.

The powers of the People's Deputies of Ukraine are determined by the Constitution and laws of Ukraine. People's Deputies of Ukraine may voluntarily unite in fractions, provided that each of them includes at least 15 deputies.

Parliaments now operate in more than 160 countries. In terms of content, they are primarily the legislature. At the same time, other functions besides legislative, such as representative, constituent, parliamentary control, budgetary, financial, international relations, etc., occupy a significant place in their activities.

Modern parliamentarism is characterized by several established types of parliaments, differing in their status, order of formation, structure, functions and other characteristics. In particular, parliaments of presidential parliamentary and mixed (semi-presidential, parliamentary-presidential) republics and monarchies are distinguished by their status. Ukraine is a mixed form.

The priority feature of the Ukrainian Parliament as a legislative body is its unity, exclusivity, universality in the system of state authorities, which is conditioned primarily by the unitary

nature of our state, that is, the state system, already mentioned division of state power, its internal structure, etc.

The Supreme Council has many functions and has the relevant powers provided by the Constitution for their implementation. The definition of a parliament as a legislative body is due to the name of one of its functions (legislative function), which is a priority, a leading one, but far from being the only one. The main functions of the Supreme Council are: 1) legislative; 2) constituent (state-building, organizational); 3) the function of parliamentary control; 4) other functions. The priority function of the Supreme Council is, of course, legislative. In general terms, it consists in adopting laws, amending them, recognizing them as having lost legal force, repealing or suspending them.

Another, not less important, function of the Supreme Council is the constituent (state-making, organizational) function. Priority areas of parliament's activity in the exercise of this function are, of course, the formation or participation in the formation of the executive and judicial bodies, as well as the formation of their own, parliamentary structures; the appointment or election to office, dismissal from office, consent to the appointment and dismissal of persons from other state bodies and state organizations, assistance in the formation of local self-government bodies; resolving issues related to other elements (attributes) of the mechanism of the state: the territorial system, the Armed Forces and other components of the mechanism of the state.

An important role in the activity of the Supreme Council of Ukraine, as well as parliaments of other countries, is parliamentary control. Parliament's scrutiny activities are multifaceted. The main directions of the Supreme Council's control activities are: 1) control over the activity of the Cabinet of Ministers of Ukraine; 2) parliamentary control over the observance of the constitutional rights and freedoms of the individual and the citizen and their

protection; 3) fiscal control; 4) adoption by the Supreme Council of the decision on sending the request to the President of Ukraine; 5) request of the People's Deputy of Ukraine at the session of the Supreme Council; 6) parliamentary control over the activities of the prosecution bodies; 7) exercising parliamentary control over individual issues, either directly or through temporary ad hoc and temporary investigative commissions.

Along with the legislative, constituent and controlling functions, as the main functions of parliament, the Supreme Council of Ukraine, like the parliaments of many countries, has many other functions. In particular, the Supreme Council, as a legislative body, performs internal functions: political, economic, social, cultural and environmental functions, and external – defence, foreign policy, foreign economic and other external functions.

To conclude, The Parliament of Ukraine is a priority body in the system of state authorities of Ukraine, the first among equals. The Supreme Council of Ukraine exercises the legislative power, participates in the formation of executive and judicial authorities, and it is the general representative of the people and the expression of their will.

Today, Ukraine is developing as a legal, democratic, socially-oriented state. For this purpose, new laws are being adopted and decrees are issued that aim at regulating new economic and other relations, as well as strengthening and consolidating Ukraine's statehood and sovereignty, state power.

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THE RIGHT TO HUMAN DIGNITY AND HONOUR

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The right to human dignity is a right that protects the dignity of any person, ensures the proper treatment of it by the authorities, other people. It is a type of human rights, one of fundamental rights, as it is necessary for the normal existence and development of human rights, is a universal and personal (or civil) right.

In the context of the modern world, it has become very important for people to understand their fundamental rights and freedoms. My work is focused on defining the basic aspects of understanding the right to respect for human dignity and honour through the lens of the Ukrainian law and international regulations, to ensure a greater understanding of this fundamental human right.

A person's dignity is a set of moral, ideological and professional qualities of a person, which give him / her grounds for self-respect and for awareness of their social value. The concept of human dignity is related mainly to the value of the individual and the assessment of his / her value and place in society and the state.

The content of the right to respect for human dignity is to be able to recognize oneself as an individual, to respect one's moral principles and ethical standards, to insist on respect for others, public authorities and their officials, and to demand any doubts about oneself. Moral qualities and ethical principles were duly substantiated. The implementation is based on the state guarantee of this right in the scope of international standards.

The Constitution of Ukraine enshrines this right in Article 28: "Everyone has the right to respect for his or her dignity" [1]. The Constitution of Ukraine prohibits the following unlawful acts that directly violate the rights to human dignity: 1) torture; 2) cruel, inhuman or degrading treatment; 3) the use of cruel, inhuman, degrading punishment; 4) use of a person (without his or her will) for scientific, medical or other experiments.

Dignity, under the Constitution, is recognized as the highest social value (Article 3), and no one has the right to encroach on it. In the event of these unlawful acts, any person may seek the assistance of a court, and the perpetrator must be held liable in accordance with the law.

In addition, everyone has the right, by any means not prohibited by law, to defend his rights and freedoms against violations and unlawful encroachments (Article 55); everyone is bound to abide by the Constitution and laws of Ukraine, not to infringe on the rights and freedoms, honour and dignity of others (Article 68) [1].

The Civil Code of Ukraine provides for the right to respect for dignity and honour, defined in Article 297 (Part 1), namely: "Everyone has the right to respect for his or her dignity and honour" [2]. The concept of "dignity" should be understood as recognizing the value of each individual as a unique biopsychosocial being. With regard to civil law regulation and protection, they are only possible in relation to legal relations

arising from the objective side of a person's dignity that is, social or class attitude towards the person, regardless of the person himself.

Analysing such personal non-material benefit of an individual as honour, it should be noted that it involves at least two parties: objective and subjective. The objective side of honour should be understood as an evaluation category that is directed from society to the individual. Such an assessment is permanent and largely objective, since as long as there is a collective (society), its members, interacting with each other, will be subject to some evaluation by others. The source of this assessment is socially relevant facts (information) about a person's specific actions and behaviour as a whole, since his or her inner world, which has no objective form of expression (words, writing, actions, etc.), cannot be regarded as a source of information. The information obtained is compared in the mind with information about public needs, criteria of good and evil, justice, conscience, duty, social ideal, and on this basis an assessment of the correctness or wrongness (honesty or dishonesty) of the actions or behaviour of the individual as a whole arises. The subjective side of honour is inextricably linked and formed on the basis of the objective. It is a self-esteem of one's behaviour, actions, on the basis of one's inner spiritual world, worldview, priorities and beliefs, the so-called "personal honour".

Given that honour and dignity are personal non-pecuniary benefits that are inseparable from the individual, it can be assumed that this right arises from the moment of human birth. The Convention on the Rights of the Child, which stipulates that every human being is a child before the age of 18 (Article 1), takes this position and prohibits any unlawful encroachment on the honour and dignity (Article 16) [3].

With regard to international instruments, the right to respect for human dignity is enshrined in the Universal Declaration of Human Rights in Article 1: "All persons are born free and equal in

their dignity and rights. They are endowed with reason and conscience and must act toward one another in the spirit of brotherhood [4]. Article 5 of the same Declaration states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" [4].

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees the right to human dignity, namely: "No person shall be subjected to torture or to inhuman or degrading treatment or punishment" [5]. The consequence and purpose of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms is to increase respect for oneself and to protect oneself from ill-treatment or punishment, even in places of detention and under arrest, thus, increasing the right to respect for human dignity.

In today's world, where unfortunately there is a lot of violence and crime, every person should be aware of their fundamental rights and freedoms, including the right to respect for dignity and honour. We need to know what laws, conventions and declarations secure these rights so that in the event of their violation, we can protect ourselves and our loved ones.

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THE FOUNDATION AND ACTIVITIES OF THE LEGION OF UKRAINIAN SICH RIFLEMEN

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The problems of national-cultural and political unity from an era to an era are always topical for Ukrainians on the road to State self-affirmation. In this context, it will not be superfluous to assess the peculiarities of the socio-political relations between the influential Ukrainian national forces of Eastern Galicia and Pridneprovya during the period of the National Democratic Revolution of 1917-1921. Armed struggle for Ukrainian statehood has always been an important meaning for the Ukrainian people since antiquity. At the beginning of the 20th century. After many years of interruption, the Ukrainian state was the first to restore the Ukrainian Sich Riflemen. (USS in Ukrainian) that by their sacrifice and deeds took the main place among the freedom fighters of Ukraine. Associated with the Ukrainian Archipelago were the stages of selfless work aimed at awakening and affirming a sense of national dignity, the ideas of a cathedral and the independence of the State. The USS Legion as a separate unit of the Austrian Army was created at the beginning of the First World War. In August 1914. At the call of the Main Ukrainian Rada and the Ukrainian Combat Authority. With the outbreak of the First World War, the

"USS" were not sure that they would be able to implement the idea of the struggle for Ukraine's freedom. However, they were convinced that they should take the opportunity that history had given them to lay the foundations for the continued struggle for independence, or at least demonstrate their desire for freedom before the world and to leave the fighting traditions, which would serve as the basis for a great goal. The understanding that the Ukrainian people were mostly unconscious had an extraordinary impact on the Ukrainian national-political thought, which should seek means that would allow the Ukrainian state to develop rapidly. The actuality of the topic is because the organization and combat actions of the "USS" and their ideological and political views have not yet been fully reflected in the national and foreign historiography. Among the studies on this topic, N. Girniak, V. Gordienko, A. Dumin, M. Zaklinsky, M. Lazarevich, M. Litvina, K. Naumenko, S. Ripecki, M. Ugrina-Bezgreshky and others are worthy of mention.

The purpose of the work is to study the historical and political conditions for the creation and activity of the Legion of Sich Riflemen and its significance in the creation of the Ukrainian State. To achieve this goal, **the following tasks** have been defined: To study the historical background of the creation of the Legion of Sich Riflemen; To clarify the role of the Sich Riflemen in the UNR Army as a guard of the Ukrainian Revolution; To describe the main activities of the Legion of Sich Riflemen in the struggle for independence of Ukraine.

The object of the paper is the history of the creation and development of parts of the Legion of Sich Riflemen, their organizational structure, numbers, the subject of course work is the participation of the Legion of Sephevs in the formation of Ukrainian statehood during the period of the national-state liberation struggle.

The methodological basis of the course research is based on the following scientific principles: objectivity, historicism, science and accuracy of coverage of historical events in the struggle for independence of Ukraine. Research methods such as analytical, descriptive, complex, chronological, historical and comparative have been used to solve these tasks.

To conclude, uniting the best forces of the Ukrainian youth, who was passionate about the idea of rebuilding their state and uniting all branches of the Ukrainian people, the legion of the USS in the years of the First World War turned into a peculiar military-political organism, In which the constant search for the most effective ways to achieve this objective continued. The results of such activities have had a positive impact on the entire further development of Ukrainian society.

The Ukrainian Galician Army and the Kyiv Sich Riflemen were brought before the USS; which played a significant role in the national liberation competitions of 1917-1921. Without the mass heroism of the Sich Riflemen, his self-sacrifice, and his mobile activities, it is difficult to imagine the formation of the Ukrainian Military Organization, the Organization of Ukrainian Nationalists and the Ukrainian Rebel Army. The participation of the USS in combat operations has found support among the Ukrainian population. Some representatives of the women's movement expressed support for and direct participation in the ranks of the Sich Riflemen's. With the retreat of the Russian tsarist troops, the Sich Riflemen were among the Austrian units that entered the towns and villages of Galicia. Everywhere they felt popular support.

The point of view of the then Ukrainian national-state idea at the time of the explosion of the First World War in 1914 could not have been, as it seemed at the time, Doubt that the Ukrainian people should leave in alliance with the central powers to destroy

Ukraine's main historical enemy, Russia. Because, as it looked, only the victory of the central powers could bring the opportunity to build a Ukrainian state on Ukrainian lands, were repulsed from Russia. Thus, on Austrian Ukrainian lands, social and political forces were in a state of national liberation since the beginning of the First World War. She organized these competitions, established on August 1, 1914. In the Lviv National Democratic, Radical and Social Democratic Parties, the Main Ukrainian Rada and the first military formation in the recent history of Ukraine - the Legion of Ukrainian Sich Riflemen. The founder of the legion on August 6, 1914, Was the Main Ukrainian Rada. Representatives of the Ukrainian political elite of Galicia especially members of the most influential Ukrainian National Democratic Party of Galicia, at the beginning of the First World War supported the Central Powers, with the victory of which connected the future of the Ukrainian people. Their policy aimed to gain national-territorial autonomy. In the defeat of Russia, they saw the guarantee of the liberation of Ukraine. The battle path of the USS Legion was aggravated by the uncertainty of the Austro-Hungarian power over the Galicians. Suspecting them of pro-Russian sentiment, the Austrians were reluctant to trust the Riflemen with important battle posts. In the autumn and winter of 1914-1915 «ususi» as the youngest formation was involved in the «stezhny» corps. The USS has historically been the creators of several cultural phenomena. This was due to the high percentage of Ukrainian intellectuals. During the formation of the USS, the legionnaires tried to give their structure national features. So, the shooters, the "chotari", the handlers, the "harunzhyi", the hundreds, the lieutenant-colonels, the colonels, the atamans appeared.

So, the representatives of the political Ukrainian elite of Galicia, especially the members of the most influential Ukrainian Democratic Party, at the beginning of World War I, supported the

Central Powers, with victory. The Ukrainian people's future was tied together. Their policy was to gain territorial autonomy. In the idea of Sich Riflemen, the current fighters at the will of Ukraine are strongly drawn, who bravely defend the Motherland from the faithful aggression of the Russian regular army and Russian terrorists! In particular, a hereditary voluntary tradition of the USS is traced in such Today's Ukrainian military units formed from volunteers such as «Azov», «Aydar», «Dnipro», «Donbas», «Ternopil» and others.

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CLASSIFICATION OF OBJECTS OF CRIMES, ITS CRITERIA AND IMPORTANCE

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There is no doubt that the object of a crime as the part of criminal offense is extremely important. General theory of the

object of a crime has been studied in detail in theory of criminal law, but issues related to the definition of the object of a crime, its classification are debatable and sometimes controversial. Correct definition and classification of object of crime, has great practical and theoretical importance. Mostly it appears during the qualification of the offence and reflects in imposing of punishment and prosecution of individuals. Therefore, the object of the study is to define not only the objects of crimes, but to classify such objects depending on the degree of generalization or in other words vertical classification and the importance of direct object – horizontal classification and to find out value of such classification. The aim can be reached by using such scientific methods: method of analysis, comparative method and method of systematization (used in form of classification).

Object of crime could be described as something that was damaged as a result of committed delinquency. There is no consensus on what is considered to be an object of a crime. During the Soviet Union, there was an opinion that public relations were the object of a crime. Such opinion still prevails in scientific community. Despite this, a lot of people don't agree with this view. For example, S. Havrysh – Ukrainian researcher, claims that Criminal law protects material phenomena: human life, dignity, property, public order, etc. Criminal law can't protect social relations which are merely a form of scientific abstraction which can't be harmed [1, p. 13]. There is an opinion that human life is the main object of every crime. Obviously, there is a pluralism of thoughts about this theme. Anyway, the most common scientific position on which object of a crime are social relations

Classification by degree of generalization begins with general object of a crime. List of such objects is stated in the first Article of Criminal Code of Ukraine: “The objective of the Criminal Code of Ukraine is to provide legal protection of the

rights and liberties of the human being and citizen, property, public order and public safety, the environment, and the constitutional order of Ukraine against criminal encroachments, to secure peace and safety of mankind, and also to prevent crime” [2, p. 131]. In my opinion, general object within a specific crime does not carry information about such crime. Moreover, for each offence general object is always the same.

The next object in this classification is generic object of a crime. It is determined as group of similar social relations which is protected by one group of legal norms. Generic object affects the structure of the Criminal Code of Ukraine. Due to generic objects all Special Part of Criminal Code is divided into 20 parts.

The least generalized in the vertical classification of object of crime is the direct object. It can be determined as a specific social relation which was harmed as a result of breaking the law and it is provided by a specific Article of Criminal Code.

The author proves that vertical classification should be named as the object of criminal law protection but not as the classification of objects of crime. These two concepts are actually different. Objects of criminal law protection are social relations protected by Criminal Code, they are static and therefore cannot be harmed. In Soviet times these two concepts were similar. And since the main provisions of the classification were created almost simultaneously, they were drawn up taking into account an object that existed at the same time. Despite the fact that nowadays most researchers distinguish them, substitution of notions remains. Direct object, due to its structure is an exception. It might both: as an object of a crime, in this case direct object undergoes harm and as an object of criminal law protection.

In reality, it is possible that a person may harm more than one object of crime. For example, a person for the purpose of taking possession of property attacks the victim and combines it

with violence dangerous to life and health of an assaulted person – Article 187 of Criminal Code of Ukraine. In this case, property right is the main direct object, because intent was aimed at obtaining persons property. The main direct object is a public relation, which legislator, by creating a norm, tries to put under the protection of criminal law in this particular case. And health of the victim is obligatory additional object. Although additional object in this case is always obligatory, but health of the victim is not the aim of the offender and that is why it is an additional object. Another situation is possible, a person who commits hooliganism, which is prescribed by Article 296 of Criminal Code of Ukraine, may cause damage to objects which are not directly prescribed by this Article but are under its protection. These include property rights, a person's health, etc. These objects are optional, in one case criminals may harm them and otherwise they do not harm such objects. E. Frolov noted that optional objects are public relations, which in other cases are self-protected, but may be harmed indirectly when criminal commits a particular crime, but not necessarily [3, p. 213]. These three objects form horizontal classification of objects of crimes.

Despite the controversy, classification of objects of crimes is of great importance. General object declares what exactly Criminal Code of Ukraine protects. Generic object underlies structure of Special Part of Criminal Code while chapters combine the same type of crimes. Direct object is the most essential in this classification. Offenders, committing crimes, affect direct objects which are provided by Articles of Special Part of Criminal Code. Judges and prosecutors qualify wrongdoings by comparing features of particular object of crime with features of object of crime provided by Penal Code. Presence of an additional or optional object indicates increased public danger and more severe punishment for such crime.

In this scientific research, objects of crimes were classified in both directions; it was proved that vertical classification actually is the clarification of objects of crime protection. Value of such classification was identified as well. However, many issues remain unresolved. Resolution of classification problems will allow to apply Criminal Code of Ukraine more effectively and to impose a punishment appropriate to the crime.

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THE BANKRUPTCY OF THE LEGAL ENTITY

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The concept of bankruptcy is inherent in modern market relations. It is characterized by the inability of the debtor to restore its solvency through the bailout procedure and repay the monetary claims of creditors established in the manner prescribed by the Code of Bankruptcy Proceedings of Ukraine other than through the liquidation procedure [1].

The formation of the institution of bankruptcy in Ukraine is directly related to the development of market relations [4]. On October 21, 2019, the Code of Bankruptcy Proceedings of Ukraine came into force as a comprehensive document that regulates all procedural issues of the bankruptcy of a legal entity.

According to the current legislation, the parties in the bankruptcy case are the debtor (bankrupt), creditors. The parties are the main participants in the procedure and can initiate the procedure of bankruptcy and its termination [1].

A special participant in the bankruptcy proceedings is an insolvency officer, who communicates between the parties, the commercial court, and other participants in the bankruptcy case [1]. The main tasks of an insolvency officer should include diagnosing the problems of the enterprise at different stages of bankruptcy and finding the most acceptable and most effective ways to resolve the dispute.

It is important to note that the adoption of the new Code has somehow renewed the reasons and the bankruptcy procedure itself.

- The Code does not limit the amount of debt required to initiate bankruptcy proceedings.
- Both creditor and debtor have the possibility of an appeal to the court with the appropriate application to initiate the procedure of bankruptcy.
- The procedure of simplified bankruptcy – the so-called self-bankruptcy – is unavailable now.
- The founder of a legal entity may be jointly and severally liable for its bankruptcy [5].

The following pre-court and court procedures are applied to a legal entity: disposition of the debtor's property, bailout, and liquidation.

Generally, after the initiation of bankruptcy proceedings, begins the procedure of disposition of the debtor's property, on

which a moratorium is imposed at the same time [2]. The main task at this stage is to analyze the debtor's property and to assess the possibility of restoring the debtor's solvency. The procedure for disposition of the debtor's property may not exceed 170 calendar days [1].

Until the end of the procedure for disposing of the debtor's property, the creditors' meeting makes one of the following decisions:

a) to approve the bailout plan and submit to the commercial court a petition for the introduction of the bailout procedure and approval of the bailout plan [4]. A bailout is a kind of rehabilitation of the enterprise, a system of measures taken during the bankruptcy proceedings to prevent the debtor from being declared bankrupt and liquidated;

b) to file a petition to the commercial court to declare the debtor bankrupt and open liquidation proceedings[3].

Liquidation of the debtor is a procedure applied by the lender and aims at satisfying creditors by selling the bankrupt's property through auction.

Liquidation procedure, as a stage of bankruptcy proceedings, is one of the most probable and predictable procedure applied to an insolvent debtor and is a mechanism for removing unprofitable and unpromising enterprises from the market. The liquidation procedure may be introduced for up to 12 months [5].

The updated bankruptcy procedure will establish conditions that are more transparent and a more efficient bankruptcy procedure. The purpose of this code was to ensure the rights of creditors and to make the procedure per the realities of today.

Despite the measures already taken, there are still a number of issues that need legal improvement. In the current crisis conditions of the Ukrainian economy, anti-crisis management is important, especially when it is based on the diagnosis of the level

and causes of the crisis. It is important to monitor the dynamics of the bankruptcy of Ukrainian enterprises and publish its results in order to monitor the economic situation in the country.

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THE INTERACTION OF INCLUSIVE EDUCATION AND THE ENGLISH LANGUAGE AS A DRIVING GROWTH OF HARMONIAL PERSONALITY

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The reality of today presents to society new tasks and requirements that are formed under the influence of many factors:

current trends, individual needs, the degree of development of cognitive opportunities. Under these conditions, humanity is constantly progressing, changing its priorities in a new and quantitative way. These changes are affecting all parts of public and social life, which makes this process holistic and effective.

Talking about such changes, it's impossible to forget the educational sector as this sphere of public life is one of the most important in the formation of full-fledged individuals and citizens.

Ukraine's accession to the European space has greatly contributed to the expansion and diversification of such transformations, changing the vector of their direction. According to educational reform, one of the main competences of both the teacher and the student is foreign language proficiency, and the emergence of Ukraine in the world becomes another good reason for the swift implementation of foreign principles and methods of teaching in educational institutions.

Ukrainian education professionals are trying to gain foreign experience in order to learn a new language at a qualitatively new level, recognizing the importance of common approaches to learning foreign languages and other subjects.

An important step towards reorientation of the educational process was the introduction of amendments to the Law of Ukraine "On Education", regarding the peculiarities of access of people with special educational needs to educational services. European countries have been practicing this experience for a long time, considering it to be an effective means of helping children with special needs to realize themselves in society.

The concept of inclusive education is based on human rights and the principles of equality; it is a comprehensive process of ensuring equal access to quality education for children with special educational needs through the organization of their education in general educational institutions on the basis of the use of personally

oriented teaching methods, taking into account the individual characteristics of educational and cognitive activity of such children.

Since foreign language proficiency is the primary competence of the language learners, there are some specific features of inclusive English language teaching that are appropriate for students with special educational needs to maximize the social, cognitive, linguistic and emotional development of such children.

The principle of taking into account the mother tongue is one of the leading principles of the methodology of teaching foreign languages, because the experience of the mother tongue is used and its specificity is taken into account when selecting the content of the teaching and the ways of its organization in the educational process. Speech of children with special needs is usually formed independently, but is slower than the average for a certain age, so learning a foreign language based on the mother tongue will be more effective.

Another principle of teaching is the use of interactive technologies that will help children interact with each other, express their feelings and emotions. It is more difficult for children with special needs to perceive material from books because their attention will be dissipated. That is why it is so important to get the whole team interested in innovative teaching methods: 1) planning lessons as scenarios - imaginary meetings of students with native speakers; 2) motivated use of relaxation means: songs, recitals, etc.; 3) application of hidden forms of control; 4) the use of graphical supports in the form of transcription marks, which contributes to the accuracy of hearing and speaking skills; 5) the use of national aids (visual, auditory, audiovisual), which enhance the illusion of involvement in the authentic language environment and provide the required quality of language skills and skills.

In order for the child to adapt as quickly as possible in the society and to acquire certain knowledge and skills, teachers should use the method of organizing the educational process as a game. Typically, this technique is used for younger students, but English lessons can have an element in the middle level as well. Many types of games are used when learning a foreign language: 1) mobile games; 2) lexical games; 3) ball games (question and answer, translation of sentences); 4) grammar games (memorizing complex grammatical structures); 5) creative games; 6) phonetic games (playing or imitating certain sounds).

All of these principles of learning are effective and promising, because children with disabilities can be made full-fledged members of society only by providing them with many learning opportunities.

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GOVERNMENT OF THE VATICAN

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Vatican is a small sovereign state in Italy, the head of which is the Pope, the historical center of Christianity. And what do we know about the Vatican as a state? What historical events

predetermined its emergence, how it developed, what was its state structure? It will be difficult to answer such questions, and not because of the lack of erudition or curiosity. Simply at the present historical stage, the Vatican deliberately pursues a policy that emphasizes that the Holy See is primarily a religious center, not a state.

The object of our research is the government of the Vatican, the legal position of the state as a whole and of its individual constituent parts and relationships between them.

The purpose of our research is to tell about the government of the Vatican, tell the history of Vatican and its government occurrence, identify its advantages and disadvantages.

Church authority has been defined by the ecclesiastical authority as an instrument in achieving the universal mission entrusted to the Church by Jesus Christ. It may not be difficult to understand why this position was chosen. From the very beginning of its existence, the secular power of the Popes has met resistance from the subjects and believers of those who should support it. Conversely, the authority of the Church grew in times of rebellion and persecution. That is why today it fills a vacuum in the lives of people left by the state and does not seek to assume the functions of power outside its sovereign territories.

The Vatican, or Holy See, is also the State – the City of the Vatican, the residence of the Pope, the territory of the Holy See (Throne of St. Peter), the central organ of the Catholic Church. City-state. The world's smallest independent state, an enclave in the middle of Rome in Italy. The Vatican is also an administrative organization that helps it govern the Church (also known as the Roman Curia).

For Christians, the Vatican became more important at the dawn of Christianity because, according to legend, it was there in 67 AD that St. Peter was crucified. It is located on the Vatican Hill

(Mons Vaticanus), so called in pre-Christian times, and in the Vatican Fields (north of the hill on which St. Peter's Basilica, the Sistine Chapel and the Vatican Museums are built).

The Vatican is known for its painting and architecture, and its grandest building is St. Peter's Basilica, built on the tomb of the first Pope. St. Peter's Basilica, however, is not the main temple. The main temple of Rome is St. John's Basilica on Lateran Hill. It was from here that the Pope led the Church in the Middle Ages.

Nevertheless, it is difficult to overlook the fact that despite its extremely small size. The Vatican is a state subject to international relations with all the necessary attributes. It was also interesting that, although small states are many of them, only the Vatican City State, thanks to its importance in the religious realm and political activity, was able to occupy a worthy place among the great powers. Therefore, it can be said that this topic is interesting not only in view of the recent interest in religion in general and Christianity in particular, but also in itself.

Since the fall of the Papal States in Italy, the so-called "Roman question" has arisen. Some Italians stay away from the Church, and Catholics, at the instruction of the Pope, do not take any part in the political life of the country. However, the liquidation of secular power had one important consequence for the Church, namely, having got rid of it, the papacy had got rid of the most negative in the eyes of public opinion, the attributes: the power apparatus (police, prisons), and such manifestation of economic policy as taxes, trade, and is another. The Pope became only the head of the Church and this helped to raise authority both personally and in the Church as a whole. Pontiffs turned their attention to the social problems of the world. So in 1891. when Italy was hit by strikes. Pope Leo XIII has published an encyclical "Kegit Mouagit" ("New Things"), which is still considered one of the main policy documents of the Catholic Church in the field of

social policy. It states that private property is proclaimed a "natural human right" and that "the vegetable of labor must belong to the worker." It is stated that the most important duty of the capitalists is to give everyone a "just reward" and this duty is the more rigorous the weaker and more defenseless the worker is, the more sacred his humble property is. "

In general, as of 1919, the papacy remains an internationally recognized official body. Therefore, the Pope is forced to make some concessions. Benedict XV gave official consent to the participation of Catholics in the political life of the country, authorized the creation of a Catholic.

People's Party, recognized the right of foreign states to officially visit the King of Italy.

In 1922, the Pope became Akile Ratti (Pius XI), a powerful and determined man who possessed an unconditional breadth of views. His election was applauded by Mussolini, who expressed confidence that with Pius XI relations between Italy and the Vatican would be better. "The Pope, in turn, welcomed the coming to power of Mussolini. In 1923 Cardinal Gaspari's secret meeting with the fascist leader took place. The latter proposed to solve the "Roman question" by concluding a treaty that would give Wat Cana the right of extraterritoriality. In order to maintain good relations with Mussolini, Pius XI dissolved the People's Party, which turned into opposition to the Nazis.

Conclusions:

1. The Holy See changed its policy on the social problems of society. The Pope's encyclicals are calling for a solution, emphasizing the equality of rights of all people.
2. The Vatican has all the necessary external attributes of statehood, such as its own sovereign territory, flag, anthem, coat of arms, army, militia, educational institutions, health

care, and detention of prisoners, banks, the media, and its own citizenship. and currency.

3. The Vatican is an absolute theocratic non-hereditary monarchy.
4. The head of state of the Vatican City is the Pope, who is at the same time the head of the Roman Catholic Church.

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THE CABINET OF MINISTERS OF UKRAINE AS THE SUPREME BODY OF THE EXECUTIVE POWER

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The Cabinet of Ministers of Ukraine is the supreme collegial body of general competence within the system of executive bodies, which exercises the executive power directly and through ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations. It directs, coordinates and controls the activities of these bodies.

The activity of the Cabinet of Ministers is aimed at securing the interests of the Ukrainian people through the implementation of

the Constitution and laws of Ukraine, acts of the President of Ukraine, the programme of activities of the Cabinet of Ministers approved by the Supreme Council of Ukraine, and the resolution of issues of state administration in the areas covered by its competence.

The Cabinet of Ministers of Ukraine may form temporary advisory, consultative and other subsidiary bodies to ensure the exercise of its powers. The Cabinet of Ministers of Ukraine is guided by the Constitution of Ukraine (Articles 113-117), the Law of Ukraine "On the Cabinet of Ministers of Ukraine" of February 27, 2014 No. 794-VII, other laws of Ukraine, as well as decrees of the President of Ukraine and resolutions of the Supreme Council of Ukraine, adopted in accordance with the Constitution and laws of Ukraine.

The main tasks of the Cabinet of Ministers of Ukraine include:

- ensuring state sovereignty and economic independence of Ukraine, implementation of internal and foreign policy of the state, implementation of the Constitution and laws of Ukraine, acts of the President of Ukraine;
- taking measures to ensure the rights and freedoms of the individual and the citizen, creating favourable conditions for the free and comprehensive development of the individual;
- guaranteeing budget, financial, price, investment, including depreciation, tax, structural and sectoral policies; policies in the fields of labour and employment of the population, social protection, health care, education and science, youth and sports, culture, nature protection, ecological safety and nature management;

- directing and coordinating the work of ministries, other executive bodies, exercising control over their activities, etc.

The Cabinet of Ministers of Ukraine is composed of the Prime Minister of Ukraine, the First Vice Prime Minister, three Vice Prime Ministers and the Ministers.

The position (number and list of posts) of the newly formed Cabinet of Ministers of Ukraine shall be determined by the Supreme Council of Ukraine upon the submission of the Prime Minister of Ukraine at the same time as the appointment of the staff of the Cabinet of Ministers of Ukraine in accordance with the procedure established by Art. 9 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine" of February 27, 2014. The positions of members of the Cabinet of Ministers of Ukraine belong to political positions, which are not covered by the labour and civil service legislation.

Except the Prime Minister of Ukraine, the Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine, members of the Cabinet of Ministers of Ukraine are appointed to the post of the Supreme Council of Ukraine upon the submission of the Prime Minister of Ukraine.

The Supreme Council of Ukraine shall consider the submission and appoint a member of the Cabinet of Ministers of Ukraine. The Supreme Council of Ukraine shall take a decision on this subject in the form of a resolution which shall enter into force on the moment of taking the oath of office in accordance with the procedure established by Art. 10 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine".

Members of the Cabinet of Ministers of Ukraine may be citizens of Ukraine who have the right to vote, higher education and speak the state language. Persons who have a criminal record not repaid or withdrawn in accordance with the procedure

established by law may not be appointed to the positions of members of the Cabinet of Ministers of Ukraine.

The Prime Minister of Ukraine is appointed by the President of Ukraine with the consent of more than one-half of the constitutional composition of the Supreme Council of Ukraine. The organizational form of work of the Cabinet of Ministers of Ukraine is its meetings, which are convened by the Prime Minister of Ukraine at least once a month (in the last decade). The procedure for their holding is determined by the Rules of Procedure of the Cabinet of Ministers of Ukraine. In order to accomplish the tasks and functions assigned to the Cabinet of Ministers, the Government issues mandatory decisions and orders.

To conclude, the Cabinet of Ministers plays an important role in the public and political life of the citizens of Ukraine, in particular, it exercises constant control over the implementation of the bodies of the executive power of the Constitution of Ukraine and other acts of the legislation of Ukraine, takes measures to eliminate deficiencies in the work of these bodies, and is, in general, an integral part of the state system.

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DECLARATION OF THE RIGHTS OF MAN AND CITIZEN IN FRANCE

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Declaration of the Rights of Man and Citizen was approved by National Assembly of France in August 26, 1789. Even today it impresses the whole world with its ideas of liberalism and democracy and serves as a key point of the human rights history.

The Enlightenment ideas served as a background of creating such type of document. In addition to this, French absolute monarchy was unable to rule the country because of permanent waste of money and, as a consequence, tax increase which was not satisfiable for French people. As a result, the French revolution broke out. One of the most crucial moments of this revolution was adoption of the Declaration of the Rights of Man and Citizen. This document was mostly influenced by French enlightener Rousseau and American ambassador in France, co-author of the US Declaration of Independence Thomas Jefferson. The first one defended radical democratic (even proto-socialist, to some extent) ideas while the other one appealed to the ideas of liberalism in American form. Therefore, reading the Declaration we can see an interesting dialogue between two influencers, who were not its authors, although their ideas impacted the document that fascinates historians and lawyers even today.

The main body of the Declaration consists of Preamble and seventeen Articles, which mention the main values of French revolution. Its preamble has some interesting moments, which I would like to point out. The first one is that the Declaration was the sole document, at that moment, which mentions not only rights, but

duties as well in its introduction. The preamble also makes an accent on “Supreme Being”, not Jesus Christ or God itself, which is exactly influenced by enlightenment idea of deism. The Declaration was the first document in European history which proclaimed that people were not a subject of the king but citizens of a powerful nation.

The first Article states that “Men are born and remain free and equal in rights <...>”. This principle is now acknowledged by the whole world and is now enshrined in the Universal Declaration of Human Rights and was first mentioned in the US Declaration of Independence. So, we can obviously see Jefferson’s idea of individual rights. However, neither Universal Declaration nor the US one has the statement that “people remain free”. This one word denotes the social contract that will guarantee freedom for French people.

“The aim of all political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security and resistance to oppression”. This is how the second Article looks like. It contains main natural rights which differ from those the US Declaration proclaimed. American rights are life, liberty and the pursuit of happiness. The main difference consists in property right. It is not stated in the American document, while the French one has a separate article which regulates it. It is mentioned in Article 17, where property is called “inviolable and sacred right”.

The next article is totally democratic because it states that “The principle of all sovereignty resides essentially in the nation”. French people at that moment were absolutely fed up with the old regime. After hundreds of years being under pressure of their king and hereditary nobility there has finally been declared the people power in France.

Article 4 defines liberty as “The freedom to do everything which injures no one else” while the fifth article complements this principle with such words “nothing may be prevented which is not forbidden by law”. Both of these principles are enshrined even in the Ukrainian Constitution. They show Jefferson’s liberalism which consists in the statement that the function of government is only to keep people from hurting someone else.

Article 6 of the Declaration claims “Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. It must be the same for all, whether it protects or punishes. All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations, according to their abilities, and without distinction except that of their virtues and talents”. This statement completely contrasts with monarchical way of interpreting the concept of law. For instance, Louis XIV was famous for his phrase “the law is my will” which was used to describe the unlimited power of king in states with absolute monarchy.

The next article, which deserves to be reviewed, is the tenth one. It states that “no one shall be disquieted on account of his opinions, including his religious views...” The freedom of thought was revolutionary for France at that time. Here we can also see an obvious enlightenment impact, which includes a freedom of religion. Nevertheless, the second part of this Article gives some ways for interpretation “...provided their manifestation does not disturb the public order established by law”. This gives some space for a role of the government to increase beyond what people may have envisioned. Moreover, it foreshadows the reign of terror in a few years after the Declaration.

The last article that I would like to mention enshrines one of the main principles of the constitutional law “a society in which the

observance of the law is not assured, nor the separation of powers defined, has no constitution at all". This provision explains, for example, why the United Kingdom has no written constitution but is still regarded as the constitutional state.

To sum up, I would like to point out that the Declaration of the Rights of Men and Citizen gave humanity a priceless thing. It gave people hope. Hope for better life, hope for freedom and hope for being happy. It showed the main values of French revolution and foreshadowed where it was going to go. French people used the Declaration later as a Preamble for their first Constitution and other crucial documents. Its principles were not forgotten through the history, despite the fact that they could have been destroyed not even once. However, they are today enshrined in the Universal Declaration of the Rights of Man. Moreover, humanity managed to enrich them to pass from generation to generation.

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INITIATION OF CONSTITUTIONAL PROCEEDING IN CASE

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Constitutional proceedings as a separate legal institution are characterized by a significant number of features that determine their belonging to the field of constitutional law. According to the provisions of the Constitution of Ukraine, the Constitutional Court of Ukraine is the only body of constitutional jurisdiction. Its main activities are aimed at ensuring the rule of law in Ukraine, preservation of constitutional order, ensuring the exercise of fundamental human and civil rights and freedoms.

The Constitutional Court of Ukraine, within its legal authority, considers cases subject to its jurisdiction. According to the Law of Ukraine on the Constitutional Court of Ukraine, its powers include: 1) resolving the issues of conformity of laws and other regulatory legal acts of state authorities with the Constitution of Ukraine; 2) official interpretation of the Constitution of Ukraine; 3) providing conclusions, on people's deputies inquiry, as to the constitutionality of international agreements; 4) providing conclusions on the admission as constitutional the issues that are submitted to all Ukrainian referendum; 5) providing a conclusion on compliance with the constitutional procedure of investigation and consideration of the case on the removal of the President of Ukraine by impeachment; 6) resolving issues on constitutionality of laws or their individual provisions in connection with a constitutional complaint of a person, etc.

Among the auxiliary functions of the CCU, the following ones can be distinguished:

- 1) integrative – it is aimed at integrating the activities of all public authorities in matters of compliance with the Constitution and laws of Ukraine for the effective development of all spheres of public life;
- 2) protective – its essence lies in exercising the constitutional control over the actions of public authorities by restricting, through the decisions of the CCU, their activities that go beyond the limits provided by the current legislation;
- 3) coordinating – the CCU by its activities carries out the separation of powers by division of competencies between the subjects of power;
- 4) law-making – it is determined by the special status of the Constitutional Court as the only body of constitutional control in Ukraine authorized by the Basic Law to give court decisions of a generally binding nature.

As judicial authority, the Constitutional Court of Ukraine is guided by a large number of principles according to which it organizes its activities. Among them, the following principles can be distinguished as fundamental: 1) the principle of the rule of law – the universal penetration of law into law-making and law-enforcement activities, above all into laws which, by their very essence, must be aimed at achieving social justice, freedom of equality; 2) the principle of independence is one of the fundamental principles of the activities of courts of all levels, which is guaranteed by the Constitution of Ukraine and consists in the prohibition of putting pressure on judges by any means. As a complex concept, the independence of judges of the CCU is of a financial, political and organizational nature; 3) the principle of judicial collegiality – involves the adoption of resolutions by the required number of judges quorum during meetings of the judicial body, as well as at meetings and plenary sessions of the Court; 4) the principle of equality – each Constitutional judge is endowed

with an equal scope of rights and obligations, which has a jurisdictional and procedural aspect, and each of them has the right to express their own opinion in dissent when considering a case; 5) the principle of publicity – is manifested in the implementation of the consideration of cases at plenary sessions in the established mode of consideration with the obligatory pronouncement of and publicizing the decision in the set form; 6) the principle of full and comprehensive consideration – it consists in the right to demand from government bodies of all levels, enterprises, institutions and organizations of all forms of ownership the necessary documents, to commission an expert investigation and call witnesses, experts, officials and citizens (or their authorized representatives) to participate in the case; 7) the principle of the validity of decisions is the legal, doctrinal and scientific reasoning of decisions of the Constitutional Court in accordance with the norms of the Fundamental Law and the current legislation of Ukraine, which is confirmed by the presence of the reasoning part of the decision or conclusion.

Among others, we can also distinguish the principles of equality and non-discrimination, respect for human and civil rights and freedoms, etc. Constitutional proceedings are carried out on the basis of legal recourse to the Constitutional Court of Ukraine in the form prescribed by law. Among them are the following forms of application to the Constitutional Court: constitutional appeal, constitutional representation and constitutional complaint.

Constitutional complaint is a written petition that is submitted to the Constitutional Court of Ukraine regarding the review of constitutionality of laws of Ukraine or their individual provisions applied in the final court decision in the case of a subject of the right to constitutional complaint.

When submitting a constitutional appeal, the author of such an appeal is not obliged to go through all judicial instances in order

to prove an ambiguous interpretation of the norms of legislation, in the result of which human and civil rights and freedoms are violated, while the necessity of all instances is a prerequisite for submitting a constitutional complaint.

Constitutional representation is a written petition to the Constitutional Court of Ukraine on the recognition of a legal act or some of its provisions as unconstitutional, on recognition of the conformity of an international agreement with the Constitution of Ukraine, or the need for an official interpretation of the Constitution and laws of Ukraine.

The inquiry is also a request of the Verkhovna Rada of Ukraine on providing a conclusion on the constitutionality of the investigation procedure, consideration of the case on the removal of the President of Ukraine by impeachment. As based on the analysis of legislation, four main stages of constitutional proceedings can be singled out: 1) the stage of appeal to the Constitutional Court of Ukraine; 2) initiation of the proceeding (or refusal to initiate if there are legal grounds for this); 3) consideration on the merits; 4) adjudication on the merits of the case or termination of the proceedings.

In cases provided for by law, the CCU may refuse to open a constitutional proceeding. Such grounds include: 1) appeal to the court by an improper entity; 2) non-compliance of the submitted application with the jurisdictional authority of the Court; 3) inadmissibility of the submitted application due to non-compliance with legal requirements; 4) availability of trial by record or opinion of the Court on the issues submitted for consideration, as well as the existence of the decision to dismiss a constitutional appeal, representation or complaint.

The Constitutional Court refusal to open the proceedings is final, adopted by the majority of the Senate's votes and executed in the form of the resolution. At the same time, the refusal to open

constitutional proceedings does not deprive the person of the right to re-apply to the Constitutional Court.

The constitutional process in Ukraine is crucial for the development of the legal sphere as a whole. Decisions and conclusions adopted in the result of the exercise of legal activity in the field of constitutional law, become the source of settlement of conflict issues between public authorities and individuals, the mechanism for monitoring compliance with legislation on the protection of human and civil rights and freedoms.

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TRANSFORMATION OF ADMINISTRATIVE LAW METHOD

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The reform of administrative law as a fundamental area of public law at the current stage is associated with the transformation of many aspects of its key components, including updating its methods, formation of fundamentally new approaches and means of regulatory influence of administrative and legal norms, implementation of new social orientation of this field. This method is one of important characteristics of any field of law. If the subject of administrative law makes it possible to outline the scope of legal regulation of this field of law, then the method establishes a set of means, techniques and methods of regulating managerial relations, expresses the nature and legal content of the influence of the state on the will and behavior of participants of administrative and legal relations.

The study of administrative method was conducted by such researchers as V. B. Averyanov, Yu. P. Bytyak, V. M. Garashchuk, V. K. Kolpakov, T. O. Kolomoyets, V. I. Olefir, S. G. Stetsenko, H. P. Yarmaki, O. M. Bandurka, O. M. Vinnyk and others.

The purpose of the research is a comprehensive and extensive analysis of administrative method and transformation of administrative method. It is well-known from the theory of law that main methods of legal regulation in jurisprudence are as follows:

1) imperative method of legal regulation (centralized, mandatory), which is based on the grounds of «power – obedience», relations of subordination of subjects and objects of management (means of prohibition, disposition, coercion and legal responsibility are widely used in its implementation) [1, p. 138];

2) autonomous method of legal regulation, which is based on the legal equality of legal entities, their freedom of will expression in legal deals. It involves giving subjective rights such as authorization or permission to the party to legal relations. The primary methods are most clearly reflected in the administrative (imperative method) and civil (in autonomous method). Due to this fact, these fields have acquired the status of leading or profiled ones from the legal point of view, and basic methods are classified as administrative and civil ones.

The administrative method is a set of ways, techniques and means of influence of the subjects of public administration on the objects of public administration, by means of which the legally authoritative and legally subordinated position of the parties to the legal relationship is established. Traditionally, the method of administrative law is characterized by the fact that it is implemented through: the use of prescriptions (setting responsibilities); setting prohibitions; giving permissions.

The essence of the transformation of administrative law method lies in the fact that the imperative method of regulation is

substantially supplemented, and in some cases replaced by elements of autonomous method. In particular, the use of general permits is becoming increasingly important, which can be considered as a key direction in the transformation of this method in this field of law, which is taking place in the current conditions of its development and reformation. [3, p. 241]. The example of the use of general permits in administrative and legal regulation is to grant citizens a vast array of rights arising from citizens' constitutional rights. The regulation of relations between executive authorities and citizens concerning enforcement of these rights establishes coordination, the essence of which lies in the following: on the one hand, citizens as subordinate entities are given the right to demand from executive authorities proper enforcement of rights and freedoms of citizens, on the other, – these entities are legally obliged to perform the above-mentioned requirements of citizens to the full extent. At the same time, the strict regime of observation by the subjects of executive power and their diligent performance of duties is ensured by the means of lodging administrative appeals of their acts and actions and judicial protection of rights and freedoms of citizens violated by these acts or actions. A convincing illustration of the significant change in the legal position of the parties of administrative and legal relations as a result of the transformation of the method of administrative law is a model of legal regulation of administrative services to citizens and legal entities as a new type of activity of executive bodies and bodies of local self-government.

“Administrative services” are a new type of relations in which the authorities, their officials, is a format for assessing their relations with citizens or legal entities, and the other one is the provision of the same administrative services by the same subjects to the citizens and legal entities.

The definition of “the service” emphasizes on the fulfillment of the duties of the state to individuals, aimed at the legal registration of conditions necessary for ensuring the proper enforcement of their rights and the interests protected by law [2, p. 37].

Therefore, to summarize the mentioned above the method of administrative law can be defined as a method of «power-obedience». This method of administrative law is top priority, but not all relations in the field of administrative law are built according to the scheme of “power-obedience”, some of them are aimed at further democratization of relationships between the state and individual on the grounds of inviolability of their natural rights and freedoms.

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LABOUR PERSONALITY OF EMPLOYEE

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Today, Ukraine is at an important stage of change. These changes take place through the implementation of reforms, including the area of law. Today, the question of the necessity of

bringing the labour law of Ukraine as a science and as a branch of law in line with new political and socio-economic realities has arisen quite naturally. The relevance of the study of legal personality in labour law is due to the fact that it is basic, fundamental legal property of participants in labour relations, including the employee.

Considering all the above, the issue of employee's legal personality in the era of changes in the Ukrainian legislation and implementation of international standards in the national legal system of Ukraine is extremely relevant and requires scientific and legislative clarification.

The purpose of the work is to study the legal nature of the employee's legal personality, to analyze the main legal approaches to this concept, to determine its content, structure, to identify the main features of legal personality as a legal category as well as to clarify the views of scientists on the feasibility and grounds for its classification.

The tasks of the work are the following ones: to reveal the relevance of this topic; to investigate the concept of “labour personality of employee”; to examine the legal nature of the labour personality, its features and types; to identify and develop professional literature on the subject of work; to sum up general importance of this topic.

In order to be the subject of the labour relationship a citizen must have a labour personality that is a complex category of modern labour law that expresses the ability of a person to be the subject of a labour relationship. It should be noted that the employee's legal personality includes labour capacity and capability. These two legal phenomena in the labour law are indissoluble [3, p. 104].

The labour capacity is a state-guaranteed and equal opportunity to enter into labour and directly related relations

established by the labour law. Therefore, the labour capacity is an abstract category. All citizens are potential participants in the labour relationship. As O. Chutcheva writes, there is a popular point of view according to which legal capacity is divided into general (ability to be a subject of law in general), special (ability to be a subject of legal relations of a particular branch of law) and specific (ability to be a subject of certain relationships within a particular area of law). From my point of view, it is pointless to divide the legal capacity into general and special. What is important, it is the division of legal capacity by subjects: the legal capacity of citizens and the legal capacity of employees. The practical significance of such a classification is that it shows the transition of the individual from the legal status of citizen to the legal status of employee [1, p. 387].

However, labour capacity is not enough to be the subject of individual labour relations. Such labour relationships require some real action by their participants, for example, signing of a labour contract. Therefore, the participants in such legal relationships must be empowered with the labour capability. It means the ability to acquire appropriate rights and duties. The theory of law states that legal capability is defined by the rules of law as an individual's ability to exercise his/her own conscious legal rights, perform duties and be liable [3, p. 102]. The labour capability depends on the age, physical, social and other conditions of a person. From a civil law standpoint, legal capability arises in a full measure from the age of 18 and terminates by death. With regard to labour law, Article 188 of the Labour Code of Ukraine refers to age from which the citizens can be employed: 14, 15, 16 years. This is a category of young employees who will have equal labour rights and duties. At the same time, there are a lot of privileges and limitations to this category of employees. For instance, they are forbidden to work at night, at weekends, they cannot be engaged in overtime

work, as well as work with harmful and hazardous working conditions. As we can see, although the legislator sets a minimum age for hiring it envisages a different measure of labour capability for employees under 16 years of age and over 16 years of age. In conclusion: employees between the ages of 14 and 16 do not have full measure of labour capability [4, p. 4].

Characteristic of labour personality is impossible without mentioning of tort capacity. By its nature, tort capacity is the ability of employee to be liable for failing or improperly performing work based on the acts of labour law [3, p. 106].

Summing up, both labour capacity and labour capability are components of a single concept of labour personality. These concepts should be seen through the lens of labour law as one. This topic is pretty complicated and relevant. That is why, more attention should be paid to the issues of the employee's legal personality in the new Labour Code of Ukraine.

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**FRANCE IN THE ERA OF ABSOLUTISM
(XVI –XVIII CENTURIES):
SOCIAL ORDER, STATE SYSTEM AND LAW**

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French absolutism is the period of absolute monarchy, established in France in the last two centuries before the beginning of the French Revolution. This form of government replaced the period of the class monarchy and was liquidated by the revolution

At the beginning of the sixteenth century, France became the state. The form of this state was absolute monarchy. The most common definition of monarchical absolutism, known as “the divine right of kings” theory, asserted that kings derived their authority from God. Absolutism can be characterized first of all by the fact that the entirety of legislative, executive and judiciary bodies was mostly concentrated in the hands of the head of state – the king. The entire centralized state mechanism: army, police, administrative apparatus, court were subject to him. All the French, including the nobles, were subject to the king, obliged to obey. But the absolute monarchy consistently defended the class interests of the nobility.

French absolutism was the last stage in the development of the French state. During the French Revolution, which replaced it, profound changes were made in the management of the state.

Social order in the era of French absolutism. During the period of French absolutism, the division into classes continued. In the 16th century, as before, the leading place was held by the clergy, which numbered over 130,000. They held almost all the

land privately while the lower classes were forced to work for them.

According to this, the upper classes and burghers were often at odds with each other. The people were unhappy with the arbitrariness of the nobles, so they were ready to support the power that saved them from anarchy. The primary objective of Henry IV Government was to improve economic well-being of the country and public finances. They cared about the development of agriculture and industry, the reduction of tax burden, the maintenance of order in the financial system, but they did not have enough time for implementation.

The state system in the era of French absolutism. Higher authorities in the state were responsible for the royal council, its members were appointed and removed by the king, but did not get there by origin as it was during the early monarchy. The members of the council bore the responsibility only before the king (or cardinal). The decisions of the royal council had to be approved by the king, so the council could not press the king to make decisions that could be dangerous to the regime of absolutism.

Instead of the former dukes and counts and their successors, new royal officials – police, justice and finance officials – were appointed to the royal court. They were responsible for directing local police and the armed forces, as well as collecting taxes. The intendants were nominated from persons of non-local origin, and they were usually ignorant.

Law system in the era of the French Revolution. Until the liquidation of the absolute monarchy in France, there was no single legal system. The country was in fact divided into two parts with the approximate boundary between which was the Loire River. The territory to the south of this boundary was called the “Land of the Written Law.” The territory of northern France was

considered to be the “Land of Customs Law”, since territorial customs were mostly the main source of law there.

The written sources of law were acts of royal power: decrees, edicts, ordinances. There were also attempts to systematize customs, in particular the “Institutions of St. Louis.” A number of ordinances were issued in the sphere of criminal law and process, civil law, in the field of trade and navigation.

Land ownership was the main institution of feudal law, as it legally secured the ownership of the ruling class as the principal means of production. In the period of absolutism, the civil process is separated from the criminal one. The processes combined written proceedings with the public and oral form. Besides, the plaintiff and the defendant were representatives of the state and representatives of the parties.

Conclusion. To sum up, absolute monarchy in France was a very important stage in the history of this country. That was a period when not only the social situation changed, but also the political system in the country. The king who controlled all the actions there had more authority in the state. Absolutism was the last stage in the development of the French feudal state. During the Great French Revolution of 1789-1794, feudalism and its most important institution, the monarchy, ceased to exist.

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LEGAL BASIS OF VOLUNTEERING AS A RIGHT TO EMPLOYMENT

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At the given moment, in Ukraine, as in other countries of the world, there is a tendency for the emergence and development of many new forms of employment that allow the population to use their abilities and skills, which is of high importance for economic growth, and therefore requires to expand government incentive measures and support. Along with the paid work, there is an increasing spread of unpaid work and services in our society. Volunteering (volunteer activity) is a relatively new phenomenon for Ukraine, the study of which is still at its initial stage, despite its high social and economic importance.

In the absence of universal understanding of the terms “volunteer” and “volunteer activity”, there is no single definition of “volunteerism”. The most relevant, in our view, is the definition proposed by the International Labor Organization in the Manual on the Measurement of Volunteer Work: “Volunteer work is unpaid non-compulsory work; that is, time individuals allot without being paid to activities performed either through an organization or directly for others outside their own household” [2].

According to this definition, the following key characteristics of volunteer activity can be distinguished:

1. Volunteering involves activity or work. It is the activity that contributes to the production of goods and services and is not intended solely for the benefit of the volunteer. In addition, the activity should be carried out over a period of at least one hour in accordance with world standards.

2. Volunteering is not paid. Although volunteering is by definition a non-paid activity, volunteers can receive scholarships or reimbursements for necessary expenses (relocation, accommodation). Such forms of financial support or in-kind support cannot amount to significant reward, considering the standards of the area, where the volunteer activity takes place.

3. Volunteering is a matter of good will. Volunteering cannot be forced and is connected with a goodwill of a person.

4. Volunteering takes on both an individual (direct) and organizational form. Some countries separate the two forms and regulate only volunteer activity on the basis of organizations.

5. Volunteering is carried out outside the household of the volunteer and is not limited to the beneficiary concerned. Volunteering is for the benefit of individuals other than residents, along with a wider range of beneficiaries, including the environment, animals, and the like. In addition, the definition of the ILO involves volunteering in all types of public institutions, such as non-profit organizations, government agencies, private businesses, and the like. However, many countries allow only non-profit entities and government agencies to serve as volunteer organizations.

According to Art. 43 of the Constitution of Ukraine, “every person has the right to work, which includes the opportunity to earn a living by work, which he freely chooses or agrees freely” [1]. In accordance with the Law of Ukraine “On the occupation of the population”, everyone has the right to freely choose employment, which means realization of the citizen's right to freely choose a type of activity not prohibited by law (in particular, not related to the performance of paid work), as well as profession and place of work according to their abilities and needs [5].

Because in the main legislative act that regulates public volunteer relations, namely the Law of Ukraine «On Volunteer

Activity» volunteer activity is defined as voluntary, socially oriented, non-profit activity that is done by volunteers by providing volunteer assistance [4]. Thus, volunteer assistance – is work and services that are free of charge, performed and provided by volunteers and volunteer organizations, is a directly provided right, namely the right to employment.

In addition, volunteering is a form of charity [4]. However, the Law of Ukraine «On Charity and Charitable Organizations» does not distinguish such form as volunteer activity, but provides only for charitable and philanthropic activities [3]. Considering this, we believe it expedient to exclude this provision from the Law of Ukraine «On Volunteer Activity» in order to fully reproduce the concept of volunteer activity.

Traditionally, in economically developed countries of the market type, full-time employment is considered standard or typical, that is, employment of an employee according to the standard of working time stipulated by law, by a collective or employment contract (Part 1, Article 1 of the Law of Ukraine «On occupation of the population»). It is considered that this form of employment provides an employee, in comparison with other forms of employment, a higher level of remuneration and better working conditions, relatively stable employment, career prospects, observance of statutory guarantees.

However, as practice shows, this form of employment cannot exactly meet the needs of both the individual and various sectors of economy. In our opinion, it is advisable to give the definition of «special forms of employment» as such form of employment relationships between an employer and an employee based on specific organizational, legal and economic conditions and having specific features of the regime and working conditions.

Therefore, considering the place of volunteering in the system of special forms of employment, it is necessary to proceed

from the relation of the concept of "volunteering" to the criteria specified in the Law defining the concept of "employment". As it was previously stated, everyone has the right to freely choose a type of activity not prohibited by law, which is not related to the performance of paid work. From here it can be concluded that volunteering is one of the special forms of employment, which is different from the others by the absence of the purpose of income or profit, and is free of charge.

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THE CONCEPT AND FORMS OF MULTIPLICITY OF CRIMES: THE CONCEPT AND FORMS OF MULTIPLICITY OF CRIMES

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The phenomenon of repeated crimes is not rare in the judicial and investigative practice of the world. According to statistics, in 23.8% of criminal trials, in Ukraine, the accused are

persons, who have previously crossed the line of the law. Understanding the concept of multiplicity and being able to distinguish between its forms is very important, because it affects the qualification of the crime and, consequently, the punishment that the offender carries.

At the present stage of the development of Ukrainian law, the multiplicity of crimes is a criminal institute, which is formed by Articles 32-35 of the Criminal Code of Ukraine, located in section VII of the General part of the Criminal Code of Ukraine, which is entitled "Repeating, summation and recidivism of crimes". The concept of multiplicity of crimes is not defined in Ukrainian law, although, in the theory of criminal law there are common signs of it: 1) the same person has committed several crimes; 2) at least two crimes remain criminal value; 3) there are no procedural barriers to criminal liability for two crimes.

There are 3 forms of multiplicity of crimes: repeating, summation and recidivism. The 1st part of 32nd Article of the Criminal Code of Ukraine states that "The commission of two or more crimes, provided by the same article or part of an article of the Special part of the Criminal code must be deemed to be a repeated crime. The main signs of the repeated crime are: 1) committing two or more identical crimes by a person; 2) committing two or more homogeneous crimes in cases specifically provided for by criminal law; 3) committing two or more crimes before conviction.

The second form of a multiplicity of crimes is the summation of the crime. In the 1st part of a 33rd article it is stated that the commission of two or more crimes by a person, provided by different articles or different parts of one article of the Special part of this Code, for none of which a person was convicted must be deemed to be a summation of a crime. This does not include crimes for which a person has been released from criminal liability

on the grounds established by law. The main signs of this concept are as follows: 1) committing two or more crimes, when each of them is having the character of a separate, independent, single crime; 2) each of the crime is provided for in a separate article of the Criminal Code; 3) the person has not yet been convicted of any of the crimes that are included into summation.

The third form of multiplicity of crimes is the recidivism of a crime. In article 34 of the Criminal code of Ukraine it is stated that “Recidivism of a crime is recognized as the commission of a new intentional crime by a person who has a conviction for an intentional crime.” The main signs of recidivism of a crime are as follows: 1) committing two or more independent and intentional crimes; 2) crimes are necessarily distant from each other for a certain period of time, sometimes very long; 3) conviction of a person for a previous crime.

It is crucial to highlight the legal consequences of repeating, summation and recidivism of crimes. There are three main effects:

1. The presence of any form of multiplicity of crime excludes release from criminal liability.
2. Recidivism in combination with sentencing to imprisonment has the consequence of increasing the minimum sentence that the guilty person must serve to obtain parole.
3. A new crime leads to the interruption of the limitation period of criminal prosecution or the statute of limitations.

To sum up, the multiplicity of crimes is one of the main things influencing qualification of crimes and punishment that would be awarded that is why it is essential to understand the difference between all forms of this concept and know how to apply knowledge in practice.

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DECLARING A PERSON MISSING IN CIVIL LAW OF UKRAINE

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In practice, there are often cases when a person is absent for a long time from the place of residence and his whereabouts are unknown. This uncertainty creates certain difficulties for the protection of rights of others: creditors cannot collect debt, spouses cannot marry, dependents cannot receive assistance etc.

The long-term absence of a citizen from the place of permanent residence, provided that his whereabouts are unknown, creates the basis for certain instability of civil-law relations. Their contractors are deprived of the ability to require contractual obligations. Persons held in custody may not be harmed by his property [3].

In order to eliminate such legal uncertainty, the law provides for the institution of recognition of absentees. The following conditions are required to recognize an individual of absence: 1) absence of an individual in his / her place of permanent residence during the year; 2) inability to fix his / her whereabouts.

If it is not possible to determine the date of the last information about the whereabouts of a person, the first day of the

month after the one in which such information was received starting with the absence thereof. If it is impossible to determine this month, then the date of the 1st of January next year is fixed [1].

The procedure for recognizing an individual missing is established by the Civil Procedure Code of Ukraine. Any person who is in a substantive legal relationship and is interested in changing his legal status may apply for the recognition of a natural person. Thus, applicants can be, for example, spouse, parents, children, creditors, etc. of an individual whose whereabouts are unknown if they need it to exercise and protect their subjective rights and interests. In the cases and procedure provided for by law, the prosecutor may be the applicant.

An application for recognition of absence shall be submitted to the court at the place of residence of the applicant or at the last known place of residence (stay) of the individual whose whereabouts are unknown or at the location of the property of the individual whose whereabouts are unknown. Stakeholders must provide evidence that they have taken all necessary steps to establish the whereabouts of such a person (questioned citizens, made inquiries, wanted a search, etc.), and justify the reasons why a citizen should be declared missing (for example: his property can be destroyed, stolen, dependents are in a difficult financial situation, etc.).

The application must conform to the generally established form and content of the statement of claim, taking into account the particularities: the statement of recognition of absence shall state the purpose for which the applicant must recognize that; circumstances confirming of absence.

The statement of purpose provides the court with the opportunity to determine, in the opening of the proceedings, whether the applicant has the right to appeal to the court for the protection of his interests, the range of interested parties to be

involved in the case, and the totality of necessary evidence. Prior to the commencement of the case, the court essentially establishes persons (relatives, employees, etc.) who can give evidence of the unknown person's whereabouts, and asks the relevant organizations for the last place of residence of individual absence (housing-operating organizations, internal affairs bodies or local authorities self) and at the last place of work about the availability of information about an individual whose whereabouts are unknown [2].

Recognition of a citizen absence has a number of legal consequences. The court's decision is the basis for describing the property by a notary and establishing a guardianship over it. The custody of the property may be established by a notary public at the request of the stakeholder or body concerned and before the court.

It is the responsibility of the guardian to administer the property of the missing person. According to the law, property belonging to a missing person is conferred to people whom a missing person is legally obliged to maintain. From this property, the guardian satisfies the claims for payment of debts on the obligation of the missing person.

Minors and adults who are unable to work, parents who cannot work, and wife, regardless of her age and working capacity, if she takes care of the children who have not reached the age of eight of a missing person have the right to claim for pension. The spouse of the missing person has the right to dissolve marriage summarily. Obligations related to the missing person (e.g.: assignment contract) are terminated. In the event of a missing person annulment of a court decision, custody of the property shall be terminated. But the legal relations that have been suspended by an earlier decision are not restored.

The reason for reversing the court's decision to recognize a person absence is the appearance of that person. In addition, the

court decision may be overturned if information about a person's whereabouts is obtained.

The court at the place of residence of the person or the court which has passed the decision on recognising the individual's absence is making a new decision to cancel the previous one. The custody of the property is hereby terminated [3].

To sum up, the actual composition of an unknown absence should include such circumstances in which the court may admit a citizen missing: the absence during the year preceding the appeal to the citizen of the place of residence and the approximate location of the citizen; inability for the court and all interested persons to obtain, by all legal means, information about the missing citizen; lack of information that the person intentionally hides his / her whereabouts; the plaintiff's civil purpose, which can be achieved by judicially recognizing the citizen as missing. The reality of this goal must be borne out by the existence of a civil-law relationship existing between the claimant and the missing citizen (arising out of the missing date) and the objective necessity of eliminating obstacles to the exercise of rights or the fulfillment of legal obligations by recognizing the citizen missing.

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TEACHING ENGLISH FOR SPECIFIC PURPOSES AT PEDAGOGICAL UNIVERSITIES

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The era of globalization has caused great changes in the structure of teaching professionals in all spheres of life. The development of high technologies, close scientific and technical ties requires new approaches to the formation of competences including communicative and socio-cultural ones in the native and as minimum one or two foreign languages. The term English for special/specific purposes (ESP) appeared in 1960s of the 20th century in some English-speaking countries defining a scientific direction, later it became to name the type of teaching the English language as meeting the learners' demands to the English language proficiency in their professional spheres. Here lies the main difference between teaching English as a general foreign language and English for Specific Purposes.

Nowadays ESP is the most quickly developing direction in teaching English, which is reflected in creation of a great number of special courses for foreign students in institutions of higher education all over the world; a lot of specialized articles and journals have been published, for example, *English for Specific Purposes: An International Journal*; scientific groups were created like ESP SIG in IATEFL and TESOL; every year a lot of international conferences on teaching ESP are held in different countries [1].

Obviously, there has been a necessity of formation of professional competence which includes language, speech, language country studies, linguistic, lingua didactic, cultural and subject competencies. An absence of these competencies leads to the situation when a lot of teachers have difficulties with reading foreign specialized literature, with discussing pedagogical and methodological issues in a foreign language. That's why, we think, it is very important during study at university to achieve a certain level of formation of professional speech skills, sufficient for the successful implementation of professional activities. Professional speech skills will serve as the basis for further self-education and self-improvement in the profession chosen by students.

The problem of professional speech of teachers of a foreign language was covered in a number of studies, however, it was not fully implemented in existing textbooks and teaching aids for teaching a foreign language at pedagogical universities. When analyzing various methods and techniques of vocational training we noticed that preference is usually given to the general communicative training of students, less attention is paid to the formation of special skills, without which professional communication is impossible. In our opinion, the planned purposeful work in professionally-oriented training to provide a sufficiently high level of professional communication is not fully represented in the practical course of the English language for senior students.

Therefore, there is a need to create a series of special exercises for the formation of professional speech skills. As it is known, at the senior stage of education students own a foreign language as a means of communication at a fairly high level. However, this level of linguistic knowledge and speech skills does not always ensure readiness for professional and pedagogical activity. As our own experience shows, during the school practice

students are faced with the need to use their knowledge and skills in solving specific professional and pedagogical problems.

However, because of the absence of target vocational training at university, professional pedagogical activity is carried out by students spontaneously, by trial and error, which, of course, negatively affects the effectiveness of the teaching process. So there is an urgent necessity, especially on the senior courses to transform language knowledge and speech skills into professional ones. This process should be well-planned and well-regulated which will allow to master the norms of a professional communicative pedagogical speech.

Here we would like to mention the main causes of an unsatisfactory training of professional speech skills. From our point of view they are: 1) training of professional speech is based as a rule on the oral reproducing of other people's thoughts and statements without communicative and professional orientation of the educational process; 2) training of professional communication is not realized in unity of informational exchange and interpersonal interaction taking into account the norms and rules of communication of native speakers. As a result, students have some difficulties with communicating on professional issues, stating their own opinions; inadequate vocabulary is most often used in speech, and words and phrases related to professional terminology are omitted, paraphrased, replaced by synonymous constructions.

Let us dwell on some methodological problems that have to be solved in the process of teaching students the skills of professional speech. These primarily include the task of expanding the vocational and pedagogical vocabulary of students and activating it in focused training in various types of exercises. The second important task is to identify the circle of the most typical situations that determine the need to use professional speech. The problem lies in the development of a theory of teaching

professional speech in a foreign language and a methodology for the formation of appropriate skills that ensure professional speech activity.

Fortunately, these problems are being solved due to a successful implementation of the program «English Language Teaching Methodology. Bachelor's Level», elaborated by the group of notable Ukrainian methodologists, university professionals, during 2015-2019 years with the support of the British Council Ukraine and the Ministry of Education and Science of Ukraine.

This new program combines the idea that methodology should be at the core of language teacher education and provide a bridge between principles and practice with the application of knowledge in real situations rather than about knowledge itself as well as the principle that it should be taught through the medium of English thus giving the students the knowledge of ESP necessary for English teacher training [2]. We are deeply satisfied to mention that the department of foreign languages of Kryvyi Rih pedagogical university decided to include this program in the curriculum to prepare highly-qualified English teachers.

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USING MOBILE APPLICATIONS FOR ENHANCING VOCABULARY LEARNING

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Sufficient vocabulary is a vital element in English language learning. Developing a strong vocabulary allows students to express their ideas and feelings and understand each other.

The use of new technologies gives the opportunity to enhance learning foreign languages, especially the command of language. Mobile devices boost motivation, make the studying process more interesting and entertaining, help to develop the knowledge and skills of the students in an easy and effective way [1]. The learning process with the use of smartphones focuses on the mobility of the practice and emphasizes the flexibility and convenience of learning. Mobile technologies are the potential tools in developing the learning of new vocabulary. More and more learners are using different applications, which offer them the opportunity to practice language any place, anytime and at their own pace through portable mobile devices. Mobile apps for building considerable vocabulary for non-native speakers are an integral part of the learning process. Many useful applications have been developed, but the most common are *Quizlet* and *AnkiDroid*.

A free mobile and web-based application *Quizlet* is an excellent example of the introduction of new techniques for learning. Users can learn new vocabulary, the right pronunciation and practice repeating words with the help of flashcards in their smartphones because audio is available. The teacher can use database to find a set of necessary cards or create his own

interactive material, adding pictures and audio files to them in order to do tasks and play games to memorize the vocabulary. *Quizlet* has five training ways of operation. In card mode, learner turn cards over to repeat terms and definitions. In the learning mode, an individual training plan will be created based on mastering the module material. In writing mode, it is evaluated how well the user knows the material and whether he makes mistakes in writing. In spelling mode, it is required to register what person hears. In test mode, different test cases are automatically created.

AnkiDroid is the application which has rich functionality for learning foreign languages, particularly for augmentation vocabulary. *AnkiDroid* proffers one of the most effective techniques to commit to memory necessary data – flash cards. They let users learn useful words and phrases about various topics in a shorter period of time. The program is adaptable for selecting and downloading cards of interest to learners and, as follows, for learning the words of the wishful subject. *Anki* exists in versions for almost all popular platforms: Windows, Linux, Mac OSX, iPhone (paid), and Android. Full synchronization allows users to learn words where it is convenient for them to do it at any given moment – on a computer, phone or online. The learning algorithm is built on repetitions at regular intervals. Users can set the number of words they want to learn daily.

To summarize, latter-day technologies are powerful tools for lexis development. Mobile applications such as *Quizlet* and *AnkiDroid* are highly effective for students who have the desire to receive new knowledge always and everywhere. Such services make it possible to use every minute of free time wisely.

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COMPASSIONATE RELEASE IN UKRAINE

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The punishment for a crime is a necessary component of a criminal justice system. This component gives an opportunity for rehabilitation and re-education of criminals, reduction of the level of the criminality in society. But in practice sometimes arise reasons, according to which a person cannot continue the punishment. One of those reasons is illness. Accordingly, in some situations this kind of circumstance is being the reason for release from sentence that responds to the principle of humanism, set out in article 9 of International Covenant on Civil and Political Rights (1966), article 12 of International Covenant on Economic, Social and Cultural Rights (1966). It also responds to Constitutional right to health-protection, medical care and medical insurance set out in article 49 of Ukrainian Constitution, the right to receive medical care and treatment, set out in article 8 of the Criminal Enforcement Code of Ukraine. Compassionate release provides the opportunity for the convicted to get parole in order to make more favorable conditions for treatment and recovery.

According to article 152 of Criminal Enforcement Code of Ukraine one of the grounds to release a person from serving a sentence is illness [1]. Ukrainian Criminal Code also determines such a possibility in article 84, and article 154 of Criminal Enforcement Code determines the procedure of parole under Art. 84 [2].

So, in accordance with Art.84 of Criminal Code there are two types of compassionate release: 1) release due to a mental illness; 2) release due to another serious illness.

If convicted got sick, and the disease hinders of imposing corrective measures on him, then this convicted shall be released. That is due to that in those conditions, punishment does not reach its goal and cannot implement missions of rehabilitation and resocialization. The reason to ask for a possibility for a compassionate release is the fact of the mental illness or another serious illness that hinders of serving a sentence. Therefore, the main sign is specifically the obstacle that illness builds. It means that the state of illness changes the consciousness and behavior of the convicted in that way that he either stops perceiving punishment correctly or in fact loses his antisocial traits [3].

But not every other illness can be considered as an obstacle in the way to rehabilitation of convicted. To decide whether the illness is the reason for compassionate release, exists the annex №12 to the Order of the Ministry of Justice of Ukraine, Ministry of Health of Ukraine №1348/5/572 “About approval of Procedure of organization of provision of medical assistance to prisoners” that concerns specifically prisoners [4]. The annex №12, which is a list of deceases, that can be the reasons for a submission to the court for the release of the convicted from further serving of a sentence, contains the next diseases: tuberculosis, HIV/AIDS, leprosy, neoplasm, endocrine disorders, mental illnesses, diseases of the nervous system and sensory organs, circulatory diseases, respiratory illnesses, diseases of the digestive system, kidney disease, diseases of the skeletal system and connective tissue, metabolic diseases, anatomical defects due to disease or injury, radiation sickness.

As shown in Art. 84 of Criminal Code and Art. 154 of Criminal Enforcement Code, the court takes into account gravity of committed crime, nature of decease, the identity of the convicted person and other circumstances of the case, thereby ascertaining mental illness or other serious illness doesn't mean unconditional

and obligatory release from serving a sentence. This issue is decided by court.

Thereby, by establishing, that the illness of the convicted is not included to the annex #12, courts in lots of the cases refuse of submission of such request.

Nevertheless, Ukrainian court decisions in cases about compassionate release are ambiguous. In many cases, when the illness endangers the life of convicted, the courts reject motions, in some cases – grant the motions, even when illness is not envisaged in the list. Such statistic is mainly caused by the fact, that court by making decision, mainly guided not by the state of the prisoner's health, but the gravity of committed crime and the personality of convicted, as it is indicated in Art. 84 of Criminal Code.

The other problem of court decisions in cases about compassionate release is misapplication of the legislation. It arises because the list of the diseases (annex №12) is not the first of its kind. Before it, existed a separate “List of diseases, that can be the reasons for a submission to the court for the release of the convicted from further serving of a sentence”. This first list was expired on 15.08.2014 due to the Order of the Ministry of Justice of Ukraine, Ministry of Health of Ukraine №1348/5/572 had taken effect. Thereby, sometimes courts use the expired first list of diseases, that slightly, but still differs from the new one.

To sum up, it is clearly that such kind of release from further serving of sentence as compassionate release does not work in the right way in Ukraine. While the legal norm is enough good in its formulation, the practice of its application needs further improvement.

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HUMAN RIGHTS UNDER CONSTITUTION LAW

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Human rights are one of the actuals topics for research not only today, but also in general since the beginning of humanity. With the emergence of the people begins a process in which human rights play particular importance (first as a common law, and then after the emergence of the first states, in writing). The coverage of the problem under study can be traced in M. Kozyubra, I. Zagoruya, O. Kuchinsky, P. Rabinovich. This issue focuses almost all its attention on the Constitution of Ukraine (the Basic Law of Ukraine), which deals with Section II of the Rights of Freedom and Duties of the Human and the Citizen, in particular Articles 21-64. However, human rights are enshrined at the international level as well: the European Convention on Human Rights protection of human rights and fundamental freedoms, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the case-law of the European Court of Human Rights, which is the source of law in Ukraine, etc. An important subject for the protection of human rights is the Commissioner of the Verkhovna Rada of Ukraine for

Human Rights, on which site it can be read: "If your right is violated, please ...".

The purpose of this paper is to define the notion of "human rights", its fundamental principles, types, consolidation in international documents, the role of the Constitutional Court of Ukraine and other law-makers on human rights, the European Court of human rights practice of certain cases of Ukrainians and violation of their rights. In order to achieve the goal we set several tasks: 1) to analyze in detail the Constitution of Ukraine, the Law of Ukraine 'On the Ombudsman of Ukraine': Art. 1-3, Law of Ukraine On the Constitutional Court of Ukraine Art; 2) to compare how international documents affect Ukrainian law; 3) to analyze ECHR decisions on specific cases that violate the rights of Ukrainians and give them a legal assessment; 4) to identify further human rights development strategies to ensure their priority; 5) to summarize the material presented.

The object of the study is the institute of human rights in Ukraine. **The subject** of the study is to determine the importance of human rights in the constitutional system of Ukraine. **The methods** that were used in the study subjects: supervising-for cross-cutting study of human rights; abstract – to capture the most important features of human rights; analysis – by the concept of "human rights" we mean a large volume of rights, including the right to life, the right to education, the right to social protection, the right to free movement, etc; synthesis-integration of the rights of all four generations into a single concept of "human rights", induction: the method of a single divergence, the comparison of different rights (For example: the right to respect for his dignity (Article 28, personal) and the right to business (Article 42, economic).

The theoretical and methodological basis of the study is the Constitution of Ukraine, the CCU Decision, the Law of Ukraine on the Ombudsman, the Law of Ukraine on the Constitutional Court of

Ukraine, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and political rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the ECtHR Decision, as well as scientific articles, manuals, online sources.

Human rights are armor, emotions, top-level demands ... We can continue this list, however, we will not definitively determine what human rights are. Modern scholars have been arguing about a clear definition, and so we have many definitions of the concept of “human rights. As John Stuart Mill noted, "If we name something a human right, we mean that it reasonably claims its protection by society in its ability to exercise that right, the power of law, or through education and the formation of public opinion." Instead, M.I. Kozyubry gives a clear definition in his textbook: human rights – these are recognized by the world community for the well-being and living conditions that a person can seek from the state and society in which he lives, and which are real in the conditions of human progress. The Human Rights Institute is quite multifaceted and complex in terms of this definition and is conditioned by certain factors:

- 1) human rights are not “standing still”, but are being enriched and developed every time (For example, with the advent of the Internet, the right to the Internet has been developed and has not yet been fully realized);
- 2) human rights cover a huge sphere of human life: economy, politics, society;
- 3) human rights have a mechanism of state security;
- 4) human rights are different in importance for ensuring human existence.

Thus, summarizing the results of my research, I can formulate the following conclusions:

First, human rights are the main attribute of every individual. All scholars agree that a person without rights is an incomplete personality in a modern democratic state. Indeed, it is human rights that help, even, adapt the individual to society and interaction with the state.

Secondly, the scope and content of human rights is defined in the Basic Law of Ukraine-Constitution of Ukraine, as well as in international treaties ratified by the Verkhovna Rada of Ukraine. The specific property of constitutional protection of human rights stems from the Constitution of Ukraine itself, which identifies a range of entities that are guarantors of these rights.

Third, the enormous importance of the human rights institute is determined by the norms of the Constitution of Ukraine as inviolability and inalienability of human rights. It should also be noted that the CU and international human rights instruments set a clear ban on abolishing human rights or narrowing their content.

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FORM OF TRANSACTION

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Transaction, as the most common type of legal facts, is known from Roman private law, and even then it meant great importance for the acquisition, changing or termination of civil rights and obligations. This institute has retained its relevance up to the present day, and especially after the establishment of an independent Ukraine, when the regulation of civil relations changed significantly. Each of us is repeatedly confronted with the conclusion of the transaction: buying and selling, the will, the public transportation, etc. For this reason, the form of a transaction, as an indispensable condition of its validity, is an extremely relevant topic for modern civil law, which, moreover, also expresses the will of the persons involved in a particular transaction.

The purpose of the writing is to define the concept of a form of transaction as one of the conditions of its validity, to study the requirements for one or another form of transaction, to clarify aspects of implementation of the rules of the Civil Code and other acts of civil law and their effective application.

It is appropriate to point out that a formal definition of the term 'transaction' can be found in Article 202 of the Civil Code of Ukraine and it carries the meaning of an action of a person directed at the acquisition, change or termination of civil rights and obligations. So far as individuals aim at reaching a certain legal result, such as the emergence, alteration or termination of civil rights and obligations, when concluding a transaction, civil law provides the requirements which are necessary for its enforcement.

In particular, Article 203 of the Civil Code (further – the CC) contains a comprehensive list of conditions under which the transaction will be considered valid. As it follows from this article, exactly from Part 4, the form of the transaction is not only a way of expressing the will of its participants, but also a formal requirement of the current legislation that must be followed in order for the agreement to be valid.

Therefore, the form of the transaction is a formal requirement of the current legislation for the way of expressing a will in a transaction. Under Article 205, transactions can be effected in either verbal or written form. The parties shall have the right to choose the form of transaction, unless otherwise established by the law. Scientists also emphasise the fact that written form can be either simple or complicated.

A complicated form includes notarization of transaction (Art. 209 of the CC) and state registration of transaction (Art. 210 of the CC). Expression of will in the transaction is also possible through silence (Art. 205 of the CC). Silence has legal significance only if the law or the agreement of the parties gives it the meaning. Thus, if the tenant continues to use the property after the expiry of the contract in the absence of objections from the landlord, the contract is considered to be renewed on the same terms for an indefinite period (Art. 764 of the CC) [3, p. 177]. In this case, the extension of the lease relationship is actually through the tacit consent of the parties.

Transactions, which may be made in verbal form, include: transactions which are fully executed by the parties at the time of their commission, except for transactions subject to notarization and (or) state registration; transactions for which non-compliance with the written form results in their invalidity (Article 206 of the Civil Code of Ukraine) [5, p. 430]. An example of such a transaction would be a sale in cash. Compliance with the verbal

transaction is not obligatory; the parties to the transaction may complicate the form by agreement and make the transaction in writing, as it does not contradict the contract or the law.

Consequently, verbal transactions are done more by individuals. They are fiduciary, and do not require special caution in further proving their existence in such civil legal relationships. Much wider is the scope of written transactions. Under Article 208, transactions eligible to conclusion in writing are: 1) transactions between legal entities; 2) transactions between a legal and a natural person, except for transactions concluded in a verbal form; 3) transactions of natural persons between themselves for the amount exceeding by 20 times the non-taxable minimum income of citizens, except for transactions stipulated by part one, Article 206 of this Code; 4) other transactions in respect thereof a written form is established by the law [4, Art. 208].

Written transaction is a general concept, so Article 207 of the CC contains requirements for a written transaction. In the case of entering into complex transactions that go beyond the ordinary and affect the essential interests of citizens and require special knowledge, the law provides for a qualified written form – the form of a written document, notarized. Such a form is expressly provided by law for transactions that pass ownership of apartments, dwellings, testament, real estate pledges, etc. A notarized transaction fulfills all the requirements related to a written transaction, with one exception – it is certified by a specially authorized person (notary, officials, consuls) in accordance with the Law of Ukraine “On Notary” and in the specified order. At the request of the parties, any transaction can be concluded in a notarized form. In the event of failure to comply with the law on notarization, the legislator provided the following consequences: recognition of the transaction is void and only in exceptional cases can it be declared valid.

The Civil Code provides a special stage of concluding a transaction – state registration of the transaction (Article 210 of the Civil Code of Ukraine). The transaction is subject to state registration only in cases established by law. Such a transaction has been made since its state registration.

To sum up all the aforementioned, the topic of transactions and its forms has a great meaning for the civil law, its development and the Ukrainian law at all. Transactions can be determined as actions we face in our everyday life, therefore, in our opinion; the necessity of being aware of it can't be overvalued. Both natural and legal persons ought to know which form of transactions is appropriate to use in different occurrences.

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PROCLAMATION OF RESTORATION OF UKRAINIAN STATE IN LVIV

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Today Ukraine is an independent country and there has been a long period of struggle for its independence. Understanding all the necessity to get acquainted with state-building processes in Ukraine during the 20th century, this event named "The Act of Restoration of the Ukrainian State on June 30, 1941" occupies a significant place in the periodization of becoming Ukrainian state-building process. There is a long way to go for national consolidation that has very important factors, such as the disclosure of a national problem self-identification, formation of collective and historical consciousness of citizens Ukraine, the role and significance of the phenomenon of Ukrainian national liberation movement.

The object of our research is the "Act of Restoration of the Ukrainian State" adopted on the 30th of June 1941. **The subject** of the research is the historical and legal evaluation of the "Act of Restoration of the Ukrainian State".

The purpose of the study is to determine the impact of the "Act of Restoration of the Ukrainian State" at the time of the political situation in Ukraine during World War II, its impact on the present, as well as the analysis of the "Act of Restoration of the Ukrainian State" through the lens of jurisprudence. To accomplish this goal, the following tasks were set and solved: 1) analysis of the main prerequisites and reasons that led to the proclamation of the "Act of Restoration of the Ukrainian State"; 2) familiarity with the political, economic and social situation of Ukraine during the first

half of the 20th century; 3) formation of evaluation judgment of OUN(Organization of Ukrainian Nationalists) activities to determine the main development vectors of the Ukrainian state-building; 4) analysis of the legal aspect of the “Act of Restoration of the Ukrainian State”.

The theoretical and methodological basis of the work includes textbooks, scientific articles and works, dissertations, monographs, online sources.

The chronological boundaries of the study include the events of the first half of the 20th century, as well as June 30, 1941. The territorial boundaries of the study will include the territories of Western Ukraine lands, as well as the territory of Lviv.

Organization of Ukrainian Nationalists sought to concentrate the physical and moral forces for independence and further protecting her from external enemies. And most likely, the OUN understood all risks, as well as possible obstacles to the formation of an independent country, because their policies were inconsistent in some places, they were experienced in places failures and defeats, but even so, the further course of events showed that the OUN remained the only real political force that led the national struggle throughout the Ukrainian nation, engaged in the representation of its interests in the 1940s years, during the height of World War II.

Moreover, we can recognize the fact that the “Act of Restoration of the Ukrainian State” left a mark on the main factors of Ukrainian state-building.

Due to this event, the Ukrainian people showed their will, and also the reluctance to remain under the authority of another country, which is absolutely cynical despised all Ukrainian, that is Ukrainian culture, values, customs and the traditions. “Act of Restoration of the Ukrainian State “illustrates an example where Ukrainians are fighting for their independence, unwilling to submit

to someone stronger, even with the understanding that it may cost them life, but this is precisely the situation when the Ukrainians were left with nothing other than proclaim their independent state, no desiring further submission to the invading countries under which they have stayed centuries of horror and captivity.

On the impact of this event on contemporary history, the Declaration of Independence of Ukraine on 24 August 1991 is a kind of a renewal since the “Act of Restoration of Ukrainian State” was exactly the event when the Ukrainians opened their eyes, and they understood many important things, and for the first time achieved the result they had fought for centuries, and now we live in a time when we have to thank, and never forget the events of the first half of the 20th century when Ukrainian people began the processes of state formation, which have developed and completed already in the end of the century.

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LIQUIDATED DAMAGES AS THE TYPE OF SECURITY FOR PERFORMANCE OF OBLIGATIONS

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Security for obligation fulfillment is a traditional institution of civil law. Any obligation by itself does not guarantee the debtor's execution of the necessary actions in favor of the creditor. Even when the creditor uses liability measures against the defective debtor, the latter may not find appropriate property to meet the requirements. Special precautionary measures provided for by law or agreement shall be used to pre-emptively secure property interests of the creditor, to obtain guarantees of the debtor's due fulfillment of obligation, and to prevent or reduce the amount of adverse effects that may occur in case of its breach. Such measures are called the means of securing obligation fulfillment.

The main feature of securing legal relationship is in its accessory character: 1) the invalidity of principal obligation causes invalidity of the transaction to secure its execution, but the invalidity of the latter does not cause the principal obligation to invalidate, unless otherwise provided by law; 2) the security obligation inseparably follows the legal fate of the principal obligation; 3) termination of the principal obligation causes the termination of additional obligation, which ensures its fulfillment.

It is also important to mention other features of security for obligation fulfillment: it has property content, is aimed at prompting the debtor to fulfill his obligation (not only to punish him as an offender); secures only valid obligations.

As for the form of transaction, Art. 547 of the Civil Code of Ukraine says that transaction on security of obligation fulfillment

shall be effected in writing. Effected in other than written form, it shall be deemed invalid.

Liquidated damages (fine, penalty fees) shall be the amount of money or other property, which the debtor is obliged to deliver to the creditor in case of the debtor's violation of his obligation.

The attractiveness of penalty, its widespread use for the purpose of securing contractual obligations, is primarily explained by the fact that it is a convenient means of simplified compensation for the losses of the creditor, caused by the debtor's default or improper performance of his obligations.

In addition, the important features of liquidated damages include: the possibility of recovering damages for the very fact of breach of obligation, when there is no need to provide evidence to support the purpose of the loss and its amount; opportunity for the parties to formulate, according to their understanding, the terms of the liquidated damages agreement, except for the one provided by law, including its size, order of calculation, thereby adjusting it to the specific relationship of the parties and enhancing its purposeful influence.

There are two legally provided types of liquidated damages: fine and penalty fees. A fine is penalty in the fixed amount of money, which is collected on a one-off basis in case of default or improper performance of obligations. Penalty fees are calculated as percentage of the amount of payment for each day of delay.

Here it is necessary to mention the Judgment of the Supreme Court of Ukraine of 21 October 2015 in Case No. 6-2003ts15, concerning the use of fine and penalty fees for the same offence. Under Article 549 of the Civil Code of Ukraine fine and penalty fees are a the same type of civil liability, and therefore their simultaneous application for the same violation indicates non-compliance with the provision enshrined in Article 61 of the

Constitution of Ukraine on the prohibition of double civil legal liability for the same infringement (*non bis in idem*).

Distinguished by the ratio of penalties and losses liquidated damages can be classified into four types. For the exclusive one, only forfeit is charged. The offsetting penalty includes the performance of security obligation, and the damages for losses are compensated by the guilty party not in full size, but only in the part that was not covered by liquidated damages. In case of alternative one, the authorized entity has the right to recover either the forfeit or the damages. Therefore, the creditor is given the choice.

The law establishes the rule that liquidated damages are charged irrespective of the presence of the creditor's losses caused by the default or improper performance of the obligation, only by its actual establishment by law or contract. However, if the debtor goes to court to reduce the amount of the liquidated damages charge (Part 3 of Article 551 of the Civil Code of Ukraine), referring to the fact that it significantly exceeds the amount of damages, he must prove the presence (absence) of losses from the creditor and their amount.

Part three of Art. 550 of the Civil Code establishes that the creditor is not entitled to liquidated damages if the debtor on the basis of Art. 617 CC is not responsible for the breach of obligations. Art. 617 of the CC says that the person who defaulted is free from responsibility for the breach of obligation if he proves that the breach occurred as a result of accident or force majeure.

Part Two of Article 258 of the Civil Code of Ukraine establishes one-year statute of limitations on liquidated damages. The analysis of the norms of Article 266 and part two of Article 258 of the Civil Code of Ukraine gives the basis for the conclusion that liquidated damages (fine, penalty fees) are limited to the last 12 months before the creditor's appeal to court, and starts from the

day (month) from which it is charged, within the limitation period of the main claim.

It is also worth mentioning that for legal reasons the methods of setting liquidated damages are divided into: contractual, which become effective precisely and directly by virtue of the agreement of the parties and legal – when the obligation to pay it is stated by law. Statutory penalty secures obligations regardless of the will of the parties and is established automatically with the occurrence of basic obligation.

Thus, in the Resolution of the Supreme Economic Court of Ukraine of May 24, 2006, in case No. 3/234 it is stated: according to the content of Part 2 of Art. 785 of the Civil Code of Ukraine, if the tenant does not fulfill the obligation to return the thing, the landlord has the right to require the tenant to pay a forfeit in the amount of double payment for the use of the thing during the delay. In this regard, the absence of a security agreement in the contract does not deprive the creditor of the right to claim its payment.

The Civil Code of Ukraine (Articles 549, 551) has identified the range of items that can be transferred by the debtor as a liquidated damages pay in the event of default or improper performance of the principal obligation. Since the fine is determined either as a percentage of liability amount or in a firm amount, it may be set as a thing defined by generic attributes and in the form of individually defined things, including the form of immovable property. At the same time, penalty fees is a continuous, increasing penalty, the total final size of which is unknown in advance, so only generic items can be used, the amount of which will also change depending on the delay. When defining a forfeit in the form of property value, the parties should establish monetary value of such penalty.

The possibility of limiting the amount of penalty in court is fixed by Part 3 of Art. 551 of the Civil Code of Ukraine, which

states that the amount of forfeit may be decreased by the court decision if it significantly exceeds the amount of losses and against other essential reasons. The list of essential circumstances is established by the court in each case. Such circumstances may include the extent of debtor's obligations (the amount of debt, maturity, etc.) This right can be exercised by the court on its own initiative, and at any stage of the trial.

All in all, to describe the legal nature of liquidated damages, this important institute of civil law should be considered both as a way of ensuring fulfillment of obligations and measure of civil liability. From the moment of conclusion of the security agreement by the parties or signing of the contract, which is provided by the legal forfeit and until the moment of breach of obligation, liquidated damages are a way of ensuring the fulfillment of obligations. Its main purpose here is to encourage the debtor to perform properly. Upon breach of obligation, that is, in the event of non-performance of the security function, it becomes a civil liability.

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DIFFERENTIATION CRITERIA OF LEGAL RELATIONS OF HIRED LABOUR AND RELATED CIVIL RELATIONS OF LABOUR USE

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Differentiation of labour relations and related civil relations of labour use is very important nowadays. This issue has always been and now remains one of the most controversial among legal scholars. Defining the features of independence of labour relations, we also certify the independence of labour law in general. This is the importance of differentiation for theorists of law. But it is also important on a practical level. Being aware of this issue makes it possible to formalize properly the appropriate legal relations.

The problem of differentiation is also due to the fact that domestic labour legislation is outdated and inflexible. It does not regulate some new types of work. Thus, the modernization of labour legislation can significantly improve the situation.

When clarifying the concept of legal relations of hired labour, it should be noted that they arise on the basis of an employment contract [1]. It makes possible to distinguish them from those labour relationships that arise on the basis of other legal facts. As for related civil relations, they arise on the basis of various contracts, which are provided by the Civil Code of Ukraine. All these relations are regulated by the law of obligations [2]. Examples are legal relations of service provision, the performance of research, luggage transportation and others.

The subject of legal regulation is considered the main criterion of differentiation. Most scholars believe that the work process itself is the subject of the legal relationship of hired labour [3]. The subject of related civil law relations of labour use is a

certain result of work, which has a materialized nature, or the performance of a certain action, service.

Labour relations and related civil relations also differ in the organization of the labour process. Being in a labour relationship, the employee holds a position provided for in the staff list [4]. The employee is also subject to the rules of internal labour regulations. The labour function is performed by the employee singularly. All the means of production are provided by the employer.

Being in a civil law relationship of labour use, the person who performs the obligation is not part of the staff. That is why a person is not subject to the rules of internal labour regulations in such a situation. There is a possibility of involving third parties in the performance of obligations, if there is no prohibition in the contract. The issue of providing the means of production is decided on a contractual basis.

Labour relations can be both fixed-term and indefinite. In both cases, they are terminated upon termination of the employment contract. Related civil relations of labour use can only be temporary. However, it is necessary to distinguish the term of legal relations from the term of the relevant contracts. There are cases when due to certain circumstances these terms do not coincide.

In labour relations, the type of payment under the employment contract is a salary. The salary consists of two parts and cannot be less than the norm established by the law. Being in a related civil relationship, a person receives a reward for work performed or service rendered. The amount of reward is not regulated by law and is set by the parties at the conclusion of the contract.

A feature of labour relations is the inequality of the parties [5]. The employee is subordinated to the employer and is subject to disciplinary liability in the event of an offence. Both the employee

and the employer are materially liable. In related civil relations, the liability is contractual. The Civil Code of Ukraine provides only general rules. The parties to the civil relations may decide this issue at their own discretion, ignoring the provisions of the law and even establishing other grounds for liability.

We can conclude that there are many criteria for distinguishing between the legal relationship of hired labour and related civil relations of labour use. Of course, this is a positive point. However, there are often situations when it is impossible to find out the legal nature of certain relations. This is due to the fact that in practice some contracts contain features of both employment and civil contract. That is why many scholars consider that it is necessary for the presumption of an employment contract to be legislated. It means that uncertain legal relations are considered to be labour relations. Being in a labour relationship, the employee has many social guarantees enshrined in law. These include, in particular, annual paid leave, old-age pension, unemployment benefits and many others. The presumption of an employment contract will resolve disputes in favour of the employee and prevent the deterioration of his legal position.

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CONSTITUTIONAL PRINCIPLES OF FUNCTIONING OF POLITICAL PARTIES IN UKRAINE

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It is impossible to build a modern democratic society without respect for fundamental human rights and freedoms, with the right to unite in political parties. These political organizations belong to the main institutions of the political system of civil society, without which democracy is incapable, because they enable citizens to participate in the life of the state, to make their own initiatives to improve the functioning of state bodies, to criticize the shortcomings in the work of officials, public organizations that is, directly influence the domestic and foreign policies of the country. In a developed rule of law, political parties are the instrument of implementation of a civilized process of formation of two branches of power - legislative and executive. Therefore, the right to form political parties is a leading condition for the formation of a modern democratic state, the basis of which is a multi-party political system, even if it is not supported by legislation.

Parties are the chain that connects different elements of society and individual citizens with power structures. The broader the list of functions performed by a political party, the more noticeable is its influence on social and political life, the more popular it is among the citizens. But necessary conditions for the party to function are its political, economic, social achievements in accordance with the goals it sets, as well as satisfying the interests of those social and population groups that it represents.

The purpose of our research is to define the term "political party", the procedure for its formation, guarantees and regulation of the functioning of this political institute in accordance with the provisions of the Constitution of Ukraine and the Laws of Ukraine, the study of the degree of control of the activity of political parties by the state.

The object of the research is the political party as an institution of the political system of state power and public organization. The subject of the research is the constitutional principles of the activity of the police party in accordance with the legislation of Ukraine. So the objectives of our research are as follows: 1) to analyze in details the Constitution of Ukraine, the Law of Ukraine on the Political Parties of Ukraine"; 2) to investigate the notion of "political party", guarantees and regulation of its activity, the influence of the state on this political institute; 3) to analyze the Constitutional Court of Ukraine decisions of the ECtHR on the equal status and rights of the administrative-territorial units of the state in matters related to the creation of political parties and the question of the number of party organizations of the district level, which should be formed by each registered political party within six months; 4) to summarize the material presented.

The main task of a political party is to transform the totality of different preferences of social communities into a common political interest by applying a certain ideology, on the basis of which the political doctrine of the party is determined. It is this concept that shapes the goals of the political institute, its program.

A political party acquires the status of a legal entity from the moment of registration. Its activities are primarily aimed at influencing the political life of the country and reflect the mood of a certain population. The main goal is to support the citizens, which would give an opportunity to enter the political arena of the state.

According to the Constitution of Ukraine, the activities of a political party are clearly regulated by the Law of Ukraine “On Political Parties in Ukraine”.

Since Ukraine is a democratic state, it guarantees the guarantees of citizens' rights and freedoms, including the right to unite in political parties. However, the direct creation and functioning of political parties are clearly defined by law. It is worth mentioning the state has a direct influence on the formation, functioning and termination of political parties. However, this is solely for the purpose of regulating the political life of the country.

In conclusion I would like to point out that formation and development of political parties is a prerequisite for the growing role of civil society, contributing to the gradual socio-cultural uplift of the people and every individual, democratization, expansion of human rights and freedoms, and strengthening of guarantees of their protection.

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